

**'We are consoled' - reconstructing Cremin**

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Cherryl Walker  
Human Sciences Research Council

The claim by the Cremin community to the 625-hectare farm 25 kilometers north-east of Ladysmith, from which they had been removed in 1977 as an apartheid-designated 'black spot', was the first land claim to be settled under the Restitution of Land Rights Act in KwaZulu Natal and the second in the country (after Elandsbloof in the Western Cape). Cremin was one of 109 African freehold communities that were stripped of their land in the province between 1948 and 1982 in terms of apartheid policy (SPP, 1983: 124); during the constitutional negotiations of the early 1990s it featured prominently in the national 'Back to the Land' campaign which played an important role in defining the form and content of the restitution programme after 1994 (Walker, 2003). In October 1997 the Land Claims Court broadly confirmed the settlement that had already been negotiated by mid-1996 among the parties (claimants, registered landowner and the state), and ordered the Department of Land Affairs (DLA) to purchase the farm from the landowner and transfer ownership rights to 85 of the 93 claimants before it (Land Claims Court, 1997).<sup>1</sup>

At the official ceremony marking the handover of title deeds to the claimants in July 1998 the outcome was hailed in speeches and media reports as a landmark on the road to justice, reconciliation and stability. It was a day of jubilation, not just for the beneficiaries of the settlement but also for the hundreds of dignitaries and well-wishers who filled the large marquee that was erected on the winter-yellow veld, near the community's former, neglected graveyard. Indicative of the political symbolism of the event nationally and provincially, the ceremony was attended by both President Mandela and Zulu King Goodwill Zwelethini. Local interest was underscored by the participation in the programme of Ladysmith's most famous musical sons, the *isicathamiya* group 'Ladysmith Black Mambazo', while a rousing performance of traditional dancing during the lunch break, by the Ladysmith South African Police Service dancers, reverberated with multiple politico-cultural meanings. Provincial and local stalwarts in the struggle against forced removals of the 1970s and 1980s were present in force, smiling and reminiscing. Members of a German church congregation spent the night before the ceremony on the empty farm with members of the community, in a gesture of solidarity that evoked anti-apartheid vigils in South Africa and Europe, now assigned to the past.<sup>2</sup>

In 1998 Cremin was a multi-dimensional symbol of hope and reconstruction – a multi-layered validation of a multi-layered past. For the proponents of land reform it was welcome proof that the land restitution programme was finally beginning to deliver on its promises. For the leadership of Cremin the celebration was a vindication not simply of the justice of their struggle, but of the way they had gone about that, and of the vision they held out for their future. Recalling the celebrations four years later, in December 2002, two elderly women, both prominent members of the community, reflected on the power of the day:

*Even the President, Mr Mandela, said Cremin was a – it's a special place. ... And the King, too, was there. Hey, hey, for the very first time and, I think, for the last time, to*

*shake my hand with the King, and with Mandela. I won't do it again. We followed the right channels, yes, up to the last minute. And the President came, and the Chief, King Zwelithini, was there, to hand the titles to the landowners. That's important. I didn't hear anyone – is there any other place where the King and Mr Mandela were together?*

*Never, never.*

*No, only Cremin, I am sure. We are lucky.<sup>3</sup>*

The optimism and sense of celebration that infused that day are worth recalling in 2004, as we commemorate a decade of democracy and, in this more skeptical time, review what has been achieved in these ten years, and what has not, and why. In this phase of introspection, the failure of the state's land reform programme to meet the targets set for it in the mid-1990s is likely to feature prominently (more prominently than the actual programme itself on the list of government priorities over the past ten years, but that is another paper). And here the Cremin claim is of interest, not just because it was one of the first and reviewing its history reminds us of the enormity of the political and social shifts that took place in 1994, that were fought for, that made it possible for those title deeds to be returned and the president – President Mandela – and the Zulu king to appear on that platform and ourselves to gather at this conference today. In 2004, in the midst of the growing number of analyses that focus on conflict, poor delivery, unattainable targets, lack of capacity, and weak or non-existent support for claimants once they have returned to their land, Cremin stands out as one of the more successful restoration projects to date, and this, too, deserves our attention.

To a casual observer driving through the farm in the late summer of 2004, after the rains have finally come and the grass, though thin, is tawny-green, Cremin presents an image of pastoral peace. There are cattle grazing, small patches of mealies, cosmos blooming beside the road, a new brick school on the very site of the old, community-built one that was torn down in 1978. There are also some substantial houses, among more modest dwellings. Scratching below the surface impression of tranquil rural life reveals challenges aplenty, but the residents of Cremin whom I have interviewed voice a cautious optimism about the future. A number of claimant households have returned and most of those who are back express a strong commitment to farming the land (albeit most commonly on a part-time basis). The community leadership is eager for whatever advice I can give them about possible sources of support. They are keen to establish good relations with their white neighbours, interested in the possibilities of working with the local commercial farmer's association. A neighbouring (white) farmer confirms in an interview that relationships with his black neighbours are not bad – at least he can work with their leaders, things are certainly better than he feared.

In this paper I propose that the reasons for the (relative) achievements of post-settlement Cremin overlap with the reasons why it was one of the first restitution claims to be settled after 1994, and that its success relates less to the contribution of the state to the process than to the nature of the community itself. The history of the Cremin claim illustrates the value in claimant communities (i.e. in group claims) of both social cohesion, including effective leadership and social networks, and some degree of material resources, i.e. some capacity to invest in institutions and the land independent of the state. These factors are important not only in influencing the outcome of the restitution process but, of greater significance in the longer term, in underpinning the reconstruction effort once the land has been restored.

And here the absences in the Cremin claim emerge as significant as well. The tenant households who were removed from Cremin at the same time as the landowners and constituted, by that stage, the majority of the population, were not party to the claim, nor to the settlement (although both landowners and the Land Claims Commission tried to give them an opportunity to lodge a separate claim for a separate route to restitution, in the form of either alternative land or money). Hence the settlement of the claim in 1997 restored only the formal, registered land rights that apartheid had expropriated, and not the more numerous informal rights that were also extinguished on the farm in 1978. Moreover, the current community leadership remains committed, in 2004, to the view that sub-letting and sub-division should, as far as possible, not be allowed to take root on Cremin again. Because of this, the resettlement of Cremin has, thus far, not followed the path of some other historically prominent freehold claims, notably, Roosboom, also in the Ladysmith area, Alcockspruit, near Dundee, and Doornkop, in Mpumalanga. (On Doornkop, see James, 2000 and James *et al.*, 2003). On these farms, tenants, both old (i.e., from the removals era) and new, have moved onto the restored land in substantial numbers, and the many competing interests in the land find expression in tensions between different categories of rights holders, as well as conflicts around community development plans and projects.

This consideration leads to my second major point – the importance of an historically informed understanding of the opportunities, challenges and difficulties of post-settlement reconstruction in restitution communities. The irony at Cremin is that the removal of tenants under apartheid in 1977 has made it possible for the restored landowners to contemplate farming in a manner that was no longer possible when they were removed – an irony not lost on the claimant leadership today. This irony, as well as the historical processes of agrarian accumulation and social differentiation in South Africa in which it is rooted, were not spoken of at the restitution celebrations of 1998. Nor are these complex social processes illuminated by the contemporary focus on overall national targets and total numbers of claims, hectares and beneficiaries that dominates not only the national political debate but much of the critical analysis of the restitution programme as well – discourses that are often profoundly ahistorical and asociological, for all the popular invocation of history, memory and identity that animates both the rhetoric of restitution and the actual process of claiming land itself.

Yet an understanding of the community's history is central to an understanding of contemporary dynamics in Cremin. It is now possible to see its 20-year period of dispossession between 1977 and 1997 as but one phase in a longer and more complex history, stretching over at least ninety years, of community construction, accumulation, fragmentation, dismemberment, and reconstitution, centring on a landowning elite that was dispossessed but not entirely destroyed by the land policies of apartheid. And if this elite appears today relatively well-positioned to capitalise on the promises of post-apartheid South Africa, probing the contemporary challenges facing those attempting to reconstruct Cremin today also suggests an underlying fragility in the social and economic foundations of this restituted but not fully restored community.

And this brings me to my third broad concern in this paper. Ten years after the transition to democracy, South Africa's restitution programme has acquired sufficient substance to warrant more in-depth qualitative assessments of what has been achieved, and by whom, than is currently available. By now over half the restitution claims lodged with the Commission have been formally settled and, the debate about the reliability of these figures as well as concerns over the primacy accorded urban claims and financial compensation notwithstanding (Hall, 2003), the land dimensions of the restitution programme are no longer inconsequential. Approaching one million hectares have been transferred (or earmarked for transfer) through the

settlement of over 17.000 'restoration' claims, of which over 2.600 are rural.<sup>4</sup> To understand what these numbers actually mean for redress, reconciliation, economic growth and household welfare (the state's fourfold case for land reform in 1997) (DLA, 1997: v), we need to move beyond the national statistics and build a more grounded overview through the analysis, comparison and aggregation of many individual case studies, across the spectrum of claimant categories (freehold, labour tenant, betterment, group areas, conservation etc.).

This paper is a contribution to this process. It is a first cut at thinking through the many different strands in the Cremin land claim and the significance of this case as a marker of (relative) success for restitution today. The paper tries to keep in mind the wider picture while at the same time being sensitive to the specificities of the Cremin story and the agency and individuality of the Cremin people. It is organised in three sections. Part one looks at the history of the Cremin community before 1994, including its establishment, dispossession and subsequent mobilisation in the 'Back to the land' campaign of the early 1990s. Part two looks at the passage of the Cremin land claim through the restitution process that was legislated in 1994, and then considers current conditions on the restored land. Part three points to a number of tentative – still in process – conclusions.

## THE HISTORY OF CREMIN BEFORE 1994

### Establishment

The Cremin community was founded by members of the *amakholwa*, the new social class of Christianised landowners that emerged in Natal during the latter half of the nineteenth century. In 1912, shortly before the passage of the Natives Land Act of 1913 sought to restrict ownership and independent access to land by African people outside the reserves, a syndicate of 28 *amakholwa* came together to buy a portion of the farm Trekboer, near the Elandslaagte station. Most of the original members of the syndicate were from the Harrismith area of the Orange Free State – the local name for Cremin in the early days was 'Ebasuthwini' 'because most families spoke Sotho when they arrived in Cremin' (AFRA, 1991a: 2). Small numbers came also from various localities in Natal, including Bergville and Edendale, the first *amakholwa* freehold community to be established in Natal, in 1851, on the outskirts of Pietermaritzburg (AFRA, 1991a; Meintjes, 1990).

The north-eastern Orange Free State was the location of intense struggles over land during the second half of the 19<sup>th</sup> century, as the Batlokoa and Kholokoe chieftaincies fought an increasingly lopsided battle for land against a series of intrusions by white (both Boer and English) settlers (Keegan, 1986). It was also the region to which the *amakholwa* communities of Natal trace their origins, to the community of converts that established itself around the Wesleyan missionary, James Allison, in the 'Transorangia' highveld, later in Swaziland, in the 1830s and 1840s (Meintjes, 1990; see also Marks, 1986). Although the specific history of the forebears of the first Cremin landowners has not been researched for this paper, this was the context in which the founders of the community responded to the idea of purchasing land in north-western Natal in the early 20<sup>th</sup> century, a district to which they were already linked by ties of kin, church and community.<sup>5</sup>

The original Cremin community was thus an ethnically mixed group, whose origins speak to the intensity of land struggles in the period before the Natives Land Act as well as the fluidity of ethnic identity within the broad 'native' population and the emergence of new, syncretic

identities at this time. In the words of a community elder interviewed by the land-rights NGO, AFRA (the Association for Rural Advancement), in 1991:

*There was no distinct ethnicity. Before the OFS people had immigrated from Swaziland because of the wars. The Mngomezulus, for instance, are originally from Swaziland. On the other hand, the Shabalalas originated from Tongaland (AFRA, 1991a: 3).*

Cremin's early history complicates the presumption of timeless, bounded groups, rooted on ancestral land since 'time immemorial', to which advocates of a radical restitution programme aimed at undoing the colonial dispossessions of the 19<sup>th</sup> century tend to appeal. (See Walker, 2003, for a fuller discussion on this point.) Instead, and against the grain of the stereotype of the typical, land-claiming rural community, the origins of Cremin suggest intriguing parallels with the conventionally more cosmopolitan communities that were consolidating themselves in working-class urban spaces at this time. (See, for instance, McEachern, 2001, on District Six in Cape Town.)

The founders of Cremin were recruited from within the Methodist church. In the AFRA interview cited above, one of the elders, Reverend Mngomezulu, described its beginnings thus:

*My parents and other families (the Shabalalas) were under the influence of missionaries. We belonged to the Methodist church. Rev Mdlozini was one of those people interested in farming but they could not do anything because we were denied this and we were denied trust as a black nation. There was a white German farmer, Mr Haumann, who owned a farm (Trekboer) near Elandslaagte. He visited the annual synod of the Methodist church held at Ladysmith in 1911. He wanted to meet with black ministers so as to give them the news that he was selling his farm. He had divided it into 28 sites and was only prepared to sell it to black people because they had no ownership of land then. He knew that they would be interested in buying. He talked to the ministers about his offer, and they went to see the farm and they were interested. They then went back to Harrismith and recruited other people until 28 were found (AFRA, 1991a: 1).<sup>6</sup>*

Although initially drawn from 'the despised, the disparaged, and the disaffected' within African traditional society (Marks, 1986: 45), over time the *amakholwa* forged a new identity as an elite group within African society in Natal, an identity in which land ownership played a central part.

For the prosperous peasantry settled on the Protestant mission stations of the Cape and Natal, as for the petty bourgeoisie that derived from it ... the mid-Victorian "code-words" *progress* and *improvement* had a material reality. It was out of the mid-Victorian vision of a "progressive world order," based on the virtues of free labour, secure property rights linked to a free market in land and individual tenure, equality before the law, and some notion of "no taxation without representation" that African Christians in the nineteenth century constructed their world (Marks, 1986, 47-8).

The early Cremin community exemplified the attributes associated with this new class – Christianity, commitment to education, active engagement with the agricultural market, and relative although no doubt unevenly distributed prosperity. One of the first community amenities built on the farm was a 'Wesleyan' school, in 1913, which, in the words of the elders interviewed by AFRA (1991a: 2), 'produced an educated class.' The community also built a church, two dipping tanks and a dam (ibid). The landowners interviewed by AFRA in 1991

looked back on the first half of the twentieth century as a period of consolidation of wealth and standing:

*Cremin became more civilized as time progressed. There were wagons that were used in planting crops. In the early 1940's carriages were introduced and later on cars were also introduced. There had begun an elite class, the only people who drank coffee and had carriages and cars. There was a trained agriculturalist who helped us with production. We were self-sufficient (AFRA, 1991a: 4).*

In 1946 the Syndicate agreed 'it was necessary to make rules and regulations' for the Cremin community; the document it produced laid out a set of rules demarcating a sober, orderly, god-fearing respectability. The sale of 'any intoxicating liquor' was expressly forbidden, as were any meetings of 10 or more people 'without the consent of the Committee of Management', along with the activities of churches not recognised as 'proper'. All registered landowners were required to pay an annual fee for the upkeep of the dip and the school; furthermore, indicative of the hardening of community boundaries, no owner or occupant was allowed to employ anyone of 'Asiatic descent', nor carry out business on the farm with anyone from this group ('Rules and Regulations of Cremin Native Syndicate', clauses 20, 21, 28, 18 and 25). This document was never superseded, and in the 1990s was revived as the Constitution of the Mayibuye i-Crimen Association that was set up to represent the landowners in a new phase of mobilization around land, as restitution claimants. Today the community leadership is reviewing this document, to see how much of it can be retained in a new set of principles they wish to draw up to guide community life on the farm after restoration.<sup>7</sup>

### **Under threat**

While I have not researched the specific history of Cremin in the thirty years between the Nationalist Party victory in 1948 and the community's removal in 1978, its broad outlines can be inferred from the general history of freehold land in the Ladysmith area in this time. By 1936, when the Natives Land and Trust Act was passed, the amount of African-owned land in Natal was comparable, at 188,000 morgen (approximately 160,900 hectares), to what it had been in 1910 (SPP, 1983: 37).<sup>8</sup> The population, however, had more than doubled, to some 81,000 people (constituting a little under 5% of the population classified as African in Natal at this time) (Marks, 1986: 62). While some freehold farms in the Ladysmith area were declared 'released' in terms of the 1936 Land Act, notably the nearby Driefontein block of farms, Cremin was not one of them. After 1948 it was identified by the apartheid state as one of 28 'black spots' targeted for elimination from the Dundee/Ladysmith districts area as part of the National Party's 'grand apartheid' strategy (SPP, 1983).

Restrictions on opportunities for community members to acquire new land elsewhere, as well as cultural resistance to the practice of primogeniture, meant that the number of people with ownership rights in Cremin proliferated after 1912. By 1978 the official tally of registered landowners had grown fourfold to 114 (of whom some 15% were women), many holding undivided shares in the original family lots and community commonage.<sup>9</sup> Settlement and land-use patterns on Cremin were also dramatically affected from the 1950s by an influx of tenants, which led to a further intensification of residential settlement and decline in agricultural output.

Several historical processes intersected in these developments. The increasingly hostile economic and political climate facing small black farmers over the course of the twentieth century made tenant farming a more viable option for many landowners, but, following James

*et al* (2003), the shift away from agriculture was probably not only a consequence of coercion but also of some degree of choice on the part of the better-off, better educated descendants of the first landowners, who were able to move into those limited white-collar sectors of the economy that were open to African people in this time, in education and the church in particular.<sup>10</sup> The other significant factor behind the changing conditions at Cremin was the upsurge in evictions of farm workers and labour tenants off white-owned farms from the 1960s, as commercial agriculture embarked upon a major transition from the capital-poor, labour-intensive forms of production that had previously been its hallmark. In this time of dramatic change and hardship in the countryside, many farm evictees resisted relocating to inhospitable resettlement camps in the bantustans by seeking out tenancy-type relationships on African-owned farms such as Cremin instead. (On this history see SPP, 1983.) Although a 1999 history of AFRA states that Cremin was unusual compared to other African freehold communities in that it did not have a large tenant population at the time that it was removed (Harley and Fotheringham, 1999: 74), this is not how the Cremin leadership remembers it:

*Later, as the owners had the cost of living, they decided to get tenants. ... Later, late 60s, 70s, they grew in numbers so much that there was no place to farm. In the fields where we plough there were people staying nearby. So, corruption was there, damage to the crops. And the crime rate was high.<sup>11</sup>*

These developments led to increased hostility from local white farmers towards Cremin and the other black-owned farms in the district, which they condemned as lawless and environmentally degraded squatter settlements. The local Elandslaagte Farmers' Association was at the forefront of campaigns by white farmers to bring an end to 'squatter farming' in the district, asserting already in 1954 that 'the huge squatter population which lives on the Native farms must be removed with all its belongings,' while 'those who remained must be controlled' (quoted in SPP, 1983: 40). By the 1960s and 1970s the bulwarks that the Cremin leadership had tried to construct in the 1940s against external and internal forces of disorder had largely collapsed, and many landowners were making their living away from the farm.

## Removal

The apartheid state's programme of 'black spot' removals got underway seriously in Northern Natal in the 1960s, with the targeting of a series of farms in the Vryheid, Newcastle and Dundee districts. The Klip River district around Ladysmith followed in the 1970s, and in 1977 the Cremin landowners were expropriated and a total of 2,856 people, including both landowners and tenants, were removed (SPP, 1983: 114). The shock and pain of the removal are still sharp in people's memories 25 years later:

*It was a terrible time, you know, and a bitter time. Because that time, we had built houses, big houses. To see your house being demolished in a minute – you feel like cracking yourself.<sup>12</sup>*

In keeping with the state's schizophrenic respect for the superiority of title deeds over other forms of land rights, the authorities differentiated between landowners and tenants in their treatment of their resettlement. The landowners were given township stands with formal but very basic four-roomed houses in a section of the raw new township of Ezakheni that was being established next to a designated homeland industrial decentralization zone, in a piece of KwaZulu 25 kilometers from Ladysmith. Tenants were split, some allocated prefabricated tin

huts in another section of Ezakheni and others sent to similar accommodation in the still more rudimentary and remote closer settlement of Ekuvukeni, some 55 km from Ladysmith.<sup>13</sup>

1977/78 was a period of massive crackdown on protest in the aftermath of the Soweto uprisings of 1976. The Cremin community was unprepared and put up no organized protest or resistance.

*There was no way we could resist the removals because other communities like Bestas [Besters] and Roosboom had been removed prior to our removal. We just succumbed to government policy. We had to give way (AFRA, 1991a: 4).*

*We had nothing to say, it was that time, we had nothing to say.<sup>14</sup>*

When AFRA asked community elders in 1991 if they had got any help from political organizations, they replied:

*No. The ANC had long been banned and Inkatha did not help us. The Roosboom people got help from Peter Brown's Liberal Party (AFRA, 1991a: 5).<sup>15</sup>*

At that stage the people of Cremin saw the state as all-powerful, their dispossession irrevocable. In late 2002 Mrs Shabalala recalled how her family's decision to extend their cramped township house in Ezakheni in 1981 was an indication that 'we had given up ... we won't go back to Cremin.'<sup>16</sup> An important source of support in this period, both emotional and material, was the fact that the landowners were resettled in the same section at Ezakheni.

*This section is just for Cremin people ... So we were used to each other, although not so close. That's the thing that helped us, that we were put together. These Cremin people – even if we had some hard times and so on, we went to each other: 'Hayi, safa madoda. What are we going to do here?'<sup>17</sup>*

The state held on to the expropriated land for some ten years, finally putting the farm up for auction in 1988. It was purchased for a sum of R170,000 by a local farmer, Derek Droyer (Commission on Restitution of Land Rights, 1996: 24). He never lived on the farm but used it to supplement his existing agricultural activities. He died in 1992; at the time of the land claim the farm was still registered as part of his deceased estate, which his executors, who included his son, were attempting to wind up. In the meantime, they were leasing out the land to a neighbouring farmer, who had pulled down the boundary fence with his farm and was using Cremin for grazing. By then all traces of the original buildings had disappeared but the stone mounds of the community graveyard were still visible in the grass and scrub near the western boundary.

### **'Back to the land'**

Although it was not apparent at the time, Cremin was, in fact, among the last African-owned farms to be uprooted in Natal in this way. In the late 1970s and early 1980s a new phase of political struggle against 'forced removals', as the population relocation policies of the Nationalist Party government came to be called, gathered momentum around the country, and from the mid-1980s the apartheid state's plans for those 'black spots' still under threat of removal – some 14 in the Klip River district (SPP, 1983: 114-5) - began to falter. Prominent in this struggle in Natal was the NGO, AFRA, which was established in October 1979 to lobby against relocation policies and practices in the province. AFRA also worked closely with the

Surplus People Project (SPP), a national research project which undertook a major study on forced removals between 1979 and 1983 and then, in 1985, reconstituted itself as the National Committee Against Removals, the forerunner of the present-day National Land Committee (NLC).<sup>18</sup>

In the early 1980s AFRA's main organizational focus was on communities that were still threatened with removal, including a number of freehold farms in the Ladsymith/Wasbank area (Matiwane's Kop, Umbulwane, Steincoalspruit and Lusitania). As an already relocated community Cremin was not visible in this phase. Dispossessed and threatened landowners in northern Natal remained connected through numerous social networks, however, and a number of Cremin landowners also took up residence in communities that were still fighting against being moved.<sup>19</sup> In the early 1990s, as South Africa lurched precariously into the phase of constitutional negotiations, these networks played a significant role in bringing the people of Cremin into new forms of organization, characterised by a new assertiveness around their rights.

In 1990, after the dramatic opening up of the political terrain, community leaders established the 'Mayibuye i-Cremin Association' to fight for the return of their title deeds, and in January 1991 they approached AFRA 'to help them plan their return' (Harley and Fotheringham, 1999: 144). The widow of the vice-chairman of the Association recalls these events thus:

*If I remember, nje, the first start – it was the day when my husband heard something about these people who were struggling to go back [to their land], and then he met Mr M from Kwahlathi [a former 'black spot']. That's the man who encouraged them to struggle, you know. Then he came even here, at my home, that day and they stayed outside there, discussing this matter.... Then that small light started that day. My husband stayed with him about two hours or so; he tried to give them the light, where to start and how to go. Then they started there. They even worked with those people ... until AFRA gets in.<sup>20</sup>*

The link with AFRA proved extremely important for the Cremin leadership in publicising their claim and bringing them into the vanguard of popular mobilisation in support of a land claims process in post-apartheid South Africa. In February 1991 the Mayibuye i-Cremin Association prepared a memorandum requesting the government to return Cremin to its former landowners 'at the earliest convenience' and, with support from AFRA, joined forces with the relocated community of Charlestown to announce to the media plans to reoccupy their former land (Mayibuye i-Cremin Association, 1991; AFRA, 1991b). The following month representatives of the Cremin, Roosboom and Charlestown communities issued a joint memorandum setting out a series of demands for the government: the return of their land, restoration of their title deeds, full compensation for 'schools, churches and houses' as well as for grazing land leased to other parties, the re-development of 'our places', state acquisition of alternative land for 'tenants who were forcefully removed with us', state recognition of community representatives and the 'total rejection of the homeland system.'<sup>21</sup> In April 1991 the restoration campaign became more visible when a small number of Cremin men organized a symbolic reoccupation of their land, pitching tents on the side of the district road cutting through the farm; this resulted in the arrest of nine of them (National Land Committee, 1991: 5). Throughout, the leadership were clear about their objectives: restoration of their land, return of their title deeds, and an alternative settlement for their former tenants.

In the political struggle against white supremacy in South Africa, land dispossession and population relocation were widely accepted as among the most grievous crimes of apartheid, and negotiating the shape of a restitution programme to address this legacy dominated the land reform debate of the early 1990s (Walker, 2003). During this time the NLC and its affiliates, including AFRA, began mobilising support for land reform under a 'Back to the land' banner; in August 1993, the Mayibuye 1-Cremin Association was one of 80 communities that took part in a demonstration to lobby against the proposed property clause to constitutional negotiators at the World Trade Centre, as part of this campaign. Cremin was also represented at the Community Land Conference organised by the NLC in Bloemfontein in February 1994. Yet while the Cremin community became drawn into the larger political campaign for land reform, the style of its leaders, even in protest, was characterised by a certain old-fashioned formality and aloofness from popular mobilisation. In 1991 the elders interviewed by AFRA voiced suspicion of outside political organizations which 'make us to chant and ... talk of mass action. We don't want all that' (AFRA, 1991a: 5). Today leaders consider their willingness to persevere with the proper procedures an important factor in their ultimate success.<sup>22</sup>

Although the National Party remained strongly opposed to a radical redistribution of land from white to black, by the early 1990s it was prepared to make concessions around land restitution for those it had earlier dispossessed of formal land rights – indeed, it came to see that such a programme could, depending on how it was defined, strengthen its negotiating position in support of a constitutional protection of property rights in the post-apartheid dispensation (Walker, 2003). Already in March 1991 the de Klerk government attempted to defuse the campaign for land reform by repealing the Land Acts of 1913 and 1936. In November 1991 it followed up by appointing an Advisory Committee on Land Allocation (ACLA), later restyled the Commission on Land Allocation (COLA), to make recommendations on the disposal of state land, including possible restoration to former dispossessed landowners.

As a broad consensus began to emerge in the constitutional negotiations that there would be a land restitution programme in the new South Africa, officials in the then Regional and Land Affairs department drew up various memoranda and reports aimed at quantifying the scale and likely cost of such a programme, as well as identifying claims that warranted immediate attention in order to reduce the political pressure around land reform and ensure that, as far as possible, the actual implementation of the restitution programme would remain manageable, in their terms, after 1994. Their lists were heavily influenced by the 'Back to the Land' campaign and covered all the claims being promoted by AFRA, including Cremin.<sup>23</sup>

Despite reservations about the National Party reforms, a number of dispossessed 'black spot' communities decided to use the ACLA/COLA route to push for the restoration of their land. In Natal the Roosboom, Charlestown and Alcockspruit communities took the lead in this, with the support of AFRA. In all three cases land rights were formally restored through this process in 1992/93, paving the way for the subsequent prioritisation of these three communities for redevelopment after 1994 as 'presidential lead projects' (AFRA 1992, AFRA 1994). In all three cases as well, the formal decision that land rights would be restored initiated unexpected difficulties, exacerbated by the absence of coherent state procedures and institutions to manage the process locally. In its 'Annual Report' of December 1993 AFRA (1993: 9) pointed to the problems thus:

The physical return of land to the communities has thrown up new challenges and problems .... These include procedures and terms for the return of title deeds, the creation of appropriate community land holding trusts, the brokering of resettlement and

land use planning resources, the emergence of conflict within communities at the point of success in the land struggle and the challenge of keeping the marginalised sectors involved and protected in the process of the return to the land.

ACLA's limited terms of reference meant that Cremin, privately owned since 1988, did not qualify for consideration. In retrospect, as discussed further below, this was probably to the longer-term advantage of the Cremin landowners. At the time, however, their exclusion was perceived as a major injustice and fueled their determination to press their claim through other mechanisms. This included protest through the national 'Back to the land' campaign and legal action, in the form of a Supreme Court application in 1992 by Andries Radebe, one of the original expropriated landowners (and father of the current chairperson of the Cremin Trust), who attempted, with assistance from the Legal Resources Centre (LRC), to challenge the procedural validity of his 1977 expropriation notice.

Radebe's case was eventually dismissed in February 1994, on the grounds that too much time had elapsed since the original expropriation. Although the court subsequently gave him leave to appeal, by that stage the restitution programme of the post-apartheid state was almost in place and the Mayibuye i-Cremin Association decided to pursue the land claim route instead. In making this choice they were reassured by their NGO contacts in AFRA and the NLC that the new land reform institutions would be staffed by a new set of progressive officials, many of whom would be drawn from the ranks of land activists. Thus by the time of the 1994 elections, 'there was a development of hope':

*After [Radebe's] case was taken out the window, then we felt, ukuthi, that we have no ground. But that day when Bahle came to communicate with us at Ezakheni - it was prior to the elections - then I felt differently, because they were promising us, ukuthi, 'Guys, we will infiltrate into the Department. We will make it a point that this case - we will make it one of the most important ones that ever came into this country.'<sup>24</sup>*

Although it is tempting in describing this period to presume the unwavering unity of the larger Cremin community behind the leadership, the reality was somewhat more complex. The widow of one of the men who was arrested during the land reoccupation of April 1991 recalls the lack of confidence in the outcome of the campaign on the part of many former landowners, which translated in some instances into a mocking distancing of themselves from the protests:

*Ja, but others were saying: 'These people are mad. They won't go back to Cremin. They are mad, they are blooming mad. They won't go back to Cremin.' ... I remember the day when they were arrested there at Elandsplaagte, that police station, having forced to enter the place. People said 'We told them. They've got what they wanted. We told them they would be arrested.' It was a joke that day, it was a joke that they had been arrested. 'Yes, we told them that they are going to be arrested. Yebo, they have got what they wanted, yes. They think they are clever.'<sup>25</sup>*

What was significant, however, was that there were no debilitating power struggles within the leadership, no competing visions of what they should be campaigning for, nor any doubts as to the moral authority of their claim. As the prospects for restitution grew brighter, so the support of ordinary members of the community grew more visible behind the claimant committee.

## RESTITUTION

### Settling the claim

In April 1995 the Commission on Restitution of Land Rights opened its regional office in KwaZulu Natal, with minimal infrastructural and institutional resources in place and a backlog of some 1,200 unresolved files inherited from ACLA. By October 1995 the number of claims lodged in the province had risen to approximately 2,000. By the time the parties to the Cremin claim reached agreement on the broad outlines of their settlement, in mid-1996, the number of registered claims in KwaZulu Natal was approaching 3,000 and still climbing (Walker, 1996: 47). The first year of the Commission was 'consumed by seemingly endless bureaucratic and administrative problems,' which were hampering progress, frustrating claimants, and creating a situation of 'continuing pressure' (ibid).

In this new, chronically crisis-laden environment, the Cremin community was particularly well placed to secure prioritisation of its claim. AFRA was an invaluable champion - securing an endorsement of the claim already in November 1994 from Bahle Sibisi, a former AFRA staff member who had been appointed adviser to the new Minister of Land Affairs; lobbying the newly appointed Regional Land Claims Commissioner (myself) even before the regional office was established; and then ensuring that a completed claim form, with supporting documentation, was hand-delivered to the Commission as soon as it opened its doors. AFRA also assisted the community workshop various development issues and options for their return. At the same time, the Cremin committee actively engaged the Commission through letters, phone calls and meetings, while the claim itself was straightforward, with clearly defined rights and property descriptions, and no dispute as to its proper resolution. The heirs to the estate of the late Mr Dreyer were not living on Cremin, nor committed to keeping the farm as a business operation. Their over-riding concern was to secure market value for the property; which they achieved in June 1997, when the DLA agreed to a price of R407,256 (Land Claims Court, 1997).

Earlier, in May 1996 the Commission had brokered an agreement between the claimant committee and the executors of the estate that Cremin would be sold back to the state for restoration to the community. The agreement was signed the following month in front of the community, who packed into a plain, cement-floored church in Ezakheni in tense anticipation, to witness this momentous event - the first tangible evidence that they would, indeed, be getting their land back.

*That day everybody was holding her breath ... if that white man will ever sign the agreement. You know, our life was hanging on that thread of a spider, to that white man who needed to sign that: 'I agree that the government must buy the land for you, from me.'*

The extraordinary rupture with the past that the signature of 'that white man' on the Deed of Settlement represented to the people of Cremin was signaled by the response of one elderly woman who did something that, in the retelling of the story to me six years later, still stood out as absolutely without precedent, something 'we have never seen' before:

*The old lady who was walking on three ... with a walking stick. You remember? You remember what she did? She just kissed the white man, she just grabbed him, and - she's*

*short, you know - she just grabbed him, pulled him down and kissed him and hugged him and hugged him ..... What she did, she did for all of us.*<sup>26</sup>

Although Cremin's restoration was by then assured, there were three additional issues to resolve before the settlement could be referred to the Land Claims Court for its approval in 1997.<sup>27</sup> The first was to identify all the living beneficiaries of the claim and their portions of the farm – a not uncomplicated process, given the passage of time since 1977 and the number of undivided shares and intestate estates prevailing at the time of expropriation. Because of the resilience of community ties since 1977, however, this exercise was able to proceed as an essentially technical process, with over 80% of potential claimants finally identified and few disputes over who represented each family in the settlement. (See footnote 1.)

The second issue concerned the compensation paid to the Cremin landowners for their properties at the time of their dispossession – compensation which, the DLA originally argued, should be paid back to the state before the land could be restored. This was the position that officials in the former Department of Regional and Land Affairs had developed in the ACLA era and carried forward as departmental policy after 1994 – a position which was causing considerable confusion and acrimony in finalising the ACLA settlements in Roosboom and Alcockspruit, and one which the Cremin claimants vehemently opposed. The Commission supported the claimants, arguing that 'substantial loss was incurred by the community when they were removed to Ezakheni' and reimbursing the state for the compensation paid for their involuntary removal 'would impose unreasonable hardship' on them (Commission, 1996: 35); eventually DLA agreed not to pursue the matter of compensation in the Cremin case, although it was at pains to reserve its rights in other cases.

The third issue was one which had lurked on the margins of the Cremin claim from the early 1990s – the interests of the former tenants. As already noted, the Cremin leadership were very clear from the start that landowner and tenant claims should be kept separate 'because there is insufficient land to support both ... and inclusion of tenants in the settlement would prejudice the landowners' interests and retard the optimal development of the land' (Commission, 1996: 26). However, they never denied the tenants' right to restitution, proposing instead that they should lodge a separate claim, for alternative land. Unusually, the Cremin committee was proactive in going further and seeking out tenant representatives to encourage them to lodge a claim. An AFRA discussion document in January 1996 attributed this to their awareness of the problems being experienced 'elsewhere' (du Plessis, 1996: 14); the same document describes the 'bitter struggle over land tenure' that was bedeviling the resettlement of Alcockspruit:

At Alcockspruit, debates on land tenure have reached a particularly sensitive stage, with important lessons for the land reform process. The case illustrates that making a formal restitution award ... is only a small beginning in a potentially long and complicated process. The ACLA award was made on the assumption that ... a straightforward restitution of freehold rights would be sufficient. In reality, a whole complex social fabric, existing within an elaborate informal tenure system, had been dismantled with the forced removal. Hence the existence of innumerable secondary claimants, particularly former tenants, but also second brother to the main heir, sisters to the main heir etc. (ibid: 6).

In the event, despite several attempts by the landowners and the Commission to draw former tenants into the process during the negotiations phase, as well as a further round of locally targeted publicity about the claim that the Land Claims Court directed in 1997 with the explicit

purpose of alerting former tenants to it, no tenants came forward to claim either as individuals or as a group.

The different trajectories at Roosboom, Alockspruit and Doornkop have already been indicated. The question that arises here is how to explain the abstention of the tenants in the Cremin case. This is an example of how comparative case study research could advance our understanding not only of the restitution process, but of broader social processes in the countryside today. In the absence of such work, as well as the absence of direct engagement with the indistinct category of people covered by the term 'former tenants' in this research, it is difficult to be categorical about either the larger dynamics or the motivation – or lack of motivation – in the specific case of the Cremin tenants. Nevertheless, several factors appear significant. From all accounts the approximately 300 tenant households at Cremin were dispersed and fragmented after their removal in the late 1970s, and no leaders emerged to mobilise and represent them in the 1990s. Cremin's relative distance from Ladysmith probably also made it less attractive to poor rural, or semi-rural, households in the 1990s than places like Roosboom and Doornkop (both located near sizeable district towns). The vigilance of the different sets of landowners also appears to have played a part. The state as landowner proved a less effective manager of vacant land in the ACLA claims of the early 1990s than the private owners of Cremin were in defending their land against encroachment by informal settlers while the land claim was being settled. In the ACLA claims, the state's insistence that former landowners pay back their removals compensation also created uncertainty around the resettlement process and delayed redevelopment. The Cremin committee further believe that the Roosboom landowners lost control over their land because, in their campaign for its restoration, they were prepared to use tenants to reoccupy the land on their behalf in the early 1990s, something which the Cremin landowners never contemplated.<sup>28</sup>

## **Reconstruction**

The Land Claims Court order of October 1997 marked the end of a 20-year phase in the history of the Cremin community and laid out the legal basis for the resettlement of their land and the realisation of the vision that had motivated the Cremin leadership through the claim period. That process is still unfolding – after nearly seven years, it is still difficult to know with certainty what sort of settlement will emerge over the next decade of democracy, but the extent of the challenges facing those who have dreamed of reconstructing the land of their forefathers is clear.

The take-up of the opportunity to return to Cremin has been slow, with different manifestations in different households.<sup>29</sup> To date only a minority of claimant households have returned to Cremin to live and farm on a permanent basis. In early 2004 I counted 17 out of the total of 85 whose rights were restored in 1997.<sup>30</sup> Of those who are back, most appear to be straddling economic opportunities generated by formal employment or small businesses on the one hand and farming on the other. Thus the chairperson is a school principal who has retained a house in Ladysmith, but has built a place at Cremin which is occupied by other family members. The secretary describes himself as a fulltime farmer, proud of the 30 litres of milk his cows are producing daily; however, he is also a retired teacher who is drawing a pension. This is consistent with evidence from other parts of the country - Murray (1996) has described similar processes in the eastern Free State, where the most successful small black farmer, the one best able to capitalize on the land reform programme, tends not to be a fulltime farmer and to have external sources of income to invest in his (less commonly, her) land.

Of those who have not come back, the major explanation for those who remain in Ezakheni is the lack of comparable services at Cremin compared to the township – in particular, piped water and electricity. The Cremin leadership proposes that once/if these are supplied, then more people will return, but this is by no means certain. While the majority of beneficiaries are holding onto their land, a few have indicated that they wish to sell and at least one has allowed a non-landowning family to build on their land, in an ill-defined informal transaction that goes against the wishes of the committee.

At the same time, the younger generation in the Cremin community stand in a very different relationship to the land from their parents and grandparents who experienced its removal and fought for its return. They are the product of a coerced and marginalized form of urbanisation under apartheid - but having grown up in Ezakheni, many are now reluctant to return to the farm. In a discussion with a group of ten young people between the ages of 16 and 35 who were recruited for me by the Cremin committee as representatives of “the youth”, the farm appeared to be valued as a place of “traditional” culture and rural values, but not as a preferred place to live – somewhere where they would like to send their own children, to learn respect and escape the most pernicious problems of township life (drugs and crime were major concerns) but not somewhere where the majority of them expected to live permanently themselves. In their comments my informants appear suspended between two unsatisfactory poles:

*Ja. I don't want to go back. But okay, here in the location the only thing that is better - electricity and water is near [while] in the farm it is far. But the way of life is not good here.*

*A lot of us here, the youth, don't want to go back, it's only the parents that want to go back. So now, okay, we can go there and visit, maybe for a weekend. Not to stay there for the whole week. But maybe, if we can get water nearby (the water must be near), lights, everything, maybe it will be better.<sup>31</sup>*

Finally, the reinsertion of the Cremin community into the farming district around Elandsplaagte has proceeded relatively smoothly, but a huge social gap remains between the landowners at Cremin and their white neighbours. The Cremin Committee has, however, been approached to serve on the local farmers' fire control committee and the chairperson of the Elandsplaagte farmers' Association expresses an awareness of the importance of building bridges between white commercial and black emerging farmers and the need to take steps to initiate this.<sup>32</sup>

## CONCLUSION

The story of struggle and resilience that weaves itself around the Cremin claim, the unobtrusive heroism of many of those who fought to return, is a fascinating and moving one. But the Cremin claim also offers a window on a larger history in this north-western corner of KwaZulu Natal. Reflecting on its establishment, destruction and resurrection reveals both continuities and ruptures in the history of land tenure and relationships to and identities around land that impact upon contemporary efforts to institute a land and agrarian reform programme in the countryside and transform rural society.

In many ways Cremin exemplifies the archetypal claim that the drafters of the restitution programme had in mind in 1993/1994, as well as the community of committed small farmers with commercial aspirations that the wider land reform programme has aimed to promote since then. Here it is possible to argue that the broad goals of the restitution programme have, largely,

been met - title has been restored, the community's quest for justice answered, and a serious effort is being made to use their land productively by those who have returned. Relationships between claimants and local commercial farmers are, moreover, civil, if not cordial, and there are some prospects for improving this communication in the future.

From one perspective, the settlement of the Cremin claim 20 years after it was dispossessed represents the restitution of a set of relations to the land that reaches back in time not to the *status quo* of the apartheid era but to an earlier era, at the beginning of the 20<sup>th</sup> century, when the *amakholwa* were struggling to secure new forms of tenure, along with their place in the new, market-oriented relations of production that were fundamentally reshaping social and economic life on the land in the then new Union of South Africa. In this view the restored Cremin landowners emerge as members of a small, vulnerable but nevertheless remarkably resilient rural elite, who have managed not only to survive the onslaught of the apartheid years but also to re-mobilise the social and material resources they accumulated over the late 19<sup>th</sup> and early 20<sup>th</sup> centuries and take advantage of the opportunities offered in the period of post-apartheid reconstruction.

Nevertheless, the community that is attempting to reconstitute itself at Cremin in the early years of the 21<sup>st</sup> century faces many uncertainties. The reconstruction of Cremin is taking place in a profoundly different era from the one in which it was founded, with new threats to its identity and continued cohesion. The relative unity that has defined the landowner community in struggle can be expected to come under increased pressure as individual landowners respond differently over time to the opportunities and threats of rural land ownership in the early 21<sup>st</sup> century – of land not only as a social and economic resource, but also as a liability and a disposable asset. Those who are back on the land are confronted with many challenges and limitations in trying to make a living out of farming in the contemporary, globalised era. Many younger members of the Cremin community, especially those who were born and have grown up in the relocation township of Ezakheni, are much less receptive than their elders to returning to a rural way of life and to farming as an economic mainstay. Furthermore, the likelihood of pressure from tenancy relationships or informal occupation of un- or under-utilised plots is real. From this perspective, the prospects for creating – recreating – the agrarian community aspired to by the first generation of Cremin landowners, the fathers and grandfathers of those who have been restored, look less certain. The leadership I have interviewed is not unaware of the challenges:

*We are starting from scratch. What we are saying is that you cannot go back to your real cultures. Ja, because now, if you are old and want to bring back what you had, the time is too short. And if you are young, you might not get exactly what prevailed before.*<sup>33</sup>

From the start the restitution programme has had a dual agenda – redress and poverty reduction; rights and development. What these imperatives mean, how they relate to each other, and what their relative prioritisation should be have been major points of debate and contention in the development of land reform policy over the past decade. In the case of Cremin, I would argue that redress has proved easier for the state to institute than economic development – thus far the success of this claim settlement lies most clearly on the side of rights in the rights/development dyad and whatever economic benefits have accrued to the claimants have been essentially of their own making. However, what the Cremin claim also illustrates is that for beneficiaries in a position to access these rights, their realisation is not an inconsiderable achievement. Nor can rights be divorced from development. Thus, despite the problems they face, the chairperson of

the Cremin Trust is able, in late 2002, to describe the Cremin community as 'victorious.' What does that mean to him? His reply is wonderfully suggestive of the open-ended and multi-faceted nature of restitution:

*It does not mean that we are back on our feet, but we are consoled.*<sup>34</sup>

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## Interviews

Z Hadebe, Cremin, 22 December 2002  
 C Mngomezulu, Ezakheni, 28 December 2002  
 P Naude, Elandslaagte, 6 April 2004  
 AS Shabalala, Cremin, 22 December 2002, 29 March 2004  
 M Shababalala, Ezakheni, 28 December 2002  
 C Slater, telephone interview, 13 April 2004

## Focus group discussions

Cremin youth, Ezakheni, 3 January 2003  
 Cremin youth, Cremin, 3 January 2003

<sup>1</sup> As is so often the case with restitution, the numbers are complicated. In 1977 114 landowners were expropriated of varying amounts of land. The official list of expropriated landowners formed the basis of the claim that was lodged by the Mayibuye I-Cremin committee with the Land Claims Commission on behalf of the wider community of landowners and their descendants in 1995. At the end of the Commission's investigation into the claim, 20 of the 114 original landowners and/or their descendants had not been traced; the settlement provided for their portions of the farm to be held in trust by the state until the end of the claim period, after which, if the land were still unclaimed, it would be transferred to the Cremin Land Trust that was established in 1997 to hold the commonage. 24 of the original expropriated landowners were alive in 1997 and had their titles restored to them directly. The Land Claims Court excluded from the terms of the 1997 settlement five claimants whom it deemed were not, in law, direct blood descendants of original dispossessed rights holder (even though the Cremin community regarded them as legitimate heirs); it also excluded two claimants who had not prepared powers of attorney authorising the Mayibuye I-Cremin Committee to act on their behalf and one claim where the rights of the claimant recognised by the Commission and Committee were disputed by another individual who maintained that his father had previously bought, without formal registration and transfer, the piece of land in question. The total number of claimants benefiting from the settlement was thus 85. 26 of the 85 claimants recognised by the Land Claims Court were women, 8 of them original rights holders from 1977.

<sup>2</sup> This account draws on my own recollections and experience of the event; at the time I was Regional Land Claims Commissioner for KwaZulu Natal.

<sup>3</sup> Interview, M Shabalala and C Mngomezulu.

<sup>4</sup> As of 31 December 2003, DLA reported a total of 17,080 urban and rural claims settled by means of land restoration, of which 2,613 were classified as rural. The total area of land involved was put at 810,292 hectares, which was not broken down further between urban and rural claims. A further 27,165 claims had been settled by means of financial compensation and 2,482 by 'alternative remedy'; 3,220 of these categories of claim were rural. The total number of beneficiaries of restitution across all settlement categories was put at 590,880, of whom the majority - 348,024 - were rural; this figure covers all individuals in beneficiary households. Details were not forthcoming on how many of these beneficiaries were involved in land-based settlements. Since December 2003 there have been further rural settlements.

<sup>5</sup> Thus the Reverend Mngomezulu, one of the landowners expropriated in 1977, was born on the African-owned farm Driefontein, to the west of Cremin, in 1910. His mother was from Harrismith and was visiting family at Driefontein at the time. After he was born his mother rejoined his father in Harrismith for a short period, before the opportunity arose for the family to purchase land at Cremin in 1912 and move back to Natal (AFRA, 1991). The Driefontein community was established as an offshoot of the Edendale community in the 1860s.

<sup>6</sup> Mr Haumann who acquired Trekboer from his deceased wife who had, in turn, inherited it from her father.

<sup>7</sup> Interview, AS Shabalala.

<sup>8</sup> In fact there was a slight increase in area owned by African people between 1910 and 1936, attributable to some purchase of land in areas identified by various government committees after 1913 for addition to the scheduled reserves.

<sup>9</sup> The information is drawn from an analysis of the 'List of Cremin Landowners as shown on Expropriation Notices,' compiled by AFRA and appended to the claim form lodged by the Mayibuye i-Cremin Committee with the Commission on Restitution of Land Rights in 1995, in AFRA file 9.2.7(c). 18 of the 114 landowners listed are identifiable as women.

<sup>10</sup> Thus at the time Cremin was removed, Rev Mngomezulu, mentioned above, was married and living and working as a minister in Pretoria (interview, CM) while Mabuto Shabalala, who was at the forefront of the struggle to return to Cremin in the early 1990s, was working in Swaziland, although he retained land and a family home at Cremin (interview, ). AS Shabalala, the Chairman of the claimant committee, who was born in 1944, worked as a teacher.

<sup>11</sup> Interview, AS Shabalala.

<sup>12</sup> Interview, M Cavalla.

<sup>13</sup> For an account of both Ezakheni and Ekuvukeni in the early 1980s, see SPP, 1983.

<sup>14</sup> Interview, M Shabalala.

<sup>15</sup> The Liberal Party actively campaigned against the removal of 'black spots' in Natal in the 1950s and 1960s, before it disbanded in 1968 as a result of legislation prohibiting non-racial political parties from operating. A major vehicle for this campaign was the Northern Natal Landowners Association, established in 1958 with some 40 'black spots' as members and Eliot Mngadi, a Liberal Party member and landowner from Roosboom, as organiser. The ANC endorsed the campaign before it was banned in 1960. See Vigne, 1997: 89-99 for an account of this early phase of resistance to 'black spot' removals.

<sup>16</sup> Interview, M Shabalala.

<sup>17</sup> Interview, M Shabalalala.

<sup>18</sup> On the history of AFRA see Harley and Fotheringham (1999). I was the first staff member of AFRA and the Natal coordinator of the Surplus People Project and have drawn on that experience in this account.

<sup>19</sup> Interview, AS Shabalala.

<sup>20</sup> Interview, M Shabalala. KwaHlathi was the Zulu name for the 'black spot' Boschhoek, in the Dundee district, that was moved in 1968 (SPP, 1983: 110).

<sup>21</sup> 'Joint memorandum from Natal rural freehold communities seeking to return to the land from which we were forcefully removed: Roosboom/Charlestown/Crimen (Trekboer 4225)', AFRA file 9.2.7(a), AFRA, Pietermaritzburg.

<sup>22</sup> Interviews.

<sup>23</sup> This account draws on my experience in the Commission on Restitution of Land Rights as well as interviews and discussion with various players in the NGO sector in the early 1990s and with officials from the former Department of Regional and Land Affairs, the post-1994 Department of Land Affairs, and the Commission on Restitution of Land Rights.

<sup>24</sup> Interview, Z Hadebe.

<sup>25</sup> Interview, M Shabalalala.

<sup>26</sup> Interview, M Shabalalala.

<sup>27</sup> At the time that the Cremin claim was settled, all settlements, whether there was a negotiated settlement in place or not, had to be referred to the Land Claims Court for approval – no awards could be effected without the authority of a court order. This provision in the legislation was amended in 1999, to allow for administrative settlements of claims where there were no disputes.

<sup>28</sup> Interview, Z Hadebe, AS Shabalala.

<sup>29</sup> The following is a very brief and preliminary account, drawn from interviews and an assessment of the status of the land of those claimants covered by the 1997 court order; I intend to develop this as a more substantial focus of my research.

<sup>30</sup> Interview, AS Shabalala.

<sup>31</sup> Cremin youth focus group, Ezakheni.

<sup>32</sup> Interview, C Slater.

<sup>33</sup> Interview, Z Hadebe.

<sup>34</sup> Interview, Z Hadebe.