



# Ingonyama Trust is not a dirty deal

IN THE article *Zwelithini Land Trust slated as 'dirty deal'* (October 1), "gender activist" Nomboniso Gasa defames the Ingonyama Trust as "the dirty deal that was done on the eve of this dispensation by the Nats in an attempt to pacify the IFP".

This is a blatant lie.

As the author of the Ingonyama Trust Act, I consider Gasa's statement an attack on my personal integrity and on the truth.

Let me set the record straight.

Under my stewardship, the erstwhile KwaZulu-Natal government brought about a number of reforms that were unique, not only in South Africa but on the continent.

We emancipated married women, who were considered minors under the prevailing laws. We enabled women to get land from amakhosi and through inheritance, and we allowed women to become amakhosi. Our efforts ensured that today, women sit on traditional councils.

The moment we received legislative powers in KwaZulu-Natal, we repealed Sir Theophilus Shepstone's Zulu Code of Native Law, which made women unable to own property.

In our townships, we stopped the despicable practice of women



IN DEFENCE: IFP leader Prince Mangosuthu Buthelezi

being sent away from their houses when their husbands died.

Women were given *locus standi in judicio* (the right to be heard in court) in KwaZulu-Natal long before anywhere else.

Naturally, we sought to protect the progress we had achieved in our region. Thus, we were concerned by the negative effects on land administration imminent in the adoption of the interim constitution.

In terms of the interim constitution, all communal land held by

the erstwhile 18 self-governing territories and the four nominally independent TBVC (Transkei, Bophuthatswana, Venda and Ciskei) states was automatically transferred to the SA government.

In this process, what was communal land held in terms of indigenous and customary law became state land held in terms of the Land Administration Act.

The act made no reference to indigenous and customary law. It didn't contemplate the power of traditional authorities to administer land and did not recognise the right of each community member to receive enough land to be able to sustain their families.

That meant the interim constitution would have made all black South Africans landless as far as legal entitlement was concerned.

And that is exactly what happened in the rest of South Africa, except for the areas under the Ingonyama Trust.

In October 1993, in my last act as we wound up the KwaZulu legislature, the legislative assembly adopted the Ingonyama Trust Act which maintained within indigenous law and the Zulu monarchy the land left to the Zulu nation after colonial conquest and racial dispossessions.

The Zulu nation is now the only

ethnic group whose land is controlled by a trust, led by the king.

Land held under this trust is administered as communal land in terms of indigenous and customary law, rather than as private or public property.

By direction of our king, traditional councils and leaders have been tasked with using this to the benefit of the people. Ingonyama is the Zulu name for our king.

The intention was to ensure that each of the then traditional authorities has a title deed for the area under its jurisdiction. That was the path we intended to follow. But government, unwilling to give powers to provinces, sought to scrap the act soon after 1994.

In the end, parliament amended the act, taking away the powers to administer and dispose of land, which were transferred to the department of land affairs, and leaving the trust with only advisory functions rather than actual powers.

That is the history of the Ingonyama Trust. It was no "dirty deal" by apartheid to placate the IFP. It was legislation enacted by the KwaZulu government to preserve the rights of rural people to their land.

Prince Mangosuthu Buthelezi, MP  
president of Inkatha Freedom Party