



# iBandla nomHlaba

News from the Church Land Programme



## Land Restitution: Stories from the ground

**S**outh Africa's democratic government introduced Land Reform in 1994. Land Reform aims to redress the land injustices and forced removals that took place under the previous racist laws of the apartheid government.

For more than ten years now, the government has implemented its Land Restitution Programme. The government talks about the success of this programme, because many claims have been settled. It has extended the delivery date on all land claims to the end of 2007.

History has proved that we must be aware, analytical and critical when it comes to land in South Africa. We cannot take things for granted. This newsletter looks at what the people who have lodged claims have to say. It looks at Land Restitution from 'the ground' and not from 'the top'. It examines if the Restitution Programme is *really* bringing about justice and healing the wounds from the past. It tells the stories of people from Roosboom and Oakford, and then uses these stories to ask some important questions about restitution.

**O**akford is a farm of about 1100 Ha near Verulam within the Durban Metro demarcations. It was bought in the late 1800s by Bishop Jolivet, a Catholic Bishop, who later introduced Dominican Sisters (nuns) to the area to do mission work amongst the local people. The Oakford Priory was established. As was the case with many mission stations, over the years the group of residents living in the area increased, due to the available work nearby, as well as a growing commitment to catholicism.

The Group Areas Act took place in 1952. This act affected Oakford, and forced removals took place from about 1964 onwards. The removals divided the people of Oakford: At least eighty families were forcibly removed away from the mission, and they mostly went to Ndwedwe. These people had expected the Dominican Sisters to stand up for them, and come to their rescue, but this did not happen. Other families remained in the area, but they too were vulnerable and had no security of tenure on the land.

The displaced people of Oakford took advantage of the Land Restitution Programme and lodged a land claim in about 1996/7. After a long period of waiting, the government through the Regional Land Claims Commission paid out the Dominican Association of South Africa. Therefore, on 2 April 2005, the people displaced from Oakford were able to celebrate their rights to own land in Oakford. Instead of living on the land, they have chosen to use it for a business

venture, and are farming sugarcane.

The people who remained on the Oakford land, were also given a promise of land ownership. In 1996, the Dominican Sisters agreed that they could take over the land on which they were living. The Sisters applied to the Department of Land Affairs (DLA) for assistance in transferring the title deeds, and for support for the beneficiaries of this land transfer on how best to use the land. In January 2006, these people received the fulfilment of the promise of a title deed, after nine years of waiting for the transfer which was held up with the Government's 'red tape'.

**I**n the early 1900's an African man bought land from the government in the area known as **Roosboom**, outside Ladysmith. Considered to be one of the 'exempted elites', this man was able to invite others like himself to join in the formation of a trust for the buying and use of the land. The area flourished over time as a Christian community, where few traditional Zulu practices were allowed. Owners and tenants alike built homes, schools, training centres, a clinic, post office and many churches: Anglican, Catholic, Methodist, Presbyterian, Zulu Congregational, Dutch Reformed and various African Independent Churches. Further to this, there were a number of farming activities, and the area was seen as being occupied by the prosperous middle-class black elite.

The government however, saw the area as a 'black spot', and over a number of years tried to negotiate with the trustees to move the whole community. This was not deemed to be feasible, and so no-one moved. With this lack of co-operation, government officials began using 'mixed messages' and misinformation to create confusion and division amongst the trustees and community residents.

In 1975 early one morning defence force trucks arrived, and families were ordered to gather what they could, and get into the trucks. What they left behind was either destroyed or taken by the soldiers. The families were taken to Ezakheni township on the other side of Ladysmith, and instructed to occupy a cluster of tiny, ill-built houses with water but no electricity, and no space for livestock or the growing of food. This forced removal was the first of many for Roosboom residents during a two year period. In some cases, people went to work in the morning, and came back to desolation that used to be their community.

Those who had been removed lived in Ezakheni, but they really wanted to be in Roosboom – since turned into a farm. So in the late 1980s, people started to move back to Roosboom and attempted to re-establish their lives. Others who had not originally been living in Roosboom, also showed up. In the early 1990s the residents began petitioning the

### Do you Understand the Restitution Act?

In 1994 the government passed a law called Restitution Act, No. 22 of 1994.

This Act, in its **vision** seeks to restore rights to land of those people who lost these rights after 19 June 1913, when racial and discriminatory laws were passed against African people.

Its **mission** is to promote equity for victims of dispossession by the state, particularly the landless and rural poor; to facilitate development initiatives bringing together all stakeholders relevant to land claims; to promote reconciliation through the restitution process; to contribute towards an equitable redistribution of land rights.

The **values** of this act are: promotion of gender equity; just and equitable redress; prioritising the needs of land development; needs based prioritisation and promotion of *Batho Pele*.

government to give them their land back, and by 1994 more than half of the original residents had moved back to Roosboom.

The new South African government took pride in the Roosboom story, and saw it as their first RDP 'case'. They allocated R26 million to the area to ensure that development took place. However, the residents saw very little evidence of the allocated money or any development. Over time, some government departments have delivered some services.

In the light of this, Roosboom residents have taken action themselves in the following ways:

- The former owners took initiative to go back to their land in the early 1990s, and put in a claim in 1993 so as to receive their land back, with title deeds.
- Built some amenities in the area.
- Demanded from the government the provision of services, and that the erosion in the area be reversed (when the area was allocated as a farm, poor farming practises were used, and this has had an adverse effect on the soil).
- Called for a TRC-type process to help understand what happened in the 1970s, especially to find out who authorised the evictions.
- Decided to avoid division in the area, and work together with everyone living there, even those people who arrived subsequent to the removals.
- Formed the Roosboom Church Land Committee to negotiate with the government.
- Written letters to government officials petitioning them.
- Produced a video telling the Roosboom story.

# Ten Questions to Ask about Land Restitution

**A**s South Africans, we must be very aware, analytical and critical when it comes to land.

To help us be aware, analytical and critical, there are ten important questions which can be asked by communities who are going through with restitution. If you are involved in a restitution claim, it will help you to get together with your fellow claimants (and even some people in your community who are not claimants), and to ask these questions as a community group:

1. If we want justice to be done for historic land atrocities, are we looking in the right place for this?
2. What is the Restitution Programme really about? Is it about the reversal of injustice, or is it about getting money and power?
3. Will getting a title deed or cash payout really bring about justice for us, and give back to us the full value of all that was lost from our lives and community?
4. Are we fully aware of whose interests are being prioritised in the land claim process?
5. How does the Government and the Regional Land Claims Commission see us as a community? Are we partners, or just a number on a project list?
6. Are we fully aware of any interest which is promising to provide or fix things for us, and taking power *out* of our hands? Are we fully aware of any interest which does *not* allow us to object to what is being done? Do we believe we *can* interrupt the application process if we are being dealt with unfairly?
7. Who gets the power, the status and the money in the claim we have submitted? Are we the ones really empowered? Are the poor amongst us really helped?
8. When the Regional Land Claims Commission believes it is finished with our transfer, will they just leave? Are we expecting more than just a title deed or cash payout from the Government, and is this expectation realistic?
9. When we look at the stories of other claimants, does restitution cause conflict and divisions, or does it help to build the community? Does having a claim settled really improve the livelihoods of community residents? Do people overcome poverty?
10. Will returning to the land we used to live on bring community unity and development, or cause conflicts between groups?

## What can you do about Land Restitution Now?

Authentic restitution is not about land. Authentic restitution it is about justice being done within life: identity, dignity, community, family, history and belonging. How can a community act towards *genuine* restitution? These are some of the ways:

1. Claim, own and celebrate our identity *now!* We are not claimants but South Africans on the land.
2. Start to act *now* to use the land – take destiny into our own hands.
3. We have every right to want justice, but many of the solutions to these problems come from below – people *can* liberate themselves.
4. The marginalised should remain organised, pool resources and be more strategic. Mobilise and advocate for *genuine* land reform. Genuine land reform takes into account the experiences and history of landlessness, and distributes resources fairly to bring change based on what *people* really need, not what the enterprise *market* wants.
5. Respect people's rights.
6. Understand who is who amongst ourselves.
7. Build relationships and consolidate with others – don't act on your own.

## Think about this ...

**Thus says the Lord GOD: "Enough, O princes of Israel! Put away violence and oppression, and do what is just and right. Cease your evictions of my people, says the Lord GOD."**

Ezekiel 45:9 NRSV

**T**his verse is taken from the book of the prophet Ezekiel in the Bible. It makes God's position on land evictions, oppression and violence directed to the landless poor people very clear. God is against such injustices. It is obviously sinful and unjust for the powerful to violate the human and land rights of those who are vulnerable.

This message was communicated from God through the prophet Ezekiel to the 'princes of Israel' many thousands of years ago. It is the same message that God is still communicating today to the landed elite (the 'princes') of nowadays. The message is still: "Stop injustice, stop violence, and stop evicting my people".

Therefore, the heinous crimes that are being committed against the landless poor in South Africa are despicable and unacceptable to God. Some real examples of these are as follows:

- Physical abuse resulting in death (Mr Solomon Mbuyisa of Phongolo and Mr Dlamini of Richmond).
- The shooting of farm workers (Mr Tseko Mndaweni of Eston).

## What People Are Saying

People from these areas have experiences about restitution. They have a story to tell. This newsletter is a place to share these stories, opinions and comments:

*One day you have a home. The next day you're running up and down the street asking people "Where is my home?"*  
– A person who was forcibly removed.

*All our governments in South Africa are like children of the same mother. They all make promises and do not keep them. The British government made promises that they never kept, the Apartheid government did the same, and so is the current government.*  
– elderly man from Roosboom

*We lost houses not sugar cane fields. So why are we being compensated with sugar cane fields? How old will we be in comparison to the one who is lying in the grave, by the time we have received the profits from this sugar cane field?*  
– Pensioner (twice evicted so that her land could be used for commercial farming)

*We are being treated like children who are promised sweets and never receive them. Why are we not being given money to build houses, and instead a sugar cane field?*  
– Pensioner

*We will take to the streets if we lose patience.*

– A young person from KwaThelaphi

## What You Are Saying

What is your story about land restitution? We want to hear from you. If you or your community would like to tell us your story or send us your comments, you may write to us at:

**iBandla nomHlaba**  
Suite 23 Postnet, Private Bag X9005  
Pietermaritzburg, 3200

- The impoundment of cattle, people's sustainable livelihood (Mrs Ngema, a widow from Dingaanstad, Babanango).
- Evictions of pensioners with their grandchildren (Mrs Ntshangase from Dundee and Mrs Mkhonza from Newcastle).

There is a need for repentance (a complete change of heart and of action) by those who do these acts: those who own land belonging to others who have been dispossessed, and the landed elite who abuse farm workers, or use terror and violence to control the rural poor.

According to this verse, the call from God is that these people should put away violence and do what is just and right. The call is that they should repent, confess, return the land to its rightful owners, and reconcile with the historically dispossessed.

