



Foreign and Commonwealth Office

London SW1A 2AH

29 May 1985

Prime Minister:

The FCS recommends that we should let the correspondence with President Botha rest with his recent letter.

Dear Charles,

South Africa

Thank you for your letter of 7 May enclosing President Botha's reply to the Prime Minister's letter of 4 April. Agree?

President Botha's letter responds on all three of the issues raised by the Prime Minister (Mozambique, forced removals and internal affairs). About half of the letter is concerned with the steps the South Africans have taken in implementation of the Nkomati Accord. Looked at together they make a reasonable case, especially the most recent measures to stop arms smuggling to RENAMO and helping to protect certain installations within Mozambique. It is a pity that these actions were not taken earlier but they should now have gone some way to allaying President Machel's fears about the South African attitude which he expressed directly to the Prime Minister in Moscow. Or 375

More recently there has been some improvement in the security situation around Maputo, though the overall situation is still bad. There is some justification for President Botha's call for greater help from Western countries. For our part, we hope to disburse over £8 million (excluding food aid) in 1985/86 and, as you will know, are discussing with the Ministry of Defence how we might respond, within our limited resources, to President Machel's request for assistance to the Mozambican armed forces. We have also urged our partners to do likewise, though so far the response has been limited. When our Ambassador in Maputo saw President Machel on 13 May, the latter expressed gratitude for our diplomatic activities in support of Mozambique. He also said that Mr Pik Botha had told him of the Prime Minister's recent exchanges with President Botha, and that the South Africans too were appreciative of our efforts.

On the internal front, President Botha not unexpectedly blames the ANC for continuing urban violence. He asserts that this violence is planned in the ANC's London Office and urges the Prime Minister to take appropriate measures to prevent such activity. This is a question which the South Africans

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have raised regularly with us in recent years. President Botha himself did so at Chequers. When Ambassador Worrall called on the Foreign Secretary on 25 April he urged us to reconsider our tolerance of the ANC's activities in London. In September 1983 the South Africans formally asked us to close the ANC's Office here. This is a difficult and emotive problem, similar to that which we face over foreign exiles generally. You are aware that there has been correspondence about the particular case of Joe Slovo, a leading ANC military figure, but the Home Secretary has decided that the grounds for action against him are inadequate. The fact is that, Slovo apart, we have no evidence, nor have the South Africans produced any, that would justify taking action against ANC members in the UK.

Lastly, President Botha's reply is reasonably reassuring on KwaNgema. He refers to a paper on the KwaNgema and Driefontein cases recently passed to us by the South African Embassy. This (copy enclosed) states that when the dam which threatens the lands of those two communities is full, land occupied by 169 out of the 289 families at KwaNgema will be under water. It sets out health and infrastructure reasons for moving at least part of both these communities. President Botha's letter implies that only 27 families at KwaNgema and 83 at Driefontein are required to move, adding that land or cash payments will be offered as compensation. Separate reports from our Embassy are also more encouraging. The Deputy Minister of Land and Development Affairs has told them that he has had three meetings recently with the communities of KwaNgema and Driefontein and accepts that the overwhelming majority of the people do not wish to move. Discussions are to continue over compensation for the land that has been flooded. The forced removal of these communities thus now seems less likely, though there is still an element of doubt about this. We shall, of course, continue to keep a close watch on developments affecting these communities.

In your subsequent letter of 9 May, you mentioned that the Prime Minister might wish to reply to President Botha after a little time had lapsed. Although we are anxious to maintain this correspondence, the Foreign Secretary is inclined to recommend against a further letter for the time being. At present there is little to say in response to the points made by President Botha; while the Foreign Secretary sees advantage in maintaining the momentum of these exchanges by letters at

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fairly regular intervals, they will make more impact if they are sent when there is something substantive to say.

Yours ever,

Colin Budd

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Private Secretary

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KwaNgema and Driefontein

INTRODUCTION

These two communities near Piet Retief in the South-Eastern Transvaal have been in the news lately inter alia because of the need to relocate their inhabitants elsewhere. The proposed resettlements have, in fact, been the subject of some controversy. The aim of the present paper is to place them in context, thereby eliminating their controversial aspects.

SUSPENSION OF GENERAL POLICY OF REMOVALS

While both the State President and the Minister of Co-operation and Development have indicated, the latter as recently as last week during a United States television program, that the policy of removals in general has been suspended pending further negotiations with the communities concerned, there is a compelling reason to relocate at least part of the Kwangema and Driefontein Communities as soon as possible.

COMPELLING REASON TO RESETTLE RESIDENTS OF KWANGEMA AND DRIEFONTEIN

This is the Heyshope Dam, whose steady filling will soon see part of the ground occupied by the communities permanently inundated.

When completed, the Heyshope Dam will be an important part of the Usutu-Vaal chain of dams which will provide water to SASOL II and III as well as to a number of ESCOM power stations in the Eastern Highveld. It is the first in a series of five possible dams comprising the second phase of the Usutu-Vaal Scheme. The first phase of the project, the Grootdraai Dam, is already

inadequate and urgently needs to be supplemented. The strategic and economic importance of SASOL and ESCOM, together with the urgent necessity for an additional supply of water to the Grootdraai Dam, compelled the Authorities to give priority to the construction of the Heyshope Dam. Even so, the yield of the Heyshope Dam will be sufficient only until 1988, whereupon the next dam in the series will have to be completed.

The level of the dam is now past the 12% mark. When it is full, the land occupied by about 169 families out of approximately 280 families (some 1820 people) at Kwangema, which make up the Ngema family, will be under water. So far twenty-seven families have been moved to higher ground. Even the dead are affected. Thus the grave of the founder of the Ngema Clan, Stuurman, is already below the flood level and his remains will have to be moved along with other remains in the present graveyard.

HEALTH REQUIREMENTS

If the dam is the most immediate reason for its resettlement, the health requirements of the Kwangema community and its children are equally compelling in the long term. The lack of potable water is an on-going cause of concern. The main source of water in the area is the Assegai River and its tributaries, which pose a threat to health, illustrated by recent outbreaks of cholera. Medical facilities are far from adequate. Emergency services are not available on the spot. While the Ermelo division of the Provincial Health Service visits the area to tend minor health problems and to apply preventive programs,

the nearest hospital or medical clinic is at Piet Retief.

POOR INFRASTRUCTURAL FACILITIES

Educational and other infrastructural facilities are also poor. The six-classroom school is inadequate for the community's needs. Roads are eroded. Some were washed away by cyclone Domoina early in 1984. A visit to the area confirms that the community is unable to provide even the most basic services required for a decent standard of living. Any hope of improvement is negated by a relatively high birthrate as well as increases due to an influx of squatters.

COMPENSATORY LAND FOR KWANGEMA RESIDENTS

Negotiations for the community's resettlement have been conducted with Kwangema leaders since April 1981. Because additional land to resettle the entire community is not available at Kwangema itself, two other areas were identified as compensatory land: Babanango in Northern Natal, due to become part of the KwaZulu self-governing national state, and part of Kwangwane national state, near Oshoek/Lochiel at the Swaziland border.

PEOPLE CHOOSE OSHOEK/LOCHIEL

In December 1983 both areas were shown to representatives of the Kwangema people, then under the leadership of Gabriel Ngema. Both were found acceptable, but the people opted for Oshoek/Lochiel on account of the strong ties which had developed over the years between the Ngemas and the Swazis and because this area was better situated in relation to the Pretoria-

Witwatersrand-Vereeniging triangle where many of the male members of the community earn their living.

KWANGEMA

KwaNgema consists of 4349.4 ha. of moderately fertile land between Piet Retief and Wakkerstroom in the South-Eastern Transvaal. Farming activity is limited to a few hectares of maize production. Most of the remaining land is used for cattle farming. A large portion of the land is rented out to Black squatters and White farmers in the area.

BABANANGO AND OSHOEK/LOCHIEL

The proposed parcels of compensatory land, at Babanango, and at Oshoek/Lochiel, are much more extensive than that currently occupied by the KwaNgema community. That at Babanango is 11 152.962 ha. and at Oshoek/Lochiel 14315.5199 ha. Enjoying a relatively high rainfall, Babanango is suitable for agriculture. Oshoek/Lochiel would support both agriculture and forestry. Large stretches are already covered by excellent forests capable of generating a substantial income. But since the quality or potential output per hectare of the agricultural land is lower than at KwaNgema, the plots at Oshoek/Lochiel are three times the size of the KwaNgema plots.

PREPARATIONS AT OSHOEK/LOCHIEL

In preparation for the possible settlement of the KwaNgema Community, and as a precaution against such contingencies as a sudden rise in the level of the Heyshope Dam, the Department of Co-operation and Development has commenced the planning and

development of the area.

Two boreholes supply water certified by the Council for Scientific and Industrial Research (CSIR) to be free of contamination or pollution to a network consisting of a rising main to a reservoir. Thence water is reticulated through an underground network to points within 250 m. of each stand. (Waterholes at KwaNgema are both scarce and remote.)

Four kilometres of gravelled roads with storm water pipes and canals have been constructed. A temporary 10 classroom school building and 337 toilets have already been erected. Present developments are well-planned. They will form part of a comprehensive settlement project should the KwaNgema Community decide to move to the area. The establishment of modern health facilities is, of course, also a *sine qua non* before resettlement can take place.

CONSTITUTIONAL POSITION MISUNDERSTOOD

Much of the controversy surrounding the need to resettle the KwaNgema community may be due to a misunderstanding as to the ownership of the land now occupied by the community. In 1904, the year when, in terms of the prevailing constitutional procedure, the land was allocated to Stuurman Ngema's "heirs and successors" by the Lieutenant-Governor of the Transvaal acting on behalf of King Edward VII, the Head of State of the Transvaal Colony, it was Crown land or State land not the King's personal domain. It remains State land in the charge of the South African State President.

In addressing a letter to Queen Elizabeth II early in 1984, representatives of the KwaNgema "Committee of Twelve" and their advisers may not have been aware of the constitutional position. The British Government has, in law and in fact, no *locus standi* to intervene in the matter. Indeed, the British Government as such never possessed the power to dispose of KwaNgema. Therefore, the attempt of community representatives to involve the British Government in their dispute with the South African authorities over the proposed resettlement has no legal basis. It is, if anything, a misguided political ploy, one which complicates the matter unnecessarily.

SUPREME COURT CONFIRMS CUTHBERT NGEMA AS ACTING-CHIEF

After Gabriel Ngema, the community's recognised leader, accepted resettlement at Oshoek/Lochiel on behalf of his people, he appointed a committee, later known as the Committee of Twelve, chaired by Moses Ngema, to assist him in the negotiations on the details.

The committee turned against Gabriel Ngema, rejected the idea of resettlement and disputed his leadership, Moses Ngema claiming that he, Moses, was in fact the rightful leader. But ethnologists consulted by the Department of Co-operation and Development confirmed Gabriel's claim after deliberating with members of the Ngema family in Moses' presence. Initially agreeing with the outcome of the deliberations, the latter subsequently changed his stance. Gabriel and his followers in the meantime disassociated themselves from the "Committee of Twelve" and continued negotiations for resettlement.

The dispute acquired new momentum when Gabriel Ngema died in March 1984. Moses Ngema repeated his claim to the leadership, but the "Umdeni" or inner circle of the family appointed Cuthbert Ngema acting chief on 1 December 1984. His appointment is only temporary because Gabriel's son, the rightful heir, is too young to take up the leadership. On 21 December 1984 the so-called "Committee of Twelve" applied for a Supreme Court Order to depose Cuthbert Ngema; to prevent the authorities from allowing the level of the Heyshope Dam to rise; and to prevent the removal of Stuurman Ngema's grave pending a Court verdict on the legality of the removal.

Pending the outcome of the application, the government undertook (a) not to negotiate with Cuthbert Ngema, (b) to compensate members of the community with property above the hundred year flood level, and (c) that the community's acceptance of such compensation would not be construed as agreement to resettlement elsewhere.

The committee undertook in turn to drop its application to prevent the authorities from taking action to fill the dam.

The Supreme Court turned down the application to suspend Cuthbert Ngema on 13 March 1985. The Court found that the "Committee of Twelve" and its chairman, Moses Ngema, had failed to show that the community would suffer irreparable harm if Cuthbert Ngema continued to act as chief of the Ngema family - the main thrust against Cuthbert Ngema's appointment. The Court ruled also that it was clear from the facts of the case that the

acting chief would be bound to consult the governing council of the Ngema family, the Umdeni. The Court recognised that the Department of Co-operation and Development had given the assurance that all interested parties would be consulted on the question of removal.

DRIEFONTEIN

Driefontein is the only other community whose continued existence is threatened by the rising waters of the Heyshope Dam. Already over-populated - 15 000 people occupy 2780.5647 ha. of land - the inevitable shrinkage of the community's land occasioned by the dam will render conditions even less tolerable than they are now, especially since no alternative land is available at Driefontein.

POOR LIVING CONDITIONS

Living conditions at Driefontein are even worse than at KwaNgema. Outbreaks of cholera and related diseases occur frequently due to a lack of fresh water and sanitary facilities. Although the Transvaal Provincial Health Service tries to provide some medical care and preventive treatment, medical facilities are virtually non-existent.

NEGOTIATIONS

Two factions claim to represent the community: the "Driefontein Community Board" under leadership of S. Msibi, which favours resettlement, and the "Council Board of Directors", chaired by J. Vilikazi, which opposes it.

The present negotiations have as their purpose to persuade

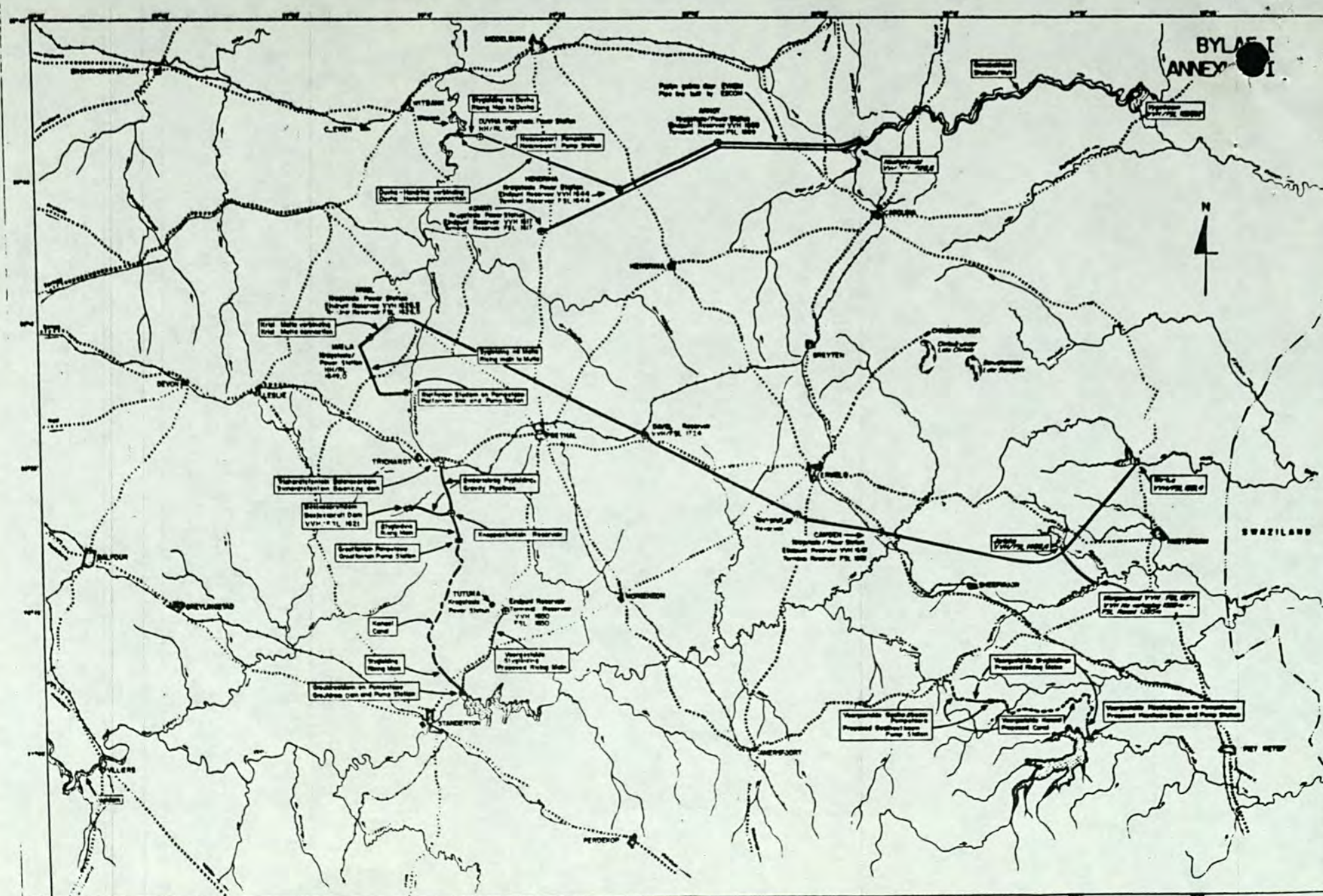
the community to agree to resettlement, preferably at Eabanango, where sufficient land is available for immediate development. A forced removal is not contemplated. Negotiations will continue in an effort to obtain the co-operation of the people on a voluntary basis.

CONCLUSION

Resettlement of the Kwangema and Driefontein Communities will undoubtedly improve the quality of life of their members. Already unsatisfactory, their conditions will unquestionably become even less tolerable when the Heyshope Dam achieves its optimum level. Resettlement is therefore in the interest of these communities. They are not being asked to move before the establishment of proper facilities in the proposed areas of resettlement. But a move before the dam fills completely is clearly a necessity. If nothing else, the health of community members and their children demands it.

Annexed are maps showing the area of the Heyshope Dam and the present settlements as well as the proposed locations for resettlement.

25 March 1985

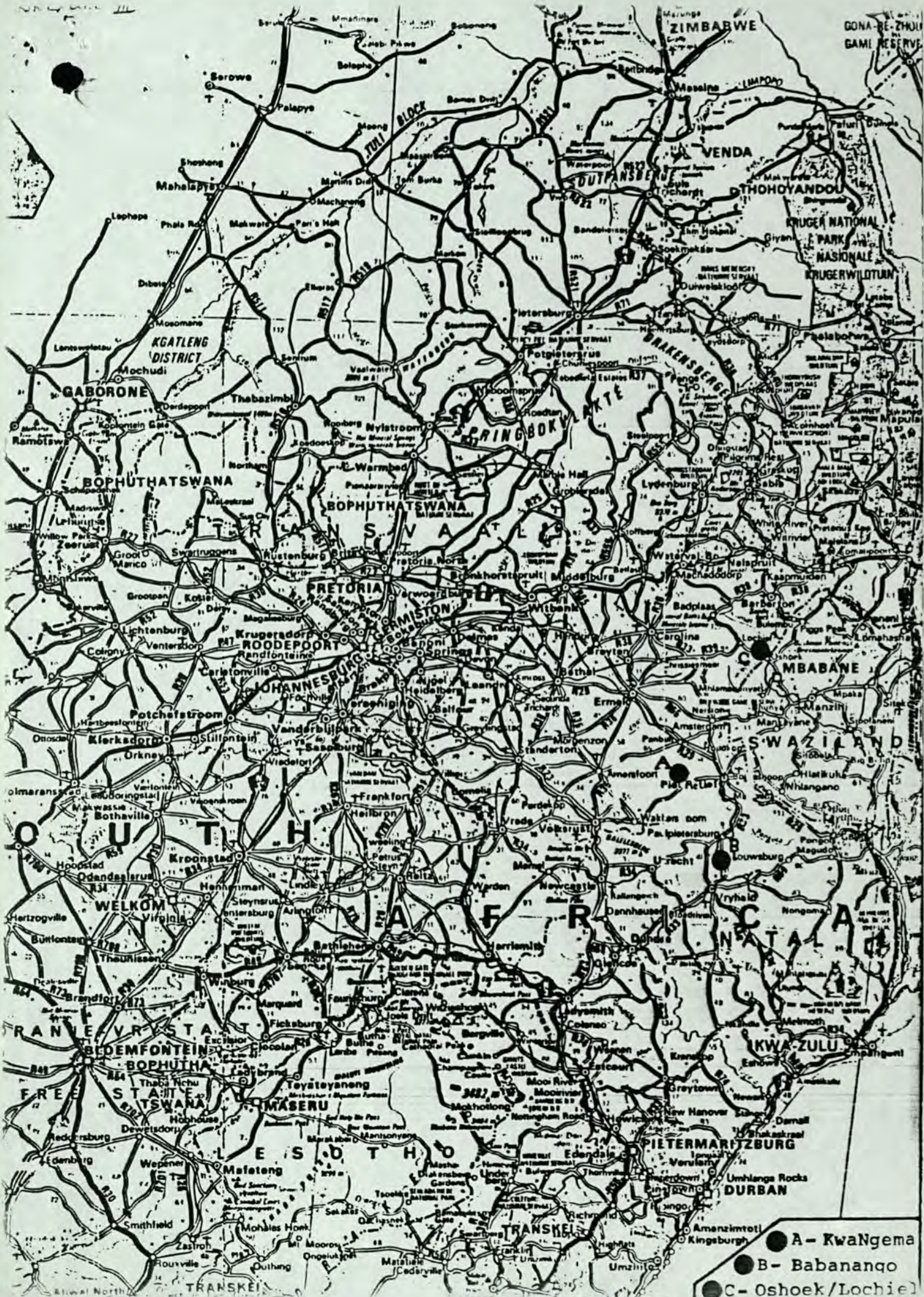


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ANEX I



BESTAANDE		VOORSTELDE	
PIPLYN	—	PIPLYN	—
KANAL	—	KANAL	—

USUTU - VAAL STAATSWATERSKEMA - FASE 2
 LIGGING VAN EVKOM KRAAGSTASES
 USUTU-VAAL GOVERNMENT WATER SCHEME - PHASE 2
 LOCALITY OF ESCOM POWERSTATIONS
 J.P. 0170
 SWARTKOP ENGENELIKKE EN WATERSKEMING, WATERSKEMING EN WATERSKEMING
 DIREKTOR-GENERAAL VAN WATERSKEMING, WATERSKEMING EN WATERSKEMING, WATERSKEMING
 JUN 1959



- A - KwaNgema
- B - Babanango
- C - Oshoek/Lochiel

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31 May 1985

Thank you for your letter of 29 May commenting on the reply from President Botha of South Africa to the Prime Minister's letter to him of 4 April. The Prime Minister has agreed with the Foreign Secretary's conclusion that the correspondence with President Botha should be allowed to rest for the moment with his most recent letter.

Timothy Flesher

Colin Budd, Esq.,
Foreign and Commonwealth Office.

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