



iBandla nomHlaba

News from the Church Land Programme



Women and Land: Stories from the ground

South Africa's Constitution Act 108 of 1996 states that women have rights, including the right to own and use land (Section 9, Subsections 3 and 4 and Section 25, Subsections 1 and 6). This is because many women and their children depend on the land to survive – the land is their 'income'. Even though this right to land is written on paper, history has proved that we must be aware, analytical and critical when it comes to land in South Africa. We cannot take things for granted.

This newsletter looks at what is really happening to women and their children who are living on the land. It looks at how women's rights to land are being violated, and women are being acted against violently. It tells the stories of how their rights are violated when others try to force them off the land. These are stories from 'the ground' and not from 'the top'. It also calls us to stand with women as they protect their right to use and own the land which they have occupied for many years.

Mrs Ngema from Dingaansat, KwaZulu-Natal

Even after working hard for thirty years as a labour tenant, Mrs Khulelaphi Ngema, a widow who lives on a farm, has only eight cattle, a few chickens and some goats, no access to water, sanitation or electricity. She has lived on the same piece of land for most of her life, but she is not allowed to build herself a proper house, and lives in a mud hut. The farm is owned by a church, and Mrs Ngema was a 'labour-tenant' i.e. working full-time without pay for all those years. Wages came in the form of land rights: grazing rights and the right to erect a hut. In 2004, some of Mrs Ngema's cattle were impounded and sold because the farmer looking after the church's land



After over thirty years of being a labour tenant, Mrs Ngema is under pressure to leave her house and land.

was not happy with the number of them, and now Mrs Ngema has had to ask friends and relatives to keep her cattle for her.

Now the church is pressurising Mrs Ngema to find a new place to live. This is because they are planning on selling the land to the AMAFA/Heritage Association. This is a tourism project linked to big businesses and the government, and it wants a large piece of land in the area. This affects a number of households from six different farms as well as a junior primary school – all are under pressure to move off the land on which they have been for generations. This is being done in spite of the fact that some of these families have put in land claims through the Department of Land Affairs (DLA). Mrs Ngema has nowhere to go, and together with her children has joined a network of farm dwellers from the area and further afield to provide support to each other when under threat.

Mrs Ngema has the following to say: "We cannot continue with our lives. We would like to put up new structures around our home, but because of the uncertainty we cannot, because we are not sure if these will be removed. My cattle are being kept at the other farms, and now that AMAFA has put a fence around these farms, my beasts seem further away than ever."

Mrs Mke from Kennedy Road, Durban

Women living in shacks in the Kennedy Road area of Durban are working together with other shack dwellers to fight for their right to housing and land. In September last year, after the chairperson and deputy chairperson of the *Abahlali baseMjondolo* were unjustly assaulted and imprisoned, more than 500 people squeezed in and around the community hall waiting to hear what would happen next. An SMS was sent to people at the police station to see if bail was possible. The police said that there would be no bail. When this was conveyed to the meeting a group of women in the front decided to march to the police station.

Within minutes of people getting onto the road to march the police arrived. They gave no warnings to disperse, and began shooting with rubber bullets and live ammunition. They even used live ammunition in the hall. Anyone on the road or even moving between the shacks was shot at.

A woman in her 50s, Mrs Nondumiso Mke was shot in her right leg, and also bruised. She managed to make it to the Kennedy Road office under the hall where she got some assistance. Friends took her to the hospital, and later she underwent surgery to have the bullet removed from her leg. Mrs Mke was shot at without provocation, and she did not in any way pose a threat or any danger to the police at the time. Consequently she has lodged a civil claim against the police for attempted murder.

Mrs Mke was marching and demonstrating peacefully, but was still shot by the police. The Constitution states in Section 17 that "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions." The Regulation of Gatherings Act No 205 of 1993 ("Gatherings Act") gives effect to this fundamental right. Section 5 (1) of the Regulation of Gatherings Act only permits the prohibition of a gathering (or march, in this instance) if there is a "... threat that a proposed gathering will result in serious disruption of vehicular or pedestrian traffic, injury to participants in the gathering or other persons, or extensive damage to property, and that the Police and the traffic officers in question will not be able to contain this threat..."

Gogo Masikane from Rietvlei, KwaZulu-Natal

More than sixty years ago Gogo Masikane, and her husband became labour tenants on a farm in Rietvlei near Greytown. This arrangement carried on for many years, and for many different farmers as the farm changed hands. In 2002 a new farmer bought the farm and informed the Masikane family that he was not willing to employ them. He also forced them to get rid of their cattle, and told them to cease farming their crops. He further stopped their water pipe, demolished their house, and locked the door to the small home which was all they had left. Currently there are four adults and some children living in a two room house.

In June last year, the farmer visited the home of the Masikane family, and set a dog on family members. He also ran over Gogo Masikane with a motorbike, in what was a deliberate attempt to assault her, given that she was elderly and blind. Later she died from the injuries. Her death meant that not only did the family lose their head, but also the pension grant which was paying for the children's school fees. The children are thus not attending school any longer.

When the Masikane family wished to lay Gogo Masikane to rest beside her late husband, they were denied burial rights by the farmer. After acquiring a court interdict with the help of the KZN Land Legal Cluster, the family were then allowed to bury their mother. The day after the burial, the farmer assaulted Mr Masikane, the son of the deceased, and he now walks with a limp. The story of Gogo Irene Masikane is a sad one, and an ongoing struggle for justice, as the family have laid a number of cases against the farmer and wait for further assistance in their fight. Gogo Masikane's life is an example of how women's rights are violated to the point of death, and the reason is often their right to land.

The Labour Tenants Act 3 of 1996 "provides for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants; to provide for the acquisition of land and rights in land by labour tenants; and to provide for matters connected therewith." Section 6 of the same Act, says that the owner of a property (in this case the church) is not under any duty to support the eviction of a labour tenant (Mrs Ngema) when pressurised to do so by another person or institution (in this case AMAFA).

Gogo Masikane was treated and punished in a cruel, inhuman and degrading way, and this led to her death.

The Constitution states in Section 12, Subsection 1 (c), (d) and (e) that "Everyone has the right to freedom and security of the person, which includes the right to be free from all forms of violence from either public or private sources; not to be tortured in any way and not to be treated or punished in a cruel, inhuman or degrading way."

Right: The family of Gogo Masikane



Ten things we can do about Women's Land Rights

How can a community or a group of women stand up for their right to land, and make sure these are not violated? These are some of the ways to get started:

1. Women can find strength within themselves to talk to each other about land violations which may be taking place. Talking helps us to find strength and the courage to act.
2. Women can get together, get organised and take action. There are a growing number of women activists fighting for their land rights in South Africa.
3. Women do not have to wait for the authorities or the men in a community to take action against land rights violations. We can do it for ourselves.
4. We as women can get informed about our rights which are in the Constitution and the Bill of Rights.
5. We need to think about what we believe: do we truly believe that we as women are entitled to own land in our own name?
6. Women living on farms and the land of their ancestors have every right to continue living on that land.
7. Women can take action to defend their rights, including the right to land. In the face of opposition we do not give up.
8. Women can build relationships and consolidate with other women. Don't act on your own.
9. There are resources that can be used by women to strengthen the struggle for land. We can get informed about these.
10. If we have access to a telephone, we can get help from agencies such as the Freedom of Expression Institute (011-403-8403); KZN Land Legal Cluster (033-345-7607); and the Legal Resources Centre (031-301-7572).



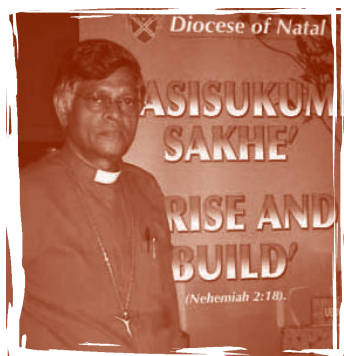
What Church Leaders are Saying

"The injustices against women land owners in South Africa are unacceptable. We as the District of Natal Coastal of the Methodist Church of Southern Africa condemn these atrocities, and give our full support to women whose land tenure is under threat. It is my desire that Christians throughout the country offer refuge to violated women and stand in solidarity with them."

Bishop Purity Malinga
District of Natal Coastal, Methodist Church of South Africa
Senior Vice President: SACC

"The acts of violence and intimidation committed against women and especially women land owners in South Africa are to be condemned. We as the Anglican Diocese of Natal (CPSA) stand in solidarity with women whose land tenure is under threat – they have our full support. It is my desire that churches throughout the country will be places of refuge for women and will stand in solidarity with them in their on-going struggle to secure land tenure."

Bishop Ruben Phillip
Diocese of Natal
Church of the Province of South Africa (Anglican)



"Basing itself firmly on the example and teaching of our Lord Jesus Christ and in the spirit of Pope Benedict XVI's commitment to work for peace and reconciliation, the Catholic Church in KwaZulu-Natal condemns the use of violence and intimidation against women, especially women land owners. We stand firmly with women and men whose tenure of land and property is under threat, and call on all in leadership in the Catholic Church to ensure that our Churches throughout the country are places of refuge for those whose rights are being violated in any way. Let our solidarity with the poor and needy always have a visible face."

Wilfrid Cardinal Napier OFM
Archbishop of Durban
President: Southern African Catholic Bishops' Conference



You the Heroine (Wena Qhawekazi)

by Mthutheni G F Dlamini

*You left us
You left us twittering like chickens
You left us shocked
We saw an eagle whisking you off
Our hopes vanished
We told ourselves it was the end
We never knew that you, Depth of
knowledge, knew better
You ran to uMgungundlovu
The legal experts and authorities
rumbled
They armed themselves with legal
expertise
They charged and marched on to fight
the table war*

*Through your knowledge that surpasses
ours you never ended there you
continued to touch even Durban and it
rumbled too.
We thought you were uneducated yet
you commanded master knowledge
completely
You even reached Bloemfontein and
parliament quivered*

*By virtue of your descendancy you have
become a heroine
You fought Bhambatha's war,
granddaughter of Bhambatha
Among the dead you never rested in
peace
You slept among them in order to wake
up those sleeping
You fought from the dead yet you were
the living-dead*

*Today we reap the fruits of heroism
That you the heroine have demonstrated
Rest among those resting in peace but
never fall asleep
Rest with the ancestors' spirit not with
drowsiness
You heroine, the descendant of Manciza*

This poem was written by the son of the late Mrs Getrude Ntombi Dlamini of Fawnleas in the KwaZulu-Natal Midlands. The family of Mrs Dlamini were denied the right to bury their mother on the farm land where they have lived for generations. After fighting their case in the Constitutional Court in Bloemfontein, this right was given to the family, and on 7 October 2006 the body of Mrs Dlamini was re-interred to her rightful burial place. Even in her death Mrs Dlamini was fighting for her right to the land.

What You Are Saying

What is your story about women's land rights that have been violated? We want to hear from you. If you or your community would like to tell us your story or send us your comments, you may write to us at:

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