

THE BAROLONG BA GA MODIBOA OF MACHAVIESTAT (MATLWANG): VICTIMS OF FORCED REMOVALS, 1923-1995

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OPSOMMING

Gedurende 1960 tot 1983 is sowat 3,5 miljoen Suid-Afrikaners deur die hervestigingsbeleid van opeenvolgende Apartheidsregerings geraak. 'n Sprekende voorbeeld van gelede onreg betreffende gedwonge verskuiwings in die Noordwesprovinsie, is dié van die Barolong ba ga Modiboa van Machaviestat in die Potchefstroom-distrik. Die Machaviestatters het die gebied 'n tydperk van 120 jaar lank bewoon, totdat sommige van die nasate van die Voortrekkerbondgenote op 'n gedwonge wyse in 1971 na Rooigrond in die eertydse Republiek van Bophutatswana verskuif is. Die Machaviestatters het gedurende die verblyf van sowat 24 jaar te Rooigrond deurlopend versoeke tot die Regering gerig om na Machaviestat terug te keer. Uiteindelik het geslaagde onderhandelinge tussen die nuwe Minister van Grondsake, Derek Hanekom, die Barolong ba ga Modiboa Aksiekomitee en die Stadsraad van Potchefstroom daartoe gelei dat dié mense in April 1995 na hulle voorvaderlike grond kon terugkeer. Interne struwelinge versuur egter dié suksesverhaal en bemoeilik die herontwikkeling van Machaviestat.

INTRODUCTION

A particularly sensitive issue which is gaining prominence in the new South Africa, is the redistribution of land and the claims made by various groups to land which they were forced to surrender in 1913 and even earlier. During the period 1960 to 1983, some 3,5 million South Africans were affected by the resettlement policy of former apartheid Governments.¹ To address this situation, the Reconstruction and Development Plan of the ANC makes provision for the establishment and implementation of a national land redistribution plan "to address effectively the injustices of forced removals and the historical denial of access to land".² The principle is,

L. Platzyk and C. Walker, *The surplus people. Forced removals in South Africa* (1985), p. 9; M. M. Khosa, 'Whose land is it anyway?', *Indicator SA*, (Summer 1994), p. 50. ANC, *The Reconstruction and Development Programme. A policy framework*, (1994), p. 20.

however, that affirmative action should not be a mechanism to favour one group above another. Attempts to remedy committed injustices should not create another kind of injustice.³ Consequently, to apply affirmative action with regard to land claims in a meaningful and just way, a thorough investigation into the historical and factual situation of the claims should be undertaken. However, research/publications concerning land issues have mainly been initiated by the legal fraternity, whereas reliable scientific-historical research is relatively scant. Consequently, historians have an indispensable role to play in providing government officials/lawyers who are responsible for the implementation of land claims with the relevant information.

A striking example of injustices suffered due to forced removals in the North West Province, is that of the Barolong ba ga Modiboa of Machaviestat in the Potchefstroom district. This study constitutes the beginning of a comprehensive project by the Department of History at Potchefstroom University concerning land problems in the recently established North West Province.

SETTLEMENT IN MACHAVIESTAT, 1841

The Barolong, one of the core Sotho groups, already occupied/owned the land between the Vaal, Harts and Molopo Rivers early in the second millennium. During the seventeenth century, the Barolong were ruled by the powerful paramount chief Tau. After his death, the Barolong subdivided into four chieftainships under the leadership of his sons: the Tshide Barolong, the Seleka Barolong, the Rapulana Barolong and the Ratlou Barolong.⁴ The followers of Modiboa constituted one of the minor groups. However, the Barolong were driven out of their habitat by the Matabele under Mzilikazi. Due to the intervention of missionaries, the Barolong, among others the Selekas under Moroko and the Rapulanas under Matlaba (named Machavie by the Europeans) settled in Thaba Nchu and environment during the 1830's.⁵

The Barolong leaders used the arrival of the Voortrekkers in Thaba Nchu to expel the Matabele enemy from the Transvaal area. The

W. du Plessis, "Regstellende aksie met betrekking tot grond", *Tydskrif vir Regswetenskap*, 2, (1991), p. 143.

H. J. van Aswegen, *Geskiedenis van Suid-Afrika tot 1854*, (1989), pp. 69-70.

G. van den Bergh, "Potchefstroom se eerste swartwoonbuurt: Machaviestat 1839-1888", *Contree*, 34, (1993), p. 11.

Barolong's much appreciated aid to the Voortrekkers during two decisive battles caused A. H. Potgieter to decide to allow the Barolong to return to the far Western Transvaal. During Machavie's 1839 visit to Potgieter in Potchefstroom, the latter offered to settle them temporarily at Machaviestat, about 24 km to the west of Potchefstroom. Consequently, Machavie, Tawana and Gontse and their followers settled at Machaviestat (also known as Matlwang) in 1841.⁶ The people of Machaviestat lived in the area for a period of 120⁷ years until some of the descendants of the former Voortrekker allies were forcefully relocated in 1971 to Rooigrond in the former Republic of Bophuthatswana.

EFFORTS TO EVICT THE BAROLONG BA GA MODIBOA, 1923-1961

Since their settlement, the people of Machaviestat and the municipality of Potchefstroom have been at loggerheads about the ownership of the area. The Town Council of Potchefstroom took legal advice as early as 1923 and consequently served a notice on the Machavie villagers informing them that their occupation of municipal land was illegal, and that they will have to leave. In return, they would be relocated on land in the black township of Potchefstroom. Although 30 June 1923 was set as the eviction date, no further steps were taken for some reason or other.⁸ It seems likely that the Machavie villagers just refused to move.

In March of 1934 and in the same month of 1945 the Town Council requested the Department of Native Affairs to remove the Barolong. In view of the fact that the Department could not find alternative land for the Barolong, and as a result of refusal of the people to move, the relocation plans were shelved once more.⁹

The Town Council, however, did not concede and requested the government "dat die naturelle so spoedig moontlik verwyder moet

Archive of the Potchefstroom Town Council (hereafter APTC) 16/6/8, file 461, G. N. van den Bergh, "Die geskiedenis van Machaviestat 1836-1889", pp. 3-8.

Matlaba (Machavie) and his followers were, without provocation, driven off the land in 1848 by Commandant Stephanus Schoeman who was of the opinion that blacks may not possess any land. They returned ten years later after a successful request to President M. W. Pretorius. See APTC 16/6/8, file 461, G. van den Bergh, "Die geskiedenis van Machaviestat", p. 10

APTC 6/6/8, file 461: "Memorandum van die Stadsraad van Potchefstroom insake naturelle te Machaviestat, Potchefstroom, 1948" in Memorandum "Adjunk-Stadsklerk — Voorsitter Nie-Blankekomitee", (n.d.), p. 3.

APTC 6/6/8, file 461: *Ibid.*, pp. 3-4.

word, aangesien hulle teenwoordigheid op die dorpsgronde 'n las geword het". The reasons given were that the land had to be leased to white farmers in order to ensure better utilisation and increased rent; the possible development of gold mines; the absence of proper health services at Machaviestat with resultant unhygienic conditions, and the inability of the Town Council to provide the necessary services; the failure of the people to be a useful labour force for Potchefstroom, and the fact that the area was needed by the Union Defence Force. At that stage there were approximately 140 Barolong families who owned 1200 large stock, and 1370 small stock with several hectares of land being cultivated.¹⁰

The commanding officer of 11 Armoured Brigadier Group and Troop Commandant impressed upon the Town Council that it was "hoogs noodsaaklik om iets te doen om hierdie Naturelle verwyder te kry", in order to create adequate space to practice with live ammunition.¹¹ As a result of further requests in this regard, the Machavie villagers were informed at a meeting on 13 August 1952 that they have to move in view of the fact that the area was needed urgently by the Department of Defence.¹²

A few months later, the Chief Native Commissioner of Potchefstroom was informed "dat die Kabinet ook besluit het dat voortgegaan moet word met die verwydering van die Machaviestat se naturelle". The Town Council had to assist the Department of Native Affairs with the removal process "deur die Naturelle gaandeweg in sy nuwe lokasie op te neem, wat in Machaviestat woon, dog in Potchefstroom werk en wil bly werk liever dan elders heen verplaas te word".¹³ After a dispute about responsibility for compensation to the Machavie people the Town Council of Potchefstroom at last agreed to pay them an amount of £1200.¹⁴ In January 1955 the Depart-

APTC 6/6/8, file 461: *Ibid.*, pp. 2-6.

APTC 6/6/8, file 461: Letter, "Bevelvoerder 11 Pantserbrigadegroep en Troepkommandant — Stadsklerk Potchefstroom", 27 October 1948, in Memorandum, "Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee", (n.d.), p. 7.

APTC 6/6/8, file 461: Memorandum, "Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee", (n.d.), p. 7; *Vrye Weekblad*, 26 September 1993.

APTC 6/6/8, file 461: Letter, "Sekretaris van Naturellesake — Hoofnaturellekommissaris", 5 December 1952 in Memorandum, "Adjunk - Stadsklerk — Voorsitter Nie-Blankesakekomitee", (n.d.), p. 9: *Potchefstroom Herald*, 30 April 1971.

APTC 6/6/8, file 461: Letter, "Naturellekommissaris en Magistraat — Stadsklerk", 5 February 1953; Letter "Sekretaris van Naturellesake — Hoofnaturellekommissaris", 21 May 1953; Letter, "Stadsklerk — Magistraat", 30 June 1953; Letter, "Sekretaris van Naturellesake — Stadsklerk", 22 December 1953 in Memorandum, "Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee" (n.d.), pp. 10-15.

ment of Native Affairs undertook to move the Machavie villagers, of whom the majority “preferred” to relocate to the new Potchefstroom location rather than being moved elsewhere¹⁵, at the expense of the Department.¹⁶

To prevent future occupation of Machaviestat, the General Purposes Committee of the Town Council decided on 9 May 1955 “dat enige huise wat vrywilliglik ontruim word deur natuurle wat in die nuwe Lokasie gehuisves word, onmiddellik gesloop word.”¹⁷

The Town Council decided in August 1955 to offer the inhabitants of Machaviestat either economic housing or sites-and-service facilities in the new location. The Chief Native Commissioner of the Western Areas would provide accommodation to the rest of the people in a “Native Area”. Legal steps would furthermore be taken to remove from the area all Machavie villagers who refused any of these options.¹⁸

A dispute between the Town Council and the Department of Native Affairs about responsibility for costs of further removals and the serving of eviction notices on unwilling Machavie villagers, caused the actual evictions of the Machavie people to be postponed once again.¹⁹

As a result of *inter alia* the persistent demands of the Department of Defence in respect of Machaviestat, as well as the fact that the Machavie people have not been paying any rent to the Town Council since 1 July 1959, one of their leaders, Morris Gorekoang, was arrested in 1959 and 1961 respectively, in terms of section 91 of Act 25/1945, and formally charged with illegal trespassing. The objective of the so-called test cases was the ultimate removal of

APTC 6/6/8, file 461: Letter “Sekretaris van Naturellesake — Stadsklerk,” 22 Desember 1953 in Memorandum “Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee”, (n. d.), p. 15.

APTC 6/6/8, file 461: Letter Native Commissioner — Town Clerk, 26 January 1955 in Memorandum “Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee”, (n. d.), p. 19.

APTC 6/6/8, file 461: Memorandum “Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee”, (n. d.), p. 19.

APTC 6/6/8, file 461: Letter “Stadsklerk — Naturellekommissaris, 10 Augustus 1955 in Memorandum “Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee”, (n. d.), p. 20.

APTC 6/6/8, file 461: Memorandum “Adjunk-Stadsklerk — Voorsitter Nie-Blankesakekomitee”, (n. d.), pp. 20 and on.

the Machavie villagers. On both occasions, he was found guilty in the Magistrate's Court of Potchefstroom, but on every occasion his conviction was set aside by the Supreme Court in Pretoria and the Appeal Court in Bloemfontein.²⁰

THE CONTROVERSIAL AGREEMENT OF 1971

The National Party Government and the Potchefstroom Town Council did, however, not give up. Due to persistent pressure by the Town Council, 27 Machaviestat people applied for accommodation in Ikageng in 1967. The prevailing opinion of the Town Council at that stage was that the rest of the people would soon follow, and it was decided not to go ahead with further law-suits.²¹

These expectations of Council never materialised and in November 1969 a temporary interdict was obtained in the Potchefstroom Magistrate's Court, placing a ban on ploughing of the land!²² Inhabitants of Machaviestat, employed in Potchefstroom, were also threatened with dismissal if they do not move to Ikageng. Livestock of Machaviestat people were also impounded, leading to the further impoverishment of the community, because animals had to be sold to pay the required pound fees (R3,00 per goat/sheep and R15,00 per cattle/horse/donkey).²³

During March 1966 the Town Council decided to adjust the amount of R2400,00 (£1200) compensation determined in 1953, to R40,00 per family, on the condition that the money will only be paid after the Machavie villagers have moved.²⁴ During 1968 the Machavie people insisted through the law firm Messrs Minty, Nanabhay and Partners that compensation of R32000,00 be paid to them instead

²⁰ APTC 6/6/8, file 1180.; City Council meeting, Potchefstroom, Item 74, 28 February 1963; APTC 6/6/8, file 1180 (temporary): "n Kort opsomming van die historiese verloop met betrekking tot Machaviestat"; *City Press*, 14 April 1991, 19 April 1992; *Vrye Weekblad*, 16 September 1993; *Potchefstroom Herald*, 30 April 1971; *City Press*, 12 March 1995.

APTC 16/6/8, file 1180: Letter "Stadsklerk — Bantoesakekommissaris", 28 Novem22
APTC 16/6/8, file 1180: "Stadsraad van Potchefstroom vs Hoofman Israel Mokate en die inwoners van Machaviestat, Landdroshof vir die distrik van Potchefstroom, 25 November 1969."

Interview, G. J. J. Oosthuizen/Morris Gorekoang and Ishmael Seroalo (Machaviestat), 11 June 1996; *Vrye Weekblad*, 16 September 1993; *The Star*, 9 January 1991.

APTC 16/6/8, file 1180: "Raadsbesluit", 31 March 1966, Item 108.

of a meagre R2400,00.²⁵ The Town Council flatly refused, pointing out that the amount of R2400,00 was an *ex gratia* payment, made merely on humanitarian grounds.²⁶

Furthermore, a doubtful agreement was concluded on 26 April 1971 between Israel Mokate and other representatives of the Machaviestat people which states:

(a) “dat ons toegee en erken dat ons onwettiglik die gebied wat ons tans bewoon okkupeer en dat hierdie gebied die wettige eiendom is van die Stadsraad van Potchefstroom” and “(b) dat ons ingestem het tot die hervestiging van al die inwoners van Machaviestat op ‘n plaas te Leeufontein naby Pilanesberg...”. According to the agreement, free transport would be provided and the Town Council undertook to pay each family an amount of R19,50 when the removal has been completed. The disputed document does contain the thumb prints of five and signatures of eleven Machaviestat leaders, but it was very clearly not initialled on the first page.²⁷ The signatories of the agreement, such as for example Ismael Seroalo are quite adamant in their denial that they ever admitted to illegal occupation of Machaviestat or agreed to relocate to Leeufontein.²⁸

The true facts of the matter are that the Town Council decided to offer the Machaviestat people the farm Leeufontein in the Pilanesberg area. After the Machaviestat people had visited the farm and seen its inferior quality in comparison with Machaviestat, they summarily refused to move. Consequently, the impoundment of animals were stepped up, and the people working in Potchefstroom were once again threatened with dismissal.²⁹

²⁵ APTC 16/6/8, file 1180: Letter Messrs Minty, Nanabhay and Partners — Town Council, 13 February 1968 (Council meeting, 20 March 1968, Item 132); APTC 16/6/8, file 1180, (temporary): “Submissions to Advisory Land Commission Machaviestad, portion 97 of the Town and Town lands of Potchefstroom, no. 435-10, district of Potchefstroom, registered under title no. 4663/35, diagram sg no. A2615/34”, pp. 4-5 Annexure to Letter Bell, Dewar and Hall — Advisory Commission on Land Allocation, 29 March 1993, pp. 4-5.

²⁶ APTC 16/6/8, file 1180: Letter Town Clerk — Director, Non European Affairs, 28 March 1968.

²⁷ APTC 16/6/8, file 768: “Ooreenkoms Stadsraad van Potchefstroom — Israel Mokate en ander aangestelde of verkose verteenwoordigers van die Machaviestat Bantoes”, 26 April 1971, p. 1.

²⁸ Interview, G. J. J. Oosthuizen/Ishmael Seroalo (Machviestat), 11 June 1996.

²⁹ Interview, G. J. J. Oosthuizen/Ishmael Seroalo and Morris Gorekoang (Machaviestat), 11 June 1996; *Potchefstroom Herald*, 9 July 1971; *The Citizen*, 29 April 1995.

REMOVAL TO ROOIGROND, 1971

In 1971 the Machaviestat people finally succumbed to the pressure applied by the Town Council supported by the National Party Government. During the same year, about 140 families, "encouraged" by the presence of police and soldiers, moved to the black residential area of Ikageng in Potchefstroom. The Machavie chief, Israel Mokate, had in the meantime negotiated with Chief Montshiwa of Bophuthatswana who agreed to allow the remaining people consisting of about 44 families to settle temporarily at Rooigrond, about 10 km east of Mafikeng.³⁰

On 3 August 1971 the "die-hards" finally left Machaviestat by means of government trucks and under the watchful eye of the police and municipal workers. Homes, church buildings and a school were demolished by bulldozers. After the removal, each head of a family received a mere R18,50 as "compensation".³¹ The Machaviestat people suffered much damage (the loss of animals and damage to furniture) for which they have as yet not received any restitution/compensation.³² The social and emotional damage inflicted on these people has been immeasurable.

It is thus clear from the above that the assumption of Town Clerk C. du Plessis, concerned with the removal of the Machavie villagers "dat die stam vrywillig verskuif het en dat daar geen sprake was van 'n "forced removal" nie", has been totally unfounded.³³ It should be emphasized, however, that the Town Council of Potchefstroom was the legal owners of Machaviestat and not the Barolong ba ga Modiboa.³⁴

Rooigrond, in comparison with Machaviestat, was completely undeveloped and with the arrival of the people, only temporary tent shelters were erected; no houses, schools or clinics were available. The lime soil was in any case not suitable for agriculture³⁵

³⁰ *The Citizen*, 8 January 1991; *Beeld*, 2 January 1991, 4 January 1991; *The Citizen*, 3 January 1991.

³¹ *Beeld*, 2 January 1991; *Vrye Weekblad*, 16 September 1993; *The Star*, 3 January 1991; *The New Nation*, 22 July 1991; *Sowetan*, 3 May 1995; *Saturday Star*, 21 October 1995

³² *Vrye Weekblad*, 16 September 1993; *The New Nation*, 22 July 1994.

³³ APTC 16/6/8, file 461: Press statement by Town Clerk C. du Plessis, 10 April 1991.

³⁴ APTC 16/6/8, file 461: Van den Bergh, "Gesiedenis van Machaviestat."

³⁵ APTC 16/6/8, file 1180 (temporary): "Submissions to Advisory Land Commission Machaviestat.", p. 6; *Vrye Weekblad*, 22 March 1991; *The Citizen*, 29 April 1995.

and it is thus not surprising that a large majority of Machaviestat people were not prepared to move to Rooigrond.

During their sojourn of about 24 years at Rooigrond, the Machaviestat people constantly, by means of their Chief Mokate and his successor Simon Makodi, appealed to the government to allow them to return to Machaviestat.³⁶ Furthermore, their temporary settlement rights at Rooigrond were jeopardised by threats of expulsion from the government of the former Bophuthatswana.³⁷ In the meantime, Machaviestat was leased to white farmers by the Council.³⁸

RENEWED EFFORTS TO RETURN, 1990-1995

The watershed speech by President F. W. de Klerk on 2 February 1990 filled the Machaviestat people with new "fighting spirit". The Barolong Action Committee was established in Ikageng under chairperson N. J. Ntismane to coordinate the land claim action.³⁹

Chief Simon Makodi of Rooigrond took the initiative and approached State President de Klerk and the Ministry of Agriculture and of Development Aid in September 1990, but without any success. He was notified by Deputy Minister P. G. Marais "that it would not be possible for your community to return to Machaviestat because the land is owned by the Town Council of Potchefstroom and is being utilised by them". They were further advised to negotiate with the government of Bophuthatswana on their own because of their refusal of offers for alternative land, and the arrangements they have made with chief Montshiwa to settle at Rooigrond.⁴⁰ Further representations from Makodi during July 1991 was once again unsuccessful and he was merely referred to the Marais letter by Jacob de Villiers, the Minister of Public Works and Land Affairs, and of Development Aid.⁴¹

³⁶ *City Press*, 13 January 1991.

³⁷ APTC 16/6/8, file 1180 (temporary), "Submissions to Advisory Land Commission Machaviestad", pp. 6-7; *City Press*, 13 January 1991; *Sowetan*, 3 May 1995; *Saturday Star*, 21 October 1995.

³⁸ APTC 16/6/8, file 1180 (temporary): "Submissions to Advisory Land Commission Machaviestad", p. 8; APTC 16/6/8, file 461: Press statement by Town Clerk C. du Plessis, 10 April 1991; *Beeld*, 20 April 1992; *Vrye Weekblad*, 16 September 1993.

³⁹ Interview, G. J. J. Oosthuizen/Morris Gorekoang (Machaviestat), 11 June 1996.

⁴⁰ APTC 16/6/8, file 768: Letter Deputy Minister P. G. Marais — Chief S. T. Makodi, 13 December 1990; *The Citizen*, 8 January 1991.

⁴¹ APTC 16/6/8, file 768: Letter Minister J. de Villiers — S. T. Makodi, 3 September 1991.

This negative attitude of the government made the Barolong Action Committee decide to pursue a different *modus operandi*, *inter alia* peaceful occupation of the area. Members of the Barolong Action Committee consequently requested permission from the Town Council in December 1990 to visit Machaviestat to attend to the graveyards.⁴² Evidently, the purpose was to occupy Machaviestat permanently.

Negligence by the Town Council promoted the intended purpose. Permission was granted to visit Machaviestat to attend to the graves for the period 22 December 1990 to 26 December 1991.⁴³ The latter date was a typing error⁴⁴ but Ismael Seroalo and 24 other people refused to accept a correcting letter from the Town Council. They also refused to vacate Machaviestat on 26 December 1990.⁴⁵

A charge of trespassing was laid with the police and a group of 25 people were arrested on Wednesday night 2 January 1991.⁴⁶ Die South African Council of Churches granted the amount of more than R3000 to pay the bail for the accused.⁴⁷ Several organisations, e.g. AZAPO supported the occupation to the full.⁴⁸ After negotiations, an agreement was reached between the Town Council and the Committee on 10 April, 1991. It was decided that the charge of trespassing would be withdrawn and that the Barolong Action Committee in future had to obtain the necessary permission if for whatever reason they wanted to visit Machaviestat. It was explicitly mentioned that the Town Council denies any claims of the Barolong Action Committee to Machaviestat and that the Committee in turn disagrees with the views of the Town Council.⁴⁹ The charges of trespassing were consequently withdrawn in the Potchefstroom

⁴² APTC 16/6/8, file 461: Sworn statement by A. Viljoen, 30 January 1991, p. 1.

⁴³ APTC 16/6/8, file 461: Letter Acting Town Clerk - N. J. Ntsimane, 18 December 1990; *Potchefstroom Herald*, 8 January 1991.

⁴⁴ APTC 16/6/8, file 461: Letter Acting Town Clerk - N. J. Ntsimane, 27 December 1990; *Die Transvaler*, 4 January 1991; *The Star*, 9 January 1991.

⁴⁵ APTC 16/6/8, file 461: Sworn statement by B. H. J. Groenewald, 30 January 1991.

⁴⁶ APTC 16/6/8, file 461: Sworn statement by A. Viljoen, 30 January 1991, p. 3; *City Press*, 14 April 1991; *Beeld*, 4 January 1991; *Potchefstroom Herald*, 4 January 1991.

⁴⁷ *The Citizen*, 3 January 1991; *New Nation*, 11 January 1991; *The Star*, 5 January 1991; *The New Nation*, 24 January 1991.

⁴⁸ *Sowetan*, 7 January 1991.

⁴⁹ APTC 16/6/8, file 461: "Ooreenkoms tussen Stadsraad van Potchefstroom en die Komitee van die Machaviestat Barolong stam (Barolong Action Committee)", 10 April 1991; *Potchefstroom Herald*, 14 May 1991.

Magistrate's court the next day.⁵⁰ The withdrawal of the charges of trespassing filled the Barolong Action Committee with optimism and it was seen by them as a victory.⁵¹

On 8 October 1991 N. J. Ntsimane of the Barolong Action Committee once again asked the Town Council for permission to visit Machaviestat.⁵² This request was turned down by the Council in view of the previous events.⁵³ The Barolong Action Committee then turned to the law firm of Messrs Bell, Dewar and Hall for assistance in obtaining permission to visit Machaviestat during April 1992.⁵⁴ This time the Town Council granted permission for a visit from 16 April at 14:00 to 20 April at 16:00, 1992 under strong conditions, *inter alia* that no permanent structures be erected.⁵⁵

The Barolong Action Committee violated the conditions by erecting and going ahead with putting up permanent structures in spite of warnings issued on 17 April 1992. The Town Council threatened with legal action and ordered them to vacate the area immediately.⁵⁶ The people refused to respond and 75 of them were arrested and charged with illegal trespassing.⁵⁷ The arrests evoked heated foreign indignation and the Aktion Bundesschluss Lübeck-Rooigrond of Germany reacted as follows: "We strongly protest against this irritating incident."⁵⁸ Dr A. J. Hall-Martin, Executive Director of the National Parks Board also requested that the charges be withdrawn. The Board was busy negotiating with the Barolong Action Committee for the possible establishment of a national park at Machaviestat, and the law-suit was hampering the discussions.⁵⁹ As a result of sustained local and international pressure the Town Council again withdrew the charges of illegal trespassing.⁶⁰

⁵⁰ *Beeld*, 11 April 1991.

⁵¹ *City Press*, 14 April 1991 and 26 May 1991.

⁵² APTC 16/6/8, file 768: Letter N. J. Ntsimane — Town Council, 8 October 1991.

⁵³ APTC 16/6/8, file 768: Management Committee, 30 October 1991, pp. 706-707.

⁵⁴ APTC 16/6/8, file 768: Letter Messrs Bell, Dewar and Hall — Town Clerk, 7 April 1992.

⁵⁵ APTC 16/6/8, file 768: Letter Town Clerk - Messrs Bell, Dewar and Hall, 10 April 1992.

⁵⁶ APTC 16/6/8, file 768: Letter Town Clerk — N. J. Ntsimane, 17 April 1992.

⁵⁷ *The Citizen*, 20 April 1992, 21 April 1992 and 23 April 1992; *City Press*, 19 April 1992 and 26 April 1992; *Beeld*, 20 April 1992 and 23 April 1992.

⁵⁸ See for example APTC 16/6/8, file 768: Letter D. Traube and H. Hesse — Town Council Potchefstroom, 18 April 1992; as well as letter Claudia Schröder — Town Council, 8 May 1992.

⁵⁹ APTC 16/6/8, file 768: Letter A. J. Hall-Martin — Town Clerk, 15 June 1992.

⁶⁰ Interview G. J. J. Oosthuizen/Morris Gorekoang (Machaviestat), 11 June 1996.

In the meantime, the attorneys Bell, Dewar en Hall submitted presentations on 29 March 1993, in terms of The Abolition of Racially Based Land Measures Act 108 of 1991 in respect of the Barolong claim to Machaviestat, to the Advisory Commission for Land Allocation.⁶¹ Probably pending the outcome of the negotiations between the Machavie villagers and the Town Council, the Advisory Commission did not respond immediately.

Several discussions took place between the interested parties and government representatives during 1994. No agreement could be reached and the Machavie people indicated that they were not prepared to wait longer than 30 October, 1994 — after which date they would occupy Machaviestat once again.⁶²

On request of the Town Council negotiations were resumed on 9 November 1994. At this meeting, no agreement could be reached either, and the Machavie villagers threatened to occupy Machaviestat on 15 November 1994.⁶³ The Town Council consequently obtained a Supreme Court interdict in an effort to prevent the planned occupation.⁶⁴ The interdict notwithstanding, a group of approximately 200 Barolong arrived at the gates of Machaviestat in three buses, one truck and several smaller vehicles on 15 November 1994 to occupy the village. The people were prevented by the police to enter Machaviestat. A team of negotiators of the Transitional Local Council and A. Müller, an attorney, succeeded in persuading them not to go ahead with the occupation. The two parties resolved to resume negotiations and at 22:00 the people dispersed peacefully.⁶⁵

Shortly after the attempted occupation the Minister of Land Affairs, Derek Hanekom, held discussions with the Executive Committee

⁶¹ APTC 16/6/8, file 1180 (temporary): "Submissions to Advisory Land Commission Machaviestad..."; *Business Day*, 2 May 1995.

⁶² APTC 16/6/8, file 1589: Fax Bell, Dewar and Hall — A. Wright, 29 September 1994; J. J. Pretorius, "Tussentydse verslag oor die geskil tussen die Stadsraad van Potchefstroom en die Barolongs", 17 October 1994, Annexure to letter J. J. Pretorius — A. L. Müller, 17 October 1994.

⁶³ APTC 6/6/8, file 1933: Sworn statement by A. Viljoen in Supreme Court of South Africa (Transvaal Provincial section), Case no. 23596/94, "Stadsraad van Potchefstroom vs Barolongstam en vyf ander", 14 November 1994, pp. 7-8.

⁶⁴ APTC 6/6/8, file 1933: Supreme Court of South Africa (Transvaal Provincial section), Case no. 23596/94, "Stadsraad van Potchefstroom vs Barolongstam en vyf ander", 14 November 1994.

⁶⁵ *The Citizen*, 16 November 1991; *Potchefstroom Herald*, 18 November 1994 and 22 November 1994; *Beeld*, 2 February 1995.

of the Town Council. It was agreed to clarify the exact location and beacons of the area and determine its size. The Minister, after the meeting, would again communicate with the representatives of the Barolong tribe.⁶⁴

As a result of the delay, during February 1995, the impatient Machavie villagers once again threatened, in spite of the court interdiction, to make an attempt to occupy the land.⁶⁷

On 24 February 1995 a delegation of the Town Council, consisting of Messrs Peter Mokele, Chris Hattingh and Professor Ben van den Bergh was given a hearing on the issue by Minister Derek Hanekom in Cape Town. It was then agreed that "The Department of Land Affairs accepts and commits itself to acquire the land from the Council in order to restore it to the Barolong community". In return, the Town Council undertook to provide the land on condition that they receive reasonable compensation from central government. The particular piece of land was to be identified and surveyed within a fortnight.⁶⁸ This suggestion of Derek Hanekom was accepted by the Town Council on 28 February after a long debate. It was furthermore decided that 1330 hectares of land would be surrendered to the Machavie people.⁶⁹

A delighted chief Simon Makodi indicated that he will accept the deal but that he will start negotiating immediately for more land.⁷⁰ During his visit to Machavie with land surveyor H. Kroep he pointed out an area of 3,489 hectare of land.⁷¹ In reaction to this, the Town Council decided on 29 March 1995, "That Council will only consider the sale of the extended area (exceeding 1,330 ha) at a market related price."⁷² The Department of Land Affairs, how-

⁶⁶ APTC 6/6/8, file 1933: "Verslag van 'n spesiale vergadering van die Uitvoerende Komitee gehou op 10 Januarie 1995", Item 1A, pp. 3-4.

⁶⁷ *Potchefstroom Herald*, 24 February 1995.

⁶⁸ APTC 6/6/8, file 1933A: Letter D. Hanekom — Chief Makodi, 24 February 1995; *Potchefstroom Herald*, 28 February 1995; *The Citizen*, 2 March 1995; *Beeld*, 2 March 1995.

⁶⁹ APTC 6/6/8, file, 1933A: Extracts from the minutes of the City Council of Potchefstroom held on 28 February 1995; Circular City Secretary - City Engineer *et al*, 9 March 1995.

⁷⁰ *Potchefstroom Herald*, 3 March 1995; *City Press*, 5 March 1995.

⁷¹ APTC 6/6/8, file 1933A: Uitvoerende Komitee/Executive Committee: 22 March 1995, pp. 406(a) - 406(b).

⁷² APTC 6/6/8, file 1933A: Circular City Secretary — City Engineer *et al*, 30 March 1995.

ever, offered to buy the land at only 50% of the Town Council valuation (R391,00 per hectare).⁷³ Council refused to accept this offer ⁷⁴, and after further deliberations the Department increased its offer to R450,00 per hectare.⁷⁵ It was also emphasized that this was the final offer and if the Council did not agree the matter will have to be referred to the Commission for the Restitution of Land Rights and the Land Claims Court.⁷⁶

Further successful negotiations lead to the decision by Council on 26 April 1995 to sell 3,489 hectare (instead of 1,330 hectare) at R600,00 per hectare to central government. It was also agreed that R150,00 per hectare were to be used by the Town Council for settlement and assistance to people in need of land. However, council was to retain the mineral rights on the land.⁷⁷

RESETTLEMENT AT MACHAVIESTAT AND INTERNAL STRIFE, 1995 - 1996

On 28 April 1995, the first twenty of about 110 Barolong families returned to their ancestral land.⁷⁸ Councillor Professor Ben van den Berg, in showering rain, officially handed over the property to Koos Komani, official of the Department of Land Affairs, who again handed it over to chief Makodi.⁷⁹ Machaviestat laid fallow in the 24 year absence of the Barolong, and no infrastructure existed. Another battle to make the land habitable again began for the Machavie villagers.⁸⁰ At present, the community is building a school.

This success story is however marred by internal conflicts. The rift between the Committee and Makodi already became clear in December 1991 with the abortive attempt of the Barolong Action Com-

⁷³ APTC 6/6/8, file 1933A: Letter "Direkteur-generaal van die Departement van Grondsake — Stadsklerk van Potchefstroom", 28 March 1995.

APTC 6/6/8, file 1933A: Letter Town Clerk — D. Hanekom", 12 April 1995.

APTC 6/6/8, file 1933A: Letter "Direkteur-generaal van die Departement van Grondsake — Stadsklerk van Potchefstroom", 13 April 1995.

APTC 6/6/8, file 1933A: Letters "Direkteur-generaal van die Departement van Grondsake — Stadsklerk van Potchefstroom", 13 April 1995, 20 April 1995.

APTC 6/6/8, file 1933A.: Circular City Secretary — City Engineer *et al*, 4 May 1995; *Potchefstroom Herald*, 25 April 1995; *The Citizen*, 27 April 1995; *Beeld*, 28 April 1995 and 29 April 1995.

Beeld, 29 April 1995; *The Citizen*, 29 April 1995; *The New Nation*, 28 April 1995; *Potchefstroom Herald*, 2 May 1995; *Potchefstroom Gazette*, 10 May 1995.

City Press, 30 April 1995.

APTC 16/6/8, file 1180 (temporary): "Submissions to Advisory Land Commission Machaviestad...", p. 10; *Sowetan*, 3 May 1995.

mittee to occupy Machaviestat. Makodi accused the Barolong Action Committee of efforts to undermine and isolate him from his tribe, and of failure to inform him about the plans to occupy Machaviestat. The Committee members, however, was of the opinion that the chief refused their requests to involve them in the negotiations.⁸¹

At present the community is divided between the followers of Captain Makodi and those of the so-called Machaviestat Head Committee. The latter has assumed control of Machaviestat at a meeting on 28 May 1995. Although he was elected as chairman, an embittered Captain Makodi refuses to participate in the activities of the Head Committee or to resign as chief.⁸² Discord of this nature prevents the development of Machaviestat and handicaps negotiations with the government about essential development aid.⁸³

Visits to the area has brought home to me the extent of injustice and pain caused by the removal policy of the apartheid government. However, these people should be supported by the new government with advice and aid in order to develop Machaviestat. At the moment this is happening in a disturbingly haphazard way.

⁸¹ *City Press*, 13 January 1991.

⁸² Interview G. J. J. Oosthuizen/M. Gorekoang (Machaviestat), 11 June 1996; *Potchefstroom Herald*, 28 July 1995; *City Press*, 3 March 1996 and 13 August 1995.

⁸³ *Saturday Star*, 21 October 1995.