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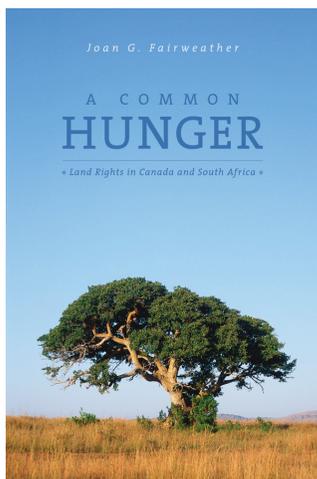
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## A COMMON HUNGER: LAND RIGHTS IN CANADA AND SOUTH AFRICA

by Joan G. Fairweather

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Part Three

*Dealing with Legacies*



## Chapter Seven

# *Restoring Dignity*

When the divide between rich and poor is not as glaringly defined in terms of the settler and the indigenous, only then will an inclusive new nation emerge.

*Mathatha Tsedu, 1998.*<sup>1</sup>

### THE HUNGER FOR DIGNITY

On 30 April 2004, when Thabo Mbeki was inaugurated as President of South Africa for a second term of office, he promised to restore the human dignity of all South Africans. For a millennium, he said, there were some in the world who were convinced that to be African was to be less than human. This conviction made it easy to trade in human beings as slaves, to colonize countries, and, today, to consign Africans to the periphery of the global economy. The journey South Africans have undertaken as a new democracy is about redressing the harms that were caused by land dispossession and to restore dignity to those whose humanity has not been fully recognized. This is Canada's journey as well.

Speaking to the Northeastern Alberta Aboriginal First Nations Association in October 2000, Matthew Coon Come, then National Chief of the Assembly of First Nations, described the devastating impact of dispossession on the living conditions in many First Nations communities across Canada:

More than half of our people are still dependent on welfare and our nation as a whole has no source of its own revenue, no tax base, no direct benefit from natural resources of our land. Our nations are totally dependent on the Crown for housing, sanitation, education, health care, fire protection, social facilities. We are still considered the white man's burden.... The land and resources of our people have been alienated. We have been

dispossessed of our lands and resources. They have been taken away through all kinds of procedures under the pretense of legality. This dispossession is still going on.... We have gone from being the owners of everything, the natural equity of thousands of years of conservation and care, to become the dependents of a state that is reluctant to provide even the bare necessities of life.<sup>2</sup>

As Coon Come rightly points out, the relationship between the poverty and despair experienced by reserve communities and the loss of land and independence is unmistakable. Responsibility for the residents of Canada's 2,787 Indian reserves rests with the Department of Indian and Northern Affairs. Today more than half the status-Indian population live in cities. A federal interlocutor and some of the provinces are responsible for providing social services to Métis and non-status Indians. Thus the human rights situation of Canada's aboriginal peoples results not only from different geographical settings but from a variety of social and cultural factors as well. Added to this are the different approaches to public policy by the various agencies and complex sets of laws and jurisdictions governing relations between the state and various categories of aboriginal peoples. Many Canadians, unaware of these complexities, blame the federal government for spending large sums of taxpayers' money with very few visible results. Aboriginal people see the solution in reclaiming their territorial bases and taking responsibility for the administration of their own lives. Land alienation and loss of human dignity lie at the root of many of the problems that plague indigenous communities.

The purpose of this chapter is to acknowledge the legacies of colonial and post-colonial dispossession in Canada and South Africa and then to examine some recent initiatives designed to restore dignity and wholeness to indigenous communities. The task that confronts Canadians and South Africans today is to reverse the trends of history which have produced societies that are deeply divided along cultural, ethnic and economic lines and to build new societies that are inclusive and respectful of each other's needs.

#### LEGACIES OF DISPOSSESSION IN CANADA

In 2003, the United Nations ranked Canada the best country in the world to live in. Two years later, based on a special investigation into the economic conditions of Canada's aboriginal population, Canada had dropped to eighth place in the world. In March 2005, the United Nations' Commission on Human Rights published a report on "the situ-

ation of human rights and fundamental freedoms of indigenous people” in Canada that reflected the ongoing impact of dispossession on reserve communities across Canada. According to UN special investigator Rodolfo Stavenhagen, the areas of greatest disparity between aboriginal and non-aboriginal reserve communities were health, housing, education, employment, and social welfare. In every case, these disparities can be linked directly or indirectly to land loss and to the absence of cultural and political self-determination.

The United Nations report confirmed that illness of almost every kind occurs more often among aboriginal peoples than among other Canadians. In some cases, diseases such as tuberculosis, that have been virtually extinguished in the rest of Canada (as in other developed countries of the world), persist in the third-world conditions often found on Indian reserves. Infectious diseases occur at a higher rate among aboriginal people than other Canadians, as do chronic and degenerative diseases. Other diseases that have reached critical proportions in aboriginal communities are diabetes and HIV/AIDS (Acquired Immune Deficiency Syndrome and the virus associated with it).<sup>3</sup>

The linkages between land loss and health conditions are well known. The extremely high rates of diabetes among aboriginal populations in Canada can be traced to the fact that indigenous people no longer have access to their high-protein traditional diets. Like their ancestors who had no resistance to influenza and measles, today’s aboriginal populations do not have digestive systems adapted to European food. Thus, Indians living on reserves can expect to die seven to eight years younger than other Canadians. Moreover, infant mortality rates on reserves remain twice the national average, largely due to maternal malnutrition and distances from major healthcare centres.<sup>4</sup>

Although the disparities are not as pronounced as they are in South Africa, the health sector in Canada is under particular stress to address the glaring health problems in aboriginal communities. John Williams, former Director of Ethics at the Canadian Medical Association (CMA) has done sabbatical work in South Africa. In his paper “Ethics and Human Rights in South Africa,” Williams draws some important lessons for Canada from the South African experience: “The current South African commitment to reduce these inequalities between white and non-white citizens might inspire a similar commitment to address aboriginal health issues in Canada.... Although the breaches of medical ethics observed in Canada are not on the level of those documented in South Africa, they still jeopardize the profession’s ability to advocate on behalf of physicians and patients.” Ethics is still a marginal and poorly

resourced subject in many Canadian medical schools, Williams points out. Most importantly, vigilance is required to ensure that the medical profession in Canada avoids both the direct violations of human rights such as those performed under apartheid by some South African physicians, and complicity in an unjust system that violates the basic principles of human rights and ethics.<sup>5</sup>

To close the human development gaps between aboriginal and non-aboriginal Canadians, the government must address a wide range of related issues. Housing, education, welfare and social services are among the most urgent. Closely related to health levels among First Nations is the problem of poor housing. In 1996, more than ten thousand homes on reserves had no indoor plumbing. One reserve in four had a substandard water or sewage system. Poor sanitation and lack of running water are among the major causes of gastroenteritis epidemics. As Chief Ignace Gull of the Attawapiskat First Nations community testified to the Royal Commission in 1994: “We are forced to dump our sewage in open pits and use outdoor privies at 30 or 40 below, winter temperatures. This practice causes people of all ages to get sick.”<sup>6</sup>

Land loss and the consequent segregation of Indian communities on reserves has made unemployment – one of the most obvious indicators of poverty – high on the list of priorities for band leaders and political decision-makers alike. Geographic isolation on reserves that are often located far from major centres deprive residents of employment opportunities readily available to other Canadians. The lack of public transportation, poorly maintained roads, and extensive distances from airports add to the isolation of native communities from access to job markets. Indian Act provisions concerning income tax exemptions on salaries earned on-reserve is a further disincentive to reserve residents to live and work off the reserve. The connection between loss of land and the economic conditions on reserves is obvious to reserve residents, who watch billions of dollars in logs, minerals, fossil fuel and hydro electricity being exported from their territories with little or no benefit flowing to them.

This is particularly evident in the province of British Columbia, although non-native residents are reluctant to admit it. In April 2005, west coast writer Will Horter pointed out the double standards that many white residents of British Columbia apply to the exploitation of natural resources on native lands:

What non-native community facing severe unemployment, health and suicide issues would sit idly by when resources (natural capital) are shipped off in vast quantities, while

governments dither about process and companies and shareholders get rich? Not many!<sup>7</sup>

The facts speak for themselves. British Columbia's billion-dollar timber industry relies on the forests in unceded aboriginal lands with minimal payback to the First Nations affected. The mining industry in that province claims to generate \$4 billion a year – and barely a token of this amount is shared with the native landholders. The fossil fuel industry also makes billions of dollars a year (\$77 billion according to one report) in gas revenues. The environmental and social impact of these industries is an additional financial burden on First Nations communities. Moreover, the damage caused by abandoned mines, acid mine drainage, and leaking tailing ponds contaminates the soil and destroys the habitats of wildlife on which many native communities depend to supplement their diets.

Over the past two decades, Canada has made major efforts to improve the standard of healthcare on reserves. Unlike South Africa, where remote rural areas have very few health services, there are nursing stations in virtually all the isolated northern reserves and helicopters available to airlift patients to hospitals. In some regions, hospitalization of Indians is higher than it is for non-native communities.<sup>8</sup> How then to explain the ongoing disparities between the standard of health on reserves and the rest of Canada? One possible reason is that health services are provided largely by white doctors and nurses who usually do not speak the local languages and whose services are hampered by the cultural gap. In recent years, federal and provincial educational programs have produced a growing number of native health professionals; but there is still frustration because the federal government continues to control native health services through the Department of Indian and Northern Affairs. In spite of administrative and financial difficulties, a number of bands are taking control of their own health services with some positive results.

A host of social problems affecting aboriginal youth, women and men in reserve communities stem directly from loss of land and culture. Among the most destructive is the high rate of substance abuse, often starting in childhood. Local band councils, community groups and government agencies are trying to address the problems of endemic drug addiction and alcoholism among reserve communities. However, there is still a long way to go. Aboriginal self-government and the opportunity to regain control of their lives is seen as a critical step in bringing healing and dignity to aboriginal communities. George Erasmus, National Chief of the Assembly of First Nations in 1989, wrote:

As people of the First Nations of Canada we have a vision of the sort of country we want to live in and to build in collaboration with other Canadians.... We should have tribal courts run by our own people. We should administer our own child-care and social services. We should take control over our own education, as we have already begun to do. In this visionary Canada we would be free to express in our actions our tremendous concern for the environment.... Once our jurisdiction was recognized we would ... establish sustainable economies that would consider the long-term future of our children and grandchildren.<sup>9</sup>

The issue of autonomy over health services is now being addressed by some aboriginal communities through land claim agreements. Other native communities are asserting their sovereign rights directly through reserve-based institutions and programs. For example, the Mohawk of Kahnawake (the *Kanjen'Keha ka*) near Oka, Quebec, have established the Kahnawake Schools' Diabetic Prevention Project (KSDPP) to conduct research on the prevalence and prevention of diabetes among aboriginal people. For generations, studies like this were conducted by non-aboriginal researchers and institutions. The Kahnawake project is an indication of the determination of First Nations to take control over their own lives and communities.

Education is another key area where autonomy of aboriginal communities is essential. First Nations children learn from an early age that their ancestral traditions and cultures are less important than those of non-native peoples. Canadian school curricula has historically ignored aboriginal history and culture or has dealt with these topics in inappropriate or disrespectful ways. But this is changing. Many reserve communities have established their own schools and curriculum. The establishment of the First Nations University of Canada, formerly Saskatchewan Federated College (open to both First Nations and non-First Nations students), has special programs to create awareness of the diversity and richness of First Nations and Métis cultures, histories and current issues affecting First Nations communities.

#### LEGACIES OF DISPOSSESSION IN SOUTH AFRICA

In post-apartheid South Africa, legacies of colonial and apartheid policies are reflected in the huge disparities in economic and social conditions between those who have been dispossessed of their land and the current landholders. For all the talk about a "rainbow nation," the divide between rich and poor is still glaringly defined in terms of the indigenous



Rural African home near Nylstroom, Northern Province.

and European populations. President Mbeki's characterization of South Africa as "two nations" – a rich nation (mostly white) and a poor nation (almost entirely black) – is totally appropriate.

Three of the most obvious indicators of this widening gap between black and white South Africans are housing, health and economic development. But there are, of course, many others, including access to quality education, meaningful employment, and an enhanced standard and quality of life. All of these have been available to white South Africans for the past fifty years under the same laws that deprived the black population of both their land and civil rights.

South Africa's teeming squatter camps around large cities like Johannesburg, Cape Town and Durban, where anywhere from forty thousand to two million people live in makeshift dwellings constructed from cardboard boxes, plastic bags and corrugated iron, stand in stark contrast to the comfortable white suburbs where many Africans are employed as domestic workers or gardeners. In the rural areas, particularly in the former bantustans, unemployment and poverty levels for thousands of African households (consisting mainly of women, children and the elderly) are even higher.

Under the Reconstruction and Development Program (RDP), introduced by the new government in 1994, housing was high on the list of priorities to "uplift" those most adversely affected by apartheid. Joe Slovo, the first ANC housing minister, estimated that half the black population lacked a secure roof over their heads and called for half a million homes



African homes in Khayelitsha township near Cape Town.

to be built in the first five years. Not only was this target not met, but the RDP houses (labeled “kennels” by the residents) were also often even tinier than the “matchbox” houses built for urban Africans in the apartheid era. Financial restraints have seriously affected almost every sector. The government’s answer was the GEAR program (Growth, Employment and Redistribution), which replaced the RDP in the late 1990s. This new policy, which focused on markets as the key instruments of development, was welcomed by the investment and business sectors, but did little to relieve the misery of the poor.

The economic system of a market-driven economy, which has served the white minority well, seemed on the surface to be the logical choice for black South Africans seeking the same goal of economic growth. Sick of sharing a few crumbs from the table, the black majority are now in a position to actually have a share in the wealth of the country. In its 1999 election poster, the ANC promised to deliver “a better life for all.” The only drawback is that only a few can find a place at the table. The vast majority are excluded and in many cases are rendered even more impoverished by the transition to democracy.

John Pilger, a British journalist and filmmaker, has identified some of the root causes of the continued poverty. In order to avert civil war, the African National Congress negotiators had been forced to compromise their left-leaning ideals articulated in the 1955 Freedom Charter, which had assured all South Africans of a share in the country’s wealth. The



African National Congress election poster, 1999.

land would belong to all who worked it, and all the major monopolies, the mines and financial institutions, would be nationalized. However, Mandela and his colleagues were forced to abandon these communistic ideals and to support the continuation of a market economy. As Pilger observes, this was nothing new. Under white rule, there had been a long and bloody history of a market economy in South Africa. Cecil John Rhodes paved the way in the late nineteenth century, advocating the dispossession of Africans and their “removal” to cheap labour reserves for white-owned gold and diamond mines and industries. The Oppenheims followed in Rhodes’ footsteps and grew rich on the brutal migrant labour system.<sup>10</sup> In post-apartheid South Africa, Harry Oppenheimer’s theory of “trickle down” wealth has been adopted by President Thabo Mbeki and his Minister of Finance, Trevor Manuel. While this policy favours the development of a small black elite, it has not addressed the enormous legacy of poverty the ANC government has inherited.<sup>11</sup>

Inequities based on racial groupings that vastly favoured white South Africans were an integral part of the apartheid system. This was especially apparent in the provision of health services. A survey conducted in 1983 reported that in urban South Africa the doctor-patient ratio was 1: 330 for

whites and 1: 12,000 for Africans. In the bantustans, there was one doctor for every 14,000 people in the Transkei, 17,000 in Bophuthatswana and 19,000 in Gazankulu.<sup>12</sup> Government figures estimated infant mortality in these areas to be between 20 and 25 per cent of live births. Malnutrition was (and remains) one of the main causes of infant mortality.<sup>13</sup>

Health conditions in the rural areas have not dramatically improved since 1994, although the government's target of primary health care (for children and nursing mothers) and the systematic immunization of children against infectious diseases has made a significant difference in the areas where the program has been implemented. But the economy-driven hospital closures, layoffs, and privatization of health care have raised serious ethical and human rights dilemmas for health care delivery.<sup>14</sup>

The provision of clean water (communal taps) to previously neglected rural black communities was a major achievement of the new government in the first years of democracy. However, in 1998 the ANC government decided to privatize water throughout the country. Water became a commodity to be sold for profit on the open market and the benefits of clean running water are now available only to those who can pay for it. In the rural areas, multinational water companies installed prepaid meters on communal taps or stand pipes. Not only were the meters unreliable, but the scheme inhibited local people from obtaining sufficient water for their daily needs. As a result, health levels plummeted. In 2003, a major cholera epidemic swept through the community of Ngwelezane in KwaZulu-Natal. David Hemson, a researcher with the Human Science Research Council of South Africa reported that three hundred people died from cholera and 350,000 were affected. The cost of setting up emergency hospitals and tents for re-hydration were enormous. Many blamed the privatization of water for the outbreak because local people had reverted to the old way of fetching water from rivers and streams, most of which are polluted. Although the government denied that lack of access to clean water caused the epidemic, the publicity was effective: Ngwelezane received a new standpipe and a low, flat rate for their water.<sup>15</sup> However, in other areas, the risk of communities contracting diseases from contaminated water continues.

The spread of AIDS (Acquired Immune Deficiency Syndrome), and the virus associated with it, HIV, is a growing problem in South Africa affecting thousands of men, women and children. Children who have lost both their parents to the disease, have become double victims. With about 1,600 South Africans infected daily, HIV/AIDS has taken centre stage in the massive health problems that face the new government. The direct impact of poverty on the prevention and treatment of HIV/AIDS



Child in Aids Orphanage near Durban, KwaZulu-Natal.

has become increasingly apparent over the past several years. Poor people are less likely to have access to educational program relating to the spread of HIV/AIDS or to be able to pay for medical treatment. Moreover, malnutrition contributes both to the effectiveness of medications and to the recovery rate of HIV/AIDS patients.

The ANC government (and President Mbeki in particular) has been heavily criticized for delaying the provision of free treatment to AIDS sufferers. Finally, in 2003, the health minister Manto Tshabalala-Msimang announced a plan to provide free anti-retroviral drugs in public hospitals. The plan, which AIDS activists and health professionals have been urging for years envisages that at least one service point (clinic) would be provided to every municipality across the country by 2005. Although the government has committed over R12.1 billion to the plan, and the international community is also providing funding, the program is barely making a dent in the rampant spread of the disease across the country. Apart from the logistics of setting up clinics and the sheer number of patients involved, there is also an acute shortage of health professionals to ensure that the drugs are properly administered.<sup>16</sup>

Women, who remain on the lowest rung of the economic scale, are particularly vulnerable to AIDS. In 1994, the women's organization Black Sash reported that in rural KwaZulu Natal, the prevalence of HIV in women was more than four times that of men.<sup>17</sup> More recent reports show a similar trend developing across the country. The rise in HIV in-

fection in women has been attributed, at least in part, to the escalating rate of rape cases in South Africa. Prostitution has also helped to spread the disease in South Africa. The migrant labour system, which entails long absences of male workers from their homes and families, is another important contributing factor to the spread of HIV/AIDS among South African men and women.

#### THE PROBLEM OF “INVISIBILITY”

In her book about the lives of migrant labourers in the industrial heartlands of South Africa, Mamphela Ramphele brought attention to the appalling social conditions that lay behind the eruption of violence in parts of South Africa in the late 1980s and early 1990s. Until the media reports of so-called Black-on-Black violence in the townships, neither the migrant labour hostels (huge barrack-like concrete buildings, often several rows deep) nor the people who lived in them were “visible” to the white public in racially segregated South Africa.

The conflict began when migrant workers, armed with traditional Zulu weapons of assegais and spears, as well as firearms, began to savagely attack the African residential community surrounding their hostels. The unprovoked attacks can be partly explained by the state-orchestrated conflict between the ANC and the Inkatha Freedom Party. However, the psychological and sociological climate engendered by the inhuman and degrading conditions endured by thousands of hostel dwellers provided the ideal conditions for this “orchestration” of violence to take place.

The hostels were originally built to accommodate male workers who had labour permits for ten months of the year in the cities and then had to return to their homes in the bantustans. Women and children were forbidden by law to live in the hostels. Even as temporary “homes,” the hostels were, and still are an affront to human dignity. They exist because of the country-wide housing crisis deliberately created by the apartheid government in order to discourage “surplus” Africans from settling in urban areas.<sup>18</sup>

As Ramphele writes in *A Bed Called Home*, the physical space constraints in the hostels of the Western Cape (where most of her research was conducted) is overwhelming. The common denominator of space allocation in the hostels is a bed and nothing more. The “beds” in question are wooden bunks or concrete slabs the size of a narrow single bed, without mattress or spring – occupants have to provide their own. Since the demise of apartheid and the removal of the Group Areas Act, whole families including children now “live” in an allocated area of 1.8 square metres, and share living, cooking and ablution facilities with hundreds

of other families. Privacy of a sort is created by a flimsy curtain and practicing the art of “imagining space where there is none.”<sup>19</sup> These “bed homes” are distributed in different types of hostels, with varying degrees of intensity and configuration across the country; but all bear the mark of a system designed to rob the inhabitants of their human dignity and self-esteem.

South Africans have to acknowledge the legacy of apartheid, particularly the space constraints imposed on black people. In Ramphele’s words, it is not going to be easy for people who have had to “shrink” to now stand up and walk tall. Habits developed over the years of oppression will die hard.<sup>20</sup> The hostel experience suggests that many Africans still face real barriers to participation in normal life. These barriers reinforce the notion of being a “victim of circumstance” rather than an active agent in the unfolding historical process. As Ramphele concludes, the “victim image” is a valuable asset in the personal struggle for survival, despite pulling a person down, because it releases one from responsibility in social relations: “Many of our informants repeatedly indicated that they saw themselves as victims of both the wider political system and the power games played in community politics.... In a sense this becomes a self-fulfilling prophecy and leads to low levels of effective participation.”<sup>21</sup>

Some of the deprivations of hostel life in South Africa find echoes in the situation of Canada’s aboriginal peoples, especially those who live in squalid conditions on reserves or in urban ghettos. In these situations, the support structures of traditional social life have been whittled away by generations of residential school experience. The compulsory separation of Indian children from their parents and communities paved the way for the current syndrome of unemployment, alcoholism, substance abuse and domestic violence. Even those who manage to escape the cycle of dysfunctional home life and move to the cities find the experience of non-acceptance by the wider society equally destructive. A disproportional number of urban native people end up in prison compared to the general population. The 2005 United Nations study found that 17 per cent of prison populations across the country were comprised of aboriginal men, women and children, who make up only 4.4 per cent of the total population.

Peter Carstens has compared the psychological impact of reserve life on Canada’s Okanagan people and in “Coloured” communities in South Africa. His work documents the conflicting situations people face when they try to come to terms with their marginal positions in their respective societies. Frustration induces a complex chain of reactions involving

both avoidance and acceptance, often marked by aggression. Indians sometimes give the impression of their acceptance of their situation. However, often their concealed anger finds expression in joking relationships with each other and with whites. Overt aggression against whites rarely occurs, perhaps because the hidden taboos produced by the system tend to internalize and displace aggression. Therefore, many kinds of personal violence are resolved locally on a personal level. Among the Okanagan, there are many kinds of feuds that are resolved by shouted insults or fist fights. Often drinking is involved. Vandalism is another form of displaced aggression, often directed at public property as a rejection of white institutions. In Carstens view, there is an urgent need to study the social and psychological effects of the Indian Act and the concomitant reserves. Too often Canadian policy-makers and the public at large erroneously attribute self-destructive behaviour to “traditional Indianess,” when really they are indicators of a reserve culture.<sup>22</sup> Métis writer Maria Campbell uses a powerful metaphor for this destructive legacy:

My Cheechum (grandmother) used to tell me that when the government gives you something, they take all that you have in return – your pride, your dignity, all the things that make you a living soul. When they are sure they have everything, they give you a blanket to cover your shame.<sup>23</sup>

The higher-than-average suicide rates among aboriginal Canadians, frequently involving young people, must also be located within the historical context of the reserve system. As Carstens points out in a recent article, the syndrome of suicidal risk behaviour, many of which are themselves pathological, are “flags of sinister distress” in reserve communities. These warning signs have been recognized for a long time. In 1992, Justice Murray Sinclair, an aboriginal judge, told a conference on suicide prevention that the extremes of violence (including suicide) among aboriginal people is essentially a function of their history. When people have been oppressed for generations, their reaction to the restraints imposed on them can quickly become violent – a violence that is often directed towards self, family, friends and others in the local community.<sup>24</sup>

Aboriginal Canadians are not alone in experiencing this debilitating cycle of self-abuse and violence towards others. Writing about the impact of the “victim image” on Afro-Americans, S. Steele explains the powerful impact of victimization on the psyches of oppressed people. “Oppression conditions people away from all the values and attitudes one needs in freedom – individual initiative, self-interested hard work,

individual responsibility, delayed gratification, and so on. It is not that these values have never had a presence in black life, only that they were muted and destabilized by the negative conditioning of oppression.”<sup>25</sup>

This kind of insight is helpful in understanding the processes that give rise to a culture of victimization, although it is not intended to defend or camouflage the ugly destructiveness of behaviour that leads to the fetal infection of infants, the serious neglect and often abuse of children, domestic violence, rape and murder. The failure of band leaders to take responsibility for the breakdown of social order in their communities and the financial mismanagement and corruption in the administration of reserves is unacceptable under any circumstances. Situations where unattended children die in house fires, young people burn to death from sniffing gas, and the suicide rate is among the highest in the world are indicative of the extreme conditions under which many native communities are now living. They are also the direct result of dispossession – of land and human dignity.

#### **LAND MATTERS: RESTORING DIGNITY**

The vast majority of South Africa’s rural population is either fully or partially dependent on land and land-based resources in order to survive. The only external sources of income are wages (usually earned in towns through domestic work or in shops and industries); remittances from family members who work as migrant workers on mines or in factories; and income from informal economic activities and state welfare grants. Land-based sources include crop and livestock production and the harvesting and processing of natural resources. The production of food crops has played a vital role in sustaining African households in the former bantustans, particularly in the eastern half of the country, where the climate is conducive to rain-fed cultivation. In these mixed farming areas, a high proportion of households are involved in crop production along with a number of other livelihood activities. Maize inter-cropped with other food crops and vegetables are produced on small plots of land mostly for home consumption. But depending on the size of arable holdings, levels of production are often not sufficient to meet the subsistence needs of households, necessitating the purchase of maize and other staple foods. In areas where population density is high, there are significant numbers of households without access to arable land apart from a small home garden.

In their 2003 report on rural land use and livelihoods, Maura Andrew, Charlie Shackleton and Andrew Ainslie discuss the ways in which rural households make full use of the land they have.<sup>26</sup> Until the 1990s, most



African women carrying firewood, Gauteng.

surveys of rural households found that the sale of crops amounted to less than 10 per cent of household incomes. However, more recent studies show that the contribution of agriculture to rural households has been underestimated. In some areas, crop sales may represent as much as 20 per cent of a family's income. Livestock farming is another important source of livelihood for rural families. The ownership of cattle and other livestock was a key element in the pre-colonial economies of African people in southern Africa and has remained so. The range of livestock farmed today includes cattle, sheep, goats, horses, donkeys, pigs, chickens, geese, turkeys, pigeons, rabbits and ducks. By keeping this type of livestock, rural families are able to obtain: meat, milk and eggs for home consumption; equity as an investment; income from the sale of animals or by-products such as hides and skins; the means to pay *lobolo* or bride-wealth, and cow dung (used to line the walls and floors of their huts). The horses and donkeys are also useful for draught or transport purposes.

In addition to farming, communal land is harvested for a whole range of resources used by rural communities, from wild spinaches and edible fruits to fuel wood and grass hand-brushes. Many rural households make use of edible insects, wood for fences or kraals (animal pens), medicinal plants, wild honey, and reeds for weaving. These resources are extracted from home gardens as well as neighbouring fields. More specialized resources, such as some medicinal plants, weaving fibres, and durable household poles, are only found in certain parts of the countryside

around villages. Knowledge of these resource areas and their availability is often of vital importance to economically vulnerable households. Moreover, there are often marked disparities between wealthy and poor households in the use and dependency on natural resources. Poorer households are more likely to sell natural resources to generate cash income than more affluent households. For many families, the harvesting of natural resources is their only means of livelihood. For others, it represents supplementary income for specific items, such as school fees, books or uniforms. Thus, overall, access to land and natural resources is pivotal to rural life.

The South African government is beginning to address the problem of land-related poverty in a number of different ways. In 1997, the White Paper on South African Land Policy introduced several programs designed to benefit disadvantaged people. Some programs provide grants to buy or improve land under the direction of the Department of Land Affairs. Others distribute subsidies for housing construction administered by the Department of Housing. The amount of the housing subsidy depends on the income of the household. Only households earning under R1,500 (\$400 CAN) per month qualify for the full subsidy amount of R23,000. A requirement for accessing the housing subsidy is that tenure must be secure. Beneficiaries must have a secure right to the land on which the house is to be built. Generally, subsidies are made available only to beneficiaries who possess registered title to a property in the form of ownership, a lease or a deed of grant. The rural housing subsidy used in the former bantustans is more flexible. Beneficiaries must have at least informal rights to the land on which they will live, but these rights must be uncontested – something that can be difficult and time-consuming to prove. Granting such a subsidy also requires the written consent of either the tribal authority or the provincial Department of Land Affairs office. A large section of the former bantustan population does not have secure land tenure, and so the housing subsidy has not been of significant benefit to rural communities. In 2003, over eighty-seven thousand urban households had received housing grants, as opposed to 501 rural households.

Thus town-dwellers benefit more from certain government programs than people living in rural areas. However, there are programs designed specifically for rural communities. Among these are ventures that involve the sharing of land-based resources between landholders and landless people. In his paper published by the Programme for Land and Agrarian Studies (PLAAS) in February 2004, David Mayson describes the various types of joint ventures that have been initiated with government sup-

port. Although the Department of Land Affairs gave specific support to the joint ventures program in its 1997 White Paper, the most significant players are corporations and businesses which have direct interests in developing mutually beneficial partnerships with previously disadvantaged people. The fact that the “private sector” is the primary initiator and driver of most joint ventures (including those funded by the government) means that there is a certain amount of risk involved for the African partner.

One type of joint venture that has provided small-scale black farmers with improved livelihood opportunities is contract or out-grower farming. This is an agreement between the farmer and processing markets or firms, in which the farmer agrees to supply an agreed quantity of goods of a specified quality. In return, the farmer is paid for the produce, but also receives support, such as bank credit, training and assistance with the purchase of machinery and other resources. Contract farming has been most common in the former bantustan areas, where women are involved in the production of cash crops such as cotton and sugar (albeit on communal land accessed through a male family member). The downside of these schemes is that they do not give African farmers secure and independent access to land and capital. Moreover, access to land is only granted for the production of a specified crop, leaving less arable land available for food production.

A more favourable type of joint venture for disadvantaged people is a sharecropping or share-produce arrangement. These are agreements in which instead of paying a predetermined amount of rent for farmland, the tenant agrees to give the landlord a share of the harvested crops. In the past, sharecropping agreements were inherently unequal. Sharecropping was a mechanism used by Africans to retain some hold on land which had been taken over by white farmers. In post-apartheid South Africa, the balance of power is not quite as unequal. For example, workers on a grape farm agreed to work the land of a neighbouring farmer in exchange for half the crop, which is then bottled and sold under their own wine label. Another example is where a community dispossessed in the 1970s has received their land back through the restitution process but lacks the resources to farm the land productively. The community has entered into a reciprocal agreement with a neighbouring white farmer which satisfies the needs of both parties. Each party receives 50 per cent of the profits from the venture: the community provides the land (and grant money for capital equipment) and the white farmer contributes cattle, machinery and management expertise.

In his assessment of joint ventures as a mechanism to assist small-scale black farmers to make a better living, David Mayson points out that the main beneficiaries of these schemes are white commercial farmers and corporations. While these schemes mobilize private sector resources and help poor people to overcome the many barriers to enter the market economy, they do not address the long-term problem of economic redistribution. In Mayson's words, "[j]oint ventures are generally unequal arrangements, and the dominant partners will seek to ensure their own interests are promoted. It is important for farm workers, small-scale farmers and their facilitators to understand this and to seek ways to increase their resources (including land) and benefits from the scheme."<sup>27</sup>

Bridging the power gap between white landholders, who have been the beneficiaries of farm subsidies and government schemes for almost a century, and newly recovered black farmers is not going to be easy. But the emergence of joint ventures is an encouraging sign that there is a willingness on both sides to join hands and make the land work for their mutual benefit.

In Canada, access to land and natural resource is also a critical issue for Canada's aboriginal peoples. According to the Canadian Human Rights Commission, the social and economic situation of the aboriginal population is among the most pressing human rights issues in Canada. While the Commission is not mandated to monitor the human rights of First Nations under the Indian Act (as stated in section 67 of the Canadian Human Rights Act) it has called for special measures to be implemented to reduce the economic and social gaps that exist between aboriginal and non-aboriginal Canadians. One of its recommendations is to establish an Aboriginal Employment Preference Policy. It has also called upon the Canadian government to ratify the International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries.<sup>28</sup>

As in South Africa, Canadian governments, both federal and provincial have also introduced programs designed to bridge the human development gaps between aboriginal and non-aboriginal Canadians. In 2002, the Quebec government and the Cree and Inuit of Northern Quebec struck a follow-up agreement to the 1975 James Bay and Northern Quebec Agreement. This agreement, known as "La Paix de Braves," provided for the transfer of Quebec's socio-economic responsibilities to the Cree through the establishment of several joint councils that deal with economic development, forests, mines and hydroelectric management.

In an effort to deal more effectively with land claims based on aboriginal and treaty rights as recognized in the Constitution, the federal government passed legislation designed to affirm the existence of aboriginal rights in certain areas without the contenders having to bring the matter to the Supreme Court for legal interpretation. The First Nations Recognition Act (Bill S-16) was introduced in the Senate in October 2004 but has yet to be ratified by parliament.

## CONCLUSION

Among the problems that face both Canadian and South African societies is how to reverse the social attitudes and political systems that have been in place for at least a century. In his book, *Citizens Plus*, political scientist Alan Cairns offers what he considers a middle ground solution to the impasse in negotiations between aboriginal peoples and the Canadian state. Former policies were based on the premise that Canada's first peoples would eventually be absorbed into the mainstream society, Cairns argues, but "history changed direction on us." Even though aboriginal peoples were written out of Canadian history, they refused to die out as social Darwinism had foretold. "We are like the new élite of Central and Eastern Europe whose book shelves were groaning with tomes dealing with the transition from capitalism to communism. The reversal baffled and confounded them. In much the same way, the material on our shelves assumed the goal of assimilation. Although we are now moving towards a different goal, the specifics are unclear. Moreover, the problems that confronted us in the past have not gone away, and the solutions are more elusive than ever."<sup>28</sup>

What is lacking in both countries is a fundamental concern for the common good. This is what George Soros, the Hungarian-born billionaire and philanthropist has to say about social justice and the market economy (*laissez-faire*) ideology:

By taking the conditions of supply and demand as given and declaring the intervention of government as the ultimate evil, *laissez-faire* ideology has effectively banished income redistribution. I can agree that all attempts at wealth redistribution have failed, but it does not follow that no attempt should be made. Wealth does accumulate in the hands of the owners, and, if there is no mechanism for redistribution, the inequities can become intolerable. The claim that the accumulation of wealth is in accordance with the survival of the fittest is negated by the fact that wealth is passed on by inheritance.<sup>30</sup>

The truth is that no society can afford to ignore the common good. *Laissez-faire* or the trickle-down theory will benefit the wealthy at the expense of the poor. But there will be no stability or social justice until the legitimate demands of the dispossessed have been met. Soros sees the solution in “open societies,” where institutions dedicated to the common good are allowed to flourish and where people with conflicting views and interests live together in peace. The key to fostering such societies is to recognize our interdependence as human communities.

