Introduction

Land reform in South Africa has received overwhelmingly negative assessments in the past five years as a result of the Department of Land Affairs’ (DLA) alleged “failure” to address the extreme inequalities in land and income dispensation in rural areas. Issues such as budgetary constraints, a lack of administrative capacity and high staff turnover, inappropriate mechanisms and a lack of coordination with other government departments have all contributed to the limited impact of the land reform programme. Whilst these limitations are extremely important to identify, criticisms of the policy often underestimate the sometimes intractable tensions surrounding land in areas that have a recent history of violence, particularly in KwaZulu-Natal.

This paper sets out to assess an important example of the conflict-ridden situations that the DLA has often had to address in KwaZulu-Natal. In particular it explores the difficulties that arise from implementing land reform in the context of overlapping and conflicting rights. It is shown that the programme has been restricted at the local level by an array of political constraints that emanate from the wider context of regional politics. Although DLA has succeeded in managing the very different interests of various stakeholders, the overall programme has been restricted in the face of this complexity.

Impendle State Land

The target area of Impendle State Land (henceforth Impendle) is potentially volatile and highly complex in terms of social, political and economic conditions. Impendle is a major land reform site in rural KwaZulu-Natal, which involves all three main components of the land policy: redistribution, restitution and tenure reform. A key issue at the site has been the interpretation of “state land” for land reform. Impendle consists of formerly privately owned farms, which were bought by the apartheid government for redistribution to the KwaZulu bantustan. This was done as part of apartheid planning to consolidate the bantustan into a “viable” entity.

As this land was never transferred it is still currently held by the state. It is therefore legally distinct from state land held in trust for communities in former tribal areas such as the former KwaZulu and “available” for redistribution. Impendle was to be transferred via the market under the land reform process, as the policy dissuaded the DLA from donating the land to beneficiaries. The state would constitute the role of the ‘willing seller’, which would enter into negotiations with beneficiaries who would use their grants to purchase the land.

By exploring the competition for land and land-based resources, this paper assesses the various stakeholders and their interests in Impendle. This competition is not simply between those residing on Impendle and those who have an outside interest. It includes the uneasy relationship between ex-labour tenants who have remained resident on the land since the white owners were bought out in the early 1980s and the surrounding AmaKhosi areas, within the beneficiary groups themselves and emanating from various other institutions that have been involved in the area. It is suggested that Impendle is part of the broader region and thereby has been ensnared within the wider political tensions.
of the province, which exert great influence on the capacity of rural areas to generate livelihoods

Sites of Struggle at Impendle

Land struggles of various kinds have become a central feature of the post-apartheid era characterised by a myriad of different tensions over land claims and boundary disputes. These struggles have often been about access to and control of land in general, as well as for common pool resources (Cousins, 1996). This has been the case at Impendle as conflict over land has arisen between various stakeholders. These stakeholders have been divided into two broad categories: those who are resident within the borders of the land reform farms and those who have an outside claim to the area.

The first category includes those residents represented by the community-based organisation known as the Impendle Tenants Forum, those residents not represented by the Tenants Forum, and the KwaZulu-Natal Nature Conservation Services who have managed 7 000 hectares of Impendle as a nature reserve in anticipation of its proclamation. The second category include the AmaQadi and Bhidla tribes who have territorial claims on Impendle, and the Nxamalala, Amangwane and Zashuke tribes bordering the project whom require additional land.

Three main sites of struggle have been identified at Impendle:

1. There are conflicting claims to areas of Impendle between the local residents and neighbouring tribes. Struggles have taken place over gaining and securing rights to the use of land by these stakeholders. Many of the neighbouring tribes regard Impendle as a traditional extension of their overcrowded land. Indicative of these claims, a major restitution claim for several land reform farms by the Bhidla Tribal Authority has become a major source of tension. The Bhidla claimed that Impendle formed part of their traditional land before colonial dispossession. This is in direct conflict with the ex-labour tenants who were not affiliated to the tribal group and had more recent rights to the land.

2. There are tensions between and within the resident groups, as they do not form one homogenous group but a number of groups with different objectives and representation. This is exemplified by those that are members of Impendle Tenants Forum (ITF), who have a direct contact with the land-based Non-Governmental Organisation the Association for Rural Advancement (AFRA), and those who are not members. Struggles have taken place over defining the membership of specific groups with corresponding rights and duties.

3. The boundaries around the proposed nature conservation area have been a major tension as the issue of “ownership” and access to the reserve has been disputed. There are conflicting interests between the KwaZulu-Natal Nature Conservation Services (NCS) who wish to proclaim the area for eco-tourism objectives, and surrounding communities who require access to natural resources and grazing land as vital components of their livelihood strategies. This is therefore a struggle over defining and defending the boundaries of territories within which land-based resources exist.
These tensions amount to a conflict over the future allocation and ownership of the land reform farms. They should be understood in the wider context of a province characterised by a recent history of intense political instability. The inequitable distribution of land and its multiple functions for diverse livelihood strategies have contributed to this instability.

**Political Conflict in KwaZulu-Natal**

Violence in KwaZulu-Natal has been an ongoing issue over the last decade. The political factors contributing to this violence are complex and diverse. The possibility of violence, or the breakdown of law and order, stemmed largely from the decline and decay of apartheid as a coherent and articulated system, not from its intensification (Freund, 1996: 187). The rivalry between, and the fight for territory and the control thereof, by the Inkatha Freedom Party (IFP) and the African National Congress (ANC) has been a notable factor (Jeffrey, 1997: 6). This violence has featured hit squads, assassinations, revenge killings, house burnings and the establishment of “no go” areas for opposition parties. The long running political conflict and the resultant weakening of institutions has opened rural communities to the spread of social and criminal violence.

Diverse views on the underlying causes of the violence, including implicating the apartheid state, concur that adverse socio-economic circumstances in the province have exacerbated the situation, although this is not sufficient to fully account for it (Freund, 1996: 185; Jeffrey, 1997: 8; Mare, 2000: 63). Rural violence has been linked to both control over land and poverty and therefore is often about access to resources. Vulnerable rural households have been undermined as violence has torn into the fabric of their livelihood strategies. Consequently political violence has been one of the greatest threat to the stability of development in KwaZulu-Natal in general, and in the Impendle Sub-Region in particular (Metroplan, 1998: 48). This complex cycle of conflict has been played out at various levels. These overlapping levels have created a tapestry of conflict as extreme poverty has fuelled battles for political and economic resources. These different layers will be assessed in the following sections.

**Provincial and Regional Conflict**

Between 1985 and 1998 over 12 000 people were killed in the province in violence between supporters of Inkatha (later the IFP) and the United Democratic Front (UDF), and later the unbanned ANC. The South African Institute of Race Relations estimate that 4 460 people were killed in political violence in KwaZulu-Natal between January 1993 and December 1998, with 1 489 of these killed in 1993 during the lead up to the 1994 election (ANC News Compilation, 13 January 2000). This violence flared up again in 1996 before the local government elections, subsided and then increased with the build up to the second general election in 1999. Although the more recent levels and number of fatalities were far lower than in previous years, the Independent Projects Trust maintained that even by conservative standards, political violence had reached a level in September 1998 where it could be “officially classified as a war” (Sunday Tribune, 20 September 1998).

The 1994 general election established the ANC in power in South Africa with a majority of 248 out of 400 National Assembly seats and strong control in seven out of
nine provinces. The IFP were, however, confirmed as the leaders of the KwaZulu-Natal Provincial Legislature with 50.32 percent of all votes in the province. This translated into a majority of 41 seats out of 81 in provincial government. The ANC received 32.33 percent of support or 26 seats. The AmaKhosi areas neighbouring Impendle were confirmed as overwhelmingly IFP in the 1994 general elections:

Table 5.1: Impendle District Election Results, 1994

<table>
<thead>
<tr>
<th>Vote</th>
<th>National Assembly</th>
<th>Provincial Legislature</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Votes</td>
<td>%</td>
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<tr>
<td>Total</td>
<td>59 571</td>
<td>100.00</td>
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<tr>
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<td>98.99</td>
</tr>
<tr>
<td>ANC</td>
<td>2 587</td>
<td>4.39</td>
</tr>
<tr>
<td>IFP</td>
<td>55 445</td>
<td>94.02</td>
</tr>
<tr>
<td>NP</td>
<td>529</td>
<td>0.90</td>
</tr>
<tr>
<td>DP</td>
<td>24</td>
<td>0.04</td>
</tr>
</tbody>
</table>

Source: Election Resources, 1994

Greater Impendle has been regarded as a traditional IFP stronghold since 1994. In early 1996, however, the ANC began to make small inroads of support in the area (Goodenough, 1998: 1). An ANC branch was set up in Nzinga, which lies to the north west of Impendle village in the Nxamalala Tribal Authority area. This situation remained peaceful until the ANC leader in the nearby town of Richmond, Sifiso Nkabinde, was expelled from his party under allegations of collusion with the apartheid forces. One of the two joint ANC leaders in the Impendle area, Ernest Nzimande, resigned in protest at the expulsion and joined the IFP. Tensions mounted between him and Russel Ngubu, the remaining ANC leader, until Nzimande was killed in 1997. Mangosuthu Buthezizi, leader of the IFP, suggested that the assassination was linked to Nzimande’s intention to reveal the ‘systematic assassination of IFP leaders’ in the Impendle area in the run-up to the 1996 elections (Goodenough, 1998: 2).

The IFP believed that the ANC was intent on ‘destabilising’ the areas around Impendle and Bulwer (Jeffrey, 1997: 649). In December 1995, the IFP Impendle constituency chairperson, Mgudeleni Madlala was murdered at a meeting at the Nxamalala Tribal Court. The IFP claimed that Madlala’s murder was ‘the latest in a series of political assassinations’ in an area where ‘almost the entire IFP leadership had been slain’ (Mail & Guardian, 8 December 1995). In January 1996, IFP leader and iNkosi of the Zashuke, Nyanga Ngubane survived an ambush at Stoffelton near Impendle while on his way to a meeting at Himeville.

The creation of a provincial special investigation team was proposed in 1996 to ‘get to the roots of all killings’ in the province, and its first task would be to investigate events in Impendle, where six IFP leaders had been assassinated in 1995 (Jeffrey, 1997: 648). In response to perceived apathy in the Police Services, the IFP created stronger “self-

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1 Ngubo, appointed Deputy Director of Correctional Services in KwaZulu-Natal in April 2000, was under investigation by a special police unit in May for allegedly murdering 30 of his political opponents and assassinating witnesses (Mail & Guardian, 5 May 2000). The murder of Nzimande and Mgudeleni Madlala (see following paragraph) were included in this investigation.
defence” units in the Impendle area to “protect” their leaders. An agricultural report on Impendle indicates that the local AmaKhosi appointed personal bodyguards who were armed with automatic weapons (CTD, 1995: 10). The presence of these guards was a source of fear amongst the local population.

Consequently media reports frequently identified the Impendle region as an area of intermittent unrest after the 1996 local government elections, along with Bulwer and Richmond. The close proximity of the volatile town of Richmond, where 80 people were killed between April 1997 and September 1998 (Mail & Guardian, 20 August 1999) allowed insability, in the form of refugees or killings, to spill over to the Impendle area. Richmond lies approximately twenty kilometres to the south east of Impendle.

In September 1998, it was reported that the approaching second national election had led to a steady increase in tension across the province (Johnson, 1998: 2). The provincial wings of both the ANC and IFP were engaged in a struggle for power, especially as control of the province was not a foregone conclusion. The political violence did not, however, reach the levels of the 1994 elections. The provincial results from the June 2 election for the KwaZulu-Natal provincial legislature resulted in the IFP winning 34 seats and the ANC 32 seats.

Although the IFP lost ground to the ANC in the Provincial Legislature, the main support of the party still came from the ‘poorer, more rural, more likely to be illiterate, less informed and generally socially disadvantaged’ groups (Johnson, 1999) that were largely based in the former bantustan or AmaKhosi areas. This was true for the areas surrounding the land reform farms, as the ‘Impendle valleys’ remained ‘a volatile patchwork of fiefdoms aligned to the Inkatha Freedom Party’ (Mail & Guardian, 21 July 1999; Mail & Guardian, 20 August 1999).

Despite overtures between the political parties towards a peaceful settlement and a “coalition government” after the 1999 elections, stability was not a foregone conclusion. In October 1999, the ANC called for a summit between itself and the IFP to cement ongoing efforts to establish lasting peace in the province. This peace process has been challenged on several occasions by IFP “hard-liners” who felt threatened of being submerged in an ANC alliance (Business Day, 10 January 2000).

It is clear that the Impendle area has been embroiled in the struggle for political and personal power in KwaZulu-Natal. One underlying reason for the conflict has been the struggle over the future of the AmaKhosi.

**Underlying Tensions: The IFP and the AmaKhosi**

The political rivalry between the IFP and the ANC in KwaZulu-Natal has been reflected in the political debate about the future of the AmaKhosi. This emanates from a contradiction enshrined in the Constitution: the recognition of an hereditary patriarchal system along with a bill of rights that is based on elected representative government. With a third of South Africa’s 18 million voters living in rural areas, traditional leaders have played a critical role in shaping the country’s political future as “gatekeepers” to these constituencies.

The IFP has fashioned itself as the vanguard of traditional leadership and a number of KwaZulu-Natal AmaKhosi occupy influential positions in the party. The IFP have been thus able to consolidate their power with support from the majority of the 286
AmaKhosi that control most of rural KwaZulu-Natal (Griggs, 1997: 5). They have passed legislation that reinforces the position of AmaKhosi, as the success of IFP politics is predicated largely on maintaining power relations between present authority structures and rural people. Although many AmaKhosi have become involved in politics in KwaZulu-Natal, research has indicated that many still harbour a concern for welfare and equity, rather than a preoccupation with party political questions (McIntosh et al., 1996: 344).

Mangosuthu Buthelezi is currently the leader of both the IFP and the KwaZulu-Natal House of Traditional Leaders. Buthelezi’s capacity as an iNkosi and member of the royal family allow him to assume both positions. Another indication of the interconnected social relations between the IFP and AmaKhosi is the position of iNkosi Nyanga Ngubane of the Zashuwe Tribal authority, which neighbours Impendle. He has been a central IFP leader in the Impendle area having being part of the KwaZulu government in the 1980s. After the IFP election victory in KwaZulu-Natal, he became Member of the Executive Council (MEC) for the politically powerful portfolios of Traditional and Environmental Affairs and Safety and Security. Nyanga Ngubane was listed second on the IFP provincial list after Lionel Mtshali before the second elections in 1999, indicating the strength of his support both within his district and within the IFP political structures. His role as MEC for Traditional Affairs placed him in a strategically central position of the party, as evidenced by the proceedings and debates of the provincial government (Provincial Legislature, 1998) and frequent media reports. He was to assume the role of acting premier for the province on numerous occasions in Mtshali’s absence.

The status of AmaKhosi and their relationship to the provincial government and the IFP has remained a primary source of political instability, which illustrates the political leverage and power of this alliance. This issue prompted the postponement of the local elections in KwaZulu-Natal in 1996. The IFP believed that as the AmaKhosi were traditional structures of authority in the rural areas they could serve as primary structures of local government. The ANC demanded democratically elected councils that would consult with traditional leadership. The ANC proposal that central government assume the payment of salaries to the AmaKhosi, was regarded by the IFP as a blatant attempt to undermine their support base. Nyanga Ngubane warned that the AmaKhosi would ‘lay down their lives to ensure their affairs continued to be administered by the province’ (Jeffrey, 1997: 604). This situation was inflamed by the complication of provincial and national legislation that failed to clarify and distinguish the role of traditional leaders within local government. The question around the ex-officio status of traditional leaders on Regional Councils and their role in relation to future local government, especially within the demarcation of new local government boundaries, continued to be a source of contention in the province.

The ANC has argued throughout its first term in power that, while the AmaKhosi must maintain themselves as community leaders, they should stand above politics. The ANC have, however, recognised the importance of AmaKhosi in the political relations of KwaZulu-Natal and began courting their influence (Mare, 2000: 76). The IFP thus became increasingly concerned when the ANC took over the payments of AmaKhosi in 1995, increased them before the second general elections and considered granting them

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2 The function of the House is to promote the role of traditional authorities ‘within a democratic constitutional dispensation’ to enhance unity amongst traditional communities, and to advise government on all matters relating to traditional leadership and customary law (SAIRR, 1998: 481).
pension, medical aid and death benefits (Business Day, 17 August 1999).

Another source of tension has been the relationship between the AmaKhosi and the land reform programme. The AmaKhosi are understood to be committed to existing forms of traditional tenure and to the continuation of their role in allocating land in existing tribal areas (McIntosh et al, 1996: 340). AmaKhosi have retained locally based social and political power as traditional tenure and the traditional authority system provide important access to land resources for the rural poor. Among their principal functions, AmaKhosi allocate land for residential and agricultural purposes, preside over civil and criminal cases in tribal courts, liaise with external agencies for development and preside over traditional ceremonials at the level of the tribe (Zulu, 1996: 248). Since land constitutes one of the major resources in rural areas, whoever controls it also controls rural politics. Therefore any changes in land relations have serious consequences for the future of AmaKhosi.

IFP-aligned AmaKhosi perceive DLA of using land redistribution as a means of limiting their influence. This has been a reaction to the DLA policy of instigating democratically elected Community Property Associations to administer land financed through the redistribution programme. Nyanga Ngubane argued that the ‘myriad of [land] laws erode the powers of AmaKhosi and are aimed at transforming indigenous customary land tenure systems into individual private ownership’ (Provincial Legislature, 1998: 1499). Many AmaKhosi argued that tribal areas should be expanded under land reform. This approach emanated from a strategy intended to decompress overcrowded tribal areas, as many AmaKhosi understood poverty as arising out of land shortages and significant disposessions in the past (McIntosh et al, 1996: 348). The AmaKhosi regarded the restoration of land lost through dispossession or the granting of new land as the central means of alleviating poverty, resolving disputes and remedying poor land use practices, as well as a way of extending their jurisdiction. AmaKhosi are very dependent on the function of land allocation as a source of power, a dependence that is partly the consequence of decades of neglect by the apartheid government (McIntosh et al, 1996: 355). Hence it is argued that land reform cannot be separated from politics in KwaZulu-Natal.

**Tensions and Conflict on Impendle**

The AmaKhosi at Impendle regarded the state land as a means of alleviating land pressure, of combating poverty and as a way to consolidate their jurisdiction. The Department of Agriculture (DOA) was therefore concerned that the traditional communities would not accept the establishment of “outsiders” as commercial farmers on what was regarded as historically tribal land. Pressure on the ex-labour tenants was exacerbated when stock theft and raiding increased on Impendle in 1991 (Dolny, 1994: 5). Some residents claimed to be attacked by people from KwaZulu and had consequently pleaded with Pretoria to be incorporated within South Africa and not the bantustan (Dolny, 1994: 17). Several homesteads were destroyed on Impendle, which may have been a strategy to “clear” the land for the extension of tribal areas. Many residents were scattered and moved away due to the instability in 1991 and were living as refugees in Pietermaritzburg (Dolny, 1994: 17). This conflict was repeated throughout the 1990s, as communities in the wider area were reportedly troubled by “faction fighting” that revolved around controlling economic and political resources (Daily News, 24 February 1999).
It may be significant that the surrounding AmaKhosi areas have been strongly IFP, whilst the ex-labour tenants are perceived to support the ANC. DOA identified most of the Impendle residents as belonging to the ANC as known IFP supporters moved off (Tedder, 1994: 1; CTD, 1995: 17). AFRA confirmed this as they believed that the labour tenants were supporters of the ANC as ‘their interests have never been with Ulundi’, the capital of the IFP (Ntombela, 1999: pers. comm.). Many of the Impendle residents understood their broader Constitutional rights through AFRA and were determined to retain their independence from the AmaKhosi. This was evident in a questionnaire conducted in 1999, which confirmed that the majority of tenants wanted individual title or self-managed Communal Property Associations to hold their plots (AFRA/DLA, 1999). This politicisation had potential ramifications for local stability, especially in the context of a region where violent attacks were often politically motivated.

The underlying context of poverty and potential conflict made the resolution of the land issue a more difficult undertaking for DLA, as land reform cannot be separated from these multiple layers of tensions. Within this context, the remainder of the paper will evaluate the various sites of conflict at the local level. In particular, the implications for securing land-based livelihoods will be evaluated.

The Bhidla Land Claim

Several significant tribal land claims have been made by tribal authorities for sections of Impendle in the period 1994 to 1999 that have severely constrained DLA attempts to finalise a land settlement. The Bhidla land claim has been potentially contentious.

The Bhidla restitution claim was to have far-reaching affects at Impendle and created a situation of ‘potential violence’ in the area that had to be carefully handled by DLA (Ntombela, 1999: pers. comm.). The moment a land claim was gazetted, all alterations, improvements and land transactions were banned under the Restitution Act unless permission was obtained from the Land Claims Commissioner. This indicates that delays in finalising restitution cases potentially affected other land reform initiatives. The finalisation of the Impendle project depended on the Commission’s decision on the Bhidla claim.

The Bhidla Tribal Authority approached DLA in June 1995 to challenge the AmaQadi’s claim to a large area of Impendle. The Bhidla were concerned that DLA would support the claim of the ‘acting iNkosi’ Ngcobo when they maintained that all state land fell under iNkosi Dhlamini. Their intention was to ‘avoid confrontation in the future’ over historical jurisdiction of the same land (Dhlamini, 1995).

In June 1996, Dhlamini wrote to DLA claiming that residents on Impendle and neighbouring commercial farms had been ‘humiliated’ by white farmers and been denied access to firewood and other natural resources whilst the farmers ‘destroyed nature’ themselves (Dhlamini, 1996). He requested that DLA intervene immediately and help ‘resolve the ownership’ issue of both the state and commercial land. Apart from highlighting issues around access to natural resources and human rights abuses, the Bhidla also claimed ownership of these areas because they held the graves of their AmaKhosi and the ‘accepted jurisdiction’ of the workers residing on the neighbouring farms. The site of the graves is particularly important as traditional communities have a need to communicate with, give libations to and tend ancestral graves in order to secure
of other issues about the restitution programme. Du Toit has argued elsewhere that restitution backlogs could subsume other land reform priorities by default, as they would have budgetary consequences of court awards (1999: 7). A successful Bhidla claim would prove to be very expensive for the DLA if all the claimed farms, alternative land or monetary compensation were judged necessary for redress. This is a major outstanding issue for DLA as they embark upon settling 63,455 unresolved restitution claims.

The Bhidla claim has raised important issues about the jurisdiction of AmaKhosi and the effects of this on land reform. In other areas of KwaZulu-Natal it became evident that when land became available for redistribution, different tribal groups could not simply move onto the jurisdiction of other AmaKhosi without acknowledging their authority. Tribal jurisdiction often extended onto commercial land beyond their boundaries, an issue that farmers had to negotiate when employing workers. This was evident at Impendle as the Bhidla regarded the surrounding area as their jurisdiction despite having no legal land rights outside of their tribal land. The perceived existence of these boundaries constituted a conflict risk for other land reform beneficiaries.

The Bhidla case also indicates that the claimants’ only role in restitution was to make the claim and then to wait for the processes to take their course until it was vindicated or rejected. In the meantime, the “wounds of apartheid and colonialism” were re-opened and fresh hopes raised. If the claim was rejected, as in the likelihood of the Bhidla, a further sense of injustice could be engendered. This is especially important in KwaZulu-Natal as the DLA and the ANC central government could be seen to be the new perpetrators. If ex-labour tenants refused to acknowledge Dhlamini and eventually gained rights to Impendle, this could deepen resentment and damage relations in the area. This situation exemplifies the potential dangers of land reform in a volatile province.

The Resident Groups on Impendle

The following section describes the second main site of struggle that has been identified at Impendle and its effects on land relations. It has been argued that the structures for allocating land constitute “an extended hierarchy of patron-client relations reaching from the [national] DLA through provincial officials via NGOs to Community Based Organisations to the rural people seeking access to land (Williams et al, 1998: 84). Although DLA targets the “marginalised and the needs of women in particular”, in practice benefits are more likely to go to those with ‘literacy, money, transport, political contacts and the ability to submit and continue pressing their claims’ (Muray, 1996; Williams et al, 1998: 84). Examples of this type of patron-client relationship have been evident on Impendle. AFRA has been working closely with ex-labour tenants belonging to ITF who have benefited from immediate information about policy directives and opportunities. For example, the “Working for Water” programme instigated by the Department of Water Affairs and Forestry on Impendle was dominated by ITF members. The implications of this unequal access to development resources and the distinct interests that fracture communities are important for the overall impact of the land policy at Impendle.

The Impendle residents have argued that they should be given first preference to the land (Hornby and Ntombela, 1997: 8). However, these residents have not constituted one unified group as they have been divided between those represented by the ITF and those who relied upon DLA to accommodate them. Some Impendle residents even denied
health and freedom from ancestrally derived misfortune (James, 2000: 157). The possibility of violence was raised to add impetus to this claim (Dhlamini, 1996).

In October 1996, Dhlamini lodged an official claim with the Commission of Restitution of Land Rights for approximately 53 farms, seven of which fell within the East Block of Impendle, including the most densely populated areas. AFRA began negotiating with the Bhidla in an attempt to lobby them into taking the redistribution route as their claim effected members of ITT. They feared that the claim would delay the redistribution process although they believed it would ultimately be unsuccessful.

In 1997, DLA consulted with Dhlamini in order to explain the two options of acquiring land under the policy (AFRA, 1997). They shared AFRA’s concern about the time-consuming nature of restitution and attempted to persuade the tribe to apply for redistributed land. DLA believed that the stringent criteria of the Commission, particularly the 1913 cut-off date would negate the claim. As this was potentially confrontational, DLA argued that the redistribution route would be a better means of acquiring land in a negotiated settlement that would avoid conflict with other stakeholders. Dhlamini, however, was intent on restitution, as the tribe believed their claim was justified and because they also probably stood to gain more territory from restitution than from a redistribution process. As DLA realised that the claim could delay the entire redistribution project for years, they requested the Commission to respond urgently despite the large backlog of cases in the province. The lodging of the claim proved to be a significant resource for the Bhidla to halt opposing land claims by other stakeholders.

Paul Botha, who had conducted the 1994 DOA research into the AmaQadi claim, believed that the Bhidla would be unsuccessful because his investigation confirmed the entire area as being owned by white settlers from the 1850s (1999: pers. comm.). Most of the claimed properties were surveyed as Crown Lands in 1850 for the purpose of granting them to colonial farmers. This challenged the Bhidla claim of dispossession in 1917, as it would have been unlikely that surveyed farms would have vested in the tribe 70 years after been demarcated. Botha alluded to several colonial gravestones in the Byrne area, a major component of the Bhidla claim, which attested to white settlement of much of the area in the nineteenth century (1999: pers. comm.). The Commission confirmed this as the oral history of the Bhidla acknowledged that the ‘whites came to Bulwer’ in about the 1840s (Mzaliya, 1999: 3). This issue reflected a concern of the KwaZulu-Natal House of Traditional Leaders that argued that land claims should go beyond 1913 as the ‘Zulu people’ had been effectively dispossessed in the colonial period (DCD, 1997: 13).

The Commission believed that the Bhidla could only claim individual secondary rights to these farms as members of the tribe would have worked or lived as beneficiary occupants on the farms rather than the tribe having primary or ownership rights under apartheid land legislation. This view was largely confirmed by the Commission’s research, which verified that ‘the evidence gathered did not indicate that the tribe lost any rights in land’ (Mzaliya, 1999: 1). By December 1999, the Bhidla claim had not been conclusively resolved, as the Commission could not locate archival files in Pretoria, which contained details of the tribal history. These were needed to confirm dates of dispossession of the few remaining farms inconclusively researched. The result had been verified as having been under private individual ownership by 1913.

Apart from delaying the redistribution processes, the Bhidla claim reveals a number
knowledge of the existence of ITF. Through their connections to land activists, ITF has been able to influence some of the processes unfolding.

Having been charged with facilitating community participation to ‘avoid latent conflict’ in the development process in 1998, Metroplan Consultants sought to set up dialogue with ITF, non-ITF and tribal communities. However, ITF informed Metroplan that they were opposed to the inclusion of other stakeholders in preparing the Development Framework. They demanded that others be accommodated only after ITF members had been settled onto allocated land. ITF were suspicious of Metroplan, refused to accept their arguments about broad consultation and believed that the consultants were ‘making money out of their poverty’ (Ntombela, 1999; pers. comm.).

DLA met with ITF to attempt to resolve this issue. ITF informed DLA that they were ‘very concerned about the AmaKhosi’ and requested that AFRA conduct the research as they feared they would be marginalised by Metroplan in the process (Bhengu, 1998). They felt that they had been ‘discriminated against’ as the new research was highlighting alternative perspectives and consulting communities that already possessed land. ITF argued that enough research had been done, and that ‘it was time for delivery’ (Bhengu, 1998). DLA persuaded ITF that other stakeholders needed to be accommodated by emphasising the potential for violence if there was no consultation.

There was evident differentiation within ITF itself as some members were able to dominate the organisation. A few ITF members, particularly the spokespersons, derived particular benefits from their positions as “gatekeepers” to the residents. The ITF spokesperson for Furth Farm was able to use his position to lobby MNAC for land that he claimed was given to his father by the original white owner. Other leaders benefited extensively from training and capacity building workshops facilitated by AFRA and DLA as these were only attended by some ITF members, which created significant resentment. In 1997, AFRA indicated concern about certain people dominating proceedings and questioned the democratic nature of some of the committees which was dominated by a few men (Hornby and Ntombela, 1997: 10).

There has been further evidence of rifts within ITF as different members have pursued their own interests within the organisation. In March 1999, a member of ITF informed a meeting with Metroplan that he had received the title deed for his land on Deepdale. This caused friction as the claimant was regarded as being ‘favoured’ by DLA. In order to quieten the situation, DLA instructed the claimant’s attorney to clarify the short-term lease agreement that he possessed. This incident illustrated the claimant’s ability to mobilise resources for an attorney, something beyond the reach of the majority of ITF. He also had the confidence to meet with DLA on frequent occasions to press his claim to land and even to threaten officials.

In 1995, the same claimant requested that DLA, as representatives of the new government, allocate land in Deepdale, part of Claremont (Dagenham) and Sundown farms as ‘reasonable payment or compensation’ for his effort in ‘the struggle against apartheid’ (Frayne, 1995). He claimed to have stopped the KwaZulu government from taking control of Impendle because in 1989 he had openly opposed the evictions of the ex-labour tenants to make way for ‘KwaZulu farmers’ (Tedder, 1989). The claimant had confronted officials and warned the AmaKhosi to ‘move away from the farms’. This led to a KwaZulu official threatening to mobilise ‘the chiefs if people caused trouble’. The claimant argued that shots had been fired through his house after this incident (Tedder, 1990).
The claimant remained a source of tension on Deepdale and within ITF, as a constant reminder of the diverse interests within the organisation. By implication, DLA has had to be aware of the heterogeneity of interests within this stakeholder group. The “capture” of land reform benefits by better-connected individuals or groups was a potential problem for long-term sustainability.

Boundary Disputes at Impendle Nature Reserve

The third main site of conflict identified at Impendle has concerned the boundaries of the proposed nature reserve which encompassed 7 000 hectares of Impendle and the access to natural resources on this land.

The boundaries became a site of struggle between Nature Conservation and various residents neighbouring the area. In 1996, the Natal Parks Board (NPB) requested DLA to consider the proclamation of the reserve as a priority as they ‘were no longer able to manage the proposed areas effectively without the legal status’ guaranteed by the state (Wood, 1996b). The conservation potential of the area was deteriorating, as NPB had no budgetary means of effective control over the natural resources. The KwaZulu-Natal Department of Traditional and Environmental Affairs supported the transfer to the newly constituted Nature Conservation Services in order to justify further investments into the area.

DLA stated that ‘they had no objection in principle to the proclamation’ but that the registration of land needs and negotiations of land use may need further attention’ (Wood, 1996a). The Nature Conservation Services regarded the staff changes at DLA and the general lack of direction in the Impendle reform between 1996 and 1998 as the major reason for the lack of attention to the proclamation, which continued to create ‘confusion and frustrating delays’ (Smith, 1998: pers. comm.).

In 1998, it was resolved that DLA and NCS would attempt to finalise the proclamation to ensure that no discrepancy arose between the conservation area and the land reform process. According to proclamation procedures, the area first was to be clearly demarcated and all disputes around boundaries resolved. Although NCS was defined as the legal holding department of the reserve, DLA could only recommend the proclamation to the Minister when all neighbouring communities had a formal agreement with the conservation body.

The outstanding issue was therefore whether the neighbouring communities recognised and accepted the reserve demarcations. NCS claimed to have a ‘record of understanding’ between themselves and the various neighbouring local communities (Mchnunu, 1999). This understanding was in line with the “community conservation” approach adopted by NCS. It allowed residents to access the area for natural resources with permission and NCS agreed to utilise local labour and to assist communities with development. All visitors to the reserve would pay a community levy and NCS intended to educate the local residents, especially the children, about the relationship between Zulu culture and the natural environment. Mchnunu of NCS promised the ‘substantial utilisation of natural resources, such as thatch, grass, firewood, medicinal plants, and low-priced bush-meat’ as part of the agreement to establish a ‘community-owned nature reserve’ (Mchnunu, 1999). In addition, a local craft centre was to be established along the Bulwer road to facilitate the sale of indigenous work to tourists.

With these intentions in mind, NCS sought a to formalise their agreements with the
local residents. A boundary meeting in January 1999 enabled Mchunu to present these benefits to neighbouring residents, all members of ITF. The communities of Rosedale farm agreed that the NCS intentions would be beneficial but argued that the establishment of the conservation area had caused them difficulties in the past. The Rosedale community claimed to have been forcibly removed without compensation and to have been treated in an ‘unfriendly’ manner by NCS officials (NCS, 1999). Their greatest concern was a lack of grazing for their livestock and they indicated that other employment promises had been made but only three people had been involved in the large workforce employed by NCS. They claimed, for example, that when the boundary fence was laid, a contractor with outside staff was hired. These incidents revealed the distrust between NCS and the Rosedale residents in particular.

The Rosedale residents were concerned that a significant proportion of their land had been taken by the reserve, which had been important for ‘spiritual, historical, farming and survival reasons’ (NCS, 1999). They wanted this land returned, the fence relocated further back into the valley and refused to consider alternative compensation. These were unacceptable demands for NCS as they severely limited the reserve area. The meeting resulted in an impasse and the Rosedale residents threatened to take the issue to the Land Claims Court. This was impossible in early 1999 as the cut-off date for all land restitution claims had been 31 December 1998. The NCS claimed that they had informed the community about the cut-off date in January 1998 but no responsive had been forthcoming. The Legal Aid Board, set up by the government to provide legal representation for the poor, was unable to help the residents take the matter to court as they were facing severe financial difficulties. The only recourse open to Rosedale was to negotiate with NCS.

Although the nature reserve boundaries were confirmed by DLA on various regional maps, the proclamation could not proceed as the Rosedale community refused to accept the demarcations claiming they had been ‘shifted to their disadvantage’ (Martin, 1998, 1). In anticipation of a prolonged conflict over who had rights to the land, NPB had re-fenced portions of the reserve in 1994. Mchunu was therefore adamant that this community had actually gained more land than enclosed by the original boundary. Other NCS officials believed that the community was deliberately stalling the process to gain additional land even though they had no legitimate land claim (Smith, 1998: pers. comm.). In contrast, the residents of the farms Camden and Clayborn accepted the NCS agreement and boundary demarcation (NCS, 1999).

Conservation and Community Needs

The boundary dispute hinged on the crucial issue of recognising rights of access. The fencing in 1994 essentially ignored the rights of people living on and utilising the land. This enclosure of natural resources would be defined as an eviction under recent tenure legislation as this barred local residents from their land rights. Under the Extension of Security of Tenure, Act 62 of 1997 (ESTA) a group of people who lived on a property for one year without being moved acquired the right to using that land. NCS were therefore required to conduct a rights enquiry at Rosedale before they could fence their boundaries and thereby finalise the proclamation.

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3 This closing date for restitution claims was extended from 1 May 1998 after lobbying by National Land Committee.
In the meantime tensions mounted over access to the natural resources. People from the AmanGwane Tribal Authority area had been caught “poach grazing”, a feature of many disputes between commercial farmers and tribal areas in KwaZulu-Natal, and several incidents of natural resource “theft” and illegal land use were reported. There were numerous “hunting dog incidents” on the reserve, which led to increased tension between neighbouring tribal areas and NCS. The KwaZulu-Natal hunting season during the winter months usually resulted in conflict between landowners and traditional hunters characterised by ‘destroyed hunting dogs, imprisoned poachers, human death and communities at each others’ throats’ (Mail & Guardian, 21 July 1999). This tension between NCS and hunters from both the tribal areas and Impendle was underpinned by conflict over the right of access to the natural resource base.

The process of consultation embarked upon by NCS seemed to offer the only reasonable means of securing a resolution. A recent development is a case in point. A KwaZulu-Natal farmer in the iNdlovu Region has opened up his land to a local dog-hunting association of traditional hunters, for three hunts a year under mutually acceptable conditions. This resulted in improving social relations in the area to the extent that Smythe, the NCS conservator for Impendle, believed that the concept needed to be marketed to other landowners (Mail & Guardian, 21 July 1999). The tensions between NCS and local communities could only be resolved through creative arrangements that balanced between conservation and community needs.

Conclusions

This paper has indicated the immense difficulties that have faced DLA in its attempts to implement land reform at Impendle and shown that land cannot be assessed in economic terms alone. The central point has been that these tensions and conflicts have created a convoluted target area for the land policy, especially in the context of political violence. The terrain of dispute is potentially explosive in this context. This substantiates the contention that DLA has been forced to adopt a “holding operation” for the complex situation at Impendle. The response to situations to demonstrate responsibility is a result of the weak administrative capacity of DLA and the time-consuming process of designing policy that is in line with reality.

This paper has shown that the over-stretched DLA has attempted to manage a crisis of conflict at Impendle by adjudicating boundary disputes and opposing land claims, which are grounded in a complex political reality. Multiple tensions have had to be balanced in order to stop conflict from erupting. The multiplicity of stakeholders and tensions between and within groups suggests that conflict management through consensual negotiation is important. However, this is a very difficult undertaking in circumstances of mistrust and fear and in situations of social differentiation, contrasting agendas and struggles for control. Community participation can lead to as much conflict as it can to compromise. Participation amongst stakeholders does serve to legitimise policy decisions and therefore could be used as a strategy to implement the programme. This has been endeavoured by DLA, in contrast to the processes before 1994, although capacity constraints have limited their ability to finalise issues.

DLA have been forced to rely on the administrative capability of DOA as a direct result of their capacity problems. Some DLA officials believed that the underlying conflict at Impendle required the establishment of a full-time unit at the site. With current staff shortages, however, this seemed unlikely. As a result of these constraints, DLA were
forced to manage relations at Impendle as best they could in order to facilitate land reform in the future rather than concentrate on the core business immediately. This also indicates the important role of AFRA as facilitators of local decision making, so long as their agenda was acknowledged by DLA.

This “holding operation” would have to continue to take cognisance of broader political developments in the country, as debates around AmaKhosi intensified and the government began to focus on the rapid delivery of development. As long as the capacity of local government remained weak in terms of implementing the development vision of Pretoria, DLA would continue to need to clarify groups and individual territorial rights, adjudicate boundary disputes and engender an enabling environment for economic development and livelihood creation to occur. DLA would continue to “put out fires” as the land reform programme settled into the larger vision of the government.

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