

**POLICY OPTIONS ON LAND DISTRIBUTION
IN SOUTH AFRICA WITH SPECIAL REFERENCE
TO THE RURAL COMMUNITY OF CRADOCK
IN THE EASTERN CAPE:
A THEOLOGICAL ETHICAL PERSPECTIVE**

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the degree of Master of Theology in the School of
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Abstract

This study seeks to investigate the origin of land injustices in South Africa. The root cause of land injustices, as will be shown in the introduction, is located in human shortcomings of greed, which theologically is termed sin. All the contributory systems mentioned such as Colonisation and Apartheid are a direct result of sin. No human being is immune from sin, whatever name one may use to describe that shortcoming.

The approach adopted throughout the dissertation is an inductive one which first presents the reality as it is and secondly make an analysis of the situation. In this regard chapter two focuses on the dire needs of land by Africans both in Cradock and the country as a whole.

Chapter three examines the concept of ubulungisa - justice as an appropriate method for Christians (in South Africa) to address the issue of land injustice.

Chapter four acknowledges that the problem of land injustice is global in scope. It is suggested that the experiences of other countries that have gone through similar experiences have much to offer South Africa. It is also emphasised that the lessons learnt must be adapted to our situation.

Chapter five examines the land policies of three of the dominant South African political parties that are involved in the present Government. These are; the African National Congress, the National Party and the Pan Africanist Congress of Azania. At the same time, a brief critique of their land policies is conducted. This chapter closes by suggesting that an approach that allows all citizens of the country to make a contribution be adopted.

Chapter six presents a challenge to the Church to accept its role and responsibility. The author submits that the Church has a pastoral and prophetic role to play. The church is challenged to show its commitment to ministry on land injustices by setting an example in the use of its own land, whilst at the same time it challenges the State. This is so because the church has a task to be the conscience of the nation by 'being the voice of the voiceless.'

Chapter seven, summarises the findings of the dissertation and concludes by suggesting six fundamental ethical principles regarding justice in the land that are worth considering.

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List of Abbreviations

1	A.N.C.	African National Congress
2	P.A.C.	Pan Africanist Congress of Azania
3	R.D.P.	Reconstruction and Development Programme
4	S.A.	South Africa
5	S.A. Land Committee	South African Land Committee
6	S.A.C.C.	South African Council of Churches
7	S.A.C.B.C.	South African Catholic Bishops Conference
8	G.G.	Government Gazette
9	N.P.	National Party
10	D.P.	Democratic Party
11	I.F.P.	Inkatha Freedom Party
12	A.W.B.	Afrikaner Weerstand Beweging
13	E.C.L.A.C.	(United Nations) Economic Commission for Latin America and the Caribbean
14	FAO	(United Nations) Food and Agricultural Organisation (Cloete 1992:6)

Acknowledgements

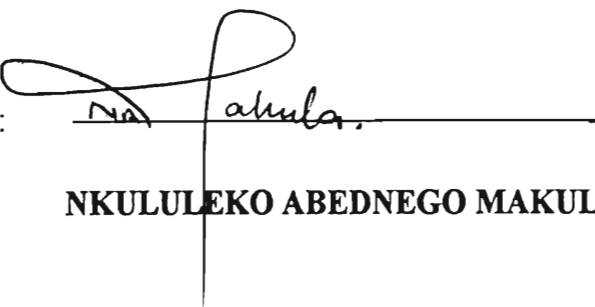
Without the support and assistance from a number of people it would have been virtually impossible for me to complete this study. I want, therefore, to place on record, my very deep and sincere thanks and appreciation to the persons listed below, for their most valued support and help:

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Declaration

I hereby declare that the whole dissertation, unless specifically indicated to the contrary in the text, is my original work.

Signed:  _____
NKULULEKO ABEDNEGO MAKULA

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I dedicate this study to my late parents; Evangelist Samuel Bungalipheli and Angelinah Noma-Lawu Makula. Their influence on me on the value and importance of land (and other issues) remains a live inspiration in my heart. May their souls rest in peace.

“My life isn’t worth much in view of so many workers murdered, assaulted, thrown off their lands - leaving women and children abandoned, without affection, without bread and without a home.” (Pe Josima 1986: 18 quoted in May 1991:100).

Chapter One

INTRODUCTION

A Problem Formulation

What are the practically implementable Christian solutions to land injustices in South Africa: with special reference to Cradock?

According to the Judaeo-Christian tradition all human beings are created in the image and likeness of God. For me, this also implies that all should receive equal treatment and a fair share of the basic necessities of life. The land question in South Africa is one of the instances of inequality that needs a speedy resolution. Quite clearly, the church should be involved in redressing the imbalances in the distribution of land.

In this dissertation it is my intention to:

- 1 Examine the question of justice in the distribution of land.
- 2 Make an effort to apply these insights to the marginalised Black rural communities in the Eastern Cape, with Cradock as a case in point.
- 3 Show that practically, interest is on what needs to happen in the foreseeable future in order to normalise the situation. In other words, what policy options do we need to have in order to effect a fair and just distribution of land.

I have briefly shown in the abstract what steps will be followed in dealing with our subject in this dissertation, chapter by chapter. Sub-section B of Chapter one also elaborates further on this point.

Justification:

The policies on land we have had so far favour a minority at the expense of the majority. Whites have been helped whilst Blacks have been hurt by the said policies. In a new South Africa these injustices have to be overcome. The Church, in particular, claiming to be a custodian of truth and a steward for justice has a moral and pastoral responsibility to deal with the issue of land injustices. This in line with Christ's proclamation of good news to the poor ... release to the captives ... (Luke 48:18-19)

B Purpose and approach

This study examines the issue of land injustice from a theological point of view. The purpose of this section is to introduce the subject of inquiry and the manner in which it is going to be investigated. Before embarking on this task, however, it is appropriate that we consider how others view this subject. Generally speaking there is no question about the significant role played by land to meet our daily needs. The food we eat is produced from the land and the homes we live in are built on the land. There is a sense in which it may be true to say with May, "ownership and control of land determines who lives and who dies." (May 1991:5) In other words the struggle for land is a struggle for life and death.

Douglas Meeks citing Charles Avilla captures the challenge posed by land injustices to humanity very vividly. "For all the world has been created, which you few are trying to keep for yourselves. For not merely the possession of the earth, but the very sky, the air, and the sea are claimed for the use of the very rich few. How many people can this air feed which you include within your widespread estate ...? The root of the accumulated wealth must be injustice." (Meeks 1986:107, De Nabuthe 1983:66) In my view, this indictment sums up the general cry of humanity against land injustices not only in South Africa but throughout the world.

The imbalances in land distribution in South Africa, resulting from unjust laws of the past, continue to pose a challenge that Christians dare not ignore. The thrust of this dissertation is a call to all Christians to respond to this challenge.

The writer intends to use an inductive approach for the following reasons: a lot of material has and is still being produced by both Government and non-governmental organisations that are also wrestling with the issue of land reform. In addition, other countries which have gone through similar experiences to ours, have produced vast material from which we can all learn. There are both negative and positive lessons to be learnt from these experiences. The advantage in the use of the suggested method is that it serves as a constant reminder to the writer (and the reader) that he or she is not the only player in the field.

In order to avoid sweeping generalisations, the writer will use Cradock in the Eastern Cape Province, South Africa, as a point of departure. The context will be examined from a

Christian - ethical perspective. Where possible the fact that the writer is not just a Christian, but a Black Christian who was and still is on the receiving end of the imbalance, will be exploited for the benefit of my readers.

My intention in this dissertation is to invite my readers, especially Christians, to accept in humility their moral, Christian and human responsibility of earnestly joining in the search for a meaningful and just solution to the problem of land injustices. Christianity has to do with bread and butter issues, much as it has to do with matters that help to prepare us for the heavenly glory. Christians have a moral, social and Christian calling to identify with the dispossessed and the downtrodden in the name of Christ. "For I was hungry and you gave me food; I was thirsty and you gave me something to drink... Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me." (Matthew 25:35, 40)

The argument of this dissertation is structured in the following way. In an attempt to examine a brief history of how we got to where we are now, the following questions will be asked: 1. What is Colonisation? 1.2 To what extent has Colonisation contributed to the land problem? 1.3 What is apartheid? 1.4 To what extent has the legacy of apartheid contributed to the land problem? The above is done to show that both Colonisation and apartheid have contributed to the birth and growth of the problem. "The struggle for land reform in South Africa is a complex web of interrelated national, class and gender issues which arise out of the legacy of apartheid" (Marcus in de Klerk 1991:25)

Various approaches can be employed in addressing the four questions raised above. They could be handled separately or simultaneously, carefully noting the chronological sequences. Influenced by the belief that they are all interrelated, albeit in a slightly different form, the author has opted for the latter approach handling all questions simultaneously. Further, the history of land injustice has been well documented in our history books, any effort to repeat that would not serve a useful purpose for our task. Here, we are merely making a reference to the past in order to illustrate the origin of the problem. Land injustices did not fall from the sky but have a very long and well documented history. If we are to make a meaningful contribution towards its solution, it is important for us to understand the problem's origin. The analogy of a medical practitioner is appropriate in this regard. To conduct a meaningful diagnosis of an ailment, a medical practitioner needs to understand the history of the ailment. A few environmental factors, including the patient's home, are essential elements of the process. This is true also in our task.

But, a word of caution here may not be out of place. If we accept that history is the record of all human experiences, we need to approach the history of our problem with humility and a willingness to learn from the past. For, "Each of us acts today and hopes for tomorrow in the light of past experiences that have been woven into his (her) lifestory This history is what defines one's uniqueness." (Anderson 1974:1)

1.2.1 What is colonisation?

In brief, colonisation is a tool of colonialism. Colonialism, a system through which countries are colonised, "is a policy of acquiring or maintaining colonies, a policy regarded as especially

economic exploitation of weak or backward people by a larger power.” (Fowler & Fowler 1960:260) Recorded history has shown that the process of colonising South Africa by European countries began in earnest upon the arrival of Dutch settlers under the leadership of Jan van Riebeecks, in 1652.

Colonisation, in our context, describes the process whereby land was systematically taken from the control of the indigenous people, through unfair and unjust means and practices, in order to serve the interest and needs of the European settlers and those of their homeland in Europe. The system is by its nature and design biased towards a particular group and thus favours the newcomers. It is this bias that needs to be redressed.

The dispossession of land is described by Farisani in the following way: “In South Africa the initial ‘transfer’ of land from the indigenous people to the white settlers took different forms. In some instances land was physically conquered and taken; with or without treaties to record the new boundaries and settler control (Classen 1991:45, Conradie 1992:3) But through a series of wars launched by white colonial authorities and settlers, lasting more than 200 years these indigenous social systems were shattered.” (Farisani 1993:68)

Through the wars mentioned above, Africans were deprived of their economic foundation and means of livelihood, land and cattle. (Harsh 1986:7, Sacks A. 1990:3, Classens 1991:43) In some cases governors trapped or lured illiterate chiefs into entering into detailed and complicated legal contracts of transfer of sale. (Farisani 1993:68, Classens 1991:45, Conradie 1992:3) Subsequently, the land which had previously been the communal resource

of the African people was, in the manner described above, transformed into either what became known as crown land or became the private property of the Europeans which they held through individual free hold tenure (Harsch 1986:8, Farisani 1993:68)

In my view, colonisation preceded and paved the way for the success of apartheid. The latter completed the former and developed its policies to the present day. To view this contribution in its proper perspective both systems must be allowed to interact with each other. Before addressing the question of the extent that colonisation and apartheid have contributed to the problem under review; we must first examine what apartheid is.

1.2.2 What is apartheid?

‘Apartheid’ refers to a system or policy of segregation or discrimination on the grounds of race. The segregated way of life among the various population groups in South Africa is a living testimony to the apartheid policy that was implemented by the former government of this country for over 40 years. (Fowler & Fowler 1990:56) “Apartheid means that the most important thing about a person is not that he or she is a human being created in the image of God with inalienable rights, but his or her racial identity. It means that racial identity determines, with an overwhelming intensity, everything in a person’s life ...” (Boesak in Villa-Vicencio 1983:5) In simple terms apartheid is a system based on race (i.e. what race one belongs to).

1.2.2.1 To what extent have colonisation and apartheid contributed to the land injustice in the Republic of South African?

A brief examination of Dr John Phillip's attempts to challenge the injustices on land serve to illustrate the extent to which colonisation contributed to our problem. The stage was set by the proclamation of two ordinances dated 18 July and 25 July 1828, respectively. The proposed object of the ordinances is alleged to have been for the improved regulation of the admission into the colony of persons belonging to the tribes beyond the frontiers. The ordinances were also meant to improve the condition of the 'Hottentots' and other free persons of colour within the colony. (Phillip 1828:1) Phillip made a very strong case against these laws on Christian grounds. He wrote, "It is obvious that any system of separate legislation for the coloured population, however humane many of its provisions might be, would still leave them in the hands of the colonial government, and prove as injurious to the colonists as to the natives, by keeping them in the state of a separate and degraded of labours". (Phillips 1828:1) This is another illustration of the extent to which colonisation had contributed to the problem of land injustices.

It is clear from Phillip's writings that since the Cape Colony fell into the hands of the English in 1806, a succession of proclamations relating to the aborigines of the country is found. Interestingly enough all these proclamations, albeit passed without consulting the aborigines, purport to be intended for their own benefit. Phillip submits that the case presumed in this instance, which is well supported by the whole history of the Colony, can scarcely happen if the interests of all classes of the inhabitants are contained in the same charter and placed under the same laws. (Phillip 1828:2)

The following statements illustrate the thinking and mindset of the times which informed those in the decision making bodies on questions of land and other issues. "To enjoy status, wealth and power in colonial society one had to be European; to be free was not enough. At the pinnacle of society were those Europeans who controlled land and labour and held political power. At the bottom were the servile, unfree people - including by now Khoi Khoi as well as slaves." (Elphick & Giliomee 1979:384) Even acceptance of Christianity by converts was not very helpful to them in this regard. Robert Ross argues that colonial opinion towards the Griqua was correctly described by a British military officer as follows: "... Although the Griqua is just as white¹ in many cases as the darker Boer and quite as much civilised, yet he must be classed among the blacks and have no right to the land." (Elphick & Giliomee 1979:385, Ross 1974 IV 15.) The fact of the matter then is that John Phillip is wrestling with the issue of injustice as early as the 1820's. The problem here has its origin in human weakness, human beings unwilling to share with others.

Another example of land dispossession that further illustrates this point is the 1903 - 1905 legislation. The South African Native Affairs Commission had urged for the reservation of an amount of land for exclusive African use. In principle, the commission's recommendation for land delimitation implied that the principle of territorial segregation should form the basis of Native policy in South Africa. The appointment of a select committee of the Union soon followed. The task of this committee was to consider the question of African land (or land

1. This is a reference to the Bastards people of mixed breed who despite their partly European culture and appearance and their modest wealth were rejected by Europeans. The same fate would overtake their descendants and successors, the Griqua - a richer and more christianised group when their frontier closed in the 1850's. (Elphick & Giliomee 1979:385)

for Africans). The proposals of this committee are of particular interest. The proposals called for legislation that included, amongst other things, limitations upon collective land ownership by Africans outside the reserves. Sharp limits were imposed on the number of Africans allowed to squat on white owned farms as share croppers. (Thomas, Karis & Carter editors 1987:62)

The reaction of African public opinion to the threat posed by the 'Squatters Bill' highlights the extent to which it affected those concerned. "The whole measure was one gigantic invasion of their liberties. It would most adversely affect hundreds of thousands of Native families which had, up till then, lived on landed estates and farms, paid rents to the owners, and tilled the soil for subsistence, happy and contented in their way of life. Why, in the Zoutpansburg district of the Transvaal alone there were 168 000 families thus living. Think what it would be to them and to all so living." (Kastril 1987:82, *Imvo Zababtusundu* March 19, 1912 quoting from an article on Squatter's Bill)

In the same article the Bill is described as taking the 'cruellest harshest forms of assailing the sacred right of every man to choose for himself in what manner he should earn his daily bread, and use the mental and physical attributes God has endowed him with" (Kastril 1987:82)

On this method of deprivation through which land passed from Africans to Europeans, Claasens writes: "Centuries of conquest, dispossession and forced removal of black people by white government have created this situation. The wars, laws, trickery and physical

brutality which made up this process, not surprisingly, have never been able to stabilise the outcome.” (Claasen in de Klerk 1991:43)

The Land Acts of 1913 and 1936 sealed the state of unequal distribution of land between Africans and whites. Section 2 of the 1913 Natives Land Act deals with squatters. In this section some long established labour tenancy patterns were to be discontinued. Natives were prohibited to use or occupy white land. The said law had also a strong impact on the following practices. The system of share cropping, permitting tenants to stay on the land and give a share of their crop to farmers as rent, was now forbidden. Rent paying tenants or ‘kaffir farmers’ were now to be removed. Labour tenants were allowed to stay and as a custom gave 90 days labour to the farmer as their rent. In 1936 this practice was increased to 6 months labour. Through this law many squatters or tenants were driven off the land by farmers who were either ignorant or uncertain about the details of the law. (Letswalo 1987:41) Sol Plaatjie in his book paints a very painful picture of the hardships that former tenants faced following their eviction. Referring to the impact of the Group Areas Act, Plaatjie writes, “...The author has met many a native family with their stock, turned out by the Act upon the roads, he never met one white man so hounded by the same Act, and debarred from living where he pleased.” (Plaatjie 1932:46)

Legislation to implement the Beaumont Commission’s recommendations in 1916 was only passed in 1936 in the Native Land and Trust Act. The Beaumont Commission was appointed by the Right Honourable Viscount Gladstone, P.C., K.G.M.G. on the 27-08-1913. The Commission was chaired by the Honourable Sir William Henry Beaumont. The

said commission was given the following responsibilities:

- a It was appointed to report what areas within the Union of South Africa should be set apart as areas with which Natives shall not be permitted to acquire or hire land or interests in land.
- b To report what areas within the Union of South Africa should be set apart as areas within which persons other than Natives shall not be permitted to acquire or hire land or interests in land.

The terms of reference included the following additional duty: “And further to enquire into and report upon any matters incidental to the setting apart of such areas which may be placed before them by the Minister of Native Affairs.” (Gladstone 1913/191/16)

In terms of this Act, 82 million morgan of land would become scheduled reserve land. Thus the imbalanced proportion of 13% of the total land surface in South Africa reserved for Africans and the rest for Europeans came into being. (See attached map document 1) “The prospect of the Beaumont Commission were strongly opposed by the white land owners. They were regarded as far too generous in that they suggested a release of a very large proportion of land for Blacks.” (Letswalo 1987:39)

When the National Party came to power in 1948, measures for segregating the nation according to race were already in place. (Letswalo 1987 : 43) Two more factors were however added. (a) Apartheid became the official policy of the Government and (b) legislation increasingly began to further divide blacks according to tribal units. Thus, Bantu reserves became “bantustans” or tribal homelands. The effect this had on land ownership for blacks is very significant for our task.

First to note is the fact that the South African Native Trust of 1936 was replaced by the South African Development Trust which became the owner of all land belonging to Africans. (Classen 1990:55) The task of this trust was to consolidate all the pieces of land which had been held 'in trust' for the natives by the various provinces. Thus, land for Africans in South Africa was nationalised. It is also worth noting that the nationalisation of land for Africans was not co-incidental. It followed a series of numerous commissions appointed by the Union Government to investigate this possibility. The ground for this conception was the belief of those in Government that "...Land ownership is not appropriate for the native - it is more beneficial that white governments administer blacks' land for them." (Classen 1990:55-6f) The writer would add that this was done under the pretext that it was for the 'good' of the Africans.

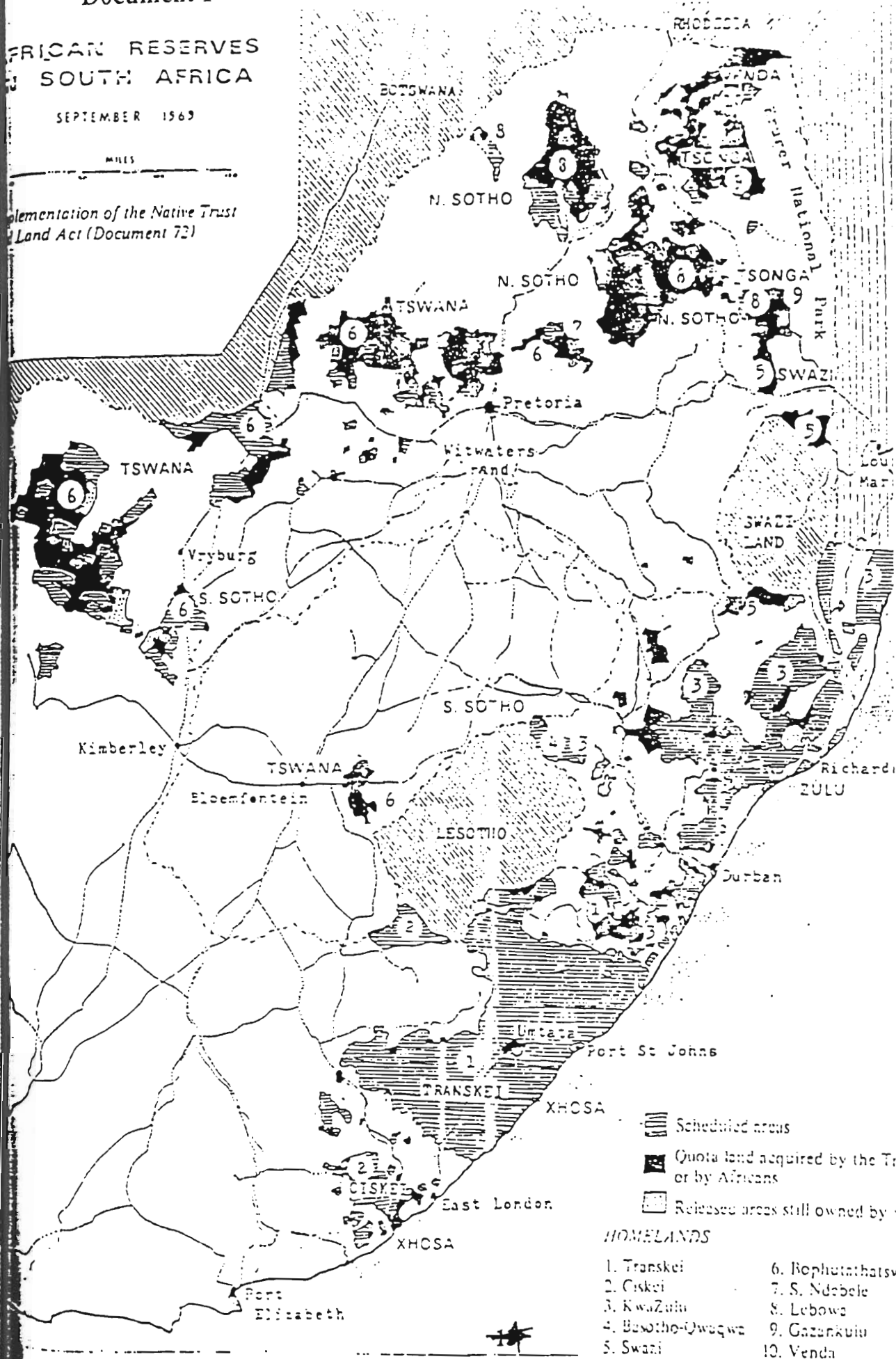
Instances cited in the section above are, in my view, sufficient to illustrate that the problem under review did not just fall from the sky, it is the result of human systems well planned and well thought out and with a goal in mind. "There is hardly any story of the African's life in this country that can be told without an overwhelming sense of dismay, of injustice, of exasperation. The story of land grabbing and the attendant evil of human displacement is no exception." (Letswalo 1987) What cannot be easily refuted though is the fact that both colonisation and apartheid were complementary in nurturing, entrenching and 'growing' the problem under review. The effect of these laws is still a force to reckon with.

Document 1

AFRICAN RESERVES IN SOUTH AFRICA

SEPTEMBER 1969

Implementation of the Native Trust
Land Act (Document 72)



In chapter 2, a formulation of the present needs of land will be conducted. The following questions will be asked, namely:

2.1 What is the present situation concerning land distribution in Cradock?

2.2 To what extent does this relate to the whole country?

An effort to answer the two questions raised above will be made in the following manner.

2.1 An examination of the local context will be made.

2.1.1 A close examination of the number of houses and shacks in Lingelihle Township will be conducted.

2.1.2 An examination of the land related projects visited in Cradock will be conducted.

2.2 People involved in the projects referred to above will be allowed to speak.

2.3 The needs of land as seen by the writer will be formulated.

2.4 This chapter will close with a brief examination of the needs of land in the country.

It is my belief that the present situation of imbalances in land distribution is an inheritance from the past which touches us both locally and nationally. What happens locally also dovetails into what happens nationally because both have the same source, namely the unjust laws.

Chapter three attempts to focus on what our goal or vision as Christians should be. A response to this question will lead us to the very core of our task. As Christians we have an obligation to bring light to all people for the benefit of all humankind in the name of our Lord Jesus Christ. "For God so loved the world that He gave his only begotten Son ..." (John 3:16 R.S.V.) This chapter aims first to challenge Christians to live up to their calling of being

accountable stewards to God on the use of land. Secondly, it attempts to offer some options worth considering in a search for a solution of this problem in the foreseeable future.

In the same chapter, the concept of *Ubulungisa* - justice as our goal will be explained. The question as to whether *Ubulungisa* - justice can be justified in terms of the Christian faith will also be addressed. In addition to the question raised above, the following questions will be looked at: 3.1 What is *Ubulungisa* - justice? 3.2 Can we seek *ubulungisa* as our goal? 3.3 Why do we need *ubulungisa* - justice in addressing this problem? 3.4 Can *ubulungisa* - justice be justified in terms of the Christian faith? 3.5 The chapter will then close with a summary of the findings and evaluations.

Chapter four focuses briefly on the global community. It raises two questions:

1 What lessons can we learn from other countries of the world?

The problem under review is not uniquely a South African problem. It is a global problem. The argument of this chapter is to show that there are lessons to be learnt from the experience of other countries.

2 What lessons can we learn from other countries in Africa?

The aim of this chapter will be to examine and evaluate the ups and downs of other countries who have gone through similar experiences with ours in our country with a view of pulling out lessons that can be learnt from these experiences. It is the writers firm belief that there is a lot to learn in this regard from the experience of other countries.

Chapter 5 examines the possible actors to implement the vision. The chapter investigates whether the A.N.C., the N.P., the P.A.C., have the capacity to solve this problem? A brief analysis of the different party's land policies will be conducted in an attempt to address the question as to whether the said policies of the parties are adequate to address the problem. The chapter closes with a critique and evaluation of the findings of the policies examined.

Chapter six examines the role that the Church can play in resolving the issue of land injustices in South Africa. The chapter submits that the Church can serve as a catalyst to the entire country if it serves as a good steward in its mission of land use. The Church can also play a prophetic role as a conscience of the nation. It has to be, as it were, a mouth piece of God. The chapter will be exploring ways on which the Church could accomplish this mission.

The following questions will be asked:

6.1 What is the Church?

6.2 How did the Brazilian Church respond to the struggle for land?

6.2.1 What contribution can the Church make in its use of land as a steward of God in South Africa?

6.2.2 An overview of a few case studies conducted on Church land will be done.

6.2.3 Some examples on the Churches prophetic ministry will be examined in both Brazil and South Africa.

6.2.4 The chapter will close with a summary of the findings

The dissertation closes in chapter 7 with a summary, evaluation and findings of the entire

study. In conclusion, the following submission will be made:

- 1 Land injustice is an open-ended question to which both short-term and long-term solutions can be found.
- 2 Secondly, land injustice needs a multi-disciplinary approach.

Despite these facts, Christian ethics through the Church has a major role to play. For, "People have to live somewhere and the choices they make, or try to make, are directly linked to the accessibility or availability of land, whether this is governed by social, geographical, economical or political factors."

(Human Awareness Programme 1989 : page 13)

Further, I cannot agree more with Nürnberger's view that "part of the mission of the Church is to address economic issues." (Nürnberger 1994:5) For, if the Christian Church is called into being in order to witness to God's love and care, it has no choice but to be what it is called to be. May writes in support, "Pastoral action must deal with issues of ministry and ethics as they relate to the ownership, use, and maintenance of land. (May 1991:107) Put in simple terms, the Church is called to interpret, in practical terms, what it means for the poor to inherit the earth as Jesus taught.

Yes, a solution can and must be found that we may all live a normal and healthy life. For Jesus came that we may have life and have life abundantly. "I have come in order that you might have life - life in all its fullness" (John 10:10)

Why would a priest (of all people) bother about issues like the one under review: that is justice in the distribution of land? Are politicians not better qualified to handle this problem? The answer to this question is simple. It may well be that politicians are more competent to

handle this issue, but as a shepherd of God's people, who are victims of this injustice, I have a moral and pastoral responsibility to raise this and other issues that inhibit the welfare of the people.

I view this task, therefore, as part of my Christian calling. It is my pastoral responsibility to speak. In a pastoral letter entitled, "Economic justice for all," the Catholic Bishops in the U.S.A. make the same point. "Our faith calls us to measure this economy not only by what it produces, but also by how it touches human life and whether it protects or undermines the dignity of the human person. Economic decisions have human consequences and moral content, they help or hurt people, strengthen or weaken family life, advance or diminish the quality of justice in our land." (Jersild and Johnson 1988:197) There is no way in which the problem under review can be deemed a monopoly of politicians.

Chapter Two

A FORMULATION OF PRESENT NEEDS.

Introduction

The argument of this chapter is to show that land injustices have led to a dire need of land for Africans both in Cradock and the entire country. In order to do this, the writer will examine, in brief, the local context taking into account details like size of lots or erven; types of houses or homes, especially in the Lingelihle African township (where I lived at the start of this dissertation).

Secondly, the land-related projects studied in Cradock will be briefly examined with a view of illustrating how these programmes started. Their aims and objectives will also be examined. These include: the Lingelihle garden project, the Lingelihle Black live stock holders, the Cradock Experiential Station based at Halesowen and the Marlow Agricultural School.

Thirdly, the people involved in the programmes will be allowed to speak for themselves in response to the question: "What do people need land for?" Fourthly, the writer will then list some of the needs of land as he sees them. This will be followed by a brief exploration of the needs of land country wide. The chapter will then close with a reflection on findings by the writer for consideration. All this will be done in order to pose a challenge that the readers can ill afford to ignore.

2.1 An examination of the local context

Cradock, a small rural town in the Eastern Cape, is ±250km Northeast of Port Elizabeth. It is named after Sir John Francis Cradock, who was appointed Governor of the Cape Colony in 1811. He was instrumental in the establishment of the town in 1812. Sir John Francis Cradock was also responsible for re-organising the system of land tenure, from an unclear position to a freehold land tenure system. The system, in turn, paved the way for British immigration to the Cape Colony. It is common knowledge that what started with the arrival of the 1820 Settlers, in particular, has had a very strong impact on the whole country. Cradock was accorded its municipality status in 1814. Through the apartheid laws, especially the 1913 Land Act, Africans have been gradually and systematically denied access to land. The ratio of 13% land for Africans and 87% of land for whites is well known in South Africa. Cradock, as part of the country was affected by this division. (Venter and Potgieter 1981:469 - 470)

The size of the land, including land utilised for farming, is 592000 hectares. There are three main population groups centred in three different residential areas and widely scattered in the farming community. The three groups are as follows:

- 1 Africans are mainly residential at Lingelihle Township. The estimated population for the Lingelihle Township is 22199, with an estimated 6463 living on farms.
- 2 The Coloured residential area is Michausdal, with an estimated population of +9952 and a further 2308 living on farms.
- 3 4979 whites reside in Cradock town itself and 1353 live on farms.

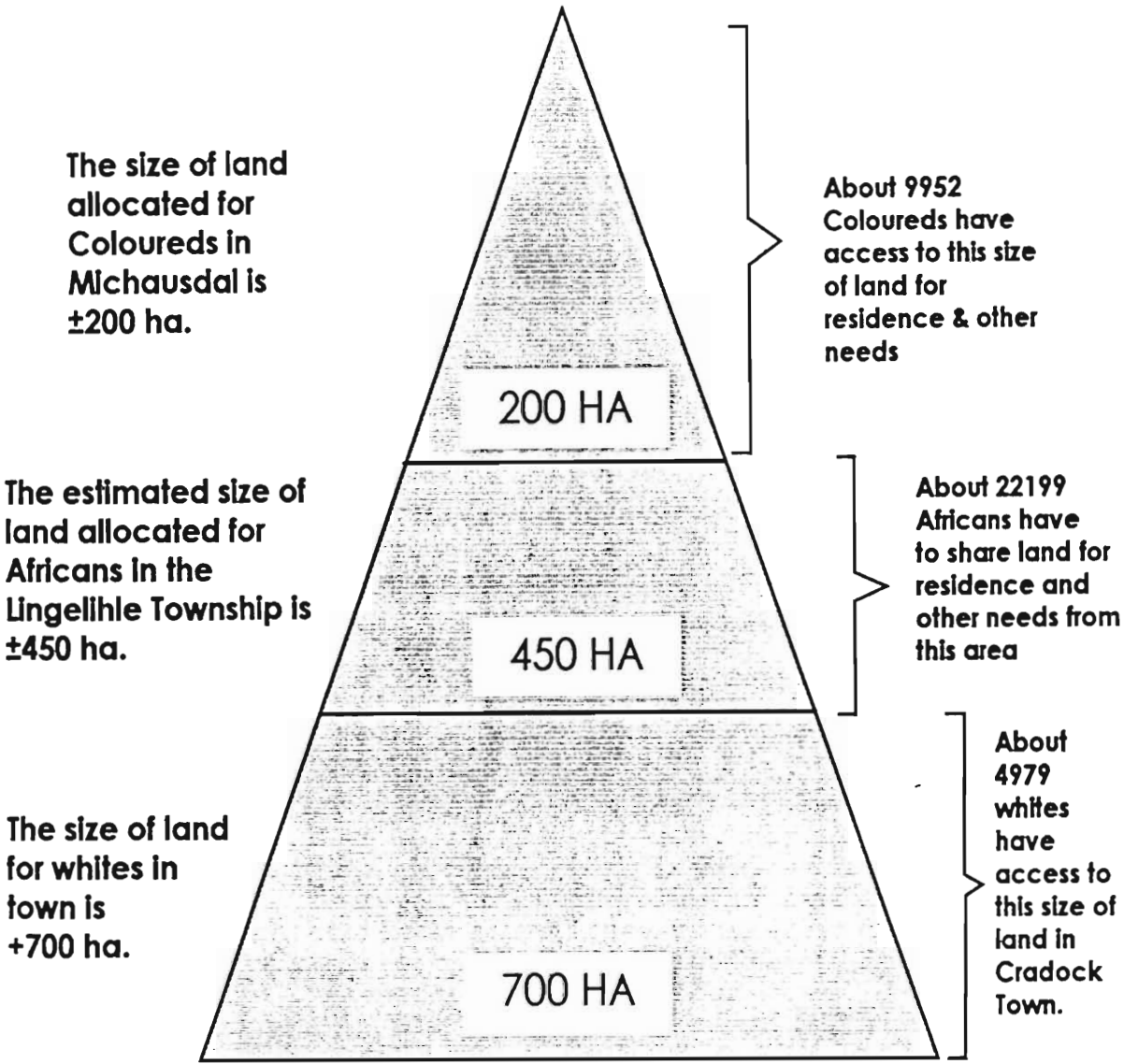
Thus the total population for the district is as follows

1	Africans	+28662	
2	Coloureds	+12260	
3	Whites	+6332	(Cradock Municipality 1991)

2.1.a A close examination of the number and sizes of houses and shacks

In 1995, there were 1900 serviced sites at Lingelihle Township in 1995. Of these 1192 are municipal houses and 708 were privately owned subsidised houses. Municipal houses refer to houses owned by the municipality but rented by the occupants. In addition there was an estimated figure of 6000 shacks. However, figures for the squatting community are hard to determine because squatters are highly mobile.

The following sketch depicts the situation as it is, in the Cradock municipal area.



(Information from the Cradock District Town Engineering Department)

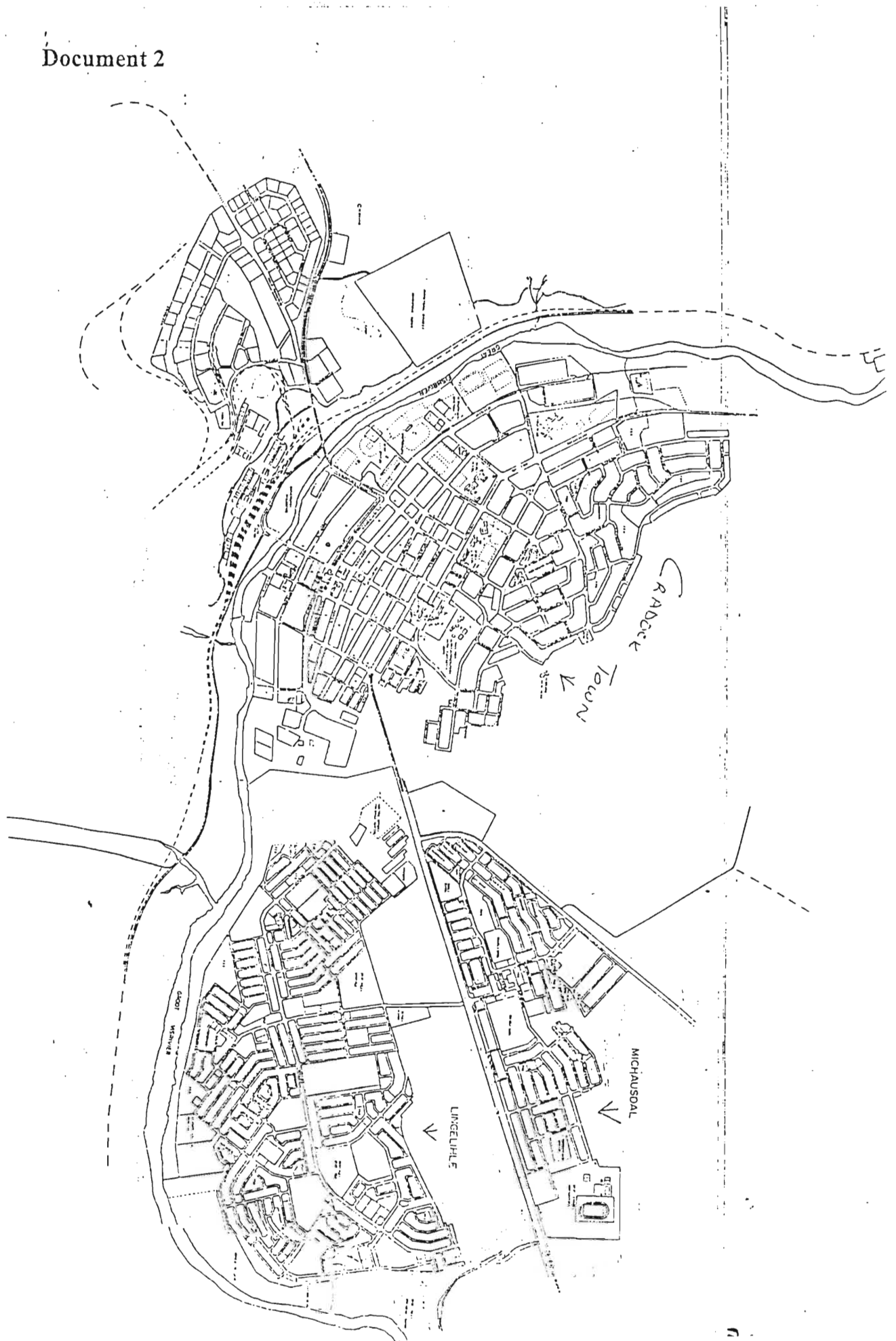
The data presented in the picture indicates the following. Firstly, if 22199 Africans have access to 450 hectares of land, there are 49,3 people per hectare or 0.02 hectares per person. Secondly, if 4979 whites own 700 hectares of land there are 7.1 persons per hectare or 0.14 hectares per person.

The imbalance on land distribution in this area cannot be missed. The data indicates gross inequalities, Whites having about seven times more land per person than Africans and Coloureds. There is no difference in the amount of land allocated to Coloureds and Africans. See map of Cradock Municipality enclosed. - Document 2 page 25.

2.1.1 The Position in the District of Cradock

The land position in the district of Cradock is the same as that for the municipal areas. About 1353 Whites own land of 592000 hectares under free hold tenure. There are also 6463 Africans and 2308 Coloureds living on the same lands in the capacity of labourers who have no rights to land. (Cradock Divisional Office files 1991)

Document 2



2.1.2 An examination of land related projects studied in the Cradock area

Cradock ranks amongst the highest in terms of the rate of unemployment in the Eastern Cape. Most black workers are employed as labourers in town and on the farms. In times of drought, which is frequent in the area, the employment opportunities dry up even more. The retrenchment that followed 1985 onwards when a number of firms left the country due to the Sanctions Campaign, added more to the already staggering figure of unemployment. (The question of whether the Sanctions Campaign was the right strategy or not is not before us.) The recent decrease of employment due to violence in the Gauteng area has led to a return of many unemployed migrants to the homelands and rural areas of the Eastern Cape. These people form the bulk of our congregations. (Erasmus 1994:59) These land related projects, to be better understood, must be seen against this background.

As a means of establishing the needs people have for land, the writer has interviewed the participants on the following land-related programmes:

- 1 (a) The Lingelihle Garden-project
- (b) The Lingelihle small live-stock holders association
- 2 The Government experimental station Halesowen Cradock
- 3 The Marlow Agricultural High School

2.1.3 The Lingelihle small plot garden project

(a) This project was born in 1993. Two factors combined resulted in its birth. On the one hand, there was pressure on the National Party Government to support the welfare of the unemployed and needy, which was matched, on the other hand, by the willingness and concern of the leaders of the structures of the people's organisation to see some constructive moves in place, whose sole objective was to provide for the unemployed and needy. The high unemployment rate and the need to address it paved the way for this project. As a matter of fact the unemployment problem was not only found in Cradock, it affected, as is still the case, the whole country.

The programme initially was conceived as a scheme where the government, through the Department of Health and Welfare, provided food parcels and other basic requirements for the needy. But some African leaders of the Lingelihle Community, after consultation with the government representative, made a suggestion for a self-help scheme. This recommendation was supported by the local National Party member of Parliament - Mr Tobie Meyer. The programme was readjusted accordingly: 19,5 hectares, west of the Lingelihle Cemetery were identified and allocated for the programme. It could provide for 154 candidates at 0.3 ha each.

(b) Amongst others, the following aims were behind the formation of the scheme:

- 1 To help the people become self-sufficient and to instil a measure of self-worth and dignity to the recipients, namely African landless and unemployed who were given pieces of land.
- 2 To teach the participants gardening skills, taking into account the difficult and dry conditions of the area.

3 To help participants achieve food security for themselves and their families.

In order to meet these aims, teams of twenty people, at a time, were taken for training on a three-week programme that was conducted on site. The training was on basic skills on the use of land and was done under the guidance of the Department of Manpower and the Department of Agriculture. Practicals were also conducted on one of the allotments. Each candidate had to do practicals, under supervision, on his or her own site.

For the first three seasons, the participants were provided with free seeds and fertilisers. The fencing and equipment, like spades and other garden tools, were provided free of charge to the participants. A water pump connected to the Fish River Irrigation Scheme was installed for the irrigation of this scheme. From the summer season of 1995, participants started buying their own seeds and would, from then on, be on their own.

(c) Results of the Programme

The scheme has had a tremendous success. Whilst on site, 24-02-95, the writer could not miss the motivation of the participants. Participants involved do not only grow vegetables for their families but have been able to sell their fresh produce, albeit on a small scale; to the Lingelihle community at a reasonable price. Churches, homes, schools and other organisations buy vegetables from this scheme. My family has also been able to buy vegetables at a very low price. No doubt, this in my opinion is a success story. Evidence of this is seen in the swelling numbers of applicants on the waiting list which was shown to me by the director of the

scheme. Explorations for more land are underway. There is a great need to enlarge the scheme. The participants of this scheme were asked what they see as their needs for land.¹ Their responses to the question will be included in the following sub-section.

2.1.4 The Lingelihle black small livestock holders 'association'

People with an interest in livestock have been in existence from the time of the establishment of Lingelihle township but operating as individuals with no formal forum. Their livestock ranges from sheep, goats, pigs, cattle, donkeys and so on. In 1995 there were about 50 known stockholders.

Due to lack of proper recording, as well as other factors like insecurity of stock holders. That makes it hard for them to disclose information, it is hard to tell the exact number of livestock in Lingelihle. The following estimates were acceptable to the stockholders I consulted. There were about 600 sheep, between 50 - 80 head of cattle; 20 donkeys and 300 goats, owned by different people.

In an interview, between 30 to 40 stock-holders willingly shared their plight with the writer. There was no known formal structure or association for livestock keepers but subsequent to our consultation a structure began to take shape. These members will also be allowed to speak for themselves on the needs of land in the following sub-section.

1. Information furnished by the Director of the project and participants in the scheme - 1995

2.1.5 The Cradock Experimental Station

This is a land-related programme, which was initiated by the government through its Department of Agriculture. It started in 1970 at the Grootfontein School of Agriculture as an upliftment programme for whites.

The scheme began as a crop-production research project to assist the National Crop-producers Association, a Government sponsored scheme for maize production in Bethlehem in the Free State and Potchestroom in the Transvaal to improve their way of production. Maize, wheat and Lucerne were the main crops of research. Other areas of development were soil engineering and soil conservation. Since its inception, the project made recommendations based on its yearly findings on specific conditions in crop production. These were well utilised by the Potchestroom and Bethlehem maize farmers co-operations, amongst others.

In 1978, a small stock unit was started to focus on commercial farming. This programme benefited a number of land-related schemes. Sheep rearing was included in the programme. The programme aimed at boosting production, and at securing the production of fine wool from Merino-sheep. Research on parasites in small stock was also one of the focuses of this programme. Experts on various fields like animal feeding, development and so on were engaged. Primarily, these were all white commercial schemes supported by the government financially.

By the end of 1995 the small-stock holders mentioned above have also directly benefited from this scheme, especially in the welfare of their livestock. The small-garden scheme of Lingelihle has also benefited greatly from this programme. The personnel of the experimental scheme were involved in the training of the participants of the Lingelihle Small Garden programme. They are in constant contact with the garden-project participants. The African Farmers Association of the Eastern Cape has also benefited from the expertise of this project.¹

The Director of the experimental scheme studied was asked what he sees as needs of land for the people. His response to the question will be included in the following sub-section.

2.1.6 The Marlow Agricultural School

This is a government programme that was established in 1931, about 10 km north of Cradock Town. The project was established to provide training for the sons of the white farmers in the Karoo area. It equips its candidates with the necessary skills and expertise for farming. Its main objective is to train people to be productive farmers.

Initially, this programme served the white community only, but since 1995 became open to people of all races. The student population was 171 in 1995, but the school has the capacity to take 180 students. The intake of black students was nil in 1995 but one black applicant was recorded for 1996. By the end of April 1997, the waiting list stood at 168. the total intake in 1997 was 210 students, all White, one Black student withdrew. Shortly after registration in 1997. The 1998 intake stands at 235 and they are all white.

1. Information gathered on site by the author from the Director of the Scheme 1995

The land allocated for this programme is about 300 hectares. This enables its students to put into practise some of the theories learnt at the school. They also do their practical lessons at the school. This is a long term diploma course in Agriculture. Pupils start from as early as Std1 following a curriculum that is meant to help them attain their goal of becoming productive farmers.

It offers training in the following courses: sheep farming, Lucerne production, dairy farming, pig farming, poultry, vegetable and fruit growing. Of late, it has also been visited by other interested groups like Phandulwazi Agricultural College in Ciskei and the Bisho Agricultural Science project.

The School seems to have prospects of a brighter future because of the expertise and its proximity to the farming communities. It provides the essential services in demand in the societies surrounding it. The principal of this school, Mr Olivier, was interviewed on the subject and willingly responded to the question. His response will be included in the following sub-section.¹

2.2. The People Speak

In this section the views of the various participants mentioned in the previous section will be discussed, followed by the perceptions of the writer.

In addressing the question, “What do people need land for?” the author has chosen to, allow the people themselves to express their views on the needs as they see them first. The word

1) Information supplied by the Headmaster of the Marlow Agricultural School.

‘people’ here refers to groups approached on the subject. The author will then formulate the needs as he sees them. The reason for this approach is the realisation by the writer that there is a difference between reality and people’s perceptions. In other words, what people experience around me may be completely different from what I observe.

2.2.1 The Views of Ordinary Citizens

(a) The small-plot garden project

In a recent consultation with some 30 -50 participants of this project, the following question was asked by the author: What do you think people need land for? What are the needs of land for the people? The respondents all concurred in their response with the view that people need land for meeting their daily basic needs.

In support of the need for land they advanced the following reasons. The rate of unemployment is very high locally. The provision of a small plot of land provides the unemployed with essential resources for the improvement of life. The few who have small plots for gardens in the project have been able to ward off starvation and poverty for their households by growing vegetables for home use. They have also managed to use the surplus of their production for sale to the local community. In this way, they are at least able to keep the fires burning in their homes. For instance, it is not uncommon for the garden participants to fetch from their sales between R200 and R300 per month. The rotation of crop-growing in

1. Refer page 32

their gardens assures them of a stable monthly income. Locally, labourers on the farms and domestic servants earn anything from R100.00 to R200.00 per month.

The experience mentioned above has, in turn, generated interest for a more constructive use of the land at their disposal. For example, some people have already begun to grow Lucerne on a small scale, to serve as feed for the small stockholders in Lingelihle. The frustrating part of the scheme is that there is inadequate land which limits the participants' options to enlarge or broaden their production. This underscores the need for land.

(b) The black local stockholders

This group also concurs with the needs as expressed in (a) above; adding the following needs:

- 1 They need small plots of land to grow feed for their stock, for instance, Lucerne, mealies and so on.
- 2 They need land for grazing. They argue that landlessness creates unnecessary tensions between them and other members of the community in that their livestock due to lack of land for grazing, has to compete with the local residents for scarce resources like water in order to survive. Their animals, not by choice, tend to become a nuisance to the local residents, by trespassing in their gardens. There was no communal grazing land at the time of this interview, 1995.
- 3 They also need land for camps in order to avoid the frequent impounding by their stock by the municipal authorities. Stockowners are charged heavy fines for their animals if found

astray. This could be avoided if they had been given sufficient land for grazing.

2.2.2 The Cradock Experimental Station

The manager of this project was interviewed. The question to him was; “What do people in our area need land for?” For him, the key to the answer was the purpose or use for which the land was required. He then tabulated the needs in the following manner.

- 1 In general terms, land is used for food production. This includes food for humans and livestock. Livestock is one source of food for humankind. Food-production therefore means making land available for humankind to produce meat, vegetables, cereals and so on.
- 2 Secondly, the use of land helps meet other important needs of people. For example, textiles and clothing is produced from wool, mohair, skins and so on. Our area, the Karoo, is important for the production of mohair.
- 3 Thirdly, through the process of land use, jobs are created as income is generated through the sale of the produce and thus the means of survival are provided to the people.

There are however, certain limitations to using land effectively in South Africa, and especially in the Karoo. For example, climatic conditions like low and erratic rainfall, frequent droughts, the type of soil which is very difficult to work on. These factors tend to inhibit effective production.

2.2.3 Marlow Agricultural School

An interview with the school master of the local Marlow Agricultural High School provided a response with an educational perspective. Marlow Agricultural School traditionally equips its pupils to pursue careers as Karoo farmers. Its motto is based on God's first commission to Adam. Adam was commissioned to inhabit and cultivate the earth. "The Lord God took the man and put him in the garden of Eden to till it and keep it." (Genesis 2:15) Educationally, the institution believes that men and women require land for:

- (a) Habitation
- (b) Cultivation and
- (c) Conservation.

The school master considered the cultivation and conservation aspects in the following manner.

(a) Cultivation

God expects human beings to cultivate land at their disposal. In addition, land must be cultivated in order to justify the existence of the farmer, and to provide an income for the farmer and his family. This immediately raises the issue of the size of land required per family. Marlow is situated in the Karoo, an area with a semi-desert vegetation. In order to farm economically and to ensure an income for the family and workers, the carrying capacity of land must be taken into account. This is the most important factor in determining the size of a farm. There are also a number of factors that influence the size of a farm for example the productivity of workers, the entrepreneurship of the farmer, and fixed factors like the location

and climate. Just as the possibility of expanding and becoming more profitable is a challenge in any business, so too in farming. The school's view based on Maslows' pyramid of needs is worth noting. A person first strives to acquire food, clothing and shelter before he or she strives to fulfil his or her own potential and realisation of an ideal. This desire for self-realisation must not be underestimated, because it creates work and provides food and raw materials for clothing for the entire population of a country.

(b) Conservation

As part of God's commission to man to rule, it is the duty of every inhabitant to conserve natural land. Conservation is thus the duty of every inhabitant of this country. We owe it to ourselves and to the future generations to conserve land. What is clear from the views expressed above is that human beings cannot live without land.

2.3 The views of the author

The following needs of land came to mind to the writer.

- 1 Land is needed for homes, especially in the black communities.
- 2 People need land for farming, that is for the production of basic needs like food, vegetables and so on.
- 3 People need land for industries that includes sites to put up industries and Companies
- 4 People need land for recreational facilities such as sports fields, parks, swimming pools and so on.
- 5 People need land for cemeteries, churches, schools and so on.

A brief examination of these needs will now follow.

2.3.1 Land is required for building homes

All human beings without exception need decent homes. Indeed, the importance of a home for a healthy family life cannot be overemphasised. People are born into a family and brought up at home. A healthy home also provides human beings with a first hand experience in life. Here, they learn how to accept their role in the community. An environment not conducive to the establishment of stable families has a negative effect on the whole society.

The land injustices inherited by the present Government from the past are still a reality to reckon with. The situation we spelt out on the ratio of land in the district of Cradock under 2.1 of this chapter is a clear illustration of this point. The data examined indicates gross inequalities, Whites having about seven times more land per person than Africans and

Coloureds. If 22199 Africans have access to 450 hectares, there are 49.3 Africans per hectare, or 0.02 hectare per person. If Coloureds have access to 200 hectares of land, there are 49.7 Coloureds per hectare, or 0.02 hectares per person. Thirdly, if 4979 whites own 700 hectares, there are 7.1 white persons per hectare, or 0.14 per person. Therefore, there is no equal access to land for all, yet equal access to land for all is a key factor towards creating stability. The home is a corner-stone of the life of the community. Herein lies the importance of justice in the distribution of land in any given community or society.

One does not need to go far to look for examples of the disturbing effects of the inaccessibility of land to some people. The picture we painted above of the current situation in Cradock speaks for itself. In the farming communities we have mentioned that Africans and Coloureds have been perpetual tenants for life. They form reserves of cheap labour from generation to generation; yet they have no legal claim on the piece of land they occupy.

2.3.2 People need land for farming

The reasons advanced by the participants of land-related projects above are also applicable to this section. For instance, the study conducted on the Lingelihle small plot garden project has shown the need for more land to be provided for communal gardens specialising on vegetable growing. It also has the potential to allow the participants in the programme to gain more skills in the use of land. In this way, they would be well equipped to fight their way up against starvation and unemployment towards self sufficiency.

Accordingly, the study on the Lingelihle African small livestock holders has also shown where the need for land is greatest . The initiatives of the small livestock holders are frustrated by the shortage of land for grazing . This clearly poses a great challenge. Maybe a scheme or programme needs to be worked out by those responsible for land and the landless that will enable the aspiring landless stockholders to have land sufficient enough to meet their rearing needs. This could be done in phases so as to allow for more room for farming skills to be developed.

Again, the Marlow Agricultural School programme has also helped in showing what could be done to train farmers for large scale farming. There is a need to consider expanding this scheme to accommodate training of African farmers and enable the disadvantaged groups to sharpen and up-grade their skills towards more productive large scale farming if they so wish. Schools like this one need to be spread throughout the country.

For the author, the need for land is determined by the purpose for which the land is required.

This would be a guiding principle concerning the size of the piece of land. In other words, distribution should seek to address the question: for what is the land required? When we examine possible options later on, we shall make an effort to elaborate further on this notion.

* We need to remember also that the amount of land depends very much on the methods of farming applied and on the farming objectives. For instance, if the objective is to realise the highest profit in the working life of the farmers, his/her land needs will be very different to those of one who wished to meet basic needs through subsistence farming.

Farming is not an easy and simple enterprise. It is, therefore, important that training be part of the scheme of allocating land for farming to ensure the success of the programme. The example of the Lingelihle small garden project is a good example of what could be done.

2.3.3 People need land for industries

Both large and small industries can only be established on a piece of land allocated for such an enterprise. They cannot operate in a vacuum. Factories are needed in order to create job opportunities for members of the community. Industry is therefore a major source of livelihood for the members of the community. Without adequate industries, most people cannot find jobs and therefore cannot provide for their families. Admittedly, farming¹ creates jobs but is limited because some people are not attracted to farming. This is where industries help. In any given set up, the prime goal of industries is production. Production creates jobs. The more production there is, the more jobs are created. Thus, industries provide an essential service in the establishment of a healthy and stable life in any given community: People, therefore, need land for industries.

2.3.4 People need land for recreational facilities like sports fields, parks, swimming pools and so on;

For the human body, mind and soul to be healthy humans need to be provided with recreational facilities. Well developed and well serviced sports fields and other recreational facilities, catering for various sporting activities, are therefore an essential service to the

1. Farming, especially commercial farming is also an industry of some sort.

community. They provide creative opportunities for members of the community to relax and be refreshed. Public parks also provide members of the community with the essential opportunities to find quiet outside the home situation and be given a peace of mind. Swimming pools also provide the opportunity for exercises that keep the body healthy. These facilities therefore, have the potential to provide members of the community with the necessary recreation essential for a complete life. In the Lingelihle Township of Cradock, the only available facilities are the underdeveloped sports field for soccer and rugby, with a patch of an underdeveloped tennis court adjacent to it. This surely is an area of need.

2.3.5 People need land for public services, cemeteries, churches, schools, libraries and so on

It is not the author's intention to over-emphasise the importance of the above mentioned institutions in the life of human beings, but they do play a vital role in the life of a society.

Hospitals, as we know, play a very important role in regaining the health and welfare of sick members of the society. Schools play a very active role in nurturing members of the society from childhood, so that they can grow up to be responsible citizens. Churches also play a vital role in the growth and development of people. Cemeteries also provide the necessary resting place at the end of life.

These institutions cannot be built in a vacuum. Land should be set aside for each one of them. In the Lingelihle Township, there are more than three cemeteries due to the fact that insufficient land was allocated for the first cemetery. Health services were also not up to

standard. The point I am making is that all these institutions need to be properly developed so that they can serve the society effectively. Unless sufficient land is set aside for each one of them, there will always be something lacking in the services of the society. The human awareness programme makes a point in this regard as follows: “When we talk about land we imply more than the agrarian issues of farming agriculture. We refer also to urbanisation and the factors that assist or impede it.” (Human Awareness programme 1989 : B).

In winding up this section on the needs for land, I want to state that the struggle for land was the foundation of the formation of Israel. Receiving land for Israel means receiving or taking what is necessary for well-being. “Without land there is no life, and that Israel sharply felt.” (May 1991:53) A Theological reflection on the needs of land will follow after the next subsection, which will look broadly at the needs of land in the country.

2.3.6 The needs of land country-wide

The imbalances shown above are not confined to the Cradock District. It is a problem that is facing the whole country. According to statistics, 87% of land before 1994 elections was owned by whites whilst blacks only had a share of 13%. The 13% of land identified by the 1913 and 1936 Development Trust and Land Act and the 1966 Group Areas Act are areas exclusively set aside for the occupation of Africans in the “Homelands”. On the other hand, only Whites, Coloureds and Asians (as defined by the Population Registration Act of 1950) could lawfully occupy land outside the “Homelands”. (David & Corder 1990 - 139)

The land outside the “Homelands” has been further divided up in keeping with the requirements of the Group Areas Act as follows: 84% of this land is declared for the use of whites (who are 15% of the population), 10% for ‘Coloureds (who are 10% of the population), and 5% of Indians (3% of the population). Land tenure is exclusively expressed in the form of freehold or individual ownership. (Robertson 1987: 130, Davis and Corder 1990: 139) Although we are now in the new dispensation the situation has not changed much.

In a Community Land Conference, convened by the land committee at Bloemfontein on the 12 to 13-2-1994, attended by some 700 - 750 representatives, the following formulation emerged: “We, the marginalised people of South Africa, who are landless and land hungry, declare our needs for all the world to know. We are the people who have borne the brunt of apartheid, of forced removals from our homes, of poverty in the rural areas, of oppression on

the farms and of starvation in the bantustans ... We have seen our children stunted because of little food, no water and no sanitation. We have seen our land dry up and blow away in the wind, because we have been forced into smaller and smaller places ...” (Wixley 1994:10)

At the same conference, a document known as the Land Charter was produced with a comprehensive list of community demands for land. The first section of the charter identifies the needs for land in the following manner, “We need land - to live on, for grazing, farming, and community.” (Wixley 1994:11)

The said conference sums up the fundamental land needs in the following manner:

- 1 The landless people need land to live on, for grazing, farming and community facilities.
- 2 They want their rights to land to be guaranteed.
- 3 The land must be shared between blacks and whites, and the distribution must be done in a democratic way.
- 4 People who have been evicted from their land and other landless people should be given top priority in a future land distribution programme.
- 5 Game reserves should not enjoy priority over people. People also must have a say in the establishment and management of game parks.
- 6 Land near to residential areas must be made available for local residents to set up small holdings.
- 7 If the future government decides, for whatever reason, to expropriate rural land, communities must be consulted and also be paid compensation.
- 8 The present system of land title deeds must be reviewed. Whenever there are to be

changes, communities should be consulted.

9 Government resettlement programmes must provide for the different land needs of the communities.

10 Communities living on trust land or government land must be given title deeds to the land.
(Wixley 1994:11)

But why is land so important to Africans as opposed to settlers*?

Annika Classens on the significance of land, cites an old man by the name of Petros Nkosi, who attended a regional Eastern Transvaal meeting as follows:

“The land, our purpose with the land, that is what we must achieve. The land is our whole lives, we plough it for food, we build our homes from the soil, we live on it and we are buried in it. When the whites took our land away from us we lost dignity of our lives, we could no longer feed our children. We were forced to become servants, we are treated like animals. Our people have many problems ... But in everything we do we must remember that there is only one aim and one solution and that is the land, the soil, our world.” (De Klerk 1994 50)

This passionate plea is very hard to resist. In it a call for the restoration of one’s self-respect, one’s dignity, one’s complete *Ubuntu* is very clear. If the effect of landlessness is so dehumanising, how can we as Christians miss the challenge?

* Many blacks consider whites as settlers. This is the ideological stance taken by the Pan Africanist Congress and Azapo. (Mayende 1992:2, Letswalo 1987:29f, Klaasen 1990:42 - 60. On the other hand, the A.N.C. seems to take a slightly different view. For the A.N.C. “all people have the right to land and to a home. The goal of the A.N.C.’s land policy is to make this possible, especially for poor people and landless people.” (Josse and Maguriie 1992:18) There are also some white historians who have a preference for the term ‘settler’ for whites. (Connor 1994:2) In my view, it is a historic fact that at a certain point in time whites came to settle in Africa from Europe.

Furthermore, most of the victims are Black Christians, whereas most of those involved in the dispossession systems are Christians too - only that they are White Christians. Is it not then our pastoral, moral and ethical responsibility to speak? I think it is. We owe it to ourselves as Christians to stand up for justice in the name of Christ, our just liberator. Any policy or action that fails to give a human being his or her respect is a challenge to the law of love basic to our Christian faith. We will, however, elaborate more on our Christian-ethical stance in the next chapter. The next chapter will be looking at what should be our goal or vision as Christians”

Chapter 3

WHAT SHOULD BE OUR GOAL AS CHRISTIANS?

Introduction

The purpose of this chapter is to show that Christians ought to aim at *ubulungisa* - justice as our goal. In order to do this, the author will first define *ubulungisa* - justice as he sees it. The next step will be an examination of how the Methodist Church of Southern Africa uses *ubulungisa*-justice as is reflected in its *ubulungisa*-justice programme. Thirdly, an effort to define *ubulungisa*-justice in theological terms will be made. At the same time an effort to justify *ubulungisa*-justice in terms of the Christian faith will be made. Some theological reflections will conclude this sub-section. Fourthly, a question will then be asked to whether we can seek *ubulungisa*-justice as our goal? This will be followed by the question : why do we need *ubulungisa*-justice in addressing this problem? The chapter will then close with a summary of the findings, evaluation and some conclusions drawn from the said findings.

In this chapter, an effort to unpack the concept of *ubulungisa* or justice will be made. A search for a better understanding of *ubulungisa*-justice is essential if we are to comprehend our vision. An imbalance in the distribution of land is denial of human dignity and challenge to our Christian calling and the Gospel of Jesus Christ. We must therefore, as Christians, speak out against such practices and be engaged in activities that seek to provide alternative options on land policies to the ones we have now. Our focus should be on what needs to happen in the foreseeable future, but our concern should be with both the short and long term future.

needs to happen in the foreseeable future, but our concern should be with both the short and long term future.

Our goal therefore is to search for options, practices and policies based on biblical justice. We shall use the Xhosa word *ubulungisa* understood to mean justice. However, *ubulungisa* is in my view broader than justice. It relates very closely to the notion of ubuntu which means a spirit of humanness. Secondly, *ubulungisa* has the potential of anchoring our problem in its context. Indigenous South Africans especially the Nguni Group understand *Ubulungisa better than* justice. The Sotho equivalent of *ubulungisa* is Tekoa. This justifies the use of these terms in our context.

3.1 What is *ubulungisa*

The concept of *ubulungisa*, narrowly translated, means justice. Contextually, *ubulungisa* is broader and relates very closely to the notion of *ubuntu*. A person who has *ubuntu* deals with other people in the way of *ubulungisa*. I want to think of *ubulungisa* as a process through which *ubuntu* is realised. Without *ubulungisa*, there can be no *ubuntu*. *Ubulungisa* is so important a handle for our task that a definition of what it is is essential.

3.1.1 What is *ubulungisa* for the author?

If Western philosophy or Western theology is not informed by the African ethos, it cannot take us very far; we must look at ways in which we can touch base with our context. In this regard Lourens du Plessis' citing Dr Kenneth Kaunda on 'African reality' gives us an example of how Western concepts, informed by the African ethos, can shape justice in a particularly African way. Kaunda characterises the term equality as follows, "... The Pursuit of equality prohibits ruthlessness in the strong, protects the weak from wanton injury and defines certain areas of equality which must not be transgressed. But it does not seek to eliminate individual differences or their consequences. This judicious insistence on equality has produced many measures which a modern democracy regards as vital - minimum wage laws, graduated income taxes, the principle of one man one vote, raising of the status of women. But, here is the dilemma, the very same society which stressed equality must, if it is not to sink from sight in a great swamp of mediocrity, encourage individual performance." (du Plessis 1989:31) Justice is not the same as equality. The stress here is on equal treatment of all citizens. The basis of this is love. Kaunda seems to be making a reference to this love, in the above quotation.

Ubulungisa - justice may be defined as follows :

- 1 Ngoku banzi ubulungisa kukwenza okuhle

Broadly speaking *ubulungisa* is to do good

- 2 *Ubulungisa* buthetha ukuhlanqabezana nemeko zoluntu.

Ubulungisa means an act of meeting the needs of the people.

- 3 *Ubulungisa* kuthetha ukuba luncedo kuluntu.

Ubulungisa means to live so that people may benefit.

- 4 *Ubulungisa* kuthetha ukwanela kokulingeneyo onako ukuze nabanye bazuze
- 5 *Ubulungisa* means to be satisfied with what is sufficient for ones' needs so that
others may have a share ubulungisa kukuvelisa amathuba alinqanayo kuwonke wonke
Ubulungisa means an act of creating opportunities for all
- 6 *Ubulungisa* buthetha ukwamkela nokuhlonela abanye abantu ngoku linqanayo nathi
Ubulungisa means to accept and respect other fellow human beings as equals.

Point no 4 of this definition actually refers to an attitude of being positively disposed towards other fellow beings. This means to be considerate and make allowances for others to have a share, not necessarily an equal share. The same is true for item 5, where *ubulungisa* is defined as an act of creating opportunities for all. This does not necessarily result in an equal share.. It depends on how one uses one's opportunity.

One may ask : how equal is equal? What exactly does equal access to land for all means in our context? It is the view of the author that this means equality for all the eyes of the law. If people are treated equally before the law, then all will have access to land. We have shown in Chapter one of this dissertation that the imbalances we are now dealing with were legalised. Further, equality does not refer to the size of land as such, but rather refers to the equal treatment of those citizens seeking land before the law. The need determines the size. For example, the size of land required for the building of a home, will be different from the size of land required to run a small farm. This is *ubulungisa* - justice in practice. (Elowo abelwe ngokwemfuno zakhe - each granted according to his / her needs.)

If ubulungisa - justice is our objective in the resolution of the problem under review, it follows that the dealings and actions in the land distribution programme will reflect the goals of ubulungisa - justice as defined above. The first thing to note is that ubulungisa - justice as an African concept, does not entertain a spirit of revenge. If it is applied in the resolution of our problem it has the potential of providing an essential guide towards a solution. For rage will not lead to a situation in which the legitimate interests of all citizens are accommodated. The spirit of revenge for past events, when the war is over, is contrary to the African ethos. In fact, to harbour a spirit of revenge against a person who has already surrendered is an act of cowardice and thus a shame. We have just been through a very unfortunate period in our country, where the armed struggle against the defenders of apartheid has been resolved through negotiation between the liberation movements and the apartheid government. Thank God it is over. It does not mean that the past is forgotten. If those who were fighting for their rights namely Africans, against the injustices that include land imbalances are going to harbour a spirit of revenge, this will not be in tune with the African ethos of ubulungisa - justice. Ubulungisa does not silence the victim but insists on self-respect and respect for the other person as well. We will use a Xhosa proverb to show this.

“Aliphandlwa kabini okwesibini liyatyhaphaka” - Literally it says, one’s eye (the light of the body) cannot be blinded twice, the third injury is fatal. “Once bitten twice shy”. This proverb says it all. Therefore, one has to guard against a repeat of the same mistake. The land imbalance is a result of a misfortune that was started by colonisation, and repeated and entrenched through the apartheid laws. The third attempt that perpetrates these imbalances

would deal the reconciliation process a fatal blow. What it means is that in the African culture, peace is so valuable that unpleasant acts and mistakes are not allowed to impact negatively on the efforts aimed at correcting the past mistakes.

Secondly, *ubulungisa* requires all people, without exception, to be treated with respect. It also demands that people treat each other with respect. It even allows people to differ with one another but in a manner that shows respect for one another. And if respect of one another is the bottom line of the activities aimed at addressing this problem, then it is likely to influence the approach and method used for the betterment of the situation. If all citizens of this country were to make *ubulungisa* their goal in re-dressing the imbalances in land distribution the situation would gradually and peacefully normalise. Renewed attitudes in turn would impact on the social and legal structure. However, the political need for a speedy land delivery makes this a little problematic.

3.1.(2) What is *ubulungisa* as understood by the Methodist Church of Southern Africa

There is a sense in which an application of *ubulungisa* - justice is already happening in the Methodist Church of Southern Africa, through the *Ubulungisa* Programme. The *Ubulungisa* programme exists to establish and equip local groups of Christians to transform their situation in the light of the Scriptural understanding of justice and an analysis of their problems and needs.

Although the programme is not necessarily confined to the land question (its scope is wide), it does confirm for us that ubulungisa as a concept does not contradict Christian principles. On the contrary, it is the vehicle of Christianity in action. Its goal makes this very clear : “to enable every Methodist to participate in social, economic and political transformation in Southern Africa by working towards the establishment of Scriptural justice in the region.” (Methodist Church of Southern Africa 1987 :1)

Another interesting ^{= a/}are its mandate. The programme is mandated, “to study, to share with the Church, and to encourage appropriate means of economic restitution to the black community by the Church (e.g. dealing with the debt of poor churches, the ownership and use of Church-owned land). We will be referring to this document in the sixth chapter dealing with the contribution that the Church can make. For now, this section has shown that ubulungisa has a chance of making things work for the better in the area of land distribution. (Methodist Church of Southern Africa ‘S.A.’ 4.2)

3.1.3 What is justice in theological terms?

The word justice occurs several times in the Old Testament. “Justice must be understood as being the same word as ‘righteousness’ *sedeq* (Douglas 1962 : 680) Righteousness is a characteristic demand of the Old Testament “Right action between man and man was insisted upon by the prophets.” (Douglas 1962 : 1097) “Let judgement run down as waters, and righteousness as a mighty stream” (Amos 5:24) This insistence is grounded on the fact

that God requires righteousness in humankind. (Micah 6:8)

According to Douglas, the biblical concept of justice shows development through nine chronological stages.

- 1 Etymologically, it seems that the root - sedaqa means 'straightness' in a physical sense. (Douglas 1962 : 681)
- 2 In the patriarchal age sedaqa refers to an accepted standard of values, for example Jacob's respect of the terms of the sheep contract with Laban in Gen. 30:33 "So my honesty will answer for me later, when you come to look into my wages with you." Moses also spoke of just balances, weights and measures insisting that judges pronounce 'just' judgement. Deut 25 : 13 & Lev 19 : 36
- 3 From the time of Moses and onwards Deut 32 : 4, justice comes to point that which is God's will and those activities that result from it. (Douglas 1962 : 681) "The rock, his work is perfect, and all his ways are just. A faithful God, without deceit, just and upright is he."
- 4 "By natural transition, 'justice' then comes to identify that moral standard by which God measures human conduct (Isa 24 : 7)" (Douglas 1962 : 681)
- 5 With reference to divine government, justice describes a particular way of punishment for moral infraction. Pharaoh under the lash of heaven sent plagues confessed "... This time I have sinned, the Lord is in the right, and I and my people are in the wrong." (Ex 9 : 27)
- 6 From the time of the judges onward, justice describes God's deeds of vindication for righteous acts. Absalom promised to do justice on behalf of his petitions. "... If only I were judge in the land. Then all who had a suit or cause might come to me and I

would give them justice.” (2 Sam 15 : 4-5)

7 The words stated above also introduce another aspect of justice. This is the aspect in which divine justice ceases to constitute an expression of precise moral desert and expresses rather divine pity, love and grace. This connotation appears in David’s prayer Ps 51 : 14. This is the concept of God’s forgiving justice.

8 Next, a condition that arises from God’s forgiving justice is a humanly possessed justice. This is declared to have been God’s own moral attribute now imparted to believers in his grace. For example Abraham’s faith is seen to have served as a medium for righteousness (Gen 15 : 6) “And he believed the Lord, and Lord reckoned it to him as righteousness”

9 The people of God are called upon to seek justice Isa 1 : 17, in the sense of pleading for the widow and judging the cause of the poor and the needy. In Jeremiah 22 : 16 “He judged the cause of the poor and the needy then it was well. Is not this to know me? says the Lord”

From the days of the exile onward, righteousness takes the specialised designation for alms or charity as in Deut 4:27, an equivalent expression for giving to the poor compare to Psalm 112:9. (Douglas 1962:682) Douglas then draws the following conclusion on justice for the steps outlined above. "One might therefore be led to conceive of biblical justice, particularly in these last three, supra-judicial senses, as involving a certain tension or even contradiction. For example *sedaga* in its seventh, gracious sense seems to forgive the very crimes that it condemns in its fifth, punitive sense. The ultimate solution, however, appears in the person and work of the Lord Jesus Christ. The ethical example furnished by His sinless life (Heb 4:15) constitutes the climax of biblical revelation on the moral will of God. (Douglas 1962:682)

From the above development of the concept of justice, the following points emerge. Justice is straightness and uprightness. It is an accepted standard of values. A pronouncement of just judgement is an act of justice. Justice is God's will and human activities resulting from it. So if we are in search for justice in the solution of our problem we are actually engaged in acts that seek to obey God's will.

Justice refers to that moral standard by which God measures human conduct. It also refers to a particular punishment for moral infraction. It means God's deeds of vindication for the righteous, an expression of love, pity and grace. Justice which is God's own moral attribute is expressed in Gen 15:6. People are called upon in the Bible to seek justice in the sense of pleading for the widow and judging the cause of the poor and needy, as in Jeremiah 22:16. Justice shows itself in giving every person his or her due. "The perception is repeatedly ascribed to God in Scripture: Ezra 9:15, Neh 9:8, Ps II 9: 13 7, 145:17, Jer 12: 1, Lam 1: 18, Dan 9:14, John 17:25, 11 Tim 4:8 etc." (Berkhof 1974: 75) Righteous means right action and fair dealing between different individuals. "He has told you, O mortal, what is good and what does the Lord require of you but to do justice, and to have kindness." (Micah 6:8)

In obedience to God's will, human beings are called to do Justice. Genesis 18: 10 makes this point very clear, 'No for I have chosen him, that he may charge his children and his household after him to keep the way of the Lord by doing righteousness and justice. (Genesis I 8: 10) Thus, justice comes to identify that moral standard by which God measures human conduct

On how righteousness should be applied, Isaiah and Jeremiah provide a clue, even as God graciously bestows righteousness upon the unworthy, so too, the people of God are called to seek justice. Isaiah writes, "Learn to do good, seek justice, rescue the oppressed, defend the orphan, plead for the widow." (Isa 26:7) We learn from Jeremiah that the cause of the poor and the needy is pleasing to the lord. "He judged the cause of the poor and the needy, then it was well." (Jeremiah 22:16)

3.2 Can *ubulungisa* - justice be justified in terms of the Christian faith?

Yes, ubulungisa - justice can be justified in terms of the Christian faith. As Christians we believe in a God of love; a God who demands us to seek justice for all people. We are thus challenged to respond to the challenges we encounter, in the name of Christ and in obedience to God's will of love. The perfect example of *ubulungisa* is Christ himself - "Inene lo mntu ube lilungisa. *Truly this was a righteous person.*" (Luke 23:47) We are talking about *ubulungisa*. In Xhosa, Christ is described as *ilungisa* as is shown in the passage cited. The point is to show that *ubulungisa* has to do with righteousness and Christ is the perfect example of *ubulungisa*

Our Christian responsibility is to be like Christ, the light of the world. Injustice, wherever it is found, is a sign of darkness. Justice or *ubulungisa* is a sign of light. Our Christian calling requires of us to be the torch-bearers of truth and justice. The call for us, therefore, is to

challenge injustice wherever it is found. As Christians we are called to love and respect each other. In the question of land, this means that first we need to acknowledge that all property and land belongs to God, the Creator (Psalm 24:28, Psalm 50:126, Ex 19:5,6) The earth is the Lords and all that is in it, the world and those who live in it ... for the world and all that is in it is mine ... indeed the whole earth is mine." (Psalm 50:126, Psalm 24:28) We have been commissioned to be stewards in the earth that is part of God's creation.

From the Bible we learn that God has freely given humankind use of land, air, water, and even the living creatures. (Genesis 1:26-29) Therefore the ultimate ownership of everything belongs to the Creator above. Human beings are stewards and, as such, they are expected to use land in accordance with the will and spirit of the righteous Creator. We have to make a deliberate effort to be our brothers' or sisters' keepers in the use and distribution of land. Evidence of action contrary to this divine purpose is a sign of bad stewardship of humankind and must be challenged and rectified

3.3 Some Theological Reflections on the Land Issue

In his examination of this issue, Connor makes the point that, "A just land settlement, where settlement is understood socially, legally and geographically, is an indispensable basis for settling the regions various conflicts" (Connor 1992:2) Connor identifies four areas worth our consideration in this regard:

3.3.1 What is the relationship between land and the human beings?

As has been pointed out, under the section on the needs of land in Chapter 2 human beings live in homes, work or cultivate their surroundings and move their products from one place to another "Those who live, work and celebrate together form a community with local memories and expectations." (Connor 1992:2) In this context people gain a sense of identity, belonging or worth. All these aspects of human life are determined by people having access to land. (Connor 1992:2)

In contrast, those who have no access to a place of their own, cannot flourish as human beings. 'The life and activity of a displaced person is curtailed.' (Connor 1992:2) This clearly indicates the relationship between land and human beings. *Ubulungisa* demands that needs of all people be met equally.

Further, access to land has certain moral implications. Those who live on the land are duty bound to care for the land. God expects them to be good stewards of what they have. They owe it to themselves and future generation to be responsible stewards of the land. This determines the use of land they cultivate, and land on which to build houses. Whatever they do on the land should be done in a manner and method that seeks to sustain and develop the land for all its people.

3.3.2 What socio-cultural variations exist in attitudes to land?

Connor makes the point that the use of land varies from one society to another, depending on

a number of factors like geographical, cultural and economic factors.

(a) Mainly, people are given land for either dwelling on it or working it. "The Lord God took the land put him in the Garden of Eden to till it and keep it." (Gen 2:15) This creation story seems to depict the first training experiment in this regard by God. Other transaction, like leasing, buying or selling of land are secondary to the prime purpose.

(b) Ownership of land differs for example, land can be owned privately, or as a communal property, jointly by corporation. (Connor 1992:2) Different forms of land can be fruitfully combined to meet the needs of the community. (Connor 1992:2)

(c) The possessive individualism of Western culture characterised by the alienation of land tends to undermine the fact that having land to dwell on and work is the fundamental condition for having other belongings. (Connor 1992:2)

(d) Historically, turning previously communal land into private property was accomplished through a system that enclosed out and uprooted many people, especially the defeated and the poor (Connor 1992:2) The section on colonisation and Apartheid on Chapter 1 of the history of our problem deals with this practice of dispossession.

3.3.3 What are the Biblical imperatives?

The Bible teaches that the land belongs to God, and is created for the benefit and use of all people. In Leviticus 25 and its context, it is clear that Yahweh's ownership of land is affirmed. The aim is to secure the security of individual families by preventing permanent alienation of their land. "This becomes the theological sanction of an economic system of

land tenure. The primary feature of this system was the preservation of multiple family holdings in relative equality and freedom." (Farisani 1993:28)

The proper concept of this divine ownership appears to be that every Israelite was to regard his/her holding as deriving from God himself as though it had been given to him or her from God. "There existed the consciousness of an equality among the Hebrew before God, which was expressed, among other things, by each head of a family holding his land as from God." (Wright 1990:63) "In the Old Testament we find that direct relationship between Yahweh and the land (of Palestine) is specifically stressed as a fulcrum in the relationship between Yahweh and Israel." (Wright 1990:60)

During the early days of the settlement, all Israelites enjoyed more or less the same standard of living. (Herron 1986:77) Income and wealth came from the land. The land had been divided equally between the families. (Num 26:55-56, 33:54, 36:2, cf 27:7) (Heron 1986:77, cf de Vaux 1965:72) These small farmers were deeply attached to the land. (I Kings 21:1-3) The goal was for each one to live under his vine and under his fig tree." (Mic 4:4, Zech 3: 10) (Herron 1986:77; Schmidt 1984:33) Even excavations of towns confirm this equality. Houses of the tenth century B.C. were of the same size and arrangement. (Heron 1986:77, De Vaux 1965: 72; c.f Farisami 1993: 30) Admittedly, while there are many laws about land in the Bible, the Bible does not offer us a universal pattern of land holding for all times and places. Nevertheless, whatever pattern we may want to adopt, it is clear that:

a Nobody should be excluded from having access to land.

b No one holds land as an absolute right, but only in trust.

c A fair degree of security and continuity in land ownership is both a condition for and result of peace.

d Inequalities in access to the land and its resources should periodically be evened out.

(Connor 1992:2)

The jubilee year concept could be explored as one possibility of addressing this land imbalance.

Lev 25: 10 "... It shall be a jubilee for you, you shall return, everyone of you, to your property and everyone of you to your family." To benefit all people, the above listed imperatives should be subjected to situational analysis. The fact that we are now living in an industrial world with modern technology affecting every aspect of our lives, has to be taken into account as well in our approach to the land question.

3.3.4 What has life to do with land?

The past is not considered in order to return to the past, but to give us a better understanding of how best to prepare for the future. We have seen in Sub-section 3.3.1 what the relationship is between human beings and land. "Those with no secure access to a place of their own, cannot flourish as human beings..." (Connor 1992:2) What this means, therefore is that land is for the living. The story of how the problem of land injustices or imbalances started has been well documented in the records of historians and so on.

We need to acknowledge therefore that all people need to have access to land. Failure or refusal to recognise this is a self-defeating exercise and thus not conducive to a positive search for a solution. For land signifies a place, an identity, a history, and a future." (Brueggeman

1977:2) It is clear that to promise people with land is to promise people with life. Von Rad demonstrates that life was an essential theological concept for Israel "Choose life, that you and your descendants may live" (Deut 30:19). "Life is what land means, above all, sustenance" (May 1991:60 - c.f Von Rad 253). Therefore refusing people access to land is refusing them normal life.

3.4 Can we seek *ubulungisa* - justice as our goal?

If we are mindful of our mission we can seek *ubulungisa* - justice. It is necessary that we put all our efforts in achieving this goal. Most black South Africans have no land. We saw in Chapter 2 how desperate the situation is. But we also need to recognise that the needs vary. We have also observed that white South Africans, by and large, have more land than they require. This is in contrast to *ubulungisa*- justice. What needs to happen, therefore, is the designation of a forum that is informed by *ubulungisa* - justice, aimed at seeking a solution.

To understand the notion of *ubulungisa* better, I want us to look at a traditional Xhosa social setting. As a product of such a society the writer has the advantage of first hand knowledge of the interactions involved in the Xhosa society. First, I wish to acknowledge that certain distinctions or differences in status and property between members of the same society existed and still exist in our community, even as I write. Underlying the needs of land for Africans Schapera writes, "The livelihood of the Bantu is intimately bound up with their systems of land tenure. They erect their dwellings on the land, cultivate it, graze their livestock upon it, and

hunt over its surface..." (Schapera 1937:156)

The difference ranges from the chief (*Inkosi*), or people of royal blood in the clan, to the ordinary members of the community. By rule and practice chiefs and their houses or families are accorded a higher status in the community. This also affects the allocation of land. They get a large share of land which is worked by members of the community. Second in line are the councillors (*amaphakathi*). Councillors are people who advise the chief in the administrative affairs of the tribe and are people with wealth in the community. They also get a better deal and a sizable amount of land. Then there are those down the ladder who are allocated what one might call an average share. Despite these differences, all members of the community without exception have access to a piece of land.

The chief, however, remains the custodian of the land, for the people. Although the chief is viewed as a custodian, (even land under him is referred to as *umhlaba ka Nkosi zibanibani* - the land of chief so and so) he or she actually is a facilitator or servant of the people in the distribution of land. The people pay a certain amount of money to the Tribal Authority to acquire land. There is nothing wrong in this practice if the money so collected is used for the benefit of the entire community in the welfare of the land. They also continue to pay site levies or taxes annually for the land they use, which means that they (the people) actually 'own' the land.

In this regard, Letswalo argues that although the Black land tenure system is not communal, this fact has been ignored by policy makers in South Africa (Letswalo 1987:78) Schapera also

stresses the point that the tribe's land is vested in the chief's name who administers it through sub-structures. (Schapera 1937:156) It is important that we elaborate further on this point because of the question it raises. What would the status of a chief as custodian imply if it were applied to the modern agricultural economy? Would all land belong to the state and nothing at all to the people? If this were the case, would it be desirable? Would the state then give individual families land to work on or would they all be workers on big state farms?

This is also true in other parts of Africa. "Some people think that tribal land belongs to the tribe and not to individuals, but this is not correct in the case of the Kikuyu, because the land was originally owned individually and afterwards it was inherited by the descendants of the original owners. So it is on the basis of individual ownership and not on the basis of tribal* ownership." (Letswalo 1987:78)

Although the land allocated has no title deed it is not uncommon for a piece of land to be handed down from one generation to the other within the same family. Schapera in support writes, "Once a man has been allocated with a piece of land, it remains in his possession as long as he lives there. He has legal 'prescriptive' right over his arable land... No one can cultivate it without his permission. On his death the land is normally inherited by his children. (Schapera 1937:157) With all its limitations, therefore, this system has been able to afford each head of a household in the community fair access to land.

But, if it is to suit modern society, it has to be adapted to present day needs of society. Here again, *ubulungisa* would be a helpful guide in this transformation. For instance, before land is

allocated to a person it must be established first what the land is required for. In other words, the need should be the determining factor concerning the size of land. The practice of paying an unofficial fee to the headmen on allocation and such practices should be discarded and eradicated completely. This practice has the potential of sowing seeds of corruption. All moneys paid should be accounted for and be used for the benefit of the whole community.

Besides, there were good reasons for allocating more land to the chiefs in the olden days. The Great Place - *komkhulu* - was virtually everything in the community. People assembled at the Great Place to deliberate on certain matters of the community. Even people who had no families were housed and cared for at the Great Place. This then justified the practice of members of the community working on the lands of chiefs. If the chief is going to be seen as the caretaker of the land for the community, training programmes need to be designed to prepare him/her for this task.

The author is not in favour of the continuation of the practice or tradition of the chieftainship system, as it now stands in the rural areas, especially in our new democracy, for the chiefs' inherited status is a contradiction to modern democratic principle. However, human nature, being what it is and on pastoral grounds, I want to submit that these systems cannot be expected to evaporate by night, but are likely to be with us for a while. One only

In the South African setup one needs to note that the proclamation of Act No 38 of 1927 restricted the tribal system. Allowing white supreme chief to supervise the tribal chief has had far reaching consequences in the tribal system itself. "The structure of the tribal system was modified considerably such that the tribal chief was no longer the highest authority, as the white Governor General was appointed as Supreme chief. The whole tribal system came to be controlled strictly by white officials of the Native Affairs Department, with the subordinate chiefs aided by the Government." (Letswalo 1987:37 c.f. Rogers: 1933)

needs to watch the developments of Contralesa' (Congress of Traditional Leaders of South Africa) and the stance of the Zulu traditional leaders as propounded by the KwaZulu Natal Province to appreciate this. It is my belief, though, that with the passing of time, the chieftainship system will be gradually phased out or modernised. But we need to remember that 'Rome was not built in a day'. It is correct that the above argument was used by the apartheid regime against granting of democratic rights to blacks. Here the point is to demonstrate the need to care and respect each other even when we disagree with each other. This is *ubulungisa* - justice in practice.

Secondly, eradicating it by force would not be in keeping with the spirit of our new democratic principles. This would have the potential of creating animosity within our rural communities, the last thing that we would all like to see in our country. The process of phasing out this system needs to be allowed time to settle down and take its course gradually. This then raises the question: what do you do with the institution in the meantime? With the democratic

1 As I write this dissertation an interesting development in the Land-Reform process has occurred. The Land-Reform programme, through the office of the Minister of Land and Agriculture, Minister D. Hanekom has announced some interesting revelations which are aimed at gradually changing the tribal system of land holding by chiefs, especially with regard to the Transkei and the Ciskei Rural areas. On Tuesday December 31, 1996, the Daily Dispatch reported these intentions. "Thousands of rural dwellers in former Transkei and Ciskei are set to become official owners of the land they occupy under a new government plan to return the 13 percent of the land in former homelands to the people. ... Giving the people ownership will promote development as they will be able to use the land as they wish. It will also give them security," the statement reported. (Daily Dispatch 31-12-1996) According to the Land Affairs director, Geoff Budlender, the former homelands were currently owned by the state, which was part of the apartheid legacy. Mr Budlender in the same report maintained that, "We have formulated a basic and are now busy working out the mechanisms..." (Daily Dispatch 31-12-1996: 1) The reaction of the chiefs through their Organisation Contralesa on the 1 - 1 - 1997 to the Director-general's statement is even more revealing. The article reads: Contralesa rejects land transfer plan. The Congress of Traditional Leaders in Southern Africa (Contralesa) has rejected government plans to transfer ownership of about 13 percent of state land in rural Transkei and Ciskei from chiefs to tribal communities. (Daily Dispatch 1997: 1) Chief Nonkonyana, spokesperson for the chief said, "We are opposed to any move calculated to undermine our institution as chiefs and traditional values dear to our black nation." (Daily Dispatch 1997: 1) This is a clear indication that the process of Land Reform

structures in place the institution stands no chance to be entrenched more and more. Instead, if ignored it will just die naturally because people will not support it. It is also interesting to note that an act was passed very recently in the Eastern Cape Legislature through which the traditional authority loses responsibility for land development. (Daily Dispatch 26-11-97:2). "By removing the powers to handle the development from traditional leaders, the A.N.C. wanted to restore the dignity and respect for traditional leaders" (Daily Dispatch 26-11-97:2).

This is where I feel that intensive training and conscientisation of the chiefs and their structures should be done vigorously. I believe that this approach would gain the support of the chiefs' themselves. We also need to recognise that this will be a de-learning process, for chiefs have been victims of brainwashing and manipulation by the previous governments of colonisers and the apartheid regime. At the end of the day the communities and subsequently the entire country, stand to benefit from the process. In that healthy working relations are likely to come out a culture of tolerance for one another. Training programmes have the potential to arm people in this regard.

This practice was also part of the community's contribution to the welfare and stability of the society. However, there is a need for review of this practice in the light of the current welfare institutions that have been drawn. The practice needs to be related to the present needs of our societies. In my view, the principle of determining the size of land by what is required should apply across the board. What needs to be born in mind, though, is the fact that *ubulungisa*-justice has the potential of preserving the dignity of the persons involved in land transactions. To start with, we must give a sketch at what is taking place now in the system of allocation of

land sites in the rural areas. Although she is focussing on the Northern Sotho Area, Letswalo gives us a classical example of what could be viewed as standard practice throughout the country

- I The tribesman informs the headman of his land requirements and is given a paper to go to the Tribal Authority.
- 2 The Tribal Authority issues him with a paper to go to the local agricultural officer
- 3 The agricultural officer issues him with a permit to go to the Regional Agricultural officer who is usually based at the Magistrates offices

The agricultural officer issues the tribesman with a certificate of occupation commonly known as the Yellow card (Letswalo 1987:70) It is my view that this is standard procedure throughout the country with a few variations here and there.

To ensure that justice is done in the distribution of land through these transactions, there ought to be an independent land body forum which should act as a watch dog in all these transactions. This body should consist of non-aligned individuals whose sole mission should be the administration of justice in the distribution of land. As such, it should consist of well trained members who are competent enough to handle this very sensitive service. It ought to be accountable to a non-Governmental Structure and feed the relevant Government Department with its recommendations. If carefully applied this scheme has the potential to improve the quality of life in the rural areas.

The notion of *ubuhungisa* - justice is part of the Xhosa tradition. It encourages humane

arrangements and interactions amongst members of the society. This is in keeping with the idea of African social solidarity, where the concern for the plight of the individual is taken care of. *Ubulungisa* is therefore an essential element of dealing with this problem if we are to get a satisfactory solution of the problem. Therefore it needs to be explored from various angles in the search for a solution

In addition to the obstacles above, the erosion of African and Xhosa traditional life by Western influence could be a major obstacle, if not carefully handled. We have shown above, for instance, how Western influence through white governments was imposed on the chieftainship system itself. Virtually, the Supreme chief, a white governor was empowered to appoint chiefs by Act No38/1927. "the whole tribal system came to be controlled strictly by white officials of the Native Affairs Department..." (Letswalo 1987:37) It is for this reason that we have suggested a monitoring system on the tribal land allocation system to make sure that *ubulungisa* is the undergirding principle in the transactions. We can and we must seek *ubulungisa* in the solution of our problem.

It is my view that the Deuteronomic code has something to offer for the renewal of the chieftainship if the tradition is to live through the transformation period into the 21st century. According to the Deuteronomic code, authority is not vested in the king but in the people. The people appoint the king, the people take decisions as to whether to go to war or to seek peace. (Deut 20), The people are involved in the law for the King (Hallie 1985:60, Crusemanis 1983:91) Whilst Deuteronomy accepts the institution of the monarchy, at the same time it insists that the people should appoint him/her. (Deuteronomy 17:14-17) Thus

the king is appointed by the people. (V. 15) 'He is part of the people, and may not lift up his heart above his people. (Verse 20) He is committed to a simple lifestyle. He may not have horses and many wives, nor shall he greatly multiply for himself silver and gold.' (VI6,17) Most importantly the king may not cause the people to return to Egypt Verse 16(Wettenburg 1992: 85) This actually means that the king may not re-introduce practices such as forced labour, reminiscent of the oppressive policies of Egypt.

If these guides would inform the renewal of the traditional lifestyles in the villages of our country, the system might gradually shape towards rendering effective service to the community. Besides, they are in keeping with the democratic principles now entrenched in our constitution. For instance, if chiefs and kings were to allow people to decide on who should be the chief or king, the chieftainship tradition would be differently applied than is the case at present. It would lapse to the state of elected representatives.

3.4.1 Why do we need *ubulungisa* in addressing this problem?

We have stated in the history of our problem in Chapter 1. 1, that the imbalances we are faced with are a result of a war situation where the rule of the day was the survival of the fittest. As history has shown, Africans were overpowered and their land was taken from them by force by people of European origin. Whilst the truth of land dispossession by Whites from Africans cannot be denied; it is also true that Africans themselves had a long history of grabbing land from each other by force. For example, the Tembu Tribe now occupies the land alleged to

have been abandoned by the San during the frontier wars. This is the Gwatyu Triangle in lower Transkei. The major difficulty facing the land reform process is just how far back in time can one go?

Going back to the time of arrival of white people in South Africa would frustrate the land reform programme. If followed to its logical conclusion, it would mean that the San and most of the indigenous tribes who were driven out of most of South African land, must be given back what once belonged to them. This would create a spirit of animosity amongst South African citizens. What is required is the recognition of those wrongs and an effort to compensate the victims of their sufferings so that at least all people can without exception live a decent life.

The approach that is required, therefore, is one which, while sensitive to the land imbalances, avoids a repeat of the same mistakes. In this way a culture of tolerance would be instilled in the South African way of life. This is where *ubulungisa* would help. Against the fear that extensive land reform programmes are bound to impact on White land rights negatively and thus on the economy of the country, Oliver warns as follows: "Justice could be done to the Native Community in regard to their equitable rights to land without injustices to the European Community, if any South African Government were strong enough to undertake to carry through the task." (Oliver 1927: 99-100) This I believe is true. All we need is a government with a strong will to put right the wrongs through legislation.

In this regard my submission would be as follows. The fact that, when people of European

origin arrived in South Africa, there were already land skirmishes amongst the African tribes themselves, is in no way a justification for what they did in terms of land imbalances. There is, in our history records, nothing to compare with the imbalanced ratio of 87% of land for whites and 13% of land for blacks.

Given this background, harbouring a spirit of revenge would not be unexpected from those who were the victims. But now that the victims have become the victors after the April 1994 elections, we must be careful not to encourage a repeat of the past. This is where *ubulungisa* helps us. We pointed out earlier on that a spirit of revenge for past events when peace had been achieved is contrary to the African ethos. Yes, as Black South Africans we must deal with the issue of having access to what rightly belongs to us but we must use the most humane methods in achieving the goal, in keeping with the African spirit of *ubulungisa*.

3.5 Summary of the findings, evaluation and conclusion

Our investigation has shown that, although we now have laws proclaimed by the present government to deal with this problem, the problem is not going to vanish overnight. Indeed, most actors involved in the search for a solution of this problem are not unmindful of this fact. "Apartheid's removal from more than the letter of the law will be of cardinal importance for the legitimacy of a government claiming to be non-racial and democratic. Changing what have become firmly entrenched patterns of ownership and occupation, without at the same time seriously impairing the productive capacity of agriculture, will be no easy undertaking." (de

Klerk 1991:257)

Fortunately, even the incumbent Minister of Land and Agriculture is not unmindful of this fact, as has already been pointed out. Whilst *ubulungisa* as an African concept of justice cannot be placed in contrast to the concept of justice as seen or understood by other schools of thought, it nevertheless is deeply rooted in our context. In this sense it is unique. It has the potential therefore to draw largely from the local context in its search for a solution and this paves the way for a long term solution of our problem. As such, *ubulungisa* can be employed in reviewing some old African patterns and traditions of land use that need to be modernised. For example, the old traditional land distribution practices in the African society dealt with above would have to be measured against *ubulungisa* as it is understood to be of better service to the modern rural society than what is at present.

But one could argue on the grounds of the current urbanisation tendencies that African traditional practices, that were designed for a country life style, would no longer serve a useful purpose in a semi-urbanised or urbanised setting. Against this I would maintain that the fact that these African patterns or systems need to be reviewed or revised to fit in with modern times and patterns must not be used as an excuse for discarding them as irrelevant and outdated. All human patterns or designs in all situations and cultures have gone through processes of review and revision from time to time in order to render effective service for their age.

The findings of this chapter are as follows:

- 2 The Land Act No 22 of 1994 on Restitution of Land Rights claimed in the South African Government Gazette 25-11-94, promises to create a healthy atmosphere for a search of a resolution to our problem.
- 2 Ubulungisa has the potential of making an impact in our context in the resolution of our problem, and therefore must be sought.
- 3 Ubulungisa is not in contrast to the Christian faith.
- 4 The Xhosa traditional system of land distribution under the chiefs needs to be reviewed in terms of our new democratic principles.
- 5 In this study we have shown that the Deuteronomic code used in redressing the imbalances in the Israelite transformation has a lot to offer in this regard.
- 6 We have acknowledged that although the Bible has no concrete and rigid guide for our problem for all times, it does offer some clues that could help in throwing some light on our search for a solution of this problem.

Under theological reflections, we have made the following observations

- a There is, without doubt, a very strong relationship between land and the human beings. Theologically speaking, human beings originate from the earth. Gen 2:7 "...Then the Lord God formed man from the dust of the ground and breathed into his nostrils the breath of life." Thus a human person with no access to land is like a fish out of water.
- b There are socio-cultural* variations that exist in attitude to land. c We have shown in this study that there are Biblical imperatives on land. We mention, for example, the divine ownership of land. There is also a stress on the equality of land for a household.
- * (Cultural attitudes to land are dealt with in Chapter 6 of this dissertation under the topic of different world views on land. An example of this is found in the clash of interest shown in the Naboth story in Kings 21.)

d The study has shown that the life of all human beings has everything to do with land.

It is the author's belief, therefore, that a serious consideration of the factors mentioned above would be in itself an act of ubulungisa, which must be sought in the interest of peace for us all.

In the next chapter we shall be looking at the lessons that can be learnt from other countries.

Chapter Four

WHAT LESSONS CAN WE LEARN FROM OTHER COUNTRIES

Introduction

In this chapter, the writer intends to visit other countries that have been through similar experiences as our country. These include:

1. East Asian Countries, such as Japan, Taiwan and India
2. Latin American Countries like Chile, Columbia, Dominican Republic and Brazil and
3. Countries such as Tanzania, Ethiopia, Zambia and Botswana.

Obviously, an in-depth and exhaustive examination of these experiences is out of the question. For our paper we will simply pull out what is relevant to this section very briefly. The purpose of this exercise is to show that there are lessons for South Africans to learn from these countries for future land redress in South Africa. The chapter will conclude with a brief evaluation of the lessons.

4.1 Land Reform experiments from other countries

Extensive land reform experiments have been conducted in a number of countries. In South

East Asia after the Second World War in the 1950's (Lehmann 1974, Bergman 1984, Ahmed 1975, Ashcroft 1989) some experiments in land reform were conducted. Similar experiments were conducted in Latin America during the sixties and seventies. (Dorner 1971, Lehmann 1974, Thiesehusen 1989, Ortega 1990) This reform process is still continuing in Africa. (Anderson 1976; Arntzen, Ngcongco and Turner 1988, Bruce 1989; Downs and Rayne 1988 in Cloete, F 1992)

The case studies thus far conducted have already generated sufficient comparative data to justify certain assumptions on the issues at stake. These include the complications caused by conflicting vested interest, the options and the goals and strategies which can be considered. (King 1977, Chose 1983, Prosterman & Riedinger 1987, and so on in Cloete, F 1992). A step by step analysis will now follow with a view of illustrating what happened in the following countries.

4.1.2. Land Reform in South East Asia

Our task is to look for proper actions aimed at putting right an injustice done in the area of land ownership. A summary of the diverse reasons for the land reform initiatives in Japan, Taiwan, India and China will now follow.

4.1.3 Private Ownership: Japan, Taiwan and India

In Japan, nearly half of the land was still owned by landlords and farmed by tenants after World War II. The defeat of Japan resulted in the imposition of the “democratisation” of land by the American forces. This was an attempt to boost agricultural production. (Ashcroft 1990:3 quoted in Cloete F 1992).

Of particular interest is how this effort was conducted. A bill on land reform was introduced, establishing ceilings on the size of land owned. The Government bought and resold all land exceeding the ceiling. The tenants on the land, if interested, were usually given first preference. Only landlords personally involved in the cultivation of their land were affected. Absentee landlords could only retain 2.45 acres to lease out. Local committees, half of whom were tenants (Ashcroft 1990:3) were involved in the decision making as to what pieces of land would be transferred and to whom.

The system of compensation is also worth noting. For excess land the owners were paid a compensation of 40 to 48 times the average rateable value.. The tenants obtained the land at the same price as the landlords who had rented out land. The landlords who had rented out land were compensated on the basis of 130% of the average value of the land of owner farmers. The compensation itself was made in two ways. Firstly, 30% was paid in cash while the remaining 70% was paid in government bonds repayable over a period of 22 years at 3,65% interest. The difference in the price of tenants and landlords who rented out land was that the tenants had to pay back their loans over a period of 30 years at the interest of 3.2%. (Cloete 1992:3) This system required large numbers of people to administer. On

record, 36 000 officials and 115 000 committee members were involved in handling the transfer of not less than 30 million pieces of Land (Ashcroft 1990:7 in Cloete 1992:3). The land reform programme resulted in a distribution of some 35% of the total cultivated land in the country.

In the South African situation, we need to ask ourselves these questions:

- a. Can we apply the redressing bill, setting out ceilings in the size of land and if so, to what extent?
- b. How applicable is the absentee landlord notion in our context?
- c. Do we see, for instance, in the Civic Association Structures competent or capable bodies for addressing the issues raised?

It is the intention of the writer to address these questions at the end of this section under a separate subheading.

4.1.4 Taiwan

Increasing demands for land were brought about by the need for increased agricultural yields. In 1949 a land-reform programme was started in Taiwan (Ashcroft 1990:3 quoted in Cloete 1992:3). The following measures are worth noting:

- a. A ceiling on the maximum rent of land with a view of curbing exploitation, was put

in place by the Provincial Land Bureau in 1949.

- b. Land owned by public sector agencies was sold to tenants or other interested farmers.
- c. The adoption of a “land - to - the - tiller Act” took place in 1953. This in many respects was similar to the Japanese programme. Local committees and tenants were involved.

The compensation of landowners was conducted in the following way. For the market value of excess land, 70% of the compensation consisted of two cash or in natura payments per year over a period of 20 years. The remaining 30% of the compensation was in the form of stocks in government enterprises. New owners had to pay for the land either with cash or in natura payments, within a period of 10 years.

The redistribution of in natura payments was the responsibility of Farmer's Associations (Ashcroft 1990:3,8). Subsequently, between 1951 and 1953 about 62 000 Ha of farm land had been sold to approximately 122 000 new owners. In 1971 a total of 90% of the land was owner-cultivated in comparison to 55% in 1949 (Ashcroft 1990:14). It is believed that a good record keeping system of land transactions facilitated matters. (Ashcroft 1990:14) This system has the potential of succeeding if carefully applied in our situation.

4.1.5 India and China

India's land reform programme was not a success story due to a number of reasons:

1. There was a visible lack of commitment on the part of the Government to implement the programme (Bergen 1984:30)
2. The ceilings were high and too many loopholes in the legislation were readily exploited by owners.
3. Inflation also had a bearing on the value of the compensation to owners as a result of the long periods of implementation which subsequently benefited the new buyer (Ashcroft 1990:5,10, Cloete 1992:4)

From this experience Bergman concludes as follows: "... the pre-requisite of success of agrarian reform is not the availability or abundance of land for distribution, it is rather the political will to implement it." (Bergman 1984:175, Cloete 1992:4)

Similarly, the China experience was not a success story. The Communist Government in China initiated the land reform programme purely for ideological reasons: the drive for redistribution to eliminate class difference. (Ashcroft 1990:12) Subsequently, methods used were drastic: landlords were expropriated without compensation and their land given to poorer peasants in a bid to equalise land-holdings. A process of enforced collectivisation also started in earnest. (Ashcroft 1990:8) Changes were forced through by means of the Agrarian Law adopted by the National Committee. (Ashcroft 1990:12)

As illustrated above, these methods failed totally. The lesson for our country is very clear. Reform programmes need to be people-orientated. If people are not adequately involved by way of persuasion and consultation, there is very little chance of success in the envisaged

programme - no matter how well the intentions of that programme are. On the other hand, consultations and inclusiveness coupled with flexibility has the potential of succeeding. The important thing to notice here is that the state appropriated control over land, thus alienating the peasants. The bureaucracy is not better than landlords as owners.

4.2. Land Reform in Latin America

The spirit of land reform that swept Asia in the fifties touched the shores of Latin America in the sixties. In the early seventies, when the wave subsided, it left in its place societies and power relationships as dramatically restructured as in Asia. The only difference was that in Latin America: "... there was an almost universal conviction ... that associative forms of productive organisation could play the above-mentioned role" that is of restructuring social relationships. (Ortega / 1990:99) The Land Programme in Latin America can be summed up under the following sub-headings namely:

1. Ideological origins
2. Models were influenced by ideology
3. Reasons for failure of collectives

4.2.1 Ideological Origins

The main force behind the reform experiments was an ideological bias. As was the case in

China, a socialist oriented government in Chile, Columbia, the Dominican Republic, El Salvador, Panama, Peru and other countries eliminated the colonial structures in their states. These were replaced by smaller peasant collectives, not always operating on a voluntary basis.

In all cases the state played a dominant part in the programme. (Ortega 1990, C.F. Dorner 1971, Lehmann 1974) All these programmes were promoted and encouraged by the United Nations Food and Agricultural Organisation (F.A.O.) in conjunction with U.N. Economic Commission for Latin America and the Caribbean. The two institutions provided important ideological support for the direction which the land reform programme took in Latin America. (Ortega 1990:100)

Ortega, an influential agricultural economist captures the sudden shift of focus in the programmes as follows. He describes how the original general objective of land reform quickly shifted to the specific goal of putting in place “associative enterprises” or peasant collectives. The position Ortega held as an influential agricultural economist in the joint Agricultural Division in Santiago, enabled him to make a good assessment of this experiment. He writes, “... a considerable portion of ... land ...remains in the hands of a relatively small number of persons ... (it) makes it almost inaccessible to the landless farmer ... Hence the unusual phenomenon of the minute subdivision of the land into numerous small uneconomic holdings that constitute a small part of the total area, while an insignificant number of landowners hold the greater part of available land ...” (Ortega 1990:100, as quoted in Cloete 1992:6)

The Paraguayan experience is a classical example of this problem 3% of the population owned 90% of the land in the country. (Gonzales 1991) Quite clearly then, structural transformation of land tenure patterns was as an essential component of economic growth stimulation. Socialist orientated governments, coming into power in countries like Bolivia, Cuba and Guatemala, seized the opportunity and with the enthusiastic assistance of E.C.L.A.C. & FAO set out to deliver on the campaign promises.

4.2.2 Models

An examination of some models used to implement the programmes discussed above is revealing. According to Ortega there were a series of similarities in land reform in Latin America, "... Although there was not necessarily coincidence of dates and periods in which they were developed, there was a characteristic cycle common to all of them (Ortega 1990:100, as quoted in Cloete 1992:6) The first stage consisted of a general agreement in the government that the existing system was insufficient. This stage was followed by the adoption of policies allowing the government to intervene. The second stage was the promulgation of policies giving the government authority to expropriate private land and to make it available to peasants.

There were three types of agricultural production units established, namely:

- a. Individual or family agricultural units
- b. Peasant agricultural collective units

c. Mixed agricultural units with land allocated for both family and collective production.

Most Governments in the Latin American situation preferred collective units for ideological reasons. The three models of land tenure are also worth noting, namely:

1. There was a model of state ownership or leasehold to individual families of collectives,
2. there was a model of collective ownership of the land,
3. there was a model of individual family ownership with contributions to the collective on a voluntary basis. (Ortega 1990:104)

At the height of these reform programmes (i.e. during 1973 - 1982) over 12 000 “associative enterprises” were in place in the country. But in 1986 there were only a little more than 5 000 left, and as the study by Ortega was continued - a steady decline in their numbers could be read (Ortega 1990:105 as quoted by Cloete 1992:7) We must now examine why the collectives failed.

4.2.3 Why the collectives failed?

Chile, Peru and Mexico were foremost in conducting the most extensive land programmes. Thousands of collectives were put in place. All these had virtually collapsed by the year 1992. There is evidence in the recent studies conducted of a decline in the other countries (Ortega 1990:107, Lehman 1990:138 as quoted by Cloete 1992:9)

The following reasons have been advanced for the failure:

3.3.1 Many collectives were forced on the peasants who had no alternative choice given the socialist governments' commitment or stance that collectives must succeed.

3.3.2 In keeping with the individualist nature of Hispanic culture many collectives broke up into smaller individual family holdings. Those who were not committed to or interested in farming were bought out of their small holdings. The bought-out families usually migrated to the cities. At the end of the day families or owners emerged stronger than collectives.

Further, insufficient planning, training, technical and financial support services or access to markets were provided to the collectives. "Peasants with no farming experience were given land and expected to succeed in agriculture" (Correo 1991: as quoted in Cloete 1992:9)

3.3.3 The "hacienda" culture of dependence on others to give direction and leadership persisted in many peasant families. Their projects usually failed. (Ortega 1991 as quoted in Cloete 1992:9)

3.3.4 On the other hand mixed enterprises were more successful and in some cases even developed into traditional forms of agricultural production but with only one trend - towards individualisation. On the basis of this experience in Latin America Ortega makes the following observation, "The more fertile the land and consequently the better the

agricultural potential, the less viable collective farming seems to be and the more viable become the individualised tenure systems” (Ortega 1990:115) The reverse seems to be true as the agricultural potential weakens. (Ortega 1990:115 as quoted in Cloete 1992:10)

The lessons that one needs to learn from this experience are that firstly land reform has to go hand in glove with extensive training programmes if it is to take root with the people. Secondly, cultural notions should also not be taken lightly, the “hacienda” culture is a case in point. Thirdly, planning has to be inclusive, people need to be involved in planning their destiny. Otherwise whatever programme one might have is sure to fail if they are not convinced and therefore cannot own it. People are tired of having things done for them, they need to be given an opportunity to do things for themselves. Another lesson to learn is that collective land ownership does not seem to work very well. Thus, in both the South Asian and Latin American experience, we have a lot to learn if the problem of land reform, now under review in our country, is to be properly addressed. It is, in my view, rather too early to make a meaningful comparison between the said lessons and our land reform process, now beginning to unfold.

4.3 Lessons from countries in Africa

The wave of independence in Africa in the early 1960’s found the bulk of land in African countries held under tribal tenure. Some land, however, was held under private individual tenure by white settlers. (Bruce 1989:3 as quoted in Cloete 1992:10) Exceptions to this rule

were South Africa and Zimbabwe (former Southern Rhodesia).

In the case of South Africa and Zimbabwe, private ownership of land by whites was the major land tenure system and still is. A number of factors brought about this state of affairs. The driving forces behind African land reform initiatives were as follows:

1. the economic need to modernise traditional land tenure patterns and
2. the political and ideological need to re-distribute land more equally among all citizens.

In my view these two forces are still applicable.

According to Bruce 4 models of land reform can be identified in Africa, namely:

1. Collectives and co operatives;
2. state ownership and leasehold;
3. modernising customary tenure, and
4. private ownership.

An examination of how these models were applied will now follow in summary form and pertaining to particular countries.

4.3.1 Tanzania and Ethiopia - Collectivisation

4.3.1.1 Tanzania

After independence in 1961 a concept of “African Socialism” known as “*Ujamaa*” came into being. The main objective of this system was to prevent the growth of class inequalities in rural areas. This was in keeping with the Marxist notion of a classless society.

It is the same motivation that was behind the programmes in China.

Accordingly, all land became state property and all freehold tenures were changed into 99 year leasehold schemes. (Bruce 1989:4 as quoted in Cloete 1992:11) In a bid to realise this dream, a process of forced villagisation and collective production was started in earnest in 1967. Despite all-out promotional efforts, production in agriculture dropped dramatically and resistance against villagisation increased. By the year 1974 most capitalist production had disappeared.

In 1980 the Tanzanian government had to admit that collective farms had produced far less efficiently than private farms (Bruce 1989:2a) What is very clear is that the programme failed because most people rejected the system. There is no evidence that people themselves were ever involved in the decision making. The Government, with good intentions, thought and decided for the people. The lesson for us to learn here is that no matter how good our intentions are, if people are not involved and educated, there is very little chance of success in any scheme meant to uplift them. It is also important to note that if the state or the collective owns and controls the assets, the peasants are alienated. The point is, why should one work for the state or collective or an arrogant bureaucracy?

4.3.1.2 Ethiopia

After the success of a coup in 1974, the new government introduced “Scientific Socialism.” The system’s main objective was to eliminate huge estates owned by elite’s and share tenancy. (Cohen, Goldsmith & Mellor 1996:35 as quoted in Cloete 1992:11) Although this system claims to be providing room for tenants to have access to land, the people do not usually get

the land, instead, they have to work for the state.

In 1975 all land was nationalised. This system allowed former tenants to remain on the land. They stopped paying rent. Local peasant associations were appointed to administer the process of reform along Marxist-Leninist lines. Landless peasants were allowed to occupy land in order to equalise land holdings. (Cohen, Goldsmith & Mellon 1976:69 as quoted in Cloete 1992:11) These attempts at collectivisation were met with very strong resistance from private farmers and former tenants because they saw in them efforts to take their land. The result was that whilst individual farms proved to be more efficient than those collectivised, in the end only a small percentage of farms were collectivised. The examples mentioned here are enough to demonstrate the dangers at stake in this model.

4.3.1.3 State ownership & Leasehold: Zambia

All land was nationalised after independence. The main objective was to achieve more equality of tenure and this in itself was a good intention. The argument in favour of this is the belief that leasehold is more consistent with traditional control over and allocation of land. (Bruce 1989:8 as quoted in Cloete 1992:11) However, a distinct ideological bias towards socialist state intervention in society can also be detected in the cases cited. In general the pattern is illustrated by the Zambian and Zimbabwean cases (Cloete 1992:11)

4.3.1.4 Zambia

In Zambia the tenure patterns that existed at the time were left untouched. Instead, the state transformed crown land into state land. To date, it consists of 5% of all land. It includes most

of the commercial farming land. In 1975 all freehold titles were converted to 99 year leasehold titles by a Land Act - following President Kaunda's "back-to-the-land" campaign.

Almost 80% of Zambia's land area consists of trust and reserve land under indigenous tenure (Bruce 1989:11 as quoted in Cloete 1992:11) Fourteen year leaseholds are also granted with the consent of chiefs by the state to aspiring farmers in the areas. This must, however, not be seen as a consistent programme of converting tribal land to leasehold.

In cases where land was taken over by the state, compensation was paid only for improvements. (Watts 1991 (2):18 as quoted in Cloete 1992:12) Landless people were resettled by the state on state controlled land. This was, however, not always successful. In cases where black Zambians took over farms from whites, frequent drops in production occurred. The reason for this was that the new farmers did not have similar training or experience to the previous owners (Watts 1992 (2):19 as quoted in Cloete 1992:19)

Resettlement was either implemented by the state itself or through Family Farms Ltd. This group was a church-related organisation specialising in buying large farms from whites and sub-dividing them and resettling nearby black peasant farmers from overcrowded areas. (Watts 1991:19 as quoted by Cloete 1992:12) The resettlements normally worked where the quality of the land was good. It failed in many cases. On the basis of the Zambian experience Watts argues that state involvement in the resettlement of people on land should be minimised to only essential cases for political and social reasons. (Watt 1991 (2):20 as quoted in Cloete 1992:12)

4.3.1.5 Zimbabwe

At Independence in 1980 more than half of Zimbabwe's agricultural land was occupied by African farmers under customary tenure. The units were small and poorly managed. The other half made up of large commercial farms, was owned by whites. On the commercial farms production was high although 40% was Under-utilised. An additional 3% of agricultural land was owned by African farmers under freehold title. (Bruce 1989:11 as quoted in Cloete 1992:12)

Great ideological and symbolic importance was attached by the liberation movements to the redistribution of land, as still is the case in our country. The position in land distribution was as follows: 5 700 white farmers owned just less than 16 million hectares of land in commercial farms, an estimate of approximately 1 754 ha per farm. 8 100 farmers owned 1,5 million of commercial farm land, an estimate of 185 ha per farm. Approximately 1 million black farmers cultivated 16 million hectares of land, an estimate of 16 hectares per farm, under customary tenure (Bruce 1989:11, Chiviya 1982:44, 98 as quoted in Cloete 1992:12.

Further the new government agreed during the independence negotiations to the following:

- a. Land reform had to proceed on a "willing buyer, willing seller" basis.
- b. Owners must be compensated at market value. *pay money / exchange*
- c. *exchange* Compensation must be paid in foreign currency.

These terms obstructed large scale redistribution. (Munyuki 1991:9, 1990:54, Nyoni 1990:154 as quoted in Cloete 1992:13)

In 1986 Parliament adopted the Land Acquisition Act. According to the terms of the act, ^{Possible} prospective sellers of agricultural land had to offer the land to the government first. The land in question could be sold on the open market if the government issued a “no interest” certificate. This act also provided for the expropriation of under-utilised land. The difficulty in determining underutilisation has resulted in the rare use of this provision. (Bruce 1989:12 as quoted in Cloete 1992:13)

The Government further made various models for resettlement available. (Chiviya 1982:180, Bruce 1989:12, Nyoni 1990:147 as quoted by Cloete 1992:13) The models worked in the following manner.

Model A, the most popular option, consists of individual tenure without security. There is no title deed, but only a five-year lease. A promise of a longer term lease if the first five years succeed accompanies this model.

Model B consist of villagisation and co operative farming. Although this was the most preferred and propagated choice by the government its unpopularity led to its failure. (Reynolds 1991:12 as quoted by Cloete 1992:13)

Model C refers to professionally managed state farms servicing surrounding individual freehold farms.

Model D refers to a simplified model A - where there is an individual tenure with less infrastructure.

Model E includes additional grazing land for communal farmers. By early 1990 the state bought the land of close to 2.65 million Ha. on which to settle landless families of close to 51,000 at an average of 50 Ha per farm free of charge. The new settlers were not furnished with title deeds. (Bruce 1990:12 as quoted in Cloete 1992:13) Experience has taught the government, however, that Model B of collective resettlement schemes had been a total failure. At the start of 1991, not one out of the total of 81 co-operative schemes had succeeded while on the other hand, a large percentage of the Model A individual tenure schemes had succeeded. (Meldrum 1991:10 as quoted by Cloete 1992:13) Subsequently peasant organisations have strongly criticised the government propagated B scheme on the grounds that it allows for huge tracts of land to be acquired by high government officials. The view of the peasant organisations is that this practice would detract from the government's commitment to serious land reform for the poor who cannot pay for land. (Munyuki 1991:9 as quoted by Cloete 1992:13)

Lately it has been argued that small Model A farms have a good record of productivity because of their low overhead costs and family labour involvement. (Reynolds 1991:3 as quoted by Cloete 1992:14)

Due to resistance resulting from the dissatisfaction of the people, the Zimbabwean parliament adopted new legislation on the expiry date of the Independence restrictions in 1990. The new legislation empowered the government to implement the following practices:

- a. The Government could acquire any land it deemed necessary by expropriation.
- b. It could also determine and pay a fair compensation within a reasonable time for land expropriated. Fairness and reasonable time remain open questions if the Government is the sole determinant.
- c. It could pay compensation in local currency.
- d. It could restrict ownership of land to one farm only, unless there is justified exemption.
- e. It could prohibit ownership of agricultural land by absentee landlords.
- f. It could impose a land tax on large scale commercial farmers to restrict speculation in land.
- g. It could monitor under-utilisation of land and absentee lands.

And overall, landowners have no recourse to the courts if they feel they are treated unfairly.

(Munyuki 1991:9) Although the Act had so far not been implemented, it received very strong criticism from the white farming community.

4.3.2 Modernising Indigenous Land Tenure

Botswana as an example

We now move into the third model of land reform in Africa as identified by Bruce. Indigenous land tenure is still very important in Africa. (Bruce 1988:23 as quoted in Cloete 1992:14)

With varying degrees of success retention of many elements of indigenous tenure was tried in land reform projects. This renovation of indigenous tenure is normally effected through small changes in traditional tenure rules, changes in administrative practises and new support networks with other levels of government. (Mathuba 1982:15 as quoted in Cloete 1992:14)

What is important to note, however, is that in all cases the communal element is retained. The direction of change has been invariably towards individual ownership. (Bruce 1989:21,22 as quoted by Cloete 1992:14) To effect these changes vehicles used include transforming communal ownership to joint tribe, community of family ownership, trusts, companies or partnerships. Although this practise was tried in countries like Nigeria, Ghana and Kenya, Botswana still emerges as the most successful example. (Mathuba 1982:164 as quoted in Cloete 1992:14)

In Botswana approximately 70% of the land is under communal tribal control. Colonial settlers neglected Botswana due to its low rainfall. The discovery of diamonds, an attraction to settlers, only came later. As a result, white commercial farms comprise only a small percentage of the country, mostly in the South-Eastern Tuli block near South Africa and in the North-West around Francistown and also around Shanzi, there is lots of Afrikaaners. There was, therefore, no large scale land conflict after independence. This fact also partially explains the relative political stability of the country. (Also the small population meant that there is not a shortage of land. The land its too dry to farm in general.)

At independence, indirectly elected Tribal Land Boards were established to assist the tribes and keep the land in trust for them, exercising control on land allocation and administration. (Mathuba 1982:96 as quoted in Cloete 1992:15) This system provided for traditional chiefs to be ex-officio members of the boards. The diminution of the chief powers led to the resignation of many of them. The boards were directly accountable to the national government. Naturally, this system created institutionalised conflict with the decentralised

tribal authorities. It nevertheless works relatively well although there is still room for more decentralisation. (Bruce 1989:23 as quoted in Cloete 1992:15)

In the mid seventies, a Tribal Grazing Programme was established to alleviate overgrazing and land degradation in tribal areas. (Mathuba 1982:185 as quoted in Cloete 1992:15) This programme consists of the purchase of big commercial ranches by the government to provide scientific rotational grazing programmes. While farms for sale are advertised, a heavy transfer tax is imposed on non-citizens who want to buy. (Watts 1991:4 as quoted in Cloete 1992:15) So far the programme has provided mixed results. Those who are viewed as non-citizens and therefore have to pay heavy taxes are not very happy with this.

4.3.3 Private Ownership in Kenya

This is the fourth model as outlined by Bruce. The model itself is in stark contrast to all other case studies thus far examined. Here a process of individualisation came to the fore immediately after independence in 1963. On independence day about 60 000 or so Mau-Mau detainees were released. White settlers and government officers, in fear of land seizures by the former Mau-Mau detainees, increased the size of the African reserves dramatically. A system of granting freehold titles on a massive scale was also introduced.

Accordingly, the Million Hectare scheme was deliberately put in place in a bid to covert indigenous tenure to be registered individual freehold. It is believed that this practice was, in

fact, a consolidation of trends which; had already started in Kikuyu tribal customs. (Leo 1984:87, Bruce 1989:18 as quoted in Cloete 1992:15) The scheme itself was financed by the new government through loans from Britain, the Commonwealth Development Corporation and the World Bank.

Land, originally bought by the Settlement Fund Trustees, was offered to prospective buyers at a price based on an estimate of its production value. Free hold title was only granted after repayment of a compulsory loan for two thirds of the price of the land by buyer. There was also a string of conditions affecting loans for assistance with the financing of crops, livestock and machine attached to it. (Bruce 1989:20). The ability to repay loans was a factor in the selection of settlers. Experience has shown that repayments have been slow and uneven.

Despite many hazards like expensive and time consuming operations the change served to grant maximum security of tenure to owners. Coupled with factors like very good soil and conditions for agriculture and appropriate policies by the post-independence government, the scheme has actually boosted the agricultural output considerably.

There are, however, some negative results worth noting in this model. Firstly, women had less security. Husbands could sell the land without their wives objecting. They could do nothing and this is in contrast to the protection women enjoyed under the communal tribal tenure. This, however, could easily be rectified by law. Secondly, individual tenure aggravated landlessness and stimulated the landlord-tenant relationship. The reason for this development was due to the fact that:

- a. There were no restrictions placed on buying land for investment.
- b. There were no restrictions placed on the size and number of new freehold farms.
- c. Alternative opportunities for tenants to obtain employment in urban areas did not materialise.
- d. Inherited communal land was informally sub-divided into too small, unavailable farming units among all heirs. These units were too small for formal, legally registered freehold. (Bruce 1989:20 as quoted in Cloete 1992:16)

Bruce questions whether the results have justified the expense involved (Bruce -1989:20). Some have seen in these reforms the creation of a new “landed rural elite.” (Okoth-Ogendo 1986 - cited by Bruce 1989:20) The Kenyan experiment has made quite an impression on other critics. (Watts 1991 (3):118) Watts cites Abrahams, a British land expert describing the scheme as “one of the most imaginative” orderly transfers of agricultural land from large scale ownership to small scale settlement ever attempted. The good agricultural conditions had a positive effect on the Kenyan land reforms. As a result, urbanisation was slowed because the rural areas could sustain the population. (Watts 1991 (3):19 as quoted in Cloete 1992:16) Watts also ascribes the success of the Kenyan experiment to the fact that new farmers were offered realistic incentives.

There are, however, insistent calls on new land reform initiatives. These have been accompanied by proposals for a ceiling on the size of farms and the introduction of a land tax. These have been rejected out of hand by the Kenyan Government. (Bruce 1989:21 as quoted

in Cloete 1992:16)

4.3.4 What lessons can we learn from these experiences

There are some important lessons to be learnt from experiences thus far examined, for future land reform in South Africa. The following areas will further illustrate this, namely:

1. Origins of land reform initiatives,
2. The nature of reforms, and
3. The reform results.

4.3.4.1 Origins of Land Reform Initiatives

Generally speaking, the origins of land reforms initiatives was a maldistribution of land ownership among the population of the state concerned. With the exception of Tanzania, most programmes were initiated to address historical imbalances and inequalities. It has been argued from the evidence examined above that Tanzania tried to forestall the development of inequalities. In some cases rights to land instead of land itself, were redistributed. This set in motion a longer term process which could have a dramatic effect on future land tenure patterns. (Bruce 1989:1) Two specific driving forces behind the land reform initiatives can be identified:

1. The economic need to modernise traditional land tenure patterns has been a factor in the

reforms undertaken. (Dorner Kanel 1971:41)

2. The ideological objective to establish either individual freehold tenure system or collectives has had a strong influence on the reforms applied. El-Ghonemy holds the view that in his experience, land reform is basically a social and political issue: “the problem of retro-gressive institutional arrangements and rural power relations...” (El-Ghonemy 1009:282 as quoted in Cloete 1992:17)

There is no doubt about the operation of these forces in South Africa. South Africa, like most other countries compared above, is classified as a developing society. Its apartheid laws and free market policies have resulted in an extreme maldistribution of its land among the population groups. There is a great need to rationalise communal land patterns in the traditional black and rural areas. In order to stem soil and agricultural degradation and farm the available agricultural land more productively, some drastic steps to remedy the situation need to be taken. With regard to how this reform should be implemented, there are two strong schools of thought competing with each other. Collective and private ownership systems are the competing models for change.

Lack of land reform has the capacity of impacting on the economic growth negatively. The sooner a government realises this and implements land reforms, the sooner can economic growth be stimulated. It is the view of the author that the size of the land should be determined by the need for which it is required. If this trend is followed, there will be differences on size for residence and land for agricultural purposes.

4.3.4.2 Nature of reforms

In virtually all the cases studied, the government of the day played a very prominent role in the land reform initiatives. Through reform legislation the government was authorised to intervene in a specific way. Experience has taught that in virtually all cases where compulsion was used, these programmes failed. Successful land reform programmes have generally been seen where land was not expropriated, but other inducements to persuade owners to sell, were used. An example of this is the Latin American experience that has been repeated in Africa. (Bruce 1989: 23)

Experience had also taught that peasants must be placed in a position where they can exercise control over their assets (Lehman 1990: 140 as quoted in Cloete 1992:18) The state should at all costs try and avoid to interfere in the process. However, devising ways to assist the poorest of the poor in obtaining land remains an important task and responsibility of the State. (Cardenas 1991 as quoted in Cloete 1992:18) Those down the ladder will need to be subsidised in some way by the state to get them started. Other support systems and training may bring them to a level where they can proceed without further assistance. Failure by the State to make this provision makes them perpetual welfare cases for which the state has to take responsibility.

Three distinct models of land reform that have had different degrees of success can be identified. First is the state-ownership and leasehold model. Where this model was applied, it did not prove to be at all viable in the medium and long term. However, in the short term it

may be necessary in certain cases to establish poor and desperate settlers in this way. This would then require a quick back-up system that allows for a follow-up of extensive training in personal and community development skills. Comparative experience in this regard have illustrated that it would be most preferable to establish these settlers immediately on a freehold basis on their own pieces of land. Farmers who own land have proved to be more efficient than farmers who are tenants. (Bruce 1989:3 quoting Binswanger & Eglin in Cloete 1992:18). However, it has also been proved that long-term leasehold from the state can offer a measure of security to tenants. (Bruce 1989:23 as quoted in Cloete 1992:18) The process for training and provision of skills to tenants has the potential for growth.

The collective or co-operative system is the second model. At best, this model seems to be a transitional mechanism in cases where it is necessary to settle communities in the short term. It gives room for training and production while issues related to land demarcation and transfer are being addressed. Bruce argues that the inherent self-interest of human nature precludes this model from being viable in practice. I am inclined to agree with Bruce in this regard, land-hungry people tend to be 'greedy' to grab, each one for himself/herself, a big stake of land. This problem is also evident in the squatter camps and continues to pose a threat to land reform even as I write.

The third distinct model is that of private ownership. This model is viewed by most writers as the most durable and efficient for agricultural production. (Posterman & Riedinger 1987:177 as quoted in Cloete 1992:18) Its success depends on whether it is subject to the following conditions:

- 1 There must be restrictions on the number and size of pieces of land which a person or family can own
- 2 Land and income taxes inducing owners to use their land in the most productive way in order to curb the excesses of unbridled capitalist speculation and exploitation should be introduced
- 3 There must be careful screening and selection of new settlers in order to settle people with the necessary commitment to, and experience of farming on agriculturally good land
- 4 It must be coupled / accompanied with extensive basic training in personal value system changes, personal and community development skills and agricultural financial, technical, marketing and management support services in order to maximise the potential for success of these programmes. (Bruce 1989: 24, Lehman 1990: 141 and Ortega 1991, Alonso 1991 as quoted in Cloete 1992:19) In Kenya commercial farms were successfully transferred from white middle class ownership to black ownership through the market mechanisms. (Bruce 1989:23) If land reform does not take place through market mechanisms but through expropriation by the state, compensation is necessary. The price of land for the new owners should be nearly equal to the compensation paid, so that the financial burden on the state should be lessened. (Ashcroft 1990:15 as quoted in Cloete 1992:19) But in order to assist those new owners who cannot afford the price, some arrangement should be made to assist them. In order to provide income for the original owners and further lessen the financial burden on the state, compensation can be paid over a period. Shares or stocks should also be considered for the purpose of compensation, not only cash.

4.3.4.3 Reform results

There is an indication from the experiences examined that a strong unambiguous political commitment is needed if the best results are to be achieved with land reforms. The political will to reform must be present and clear. (Nyoni 1990:155, Gonzales 1991, Reingold 1991 as quoted in Cloete 1992:19) The government of the day must be aware of the influence of land owners. As happened in the Indian experience, the influence of land owners in government and the bureaucracy can effectively obstruct reforms. (Ashcroft 1990:11)

The experience with collectivisation in Africa raises questions about the supposition of a predisposition of Africans to co operative farming. It would appear as if traditional co-operation is normally linked to kinship or other long established social ties. Further it is usually found only in cases of special or urgent need, that is, when it has clear and concrete benefits to all engaged in it. (Bruce 1989:6) Collectivisation does not appear to have its roots of origin in Africa., rather it appears to have been imported from the East through the influence of Communism. I say this because it is in keeping with the African tradition that each family or household be provided with land sufficient to fend for its needs. But even in tribal lands, although the chief is the custodian on behalf of the tribe, it is the individual farming unit that, at the end of the day, makes it work. "Every household-head has an exclusive right to land for building his home and for cultivation. Generally he can take up such land for himself within the area controlled by his sub-chief for headman, provided that he does not encroach upon land already occupied..." (Schepara 1937:157)

In order to maximise participatory planning and minimise resistance, communities should be involved at national, regional and local levels in the form of land corporations, commissions and committees. Fanie Cloete in his paper (Cloete 1992:20) expresses the view that comparative experience seems to teach that individual private ownership, qualified by the conditions summarised earlier in this section, is the only viable long term option for successful land reform. From this Cloete concludes that the sooner South Africans come to terms with this reality the better. I am also in favour of the private ownership model with all its conditions as expounded on page 106 of this script. 1. "There must be restrictions on the number and size of pieces of land which a person or family can own. 2. Land and income taxes inducing owners to use their land in the most productive way in order to curb the excess of unbridled capitalist speculation and exploitation. 3. There must be careful screening and selection of new settlers in order to settle people with the necessary commitment to, and experience of farming on agriculturally good land. 4. It must be accompanied with extensive basic training in personal value system changes, personal and community development skills and agricultural financial, technical marketing and management support services ..." (see Page 105 of the text).

I cannot find anything in it that contradicts the African way of life. It has the potential to instil in the minds of the people the sense of responsibility, accountability which is good stewardship of what one has or owns. It is also not in contrast to the demands of ubulungisa - justice as expounded in Chapter 3 of this dissertation. Schepara writes, "It is only in regard to land for residence and cultivation that private rights are universally recognised. Every household-head has an exclusive right to land for building his home and for cultivation..." (Schepara 1937:157)

4.4 Evaluation

The involvement of tenants in the decision making, as was the case in Japan, could result in conflict in our situation. Somehow the Government needs to find mediators. Experience has taught that it is hard for people who have lived for generations as rivals, the “us” and “them”, to suddenly think objectively on issues as sensitive as the one under review. The tendency is to view things subjectively. However, we need to note that in Japan this system worked. With regard to models for consideration the Latin American policy strategy is worth considering. In our South African situation, there is a general consensus amongst those in Government and those outside Government that the inherited system on land is not adequate to address the imbalances. The difference only occurs in the strategies of addressing it. This is the subject of the next chapter.

The other interesting thing to note in this second stage is that the promulgation of laws authorising the Government to expropriate private land and make it available to peasants and so on, has its limitations. One limitation that I see is that it tends to ignore the factor of human weakness on the part of those in Government. It does not seem to have ways of preventing a spirit of revenge on the part of part of those in Government. There has to be what one might call a system of checks and balances in order to avoid a repeat of the mistake of the past. The other lesson to learn is that there is a need to counter corruption. People in power tend to enrich themselves if not carefully watched. This has proved to be a great danger all over the world. Our new government needs to take note of this danger. “What experience and history

teach is this: that people and governments have never learned anything from history.” (Hegel 1831 in the Daily Dispatch 26-05-1997:8)

In this chapter, we have shown how in Japan a bill on land reform introduced with ceilings on the size of land owned, enabled the government to implement its land reform programme. The Japanese government bought and resold all land exceeding the ceiling. Is the South African government in a position to do this? I think not. The present government has inherited from the previous government a financial burden which in my view would inhibit it from buying land from land owners. Besides, the land in question was not acquired by fair means. In Chapter One of this dissertation we have shown how unjust the acquisition of land was conducted. It looks like the government will continue to be trapped in a moral dilemma, unless a search for a middle way is made.

We learn from the Taiwan experience that there were ceilings set on the maximum rent in land with a view to curbing exploitation. We also learn of the compensation methods used. The question is: can we as South Africans apply this method with success in our situation? I have my doubts about this. In the first place landless people have no money. To apply the Taiwan method would automatically cut them (i.e. the people) out. This argument has been advanced by the African National Congress and Pan Africanist Congress (as we shall be learning later in the next chapter) against a position suggested by the former National Party government. What is required therefore is for landless people to be allowed access to land as required by their needs.

The implementation of ubulungisa - justice orientated programmes is indeed not easy. For instance, if one examines the Chinese experience, this becomes very clear. In China, drastic methods like expropriation of owners from their land was used. Their land was given to poorer peasants in an attempt to equalise land holdings. This did not help the process. Enforced collectivisation also could not work. (Ashcroft 1990:8) It is for this reason that an ubulungisa-justice orientated programme is suggested. It has the potential to enable every citizen to have access to land.

In the Latin American experience we also learn that the ideological bias if not consciously handled tends to make participants in land reform programmes view things objectively. What happened in the Latin American situation is that colonial structures were replaced by smaller peasant collectives, not always operating on voluntary basis. This was, and still is a recipe for failure. As a result many collectives were forced on the peasants who had no alternative choice. The socialist government was anxious to see them succeed. "Peasants with no farming experience were given land and expected to succeed in agriculture." (Correo 1991:6 cited in Cloete 1992:9)

The "Scientific socialism" of Ethiopia is also worth noting. Its aim was to eliminate huge estates owned by elite's and share tenancy. (Cohen, Goldsmith & Melloer 1976:35) However, people still did not get the land, instead, they had to work for the state. The implementation of this system as spelt out on page 92 of this dissertation is, in my view a recipe for failure.

The lesson that one needs to learn from the failure of collectives in the South American

experience is this. Land reform has to go hand in glove with extensive training programmes, if it is to take root. Secondly, cultural tendencies should also not be taken lightly. The 'hacienda' culture is the case in point in this regard as shown on page 90 para 3.3.3 of the text.

Be that as it may, there is no doubt in my mind that the comparative experience on the case studies thus far examined in other countries, have a lot to offer to our South African situation, only if we are prepared to learn.

Chapter Five

DO THE AFRICAN NATIONAL CONGRESS, NATIONAL PARTY, PAN AFRICAN CONGRESS GOVERNMENT HAVE THE CAPACITY TO SOLVE THE PROBLEM OF LAND INJUSTICES?

Introduction

- a The argument of this chapter is to show that no single Party can bring about a solution to this problem alone. A solution to the problem can be attained if all could engage in a joint strategy. The outline of this chapter will be as follows:

- 5.1 What are the policies of the African National Congress on land?
 - 5.1.1 A critique of the African National Congress's land policies.
- 5.2 What are the policies of the National Party on land?
 - 5.2.1 A critique of the National Party's land policies.
- 5.3 What are the policies of the Pan Africanist Congress on land?
 - 5.3.1 A critique of the Pan Africanist Congress's land policies.
- 5.4 What is the current Land Policy of The Government?
- 5.5 Are the policies of the three parties and the studied adequate to help in the solution of our problem?
- 5.6 A summary of the findings, an evaluation of this study and conclusion.

- b In the previous chapter, we made an effort to examine the experiences of other countries who have encountered the same problem that we are now dealing with. Our main aim in doing this was to establish whether there are any lessons for us to learn and apply to our situation, in the resolution of our problem.

This chapter seeks to investigate whether any of the South African political parties mentioned, or all of them working together (that is the government of the day), can help bring about a solution to the problem under review. All the parties mentioned have their policies on land. The policies of each will be examined briefly. A question will then be asked as to whether these policies on land are adequate to solve the problem. The chapter will then close with a summary and evaluation of the findings of this study.

The first two parties namely the African National Congress and the National Party have been chosen because of their prominence in the Government of the country, and in the country's political sphere. The problem under review is the result of the policies of the National Party which are now being reformed. The National Party wants us to believe that there is a change in their land policies. Whether this change is enough to bring about a solution to the problem under review remains to be seen.

The African National Congress and its allies together with the Pan Africanist Congress, on the other hand, have been vehemently opposed to the policies of the National Party. Whilst this

chapter in no way attempts to present a dialogue between the National Party and its opponents, led by the African National Congress, it is nonetheless an effort to investigate whether the reform process suggested by the African National Congress and like minded parties is a realistic and acceptable proposal.

The Pan Africanist Congress has been chosen because of its strong stance on land. It would not be far-fetched to assert that the land question forms the basis and marrow of its manifesto. "Without the definite and decisive resolution of the land question in favour of the dispossessed and oppressed, there can be no meaningful transformation of the country." (Mayende 1992:1) The party's view on the land question would have to be taken seriously, notwithstanding its seemingly dwindling support on the ground, if a healthy long term solution to our problem is to be found.

The Government in 1995, although largely influenced by the African National Congress and the National Party, has, to an extent, been informed by; the aspirations of all the parties currently engaged in the Government. For this reason their document on land reform; namely the Land Act No: 22 / 1994: on Restitution of Land Rights, will also be examined. All this will be done in an attempt to answer the question, are these policies adequate to help us solve our problem?

5.1 What are the policies of the African National Congress on Land?

The basis of the A.N.C.'s land policy is the Freedom Charter of 1995 which states, "The people shall share in the country's wealth. The national wealth of our country, the heritage of South Africans, shall be restored to the people. The land shall be shared among those who work it." (Josseland Maguire 1992:18) All statements derive from this. The A.N.C.'s land policy is based on the belief that all people have the right to land and to a home. The land policy aims at attaining this goal of making land available to all people. The A.N.C. recognises redistribution of land to the landless as an important component of its policy which should help the A.N.C. in effectively rectifying the imbalances of the past.

The A.N.C. regards the state as an important role player in obtaining and redistributing land. For this to happen the A.N.C. believes that the state must have the power to acquire land in various ways including expropriation. Various categories of land have been identified as land for redistribution namely:

- 1 Land not presently being used but owned with the sole purpose of being sold later for profit.
- 2 Land that is being destroyed due to bad use.
- 3 Land owned by people hopelessly in debt.
- 4 Land that has been obtained through nepotism and corruption. This will require proof in a court of law. (Jossel & Maguirie 1992:18)

As a vehicle of seeing this programme through, the A.N.C. proposes setting up a special Land

Claims Court to deal with the claims to land. The Land Claims Court which is now in operation is independent and meant to serve all people. The special Land Claims Court has clear terms of reference and a clear mandate to give special attention to people who lost their land due to the apartheid laws. There is also room for compensation of the present owners, although with some qualifications. This is addressed under the sub-section dealing with differences and contradictions in the policies of the parties examined further down in the chapter.

The A.N.C. believes that agricultural land must be used in a way that seeks to serve the interests of all people. The state must monitor the ownership of such land so as to make sure that it is more equally distributed amongst people. The state must have in place training programmes for the training of new farmers to farm their land well. Incentives like giving financial aid and subsidies to farmers to promote good farming practices should be offered. Various kinds of farming should be encouraged by the state such as family farms, small farms and co-operatives.

With regard to labour laws, farm workers and their families would be well protected. The following steps are recommended in order to remedy the situation. The A.N.C. will ensure that farm workers get education, health care, and recreational rights. Farm workers should have decent houses. Land for houses should be made available for people in urban areas who have no homes or houses. This land must be serviced and be close to towns and to work. Nature conservation areas must be protected. Before nature conservation's projects are started, communities in the neighbourhood must be consulted. (Jossel and Maguire 1992:18) These points capture the gist of

the A.N.C. policy on land.

In summary, the key elements of the A.N.C.'s Land Manifesto are as follows:

- The need to restructure the agricultural economy whilst at the same time maintaining and improving existing production levels. Markets should be expanded and investment encouraged.
- The need for comprehensive land reform to provide land to the landless, with the state playing a facilitating role.
- The need to create a smallholder farming sector which must be supported by existing agricultural support structures and financial institutions.
- A diverse tenure system should exist, which allows for a co-existence of a number of forms of ownership and occupation.
- Land policies must bear in mind the need for environmentally sound and sustainable forms of development.
- The need to reform rural local government institutions in order to ensure democratic elections and public accountability.
- Rural workers shall have full human right, including protection under law, as is the case with industrial workers.
- Rural women shall have equal access to land and be entitled to participate fully in all aspects of local government.
- In order to eradicate homelessness, the state should limit "land speculation" by developers.

The state must buy appropriate land and engage in a low-cost housing programme with the private sector.

5.1.1 A critique of the African National Congress's land policies

In our critique of the A.N.C. policies (and the two other parties examined), we will use the concept of *ubulungisa* as expounded in Chapter 3 of this dissertation. At the same time we will also endeavour to use Christian values as a measuring rod of the policies. The questions we must ask ourselves therefore are as follows: Are the A.N.C. policies in line with, or in contrast to *ubulungisa* - justice. Are the said policies in line with, or in contrast to, the Christian teachings on justice and righteousness?

In response we must take the sensitive method of expropriation of land by the government as a means of achieving the goal of redistribution of land into account. As indicated above, we observe that the land earmarked for expropriation by the government, as suggested by the 1991 A.N.C. policy document, appears to have been carefully considered firstly in that it involves land that is not being currently used, land that is owned with the only purpose of selling it later for profit. Secondly, it involves land that is being destroyed by wrong methods of use. Thirdly, it involves land that is hopelessly in debt, and fourthly, it involves land obtained through nepotism and corrupt ways.

I cannot see any clash between the principles suggested above, (that is the type of land earmarked

for expropriation) and ubulungisa. The same can be said also of Christian values. I say this because the outcome of the expropriation of the said land would not result in misery, poverty, hunger, homelessness and so on. This is land owners can do without, in the interest of enabling other fellow citizens to have access to land. In fact, the picture presented in Acts 5 of the life of the early Christians is not in contrast to this pattern of sharing. "Now the whole group of those who believed were of one heart and soul, and no one claimed private ownership of any possessions, but everything they owned was held in common." (Acts 4:32)

The suggestion to set up a competent body in the form of the Land Claim Court to deal with the land claims, seems to be an added advantage in ensuring that justice is done in addressing this imbalance in the distribution of land. However, there seems to be a tendency of generalising in the A.N.C.'s land policy, which if not carefully considered, could create problems for the machinery (Land Claim Court) suggested for land distribution. In the 1991 A.N.C. land policy document, the "all"* (see statement quoted below) used there is not qualified. It appears to be a reference to all South African citizens without exception, as if all South African citizens are on an equal footing with regard to access to land. In order to clear this up one needs to look at the following statements. "South Africa belongs to "all"* who live in it, black and white." (Jossel & Maguirie 1992:18) Under sub-section 2 on ways in which land can be distributed, the document declares on 2.1 "Landrights: Those who are poor, who wish to farm for their livelihood, will demand access to land. The most needy are those who have no one employed in the family, who are destitute..." (Jossel & Maguirie 1992:14) Although the assumption is that Africans in most cases are the

poorest of the poor, and not by accident as has been shown in Chapter 2 of this dissertation, this statement does not seem to be saying this in clear terms. In all fairness there need to be a clear acknowledgement of the reality that although South Africa ought to belong to all who live in it which is a good goal, it nonetheless is presently in the hands of the few, who happen to be white and privileged.

It is not clear why the statement chooses not to spell out what exactly it is referring to by “all” “those who are poor” and so on. In the same sub-section under (e) on business entrepreneurs, with reference to a suggested support of a profit-making business, this tendency of making general statements is repeated: “State assistance must distinguish between people, black or white, who do not have enough capital to purchase land and to start farming, and those who would never be able to get land except with state help...” (Jossel & Maguire 1992:14)

The point here is this: these general statements could trap the land distribution machinery to a state of being indecisive if black or white in our situation are going to be treated alike in the distribution of land. Blacks (as has been shown in Chapter 2 of this dissertation and indeed by many South Africans historians) have been victims of unjust laws for years, whites have not. The focus therefore should be on those who have been deliberately sidelined. Any policy that tends to ignore this fact or views it lightly, is likely to miss the mark. What ought to happen is that, at least for the first five to ten years of our new democracy, the victims of unjust laws, namely Africans, should be high up in the list of recipients of land. Thus the A.N.C. land policy makers would be well advised

to take note of this point.

5.2 What are the policies of the National Party?

The policy position of the National Party was summarised in the 1991 White Paper. Its aim was to protect the interests of white commercial farmers and land owners. The key elements of the policy are as follows:

- 1 The party committed itself to the maintenance of private ownership, which included land ownership. The party views private ownership as a fundamental right of individuals. Private ownership is also viewed as a prerequisite to a sound economic system, therefore to progress and prosperity.
- 2 The National Party regards land as an important source of security for the individual. Accordingly, the private ownership of land is for the party, an indispensable element of a market-orientated economic system.
- 3 The party also condemns the implementation of discriminatory legislation in the past. It acknowledges that these not only resulted in injustices but also hampered the free development of the economy.
- 4 The National Party commits itself to the following objectives:
 - 4.1 Protecting the private ownership of land in the Charter of Fundamental Rights.
 - 4.2 The party will promote the right of access to land through a market-driven process of

land reform within a willing buyer/seller market. It also promises to promote land-orientated support programmes which will enable citizens to retain or acquire land. “In spite of existing inequalities, the National Party argues that with the dropping of racial legislation the disadvantages particular communities have experienced will be eliminated.” (Connor 1992:5)

- 4.3 The National Party sees the need for the creation of an equitable mechanism in order to enable the country to meet justified land claims. Its focus for redistribution of land is on land owned by the State.
- 4.4 The National Party realises that expropriation of property for public use may be possible, subject to an agreed market-related compensation. It also stresses the need for a provision of a competent court as a safe guard against unjust practices.
- 4.5 Private ownership of property remains the cornerstone of access to and security of tenure of the National Party.

The Race Relations Survey on Land Reform sums up the policy objectives spelt out on the former National Party government as follows:

- 1 The intention of the policy is to provide the whole population with access to land, as well as to encourage support measures by the private and public sector, aiming at making land more accessible to all.
- 2 It also aims at upgrading the quality and security of title in land by upgrading land rights, rationalising land registration systems and gradually converting the tribal land system to an

individual land ownership system.

- 3 It aims at utilising land as a national asset. This would be achieved through the maintenance of the commercial productive capacity of agricultural land. (Cooper et al 1991/1992: 381 - 382)

5.2.1 A critique of the National Party Land Policy

Because the National Party, at the time of the formulation of these policies on land, was still governing the country, a number of other interested parties responded to the white paper. We shall only concentrate on the reactions by the A.N.C. and P.A.C. for this sub-section.

The African National Congress argued that the white paper continued racist perceptions, in that it sought to keep practices that would maintain a situation where there was one set of standards and practices for whites and one for Africans. As far as the A.N.C. was concerned, the white paper was just another attempt by the N.P. to codify land dispossession under the cover of free-market proposals. The A.N.C. argued against this and maintained that land reform should mean land redistribution.

We mention a particular stance by the National Party's government on the restoration of land. The National Party government saw the suggested process of restoration of land to individuals and communities as a move that would be disruptive to the country's pace of development "to the

detriment of all.” (Cooper et al 1991/1992: 382) The former government strongly condemned “squatting.” The Rural Development Bill contained provisions to protect agricultural land against unplanned and disorderly settlement. (Cooper et al 1991/1992: 382)

The Pan Africanist Congress (P.A.C.) welcomed the proposals of the white paper and argued that they were consistent with the repeal of the land laws. However, the organisation's then secretary for foreign affairs, Mrs Patricia de Lille maintained that the white paper was not enough. She argued that the Pan Africanist Congress (P.A.C.) stood for the redistribution of land and that provincial and tribal land should be made available without charge.

According to the White Paper of Land Reforms, the only land available for purchase was the 474 000 hectares that was held by the South African Development Trust (S.A.D.T.), originally set aside for small farmer schemes. It was available only for purchase on a full ownership basis. (Cooper et al 1991/1992: 389) Quite clearly then, this is not within the reach of the poor and landless Africans. It is against this background that the A.N.C.'s reaction should be viewed and understood.

The parties opposing the White Paper maintained that the phasing out of all but private individual titles “will cause further landlessness: being unalienable, leasehold and communal tenure have come to mean security of tenure for the poor”. (Connor 1991:10)

5.3 What are the policies of the Pan Africanist Congress on Land?

The preamble of the Land Policy document of the Pan Africanist Congress of Azania on Land Policy presents the gist of its policy. According to the Party's spokesperson on land, Dr P. Mayende, the premise of the policies lies in the belief that "The land is the substance and symbol of indivisible nationhood, national independence, self-determination, national development and national culture." (Mayende 1991: 1) Whether the term "self-determination" carries the same meaning for the P.A.C. as is for the Inkatha Freedom Party and the Freedom Front & A.W.B. is a subject for another research project.

The primary purpose of its land policy is to provide "the political, constitutional and administrative framework for the implementation of strategies central to the land." (Mayende 1991:1) The said strategies are aimed at addressing the iniquities and imbalances of the past. Also critical, as a pre-condition to this process, is the expropriation of a substantial amount of the land currently in the hands of white farmers, industries, financial and commercial institutions. It is believed that the process of expropriation has the potential to contribute effectively towards the development of the individual African household and society.

With regard to the land reform strategy, the P.A.C. advocates a process premised upon active state intervention working in close association with the people. This means that if expropriation of land has to be carried out by the government in order to make land available for distribution, extensive consultation with all those affected or concerned in the land under question should be

conducted. The P.A.C.'s belief is that this approach has the potential of facilitating greatly the implementation of a programme aimed at affecting the equitable redistribution of the land among the African people. It is the belief of the P.A.C. that the strategy of state intervention aimed at affecting equitable land redistribution among African people, has the potential to ensure the utilisation of the land for the benefit of individuals and the nation as a whole. "The genuine and meaningful redistribution of the land can only be achieved within the framework of expropriation and socialisation."¹ (Mayende 1991:29) Obviously then, the state is the key player in the process. Whether the belief is a realisable one is, of course, another matter, but we shall re-visit this when we are evaluating the policies examined.

How the P.A.C. defines its land reform strategy is also helpful in giving one a better understanding of its policies. Land reform is viewed by the P.A.C. as a process led by people through their organised structures and supported by the state administratively and financially. The primary aim of land reform should be to effect the redistribution of land assets, from those who are holding and utilising them in an exploitative context, to the majority of the African people who need land for habitation and for earning a decent living. For the land reform to succeed the stress on redistribution through the way of market related programmes should be avoided. It is common knowledge that poor people cannot afford the market related prices. Thus, to get them on board

1. It is not very clear what the term 'socialisation' means in this context. As indicated above the belief of the party is that the process of expropriation has the potential to contribute effectively towards the development of the individual household ownership. On the other hand socialisation refers to a political theory that advocates public ownership of the means of production, distribution and exchange. If the word 'socialisation' as used by Mayende is used in this sense, it would then appear that it contradicts the goal of the P.A.C.'s policy as propounded above. (However, a detailed analysis of the policies reviewed is a subject for another paper.)

some other means should be devised. (Cooper et al 1991/1992: 389f) The P.A.C. is also opposed to the view that the title to land should be protected. It is also opposed to the suggestion that land should be made available only in situations where current owners are willing to sell it. The basis for this argument is that this practice leaves no room for a meaningful transformation. Only those who have land stand to benefit by it. This is the view propounded by the National Party in the 1991 white paper on land reform. The A.N.C. is also opposed to this view. (Cooper et al 1991/1992: 389f)

With regard to land ownership, the P.A.C. believes that the land must belong to the people and that its acquisition and distribution must be conducted in a manner that is in keeping with the requirements of Law of the country. In this regard the P.A.C. also advocates for a system that abolishes private ownership of land and its transfer through private transactions. The P.A.C. also advocates for a land reform law which will take into account the social, economic and political spheres of human activity. The constitution of the land must be the basis of this legal framework. The law should entrench the legal status of the land as national property. "In this case the constitution will entrench the status of the land as the sacrosanct property of people with the state being invested with the capacity to undertake measures in the public interest and to ensure that land is adequately distributed." (Mayende 1993: 10) This means that land has to be nationalised. The state becomes the legal custodian of land so that it can distribute it according to the needs of the people. Accordingly, issues like the right of every citizen to a plot of land for residence should also be entrenched in the laws of the land. The land reform law should be such that it is

able to cover the various aspects of land reform.

The P.A.C. addresses the tricky issue of compensation. In principle there will be no compensation. This is based on the premise that the land in question was obtained through unfair means, for instance by conquest, therefore illegitimately. The P.A.C. is, however, prepared to pay compensation to those whose land holdings will be expropriated. However, such expropriation is limited to developments on the land like physical structures, dams, fencing, silos, trees planted, and so on. The owner will not be compensated for the land itself. The state has the responsibility of determining the amount to be paid as compensation. One cannot miss the influence of the Zambian experience here. In cases where land was taken over by the state, compensation was paid only for improvements. "Resettlement of landless people was effected on state controlled land." (Watts 1991 (2):18 as quoted in Cloete 1992: 12)

The policy touches on a number of issues like prime target groups for land distribution which are listed as follows:

- 1 the small-holders, medium level and large scale farmers
- 2 families currently resident in the homelands
- 3 residents of the new squatter areas

The minimum amount of land to be made available per household in the case of agricultural small holdings will be 15 hectares which is deemed to be the basic level required for viable small-holder productions. The rationale of this formula is hard to understand. The formula seems remarkably naive. 15 Ha of Karoo land is not exactly the equivalent of 15 ha of Kwazulu/Natal Coast.

The state intervention programme as suggested by the P.A.C. will provide generous state backing and support to all categories of farmers in the form of subsidies, credit, inputs and information. In short, the government of the day must use its influence on all spheres of life that touch on the acquisition, use and maintenance of land for both effective production as well as from sound and equitable distribution.

The importance of land to the P.A.C. is summed up in the following document compiled in 1992 at a P.A.C. Conference held in Umtata. It states: "The document has been conceived as the foundation upon which the resolution of the land question in our country should be based." (Mayende 1991: 1) The P.A.C.'s National Chorus also sums up the gist of the P.A.C.'s policy on land." "Thina Sizwe se Africa

Thina Sizwe se Africa

Thina Sizwe se Africa

Sikhalela izwe lethu

Elatha thwa ngabamhlophe

Mabawuyeke umhlaba wethu

Abantwana be Africa

Bakhalela izwe labo

Elathathwa ngabamhlo phe

Mababethwe Bazokwinyeka

Umhlaba wethu

We the African Nation

We the African Nation

We cry for our country

Which was taken from us by whites

Let them 'release' our land

Children of Africa

Cry for their land

Which was taken from them by Europeans

Let them be beaten so that they can leave
the land.

Thus the policy is designed to secure the land for the African people where it rightly belongs.

The P.A.C. slogan cited below illustrates this point.

"Izwe Lethu

Our Land¹

Ayibuye iAfrica

Africa must be returned."

Enough then has been said to give readers an idea about the policies of the Pan Africanist Congress. We must now move on to critique the P.A.C. policies as we have done with the first two parties.

5.3.1 A critique of the Pan Africanist Congress' land policies

The uncompromising stance of the P.A.C. could pose problems for other parties who may be keen to search jointly with other parties for a solution of the problem of land injustices. Whilst not losing sight of the past, a search for a solution needs to focus on the future. The question is: Who are Africans now in the 20th century? Who will be Africans in the 21st century? I understand that the current view of the Pan Africanist Congress (and here I speak under correction) is that all people who are South African citizens and who themselves acknowledge (by both word and deed) the fact that they are Africans, are Africans. If this is correct how does this principle feature in the land distribution programme? This does not seem to come up very clearly from the P.A.C. policy. Bear in mind that we are interested in seeking a long lasting solution of the problem.

Admittedly, by Africans with reference to the distribution of land, the P.A.C. refers to the indigenous people of Africa, who have been victims of all the unjust laws that have led to the

imbalances. The question of how “indigenous” is to be defined is a subject for another research project. But still the question how far can one go in terms of time remains unanswered. This is a worthwhile exercise that must continue to give all South Africans food for thought, so that they can engage themselves in the land issue fully mindful of its complexities. The land song cited clearly excludes whites, it would therefore need to be revisited if its to keep up with the pace of thinking now beginning to unfold within the P.A.C.

The P.A.C., however, is clear on its priorities. It makes no bones about who should come first in the list of land recipients. It is African people who have been victims of unjust laws. The A.N.C. does identify in its policy the poor and landless as the the first to be considered in the distribution of land, but tends to be apologetic in its approach unlike the P.A.C.

The P.A.C. policy (if not amended), as reflected in the 1992 policy document, appears to be clouded with unclear statements that are somewhat contradicting each other. For instance, on page 10 of the said document, the policy declares as follows: “In liberated Azania the land will belong to the people ... in accordance with the law.” (Mayende 1993:10) I understand this to mean people as both individuals and members of the community, which therefore, does not rule out private ownership of land by individuals. But further down, on the same paragraph a declaration is made that the land will be “de-commoditized” and this will lead to the abolition of the system legalising private ownership of land.

Further down under 3.4, on land reform law, the constitution of the country is required to entrench the legal status of the land as national property. "... the constitution will entrench the status of the land as the sacrosanct property of the people with the State being invested with the capacity to undertake measures in the public interest to ensure that land is adequately distributed..." (Mayende 1993:10) I understand this to mean nationalisation. The influence of the African countries like Zambia and Zimbabwe after independence may have a bearing here. "... All land was normally nationalised, to achieve more quality of tenure ..." (Cloete 1992:11) One would hope that, with the passing of time, these weaknesses will be remedied. We must now move to examine whether these policies are adequate to enable us to address the problem of land imbalances.

5.4 What is the current Land Policy of the Government?

Although the Government has not yet finalised its land policy programme the process itself has some promising prospects. The White Paper on Land Policy, a product of a two and a half year consultation process provides us with some clues. Three very important steps are worth mentioning in this process:

- 1 The Department of Land Affairs Framework Document on Land Policy, May 1995.
- 2 The Draft Statement of Land Policy and Principles, discussed at the National Land Policy Conference held on the 31-8-96 and 1-9-96

3 The Green Paper on South African Land Policy, 1 February 1997

In response to these steps (mentioned above), the Land Affairs' White Paper of April 1997, "Sets out the vision and implementation strategy for South African's land policy; a policy that is just, builds reconciliation and stability, contributes to economic growth, and bolsters household welfare." (Department of Land Affairs 1997:v).

The White Paper describes Current Land ownership and land development patterns as strongly reflecting the political and economic conditions of the apartheid era and view the following areas as a challenge.

These areas are:

- 1 the injustices of racially-based land dispossession;
- 2 the inequitable distribution of landownership;
- 3 the need for security of tenure for all;
- 4 the need for sustainable use of land;
- 5 the need for rapid release of land development;
- 6 the need to record and register all rights in property; and
- 7 the need to administer public land in an effective manner. (Department of Land Affairs 1997:v).

These are challenges that require a long-term programme to address. Be that as it may, that the government is aware of their existence is a sign of hope, for knowledge itself is power.

Thus, the government's land reform policy aims to address four important areas namely:

- 1 "to redress the injustices of apartheid,
- 2 to foster national reconciliation and stability
- 3 to underpin economic growth, and
- 4 to improve household welfare and alleviate poverty." (Department of Land Affairs 1997:v).

Quite frankly, these are good intentions. But, does the government have in place the mechanism to implement this vision? We all know the history of our problem. What is more important now is a concerted effort to avoid a repeat of that unpleasant history.

The question raised above cannot be adequately addressed without examining the components of the land reform programme itself. Briefly, the programme consists of the following main components:

- 1 Land Restitution, a programme that involves the returning of land (or otherwise compensate victims) lost since 19th June 1913^{*1} as a result of racially discriminatory laws.
- 2 Land Redistribution that enables the poor and the disadvantaged people to own land with the assistance of a Land acquisition Grant^{*2}.

- 3 Land Tenure Reform, the most complex area of land reform. Its aim is to bring a unitary tenure as well as help resolve tenure disputes and so on. (Department of Land Affairs 1997:vi).

Admittedly, the Department of Land Affairs has made a commendable progress in laying the foundation for a 'flexible, needs-based' approach "to the land reform programme, yet a lot still remains to be done if the problem is to be resolved. However, we need to acknowledge that the process is a step in the right direction.

5.5 Are these policies adequate to help us in the solution of our problem?

In response to the question posed above and in the interest of clarity, the author wants to refer our readers to the summaries we made on the visions of the three parties studied. How the mechanisms by which these parties hope to attain their visions will be examined. Are the policies examined adequate to help us in the solution of our problem? In my view they are promises and steps in the right direction. It is too soon to say whether they would prove to be adequate if implemented. But we must make an effort to assess them.

The key factor to the success or failure of the policies is whether there will be institutional arrangements which can implement them. The promising feature in the three parties studied is that

they all recognise and accept the need of such an institutional arrangement. I have identified three factors worth considering in this regard, namely:

- 1 The special Land Claims Court,
- 2 the notion of state intervention
- 3 the provision for the involvement of the people in the search for a solution.

As a matter of fact, some of the policies studied, that the A.N.C., the N.P., and the P.A.C. have been adopted by the Government and have now become the law of the country. Given the nature of the process, that is openness, one is inclined to believe that the Government has the potential to deliver. If one looks at the documents produced as a result of negotiations between the key political parties concerned, one is left with a hope that, notwithstanding the fact that the process of resolving the conflict may require a long time, the mechanisms in place have the potential to address the issue.

To redress the sufferings caused by the policy of forced removals and other apartheid related laws of the past, the present Government has the mandate to, through the Restitution of Land Rights Act no 22/1994, to restore land to South Africans who have been dispossessed by discriminatory legislation since 1913. The Act enacted by the Parliament of the R.S.A. provides, in a detailed manner, the procedures to be followed in addressing the imbalances on land distribution. One added advantage is the fact that most parties both in Parliament and organisations outside Parliament are in agreement on the need for this problem to be solved.

An examination of the text of Act No: 22/1994 illustrates how the law should serve in the process.

The Land Claims Court has the following powers:

- 1
 - i. It has the power to determine restitution of any land right in accordance with this Act.
 - ii. It has the power to determine compensation in terms of this Act.
 - iii. It has the power to determine the person entitled to ownership in respect of a claim in Section 3 of this Act.
 - iv. It has the power to determine all other matters which require to be determined.
- 2 The Court shall have jurisdiction throughout the Republic and shall have all the ancillary powers to perform its functions including the power to grant interlocutory orders and interdicts. (Republic of South Africa 1994 Government Gazette: 1606:19)

The act also provides for the establishment of a commission on Restitution of Land Rights. The functions of the commission are as follows:

- 1 To receive and acknowledge receipt of all claims of the restitution of rights in land lodged with it in terms of this Act.
 - 2 To take responsible steps to ensure that claimants are assisted in the preparation and submission of claims.
 - 3 To advise claimants of the progress of their claims at regular intervals and upon request.
 - 4 To report to the court on the terms of settlement in respect of successfully mediated claims.
 - 5 Define any issues still in dispute between the claimants and other interested parties.
 - 6 Take appropriate steps to make public information with regard to persons entitled to claim.
- (Republic of SA 1994 Government Gazette 16106:5)

The Reconstruction and Development Programme of the Government is another mechanism used to address this issue. “The R.D.P. must implement a fundamental land reform programme. This programme must be demand driven and must aim to supply residential and productive land to the poorest section of the rural population and aspirant farmers. (Republic of South Africa 1995: R.D.P. Document - 1995:20) The point I am making is that the institution already in place, have in theory the capacity to deliver. There are clear terms of reference given to these bodies and the competent personnel involved in the process, that is Judges, High Commissioners and so on. There is transparency in the process.

The institutions mentioned above have been set up to meet some of the aspirations contained in the land policies of the parties examined, although it must be acknowledged that not all the policies can be realised. And as indicated above, these institutions have in theory the potential to deliver. But a lot will depend on the vision of the Government and the will and commitment to implement that vision in the resolution of the problem under review.

There are glaring differences and contradictions in the policies of the three parties studied. It is important that we take note of these differences. With regard to how the owner of the expropriated land should be compensated for their land, the parties have three different stances. The National Party maintains that the land distribution should only take place through the buying and selling of land on the free market and “equal opportunity”. It rejects any notion of “artificial”

land distribution to victims of forced removals or other landless people who want to work the land but have no means of accumulating resources. This is the stance strongly held by the A.N.C. and P.A.C. before 1994. It also stresses its commitment to private individual title as the basis of land tenure. The P.A.C. policies in theory are against private individual title ownership. The National Party argues that small black farmers must be prepared to compete "equally" on the market. (Conner 1991:10) The National Party maintains that the landowners should be refunded at a free market land value. This would cost the tax payer a fortune, since the government would have no resources to implement the process other than from the taxpayers' money.

The African National Congress appears to be saying yes to compensation, but with qualifications. We wish to remind our readers of the land targeted for expropriation by the A.N.C. policy which we have referred to earlier on in this chapter. Notwithstanding this, the A.N.C. views compensation as a problem. What is problematic is the fact that whites as represented by the National Party, want market value for their land. The concern expressed by the A.N.C. is that whatever compensation is given, it would have to be paid by the entire society. Thus, as a precaution, the A.N.C. proposes the formation of a process to deal with claims for compensation by all affected parties. (Jossel & Maguire 1992:18) On the other hand the P.A.C. accepts compensation only of the developments made in the expropriated land.

How these incompatible policies will be reconciled in the interest of finding a solution continues to pose a challenge. This is a clear illustration that the road will be long and bumpy and cannot be served by quick fixes and short cuts. The parties involved are all aware of this. This awareness raises hopes for a long term solution.

It is the author's submission, though, that a search for a solution to this problem must not be confined to the political and Government circles. The human factor and shortcomings should not be taken lightly. For this reason, non-Governmental structures, including churches, should be alert and be prepared to play their role in the search for a solution. It is also important for all involved to acknowledge that no-one can claim to be coming with clean hands on the matter or issue of land.

In chapter six I will be making an attempt to examine in what way can the church make a contribution in the this regard. It is my belief that an involvement of all concerned with the land issue will place us in a better position than other countries who had gone through this experience. We have a lot to learn from their failures as is shown in Chapter Four.

5.6 Summary of the findings, and evaluation of this survey

The findings of this chapter are as follows:

- 1 All the parties studied including the government recognise the need to address the imbalance in land.
- 2 No single party has an answer for a solution, but a joint programme, taking into account some of the recommendations made in the party's policies has the potential to deliver.

3 The R.D.P. Programme, the Land Claims Court and the Commission for Restitution of Land are a few examples that can bring about a condition or conditions for the effective solution of the problem.

4 All the parties studied recognise and accept the fact that all people have a right to land. They all accept the fact, although with variations, that the state has a moral obligation to intervene in a number of ways including expropriation where necessary.

The National Party believes that land should be made available only in situations where current owners are willing to sell. This is in addition to State owned land which the National Party regards to be first for consideration for distribution to landless people. Both the A.N.C. and P.A.C. are against this, noting that this can only benefit those who have land. Both the P.A.C.¹ and A.N.C. lay stress on the role of the State to intervene and be involved in the process of redistribution by first expropriating the land in order to be able to redistribute it to the landless people. Both the A.N.C. and the P.A.C. put very strong emphasis on the need to involve the people in the search for a solution of this problem. Both the A.N.C. and the P.A.C. rely heavily on the effectiveness of the laws. To a certain extent the N.P. also falls into this trap. The laws or any legal structure must be accompanied by the willingness and commitment on those involved. In my view the law by itself cannot help, it must be accompanied by an attitude that is intent to search for a solution. On certain issues the parties studied are extremely polarised, for instance on the question of private ownership. The National Party sees this as the basis for

1. It needs to be stated for the record that whilst the A.N.C. and the P.A.C. are in agreement on the need for the state to intervene and expropriate land so that it can be made available to the landless people, there are differences in the types of land for expropriation. The A.N.C. regards land that is not being utilised profitably for the benefit of the community and state owned land as land suitable for expropriation. The P.A.C. on the other hand includes

any meaningful solution, whereas the P.A.C. is strongly opposed to this stance. Instead the P.A.C. advocates for the dropping of the system of private ownership of land and its transfer through private ownership. The A.N.C. calls for an allowance of diverse forms of ownership to co-exist under the banner of a mixed economy and invites people to make a serious consideration of this.

One must not lose sight of the fact that people in all walks of life, legal profession included, remain human beings, with their ideological biases that are informed by their backgrounds. And, if this is not carefully watched the structures set up may be entangled in conflicts resulting from the different interests. I want to submit, therefore, that there ought to be an orientation and re-schooling of all those involved in the process of land distribution. All involved need to relearn.

There are certain assumptions that may inhibit the process, if not carefully watched. For instance, the former liberation movements, namely the A.N.C., P.A.C. and Azapo tend to over-emphasise the involvement of the people in the resolution of the problem, as if the presence of the people is a guarantee for success. One can identify with this approach, especially if one takes into account the fact that the problem has resulted from a practice that deliberately ignored the people. Decisions were made for Africans but without proper consultations. By "people" is meant the ordinary simple minded men and women in the street.

The fact of the matter is, however, that the involvement or approach of the people is in no way a

guarantee for a success in any given programme including the one under review. People can be subjective. People can easily be manipulated to follow a certain line of thinking. Uninformed or unlettered people can easily be swayed either way by ideological or other means. What is required, therefore, is extensive training programmes that aim to raise the level of awareness and commitment so that all participants should be in a position of looking at the programme objectively. In my humble opinion this will need some time to take off.

Another element is the fact that all the policies examined seem to be heavily reliant on ideologies that are themselves of foreign origin. They are either capitalist or socialist. It is the writer's view that these ideologies were born and informed by their contexts. I do not think that enough attention has been paid to our context, namely South Africa. I feel this is a weakness that needs to be addressed if a meaningful solution is to be found. Yes, we need to try the 'Ujamaa' type of schemes found in Tanzania but it must be informed by our context on the ground if it is to get off the ground. For example, what Westerners call share-cropping farming is deeply rooted in the African tradition. This is a practice where two parties, by mutual agreement get together, one with the tools for working the land but with no land and the other with the land but with no tools or span of oxen to work it. How is this notion catered for in the small holding format of the New Dispensation? Where does the notion of *ubuntu* feature in the policies? Are the programmes informed by the notion of *Ubulungisa* as we understand it from our context. These are the questions we need to constantly ask ourselves to make sure that we don't miss out.

1. Evidence has shown that it was a dismal failure in Kenya.

I am aware that capitalist and socialist models vary greatly and are applied in some form all over the world. Notwithstanding this, I want to submit that in South Africa we have something unique that could help us modify the basic principles. This is the notion of *ubuntu*. In Chapter 3 we have proposed that *ubulungisa*, which I regard as a major component of *ubuntu*, can and must be applied in the search for a solution of our problem. Whatever we do we must not forget that we, and all involved, are human beings and therefore have our shortcomings. Paul expresses this very strongly, "For I do not do the good I want, but the evil I do not want is what I do - it is not I that do it but sin that dwells within me." (Romans 7: 19 - 20) The fact that we are Africans and have, by the grace of God, successfully negotiated a peaceful settlement for our country, must not blind us to the mistakes that have been done by other members of the human race. We belong together. Therefore, we need to conduct ourselves in a manner that ensures that we do not repeat the mistakes that have led to the problem under review.

Finally then, the three parties studied should be viewed as initiators of a process. Indeed there is a sense in which it is true to submit that the Land reform programme is a product of negotiation between the said parties. The A.N.C. as a large group has greatly benefited from its interactions with non-governmental organisations like the S.A. Land Committee and the Urban Foundation and thus has had its focus on land policy widened. This is beginning to show in the joint programmes like the R.D.P. document on land distribution, the Land Claims Courts and so on. On the other hand, the A.N.C. has also benefited from the P.A.C.'s policy. The P.A.C.'s strong

stance on land has in my opinion somewhat kept the A.N.C. policy in check. A report from the Land Conference held at Bloemfontein from the 12-13/02/1994 shows that, out of six major political parties invited, only the A.N.C. turned up. Others invited were the I.F.P., D.P., the P.A.C., the N.P. and AZAPO. They were invited to hear what rural people expect from a new government. The A.N.C. land policies seem to have benefited from this interaction. (Wixley 1994:7) The National Party has also benefited from the interaction with the A.N.C. and other parties. It has now acknowledged that it was wrong in its past policies. It is now able to accommodate the view of opening up the land tenure to accommodate the land held under traditional and communal practice. But there is still a long way to go. The mindset and attitude also need to be changed.

The shortcomings pointed out above are not only confined to political parties. Churches and non-governmental organisations have also fallen into the trap of having a certain bias on the issue. The fact that some churches had only just begun exploring the question of land policies is to me an indication of lack of commitment, direction and vision on the part of churches. Many good resolutions have come out of church conferences (the Methodist Church my church is well noted for this) but nothing tangible has transpired. For instance in 1984, in response to the publication of forced removal and relocation, the S.A.C.C., jointly with the S.A. Catholic Bishops Conference, pledged as follows: "We ... commit ourselves to restoring land owned by our churches to its original fruitfulness and to make it available for the settlement of people who have been dispossessed." (Connor 1991:3) This is yet to happen.

And again in November 1990 the Church accepted the Rustenburg Declaration and pledged to examine its role on the question of land ownership and also to work toward restitution. This has worked in a few instances, but on the whole the lack of clear policy on the use of land has frustrated many a good intention. The Rural Foundation Association of the Catholic Church in Natal and a Roman Catholic Mission in Namaqualand are a few examples. Thanks to God for the few individuals within church formations who have seen the light and therefore continue to be the voice of conscience both to the Church and to the entire nation. More of this will be dealt with under chapter 6 when we examine the role of the Church.

In fairness to the Government of S.A., we must say it is aware of this fact. "...The abolition of the Land Act cannot redress inequities in land distribution. Only a tiny minority of black people can afford land on the free market." Minister Hanekon's efforts to address this problem make this point very clear. This is also clear from the white paper.

Chapter Six

WHAT CONTRIBUTION CAN THE CHURCH MAKE IN THE AREA OF LAND DISTRIBUTION?

The argument of this Chapter will be conducted in the following way:

- 6.1 What is the Church?
- 6.2 What contribution can the Church make in its use of land?
 - 6.2.1 How did the Church in Brazil respond to the struggle for land?
 - 6.2.2 What contribution can the Church make in its use of land as a steward of God?
 - 6.2.3 An overview of a few case studies on Church Land will be conducted.
 - 6.2.3.1 The Evangelical Lutheran Church and the Evangelical Lutheran Church and the Property Management Company.
 - 6.2.3.2 A brief Summary of Church land in the Moravian Church.
 - 6.2.3.3 The Methodist Church of Southern Africa and its use of land.
- 6.3 What is the Church's prophetic role in the policy making machinery?
 - 6.3.1 The example of the Church in Brazil?
 - 6.3.2 Some examples of The Church's prophetic ministry from the South African Scene.
- 6.4 Summary and evaluation of the findings and conclusion

With regard to the contribution that the Church can make, May's observation provides a clue.

Although he is addressing the South American land issue, his comment is appropriate for our situation in South Africa. He writes, "The Church is called to overcome decades of neglect to bring to the struggle a number of its gifts: a renewed and renewing understanding of the covenantal community of the people of God on the God-given land; a prophetic voice raising the challenge of distributive justice on the land, an activist stance with those who organise and empower rural people, a clear presence in the public policy arena to develop and secure just farm food and land policies, and its full prophetic, economic, and political strength to challenge and transform the corporate and financial powers that would continue to dominate life on the land." (May 1991:108) In this way the Church will and must use the past and present in order to focus on a more healthier and balanced future. In this comment May believes that the church had long been neglecting its work of paying attention to justice issues. The struggle he refers to here is the struggle for justice.

But how will the Church go about this struggle? One way would be for the Church to use Christian theology, ethics in particular, as a handle of addressing the issue of imbalance in the distribution of land. Meeks' comment is worth noting in this regard: "The task of Christian theology in dialogue with economics, however, is not simply critically to analyse existing economic concepts in economics but to serve the Church's mission to contribute to the transformation of existing dehumanising economic systems. Thus Theology should make its contribution to the humanisation of economy." (Meek's 1989:27) Land is one of the pillars in the economy of a country, regardless of what economic system the country concerned upholds.

The above views sum up the role the Church can play in the question of the land problem. The

are three areas in which the Church can contribute. They are:

1. A theological analysis of the situation;
2. Proclamation of the Gospel to the problem areas, in our case the sphere of land and other related matters;
3. Demonstrating its belief and commitment in the use of its own land. In this way it will not only preach in words, but by words and through its deeds and thus serve as a catalyst for land reform. These areas will receive more detailed attention in the subsection that follows that seeks to answer the question: What role can the Church play in the use of land as a steward of God? But, first we must clarify for our readers what we mean by the Church.

6.1 What is the Church?

“The word ‘Church’ has, been through varied usage in the course of centuries, developed a variety of meanings and nuances.” (Kung 1967:117). Hans Kung argues that the word church was carried from the Gothic Kingdom of Theodoric the Great. It originated from the Byzantine Greek "*Kurake*" which means belonging to the Lord. When Greeks speak of "*ekklesia*" they meant the citizens who are the "*ekkleto*", i.e those who are called out and summoned together by the herald: the *ekklesia* is therefore “those who have been called, summoned together, a meeting of people.” (Kung 1967:117)

Mutambara writes “the word ‘Church’ is used to refer to any institutionalised form of the

Christian religion. It may also refer to denominations of particular projects initiated by a Church at any administrative level.” (Mutambara 1994: 130)

The Church means a body or group of people united in their belief in God as Father and Creator, in their acceptance of Jesus Christ as Lord and Saviour, and in their acceptance and belief in God the Holy Spirit, who in fellowship with one another seeks to obey and do God's will on earth. This is the visible Church on earth. Nürnberger adds, “The Church is still the Church when its membership is dispersed in the multiplicity of its secular engagements - at home, at school, on farms, on the factory floor, in business, in politics, in administration, in management, in prison, in hospital wards, during wage negotiations and strike action - wherever.” (Nürnberger 1994:49) This is in obedience to Christ’s charge to his disciples:- “Go, then, to all peoples everywhere and make them my disciples....., and teach them to obey everything I have commanded you. And I will be with you always, to the end of the world.” (Matthew 28:19 & 20)

As a body, the Church has a structure for organisational proposes. The main aim of the structure or institution of the Church is to help the Church carry out its mission and make sure that the Church does not depart from its mission. The institution is not the Church, however, but a vehicle through which the Church expresses its faith.

It is with this understanding that we must approach the question before us: What contribution can the Church as a body of believers make? What contribution can the Church as an institution make to the solution of our problem? What contribution can this body with its individual

members make to the solution of our problem?

6.2 What contribution can the Church play in its use of land?

As pointed out in my introduction, there are three areas in which the Church can contribute. I want to start with the last of the three ways mentioned above, namely by demonstrating its belief and commitment in the use of its own land. Talking about the Church globally, the Brazilian Church is regarded by some scholars as one of the pioneers in the ministry of land. “The clearest and most systematic effort to deal with land as a justice issue is in Brazil. Indeed, the concept of land issues as a specific pastoral concern was conceived in Brazil, where it was given the name pastoral da terra ministry from the land.....” (May 1991:90) Before we examine our local situation, I would like us to briefly examine what the Church in Brazil did to address land reform.

6.2.1 The Brazilian Church's response to the struggle for Land

In a document prepared by the Brazilian Catholic bishops entitled “Liberate the Land,” in response to land injustice, the bishops write; “Liberate the Land is a Christian response to an urgent social problem. The bishops contrast the situation in Brazil with the teaching of the Bible, in both Old and New Testaments. God created the earth for all. Jesus came to bring life, and proclaimed a society based on sharing. His message is directed not just at individuals, but also at

society and its structures.” (Catholic Bishops 1986:3) This path is already leading us to the area of proclamation which we will handle at a later stage; but at the same time it also serves to indicate the motivation behind the Church’s involvement with land reform.

I wish to examine briefly how the Brazilian Church used their land in keeping with their commitment. First, after a critical analysis of the land situation, the Catholic Church in Brazil resolved to make a concerted effort to counter the injustices on land in practical ways. May describes the strategy in the following fashion: “Using its own lands, the Church also has experimented with agrarian reform, not only to demonstrate its viability but also to provide models for national land reform.” (May 1991:95) The intention is very clear. The Church has a vision of making a contribution towards a resolution of the problem of land injustice. There is a clear awareness that there has to be a base from which to operate in providing an example of what the entire society can implement. That base is the Church’s own land. This is where all the theories that the church has on its understanding of use of land, have to be tried and tested.

An example of this was a Church-owned and Church operated agricultural estate, which a diocese decided (in 1982) to turn over for the use of peasant workers themselves. This followed a period of many years in the hands of the Church. Subsequent to this decision, a land redistribution programme was carried out. Peasant workers were, themselves, responsible for the organisation and conducting of this programme. The organisation and conduct of the land redistribution programme was based on an evaluation of each family's need and work possibilities. The families themselves decided to continue paying the rent for the use of land as they had always done. The only difference, of course, was that now the money was paid into a community fund which they

themselves controlled. The fund provides for community needs such as potable water, access to roads, a school teacher's salary and assistance to families with special needs. The administration of the estate is conducted by an elected board and community assemblies. (May 1991: 6)

Three fundamental points on which the transformation referred to above rested, are worth noting:

- 1 In addition to land for the private use of each participating family, a portion of land was set aside for community use whereby benefits accrued to the community as a whole.
- 2 Major decisions concerning land distribution were made collectively.
- 3 Basically, the objective was to benefit everyone equally.

The results of this scheme or programme had far reaching implications for the entire Society.

“An evaluation ... showed the great importance that an agrarian reform has, in the sense of bettering the life of rural workers and how, even as a pioneering experience, it obtained results that could be extended to the rest of society.” (May 1991:96) In this way the Church served as a catalyst to the entire Brazilian society in the use of its land. This is what the Church in South Africa is called to do in the area of land injustices.

6.2.2 What contribution can the Church make in its use of land as a steward of God in South Africa?

Experiments like the one referred to above are being tried in a variety of forms in Churches in South Africa. This is evident from case studies conducted by E. Bruwer for the Reformed Church land; M. Madjara for the Evangelical Lutheran Church of South Africa; Wessels for the Moravian Church and P. Brilin for the Catholic Church.

The first phase of this section will be an overview of a few case studies conducted on Church-land programmes in South Africa. The Second phase will be a close study of a Methodist Church land programme, which is still at its initial stage namely: The Joseph Project now known as the Khanya Project. The final stage would be focusing on the Churches prophetic role on the land issue.

From the study material we have examined on the role of the church, two views emerge. The first view is that of regarding Church-ownership of land as more of a burden than a blessing. This is born out by the fact that the Church, after owning relatively large pieces of land, still has to settle down and find a rationale and method of how best to use its land. The author believes that April 1994 experience and its outcome is part of a process of reconciliation. There is still a long way to go. Despite the fact that land has been and still is a critical component to the reconciliation process gradually unfolding in our country, the land issue does not seem to be ranking high on the agendas of most Churches. This is also born out by the fact, that although the Churches studied for example, the Lutheran, the Moravian and the Methodist Church, and so on, have been working in the country for over a century, they are only now beginning to come to terms with the need for Church-land programmes. I would see the Catholic Church and the Anglican Church as

holding the view of regarding Church-ownership of land as more of a burden!

The second view that emerges is accepting the fact of land ownership, but making a determined effort to develop its land for the benefit of all people. Rather, the stress and focus is on the use of the land for the benefit of the entire community. Programmes and projects run on Church land involve the local communities. The Moravian Church programmes, the Lutheran Church and the Methodist Church fall under this category (Brislim 1991:1). As I understand it, the Methodist Church is quite unequivocal in remaining the owner of land but, in recognition of the fact that ownership and responsibility cannot be disentangled, is offering training and trying to ensure that the land is used in a stewardly way. It needs to be acknowledged though that even those Churches mentioned under category one, including examples from South American Churches, do have community oriented programmes running in their Church-lands.

Examples worth citing are the following: The Springvale Anglican Church land of 1,200 hectare near Pietermaritzburg The Anglican Church commissioned a study by a firm of consultants to help it decide what to do with Springvale. Security for the 100 tenant families on the farm was one condition laid down. (Cooper 1991:248) The Indaleni Methodist Church Development Centre, the Methodist Church of Southern Africa is very vocal by way of resolutions on the need for local churches to involve the communities in their use of land which has a number of development projects on its old mission Station near Richmond, Natal. The Catholic Bishops of Natal commissioned, in 1985, a nine-month research survey of determine how its land in Natal

could best be used. The survey concluded that it was the Church's duty to give its black tenants security of tenure. The survey also suggested that the Church should negotiate with the tenants how the land should be used. It recommended that Church land without black tenants should be made available to progressive organisations for development projects (Cooper 1991:248).

The writer is persuaded to support the last category. The question who owns the land is irrelevant, if the land is used in a responsible and caring manner to cater for the interests of all people. I am in full agreement with Madjera's view that the Church should retain its land ownership of community areas since its mandate is to use such land in the interest of communities. I submit that giving away land to the Government or any Non-Governmental Organisation in no way guarantees that the land will be used for the benefit of the landless. Experience has shown that in countries that have gone through similar experiences like ours, land purported to be earmarked for the poor and landless has ended in the hands of government officials. Zimbabwe for instance, is yet to recover from such shocking revelations. On the other hand giving land to occupants should only be considered under exceptional cases: where it is considered that the land will be in good use and where there are no other ways of meeting the need of land.

Besides, the Church also needs some finances for meeting its financial demands without which it cannot function effectively. Because of the present economic climate, the Church's pastoral ministries have been adversely affected by the cut-down of staff and so on. And if the moral-fabric (now in decline) of the country is to be addressed, there is a need now for more

specialised Christian ministries than ever before. If the Church can 'wake up' and use its land to meet this lack of funding, this would benefit the entire country. It is therefore important that the Church retains its land ownership but at the same time consciously applies its mind to a responsible use of land for the benefit of all people.

Some scholars hold a different view from the one expressed above on funding. They argue that one cannot have it both ways. For those who hold this view, it is either one uses the land to benefit the poor and marginalised or one uses it to generate income to support the church. By 'church', they mean the church as an institution, not the body as discussed under sub-section 6.1. above. They also argue that the big danger lies in unscrupulous ministers who abuse their position and use glebes for self-enrichment despite the fact that the M.C.O. (Methodist Connexional Office) pays them. I suppose they mean black ministers because they, in most cases, are the ones involved in Circuits with Glebes. Therefore, they conclude that institution funding should come from tithing. This view was very well articulated to me by a close friend who is currently involved in land development programmes.

Whilst sympathising with this view, I cannot help but feel that it may be based on misconceptions due to lack of information on the dynamics involved in Church structures on the ground. The comment raises the question: who are the poor and marginalised? In the African congregations of the Methodist Church of Southern Africa, the bulk of the congregation is drawn from the marginalised and the poor. These are the people who, together with others, must pay their tithes to the church. It is from these tithes that amongst other dues, their local minister gets paid by the

Church's Head Office. If the Head Office does not receive assessment dues from the local churches to enable itself to pay its ministers, the minister will not be paid, for out of nothing, nothing comes.

The current trend is that Circuits (that means local churches) are in most cases failing to meet their financial obligations with the Head Office. It is against this background that the call for meeting financial demands of the local church's should be viewed. If church land is used in a way that also generates income into the church funds, that practice has the potential of alleviating the financial burden on the shoulders of the poor, the pensioned and so on, who have to tithe from their pension monies to keep the local church going. The suggested practise has also the advantage of providing people with employment and in farming, age is not always considered as long as people are still fit and willing to work they can work on the farms.

On these grounds, I would argue therefore, that a middle way programme needs to be found. A programme that is informed by the needs and demands identified on the ground. Because needs and demands of the people vary from one place to the other, the programme will not be uniform. Thus, unemployed and poor people (irrespective of whether they go to church or not) could be engaged in church land and allowed to grow vegetables and other crops for their families. It is interesting and encouraging to learn that allotments have been given to Methodists and non-Methodists at Kamastone, a Methodist Glebe Land. Those allotted with land tithe a proportion of their produce to the church (as an institution) and the balance (9%) is for their own use.¹ It was the same arrangement at Masibambane Development Centre, a joint Anglican and Methodist

Land use programme except that there were no tithing arrangement.”²

I have called for the drafting of a constitution that governs the day to day running of the land programmes on the ground. I have also called for a meaningful involvement of the local lay leadership, who also need to be trained in various ways so that they can render effective service, informed by Christian principles.

However, a lot of thinking by the Church still needs to be done with regard to its use of land and the land question in general. It is not enough to make good resolutions on paper and lay the issue to rest at that as often is the practice especially with the Methodist Church of Southern Africa. There need to be more constructive mechanisms which seek to help the Church in its search for a solution. The employment by the Anglican Church of consultants in Natal to assist the Church in its search for a meaningful utilisation of land is a good example. (Cooper 1991:248)

A word of caution to the church is appropriate. There is a danger by the church to ignore its own complexity. The church consists of people of Western, Eastern and African descents. Naturally, the value system of these components vary. If this is not taken into account, the programme that Churches come up with, may not be that appealing to the local societies. To illustrate this point I would like to take the example of the Naboth ancestral land case In the Bible. In 1 Kings 21 : 1 - 29 the clash of values is very clear. Naboth refused to sell his vineyard to Ahab, in keeping with

1 Information received from the Director of the programme.

2 The writer, as has already indicated elsewhere in this text, was a co-founder of the Masibambane Christian Development Centre.

his tradition. According to Israelite law, the inherited land was inalienable. This differed from Canaanite law as reflected in Genesis 23; 2 Samuel 24; 1 Kings 16 : 24. In the Israelite view, the owner could not dispose of the land as he or she wished. (1 Kings 21, 6f Deut. 27 : 17) (Schmidt - 1984:33; Zakowitch 1984:387; Dummelow 1928:227). The reason for this is very clear. The ancestral estate (*nahala*) often contained the family tomb and was defined by boundaries which the law strictly forbade to remove. (Joshua 24 : 30, 32; 1 Samuel 25 : 1; 1 Kings 2 : 34; Cf. Gen. 23; Deut 19 : 14; 27 : 17 6f Job 24 : 2) (De Vaux - 1965 : 166, cf. Farisani 1993:20). This tradition of Family tombs is deeply entrenched in the Culture of the different tribes in South Africa. It is not uncommon to find clusters and clusters of family tombs. Forced removal due to the laws of the previous Government from such lands has had a devastating effect on the families and communities affected.

Farisani, on the basis of the evidence referred to above, concluded that the confrontation between Ahab over Naboth's vineyard episode depicts a clash between a Canaanite (Ahab) and Israelite view of the land issue. According to the Canaanite view, the land is a commodity. It can be sold or be given to the King. However, in Israel terms the opposite is true, for land is not a private property that could be sold, rather it is '*nahala*' - ancestral land given to the family for its well being by God. (Farisani 1994:82)

This point is very important for the church to take note of. The church needs to constantly remind herself on this by asking the question: what value system determines our (i.e. the church's) decision making on the question of land? It is not enough to simply answer: Bible

values or Christian values. The church needs to go beyond this and acknowledge the local context which should inform the church's value system. It is here that ubuntu as a concept from which derives the *ubulungisa* - justice concept should come to the church's rescue. "*Ubuntu* is the metaphor that describes the significance of group solidarity on survival issues, that is so central to the survival of African Communities." "It is the African notion of complete humanness anchored in the African context." (Mbiqi 1995:1)

6.2.3 An introduction to a few case studies on Church Land

In the preface of his paper, Madjera maintains that the ownership of land by the Church raises the question: How to use it? For him and other like-minded Church affiliated organisations, the answer is in accordance with the position the Church holds in society, that is, in the best interest and for the benefit of the society. The Church is called to be the servant of God in the world. In its service it is required to proclaim the good news, to witness for Jesus Christ both in word and deed. The use of its land, therefore, needs to be guided by how the Church understands itself and its calling.

The unique thing about the Church is, however, that it has a different mandate to other organisations. Gärtner holds that the mandate of the Church is based on Jeremiah 29:7 "Work for the good of the cities where I have made you go as prisoners. Pray to me on their behalf because if they are prosperous you will be prosperous too." Stressing the importance of

Church's role as servant of society Madjera writes; "A Church, which does not unfold its performance within society, which does not associate herself with the secular existence and needs of those who are the flesh of the Church, would exist between heaven and earth without reference or meaning to the one or the other." (Madjera 1992:2) Clearly then, the Church has a role to play in the search for a solution.

We have indicated elsewhere in this dissertation that the tendency of "extracting" biblical texts from their context and applying them willy-nilly to a different context and time is problematical in that it ignores the total context of the text, the times, the situation under which the text was written and somewhat misses the mark in terms of what the text originally aimed at. This tendency has to be carefully guarded against. For instance, the verse cited above blindly applied to our situation could be read as follows. Those who do not have land, in this case blacks, must work for the good of the cities (meaning the whites) where they have been made prisoners. One could also read in this passage the message that they are charged to pray to God on behalf of their captors, because if the captors are prosperous, they (the blacks) will be prosperous. In other words, their success depends on the prospering of others. Is this it? I think not.

6.2.3.1 The Evangelical Lutheran Church and the Evangelical Lutheran

Church and the Property Management Company

(a)

The following example on the use of Church land by the Evangelical Lutheran Church shows that it is based on Christian ethical principles. We mention these examples briefly as outlined by Madjera. The optimal use of land is determined by the potential of the land and its use according to prevailing circumstances. The prevailing circumstances are guided by Christian ethical principles. In this regard it is clear that, from a biblical perspective, improved living conditions of one sector of society cannot be achieved by causing hardship to another sector. This means that careful consideration has to be made for the welfare of both the incumbent land holder and the prospective land owner. These are the guiding principles for the Evangelical Lutheran Church in its land use programme. (Madjera 1992:8)

Further, the conditions of each property must be carefully assessed. The following questions should be carefully considered:

- a. Is the land in question vacant or occupied by a community partly or in full?
- b. Have expectations of local residents been raised by the introduction of projects?
- c. Is the land suitable for projects that will benefit the community? Schools, community centres and agricultural development projects and cultural centres are a few examples of such projects.

The view is that these questions help the Church in bringing its belief and ethics to the people.

But how is this implemented? This leads us to the next section which deals with the use of land.

(b)

The use of land by the Evangelical Lutheran Church and the ELCSA Property Management Company is described as follows. According to Madjera (1992) the Evangelical Lutheran Church properties controlled by the Church are small holdings or larger units in rural areas that are suitable for extensive and intensive agricultural activities. 67% of a total area of about 20,000 hectares of land is used for purposes of various community programmes, whilst 33% is used for farming. (Madjera 1992:9). As indicated above community needs are identified and met. Examples of these are schools, community centres and development projects. (Madjera 1992:10)

On the question of whose expectations are met in these services, the guidelines are clear. The underprivileged, those for whom nobody else cares for, come first in the list of considerations. The onus is on the Church to decide whose interest to accommodate. It has to be anticipated that the Church will have to give preference to the underprivileged for whom nobody else cares (Madjera 1992: 6). "If those who previously had no access to land now receive first priority in the Church's land programme, then it can be said that the Church's proclamation of Good News to the poor is incarnate in their action and witness." (Madjera 1992: 6) More will be said in this regard in the evaluation of this witness.

With regard to small holdings, they are described in the following manner: These are pieces of land that measure between one and six hectares. In most cases Church buildings, parsonages or school buildings are put up on them. Although they do not qualify (due to space) for big farming activities and large settlements, they, nevertheless, are still big enough to provide important facilities that can enhance the living standard of rural people. These include cultural centres, community centres, libraries, and so on. On record, over 75 farm schools with over 12,000 children are either directly or indirectly associated with the Evangelical Lutheran Church of South Africa or its Church Property Management Company.

The Evangelical Lutheran Church has also large properties of considerable size (larger than six hectares) in the rural areas. A number of problems have been encountered with regard to their use. Initially the land was used as a means of protection to resident communities against forced removals that were due to the former Government's policy (Madjera 1994:10). People who had been removed from their land were housed in the Church's land¹ because they had nowhere to go. In this way the Church was accepting its pastoral responsibility.

Communities had to organise their life and apply control to make sure that there was order and healthiness in the community life. Land had to be used in accordance with soil conservation regulations as required by the Church in keeping with the required standards of the Government. Rules and regulations aimed at assisting communities in organising self-administration were introduced. Communities were requested to elect committees consisting of five members whose main task was to guide and represent the communities.

Experience showed that the establishment of such committees did not really solve the problems of community development. The Church was focusing on community development targeting the communities in their land, but the influx of people who were victims of forced removals retarded the Church's programme. Due to lack of skills and proper training in administration, committee members could not deliver. But, overall, this is a commendable step that needs further exploration. A lot is being done in the Lutheran Church in this regard but the above information serves well to show what could be done.

6.2.3.2 A brief summary of Church land in the Moravian Church

From a paper presented by M. Wessels, the following observation can be gleaned. In 1992, the Moravian Church owned land in the following Stations:

<i>Year in which acquired</i>	<i>Name</i>	<i>Size</i>	<i>Inhabitants</i>
1824	Bredasdorp	7000 Ha	1,960 (1992)

1 This witness can only serve as an interim measure, whilst the church is fighting to have the unjust laws that brings about this state of a affairs removed.

1839	Clarkson Humansdorp	2000 Ha	1,145 (1992)
1830	Wupperthat	40,000 Ha	5,396 (1992)
	Glen William Cape		
1845	Goedverwacht	4,600 Ha	2,433 (1992)
	Malmesbury District		
	Cape		
1859	Pella	1,500 Ha	1,200 (1992)
1869	Malmesbury Cape	5000 Ha	1,253 (1992)

Kousa (Hamansdorp), Arwyderskraal (Hermanus) and Genadenberg (Picketberg) are three smaller settlements. Thus, the total size of Church land amounts to 60 100 Ha. (Wessels 1992:2)

A question then arises, how is this land used? In his summary, Wessels argues in the following manner. It is impossible for the Mission Station to be self-sufficient. The reason for this is that most people have now left the land to find new fortunes in the towns and cities. One thing is clear though: that the church is struggling to generate income from the use of land. On the lands that can be used for large scale farming, like Elim, Witterwater and Goedverwacht, sheep and wheat farming was conducted in 1992. The Church also received about R5,000.00 for gardens, livestock.

In addition, various projects have been started. They aim at providing work for people. A shoe a

nd industrial glove factory has been established at Wupperthal together with an agricultural project. A development agency running a bakery, sewing project and clay project was started at Elim. But, despite these projects, "at most mission stations the land is not used to its full extent." (Wessels 1992:3)

There is still a long way to go. The good thing is that a process has started. Conservation and correct farming methods are vital issues to be addressed in the future. The mission stations should play an important role in providing food for the future as well as offering possibilities for people to move back to the land. (Wessels 1992:3)

With regard to future programmes, the Moravian Church has some interesting programmes, which, if carried out, would render invaluable service to the disadvantaged communities. I refer here to the Church's association with the Tsitsikama Exile Association of the Mfengus. This association has afforded the Moravian Church an opportunity to be engaged in a support programme aimed at assisting those with no access to land in their quest for restitution. As a result, some 50 families had been housed on the Clarkson Mission Station. The planning of this project involves both the Church and the Tsitsikama Exiles Association. (Wessels 1992:3) It is thus encouraging to observe that some Church programmes on land are beginning to emerge, but also important to note is that the Church still has a long way to go.

6.2.3.3 The Methodist church of Southern Africa and its use of land

I know of no case study that has been conducted on the Methodist Church and its use of land. The Church stance on the issue of its land can be gleaned from its resolutions on the use of land. Secondly, a number of land programmes or projects are beginning to become visible on a number of Methodist Church lands although in a somewhat unrelated manner¹. Amongst these is a newly born programme known as the Joseph Project.

In this section, the writer will briefly examine the stance of the Methodist Church from the resolutions of Conference, and also examine briefly the Joseph Project with a view to illustrate how the Church uses its land. From the resolutions on land issues of the Methodist Church of Southern Africa, adopted at the October 1991 Conference, follow the following observations. The land referred to here is known as Glebe lands, a reference to the Church's farm land.

The mind of the Church is very clear on the need for agricultural training and development in our communities. The Church is also clear about its responsibility on its land. "Conference resolves that Glebe lands should be used for the benefit of the community and instructs District Bishops to investigate this matter in consultation with Glebe committees and the Methodist Connexional office and to report through the Mission Department to Conference of 1992." (Methodist Conference 1991: Para 18.8.4:158)

1 When I began to research for this dissertation in 1995, the land programmes were somewhat unrelated. But, as I write now (1997) there is shift in policy. All Methodist Church land development programmes are now in the process of being co-ordinated under one Umbrella-Body known as the Khanya Programme. It is my understanding that the Joseph Project is now part of this Khanya Programme.

The mission thrust of the Church is, therefore, to utilise and develop all Glebe lands for the benefit of the whole community. At the same Conference a suggestion was tabled to enable this programme to take root at a local level. Conference also resolved to appoint Management Committees in connection with all the Church's Glebe properties. These Management Committees were expected to report their progress to Conference through their District Synods.

The same Conference confirmed the appointment of Glebe Committees in the following areas: Klipfontein, Raithby, Somerset West and Strand Circuit (Western Cape), Grahamstown, Farmerfield, Peddie, Newtondale, Annshaw, Amatola Basin, Ncera, Perksdale, Kamastone (Eastern Cape), Ndwendwe, Georgedale, Indaleni, Dundee, Enyanyadu, Evansdale and David Morgan Trust (Kwa Zulu Natal). A number of Methodist Glebes - in the Clarkebury District and around Transkei are not reflected in this list. Whether the committees, i.e. both Management and Glebe Committees, are effective is another matter. We will discuss that in our evaluation section.

6.2.3.4 The Joseph Project of the Methodist Church of S.A.

A component of the Khanya Programme

As indicated earlier on, we must now briefly look at the Joseph Project. Quite frankly, the exercise I am now conducting is premature in the sense that the project itself has only just begun. But in the absence of valuable material I was left with no choice but to consider it. The other

reason for my choice of the project is the fact that the Church has, in our recent Annual Consultation, 1996 (a replacement of our Annual Conference), adopted this programme as a pilot scheme for its Church development programme. It is my hope and wish that my engagement in this project will help sharpen and keep the programme in focus, for the benefit of all involved.

What is the Joseph Project?

“The Joseph Project is a Christian Development Programme for all South Africans, under the auspices of the Mission Department of the Methodist Church of Southern Africa.”¹ This summarises the purpose and vision of the programme.

The basis of the programme is Genesis 41 : 25 - 57: “There is a famine coming in the land.” The pioneers of the scheme see in this scripture lesson a warning about the present and worsening crisis of hunger in South Africa. The Joseph Project seeks to “pro-actively encourage and enable the people of God to greater faithfulness by helping to build the granaries of tomorrow as Joseph did” (Manual:2). It is the view of the participants in the Joseph Project that our country needs programmes of this nature more than any other time.

The project is meant to enable the Church to make a meaningful contribution to the Reconstruction and Development Programme on South Africa. Its starting point is the eradication of hunger. The concept of permaculture is fundamental to the Joseph Project Development Programme. It is the view of those involved in this programme that permaculture¹

¹ This is found in the front page of the Joseph Project Brochure.

offers solutions to many problems faced by all South Africans. These include housing, community design, land use, distribution, economic deprivation and environmental degradation. “Energy, food and money savings can realistically be achieved in conjunction with a high quality lifestyle that recognises our responsibility towards nature, the earth and our fellow human beings.” (Joseph Project : Brochure 1994 : 2)

With regard to how the Church hopes to implement this programme, the “Methodist Arks for the Nation” seems to be the answer. “As Noah’s Ark preserved the species of the earth, so a Methodist Ark seeks to do the same, in ways which contribute to the development of people of South Africa.” (1994:3) In keeping with this belief, three Arks have already been established at Kamastone Methodist Mission, Mooiplaas and Mount Coke Mission.

A glance at what is taking place in the first Ark will help throw some light on how the programme works. Kamastone Project: This ark consists of 146 ha of land. The land belongs to the Methodist Church. The programme is known as Vukutye (which means “wake up and eat”). The Christian Dryland Permaculture Training Centre has been established on this piece of land. Courses on sustainable methods of agriculture are run on the land and at the centre, within a Christian context.

There is also a growing link between the Joseph Project and a programme known as Heifer

1 Permaculture is a term that is derived from the word Permanent Agriculture. It encourages the use of natural resources in the cultivation and tilling of the soil.

Project international, a development organisation that aims to provide livestock and training to poor farmers worldwide. The programme also breeds hardy, disease resistant but (at the same time) productive breeds of animals and fowls, and so on for distribution to the poor.

There is also what is termed Cottage Industries Development. A Baker's Guild was the first small industry to be launched at Kamastone. The bread is sold by the bakers to the Kamastone community. In this way the need of bread by the local community is met and income is generated. Other cottage industries include fence and candle making. Leather tanning and wood processing are also under consideration.

It is, however, not clear how the communities and churches owning the land are involved in these Arks. Whether the land owners (i.e. the Church at a local level) are prepared to make the scheme work is also not clear. How involved they are in the actual planning and administration of the programme (other than the involvement of a local minister who can be transferred anytime) is also not clear. An effort to contact the director of the Joseph Project for an interview, did not succeed. It is also not clear whether there are clear guidelines or constitutions that govern the running of the programme. One would hope that these areas would be addressed in order to ensure that the aims and objectives of the project are achieved.

Admittedly, the programme is still at its initial stage and like all other programmes will make mistakes and learn from those mistakes. But more observations will be made in this regard under

the section on evaluation. We must now move on to examine in brief the Church's prophetic role. I submit that the examples described above of the Lutheran, Moravian and Methodist Church land do not touch on the theme of land distribution. What the examples do show, however, is the fact that the said churches do own a substantial size of land. A question still remains though: should the church simply hand over its land to the occupants or to landless people? I will touch on this question under the evaluation section.

6.3 What is the Church's prophetic role in the policy making machinery?

The Church is called to be a servant of God in the world God has created. The above section on how the Church uses its land is one way in which the Church can make a contribution to the problem of land injustices. As shown above, the Church does this by making a determined effort to use its land in a way that will improve the quality of life of all people. This could also be called teaching the world by example.

This section seeks to examine in what way the Church's prophetic role can help in the resolution of the problem under review. The Church's prophetic ministry must be linked to its pastoral responsibility as well. As we have shown in the previous section on the Church's use of land, we will first draw some examples from the Brazilian Church with regard to its prophetic ministry. We will then compare this with some examples of prophetic ministry in our country and try and

base these on Biblical and ethical grounds.

Van Rooyen (1992), gives a clue with regards to the important contribution the Church can make. He argues that the fundamental basis for land reform in South Africa is ethical. He lists two areas in which the Church in South African can make a contribution to a successful land reform programme. These are:

- a. By promoting an ethical view of changes in society towards a fair and equal system with freedom of access and choice but responsibility and ownership to outcomes, at the same time to mobilise support to those who remain poor, and
- b. realising that the unequal distribution of access to land and economic opportunities are one of the major causes of poverty and destitution in rural areas. (van Rooyen 1992:12) Realising the challenge facing the Church van Rooyen then concludes “The Church should consider using resources to activate and mediate interactions on sensitive land matters where called upon to do so.” (van Rooyen 1992:12)

We must move on to the prophetic example in the South American Church and its witness. For an effective contribution, the Church is obliged to become a listening Church. “The ear must be opened before the mouth” (Clements 1994 as quoted in Pityana & Villa-Vicencio 1995:60)

6.3.1. The Example of the Church in Brazil

Throughout the world land is emerging as a central justice issue closely related to the rights of rural peoples. The World Council of Churches has recently confirmed this in a special declaration by the Central Committee to all its member churches (May 1991:78). Amongst other things, the declaration calls on all member churches to listen to the cry of the indigenous people in order to deepen a Christian understanding of their legal rights, their cultural achievements and aspirations and then spiritual convictions. The following suggestion is worth noting in this declaration: "As a sign to the wider community of the Church's commitment to justice for indigenous people: a. to recognise the rightful claims of indigenous people and take steps to transfer land and property to them"(May 1991:79). This is the call made in the World Council of Churches in support of their concern on the question of land injustices.

The Church in Latin America, following the example of the W.C.C., has also challenged its member churches to respond to this challenge in some practical ways. "The Church must be alert to denounce the invasion of indigenous people's lands, to defend them in situations that require firm action by Christians in order to preserve them from the humiliation to which they are subjected...(May 1991:79).

Pastoral letters have also been used very effectively in the South American scene. The letters are prophetic in nature. In themselves they are an effort to provoke national discussion on the urgency of land. They also connect the church and its pastors to rural ministries of justice and

defence of the underdogs. The following comment captures the concern very strongly. "If the land is for all, why do some have none or very little and poor quality, while others have great expanses of prime quality? If the land is for the one who works it, why are not titles given for individual or community property? If those who first possessed this land were indigenous peoples, why today are they marginalised from it?" (May 1991:81).

Pastoral letters are grounded on a biblical-theological reflection. The belief that God is Creator and Owner of the earth is the basis of this mission. God as Creator has put the land at the disposal of all humankind, especially the poor for their wellbeing. The relationship of Jesus with the poor and his proclamation of the reign of God to them is a combination of this concern.

What is clear in the Pastoral Letters is that the church's experience of the rural community is its primary content. As Pastoral Letters, their aim is to raise awareness first in the Church itself. In this way, they serve to deepen the awareness of the Church on the problem of land. Further, more people are encouraged to be involved, thus clergy as well as laity are invited to join the process. "In Chile, for example, over seven hundred peasant groups from all parts of the country participated in preparing the letter." (May 1991:83) The letter was subsequently signed by their Bishop. In this way, then, the Church became the voice of the voiceless.

6.3.2 Some examples of the Church's prophetic ministry from the South

African scene

The Resolutions on land issues that were adopted at the Rustenburg Conference, in November 1990, are worth noting. The Conference affirms in no uncertain terms the following stances:

On the question of Justice, "the Conference asserts that the Bible shows God as a God of compassionate love who has a special care for sinners, the downtrodden, the poor and all who suffer injustice" (Rustenburg Declaration - 1990:2). The Church expressed the belief that obedience to Christ requires that there be a development of an economic system based on justice, compassion and co-responsibility. Those who are in need would benefit more than those who have more than they need. "The call to prophetic ministry requires the Church to be both a social critic and a partner in the building of the nation. At times the Church will be required to pay a heavy price for rendering this ministry. At times it will receive national acclaim." (Pityana & Villa-Vicencio 1995:61).

In its challenge, the Church realises that the removal of discriminatory laws alone will not help; it has to be accompanied by appropriate action. "For many years, greed has led to the taking of land from the poor and weak. Both Church and State must address the issue of restoring land to dispossessed people (Rustenburg Declaration 1990:3). The Church also makes a strong plea for restitution and commitment to action. As a first step towards restitution, the Church is called to examine its land ownership and work for the return of all land expropriated from relocated communities to its original owners. Amongst other activities, the Conference regards it as it's pastoral responsibility to assist in the welcoming back and rehabilitation of exiles. For this reason

the Conference asks Churches to make available both financial and human resources to enable the work of renewal of the South African society.

On the question of restoration of land, the Churches' voice needs to be heard, loudly and clearly. The 1990 Rustenburg's Conferences' call to the State President was in keeping with the Church's prophetic role. The Church's call, through the Conference was for the following actions to be taken with the assistance and full co-operation of the State immediately. The State President was challenged in the interest of justice to ensure that all communities that wish to return to their original areas should be allowed to do so with the full backing of the State. Accordingly, Church leaders and congregations in the areas affected by these moves are called to give these programmes their full backing (Rustenburg Conference 1990:3). These challenges are appropriate and powerful, but have their limitations. We will be looking at a few such limitations under the evaluation section to follow.

In this section, enough has been said to show that the Church has a contribution to make by both word and deed. Whether the contribution referred to alone is enough to make the Church an effective contributor, will be discussed briefly under the evaluation section.

6.4 Summary and evaluation of the findings

In this chapter we have shown that the Church can contribute in three ways to the problem of land

injustices. The first way would be rendering a theological analysis of the situation. This means developing a theology of land related to our context and time. The second way is by proclaiming the Gospel of Christ that touches all spheres of life including the land issue. God's love cannot and must not be confined to Church buildings and corridors, it must be shared with all people including the homeless and landless. The Church, therefore needs to be an ambassador of the heavenly kingdom on earth. It does this by pointing out the ills and evils that lead to the imbalances of land distribution. Thirdly, the Church must demonstrate its belief and commitment in the manner in which it uses its land. Actions of good stewardship on its part and in its use of its own land have the potential to influence the country for the better.

6.4.1. Conclusion

As a guide to what the Church might offer, I wish to submit the following principles:

- 1 In the handling of the land question, the Church can and must use a joint or ecumenical approach, as a matter of urgency. The tendency by churches to move on parallel lines weakens the mission of the Church and its witness. There is no need to compete. The needs facing us in the area of land are such that the Church, in the name of Christ and in the interest of nation building, community building and reconciliation should ignore its denominational barriers and function as a body.

2 Accordingly, the Church also needs to develop an ecumenical theology of land informed by the needs of land as we experience them in our day to day lives. We, as a Church, have a pastoral responsibility towards those members who are victims of landlessness. What do I mean by this? Nürnberger's comments on land with reference to Canaanite situation will throw some light. "Historically the theology of the land has usually been a theology of the the legitimization of the privilege of the occupation of the land, and only rarely a reflection on the justice of such an occupation. There is no theology of the land which takes the interests of the original inhabitants of Palestine, the Canaanites, into consideration." (Nürnberger 1991:2) I want to argue that whatever theology the Church might come up with needs to be informed by the aspirations and dreams of the people on the ground. Mosala would, I think, concur with Nürnberger's view but then take it a step further and more strongly. "In South Africa a common mythological expression of the role of Biblical discourses in the dispossession of blacks runs like this: 'When the white man came to our country, he had a Bible and we had the land. The white man said to the black man 'Let us pray'. After the prayer, the white man had the land and the black man had the Bible.'"(Mosala 1990:153) He then makes the point that the task now facing a black theology of liberation (here I would add any other critical study of theology) is to enable black people to use the Bible in getting their land back "and to get the land back without losing the Bible"(Mosala 1990:153).

This, no doubt, is a daunting task but the Church dare not shrink from it. For, we all believe that "There is one Lord, one faith, one baptism, there is one God and Father of all humankind, who is Lord of all, works through all, and is in all." (Ephesians 4 : 5 - 6)

3 The Church should, as a matter of urgency, set out clearly thought guidelines and principles to govern the transactions and programmes running on its land, undergirded with justice as the Church understands it; so that the country may see and learn the ways of justice in its use, method and distribution or sharing of land. Church programmes have an unfortunate tendency to mushroom on the spur of the moment, flourish for a while with some promising prospects for a bright future, only to go into gradual decline within a period of 5 - 6 years, leaving behind 'ghost' infrastructures and buildings that become a burden for the Church to utilise. Partly, 'absence of a common policy for church land usage' can be an obstacle¹. I mention the example of a joint Anglican and Methodist Church programme known as Masibambane Christian Development Centre based in Peddie. I refer especially to what was called a survival unit and later became a demonstration unit aimed at showing the rural communities what they could do in their own back yards. It is saddening to watch its deteriorating state due to lack of use. It is the writer's belief that if proper guidelines informed by the needs of the people on the ground were drawn, the programmes would be self-supporting by now. This is a critique against the writer, more than any other person because he was the co-founder and initiator of the programme with the local Anglican priest who has since died. Thus to be understood, the comment should be seen in that light, i.e. as a learning experience.

4 The Church, at a local level, is predominantly made up of peasants, elderly people and youth still attending school. This is especially true of the local church in the rural areas where the

Church also owns land. The land is usually not developed due to lack of financial means by the locals. This would be true of all Methodist Church lands. If Church land that belongs to these poor people (although registered in the name of the Presiding Bishop for the time being (Methodist Laws and Disciplines - 1991) is developed by whatever means, it is only fair that some kind of rent or rates be paid to the local church by all church land users in appreciation of its co-operation and services. Perhaps a tenth of the production could be a worthwhile consideration as is already happening in Kamastone. To be silent on this question of rates or rent raises all kinds of questions. People cannot be expected to own and support a programme over which they have no say.

- 5 Finally, land-programmes conducted by both Church and State should be backed up by intensified training aimed at improving the skills and level of understanding and awareness of all involved in land projects. It is hard to comprehend a successful venture on any given land programme without this provision. This, in my view, is empowerment in action.

In conclusion, the Church needs to give these recommendations its serious consideration with a view of improving for the better the programmes that are already in progress on most Church lands. On the other hand, it is how the Church uses its land that will make the Government take seriously the Church's prophetic voice. The sooner the Church get its act together on this issue, the better for us all. Putting it rather strongly, Kolbenschlag writes, "Perhaps, if the bishops,

1 An observation by an Eastern Cape Provincial Council of Churches : Land Seminar Conference 17-11-1997.

preachers, and evangelists can put aside their tribal politics and Utopianism, they might aspire a moral consensus that would begin the arduous process of transforming public policy, which remains always: 'the art of the possible.' Driving her point home, she concludes, "While the bishops are bemused by the dream of a seamless garment, 'the reality of the thorn fabric of our society, daily grows worser.'" (Kolbenschlag 1986:13).

Chapter Seven

Summary, evaluation of the findings of this study and conclusion

In this study I have set out to explore possible options of land reform in our country, from a theological perspective, using the Cradock Rural Community as a spring board. from a theological perspective.

1. In Chapter One an attempt is made to illustrate the origin of these imbalances. The root cause of this problem is human shortcoming which the Bible calls sin. In order for systems such as colonisation and apartheid to be better understood they should be viewed as tools or vehicles of expressing human failure. Accordingly, the point is made that the land problem is not only peculiar to the South African situation, but that it is a global problem.

I also refer in this chapter to the Land Act of 1913 and 1936 which entrenched the unequal distribution of land between African and Whites in the statutory books of the country. I have also shown how through the Beaumont Commission, the imbalanced proportion of 13% of the total land surface in South Africa was reserved for Africans (the word 'African' whenever used in this dissertation refers to the indigenous people of South Africa, i.e. the Natives of South Africa) and the rest for Europeans. (See Map of Africa Reserves in South Africa - September 1969 Page 13.) Thereafter, it became natural to take this state of affairs as a 'natural' arrangement. The General

Circular No25, 1967 of the Department of Bantu Administration and Development states as follows: "It is accepted Government Policy that the Bantu's are only temporarily resident in the European areas of the Republic for as long as they offer their labour there. As soon as they become, for some reason or another, no longer fit for work or superfluous in the labour market, they are expected to return to their country of origin or the territory of the national unit where they fit" (Mare' 1980 quoted in Letswalo 1987:50) The lesson then to learn is that we as fellow human beings need to be aware of this and be sensitive in our approach to the problem under review. For in our context the saying of the wise says, "Kufundwa ngamava - experience is the best teacher," is very appropriate.

2 In Chapter Two I make an effort to show the extent to which land injustices affect ordinary people's daily lives. Looking at the different race groups in Cradock and their uneven shares of land I illustrate how the ratio of land distribution stands. The Map on Chapter One of the Cradock Municipality also shows this clearly, on page 25.

Interviews with a number of participants in land related projects in the district of Cradock has confirmed the need for land for all Black people. The author also shows in this chapter that the needs for land are not only confined to Cradock but affect the whole country. The Church is again challenged to accept its pastoral responsibility by addressing this imbalance.

The chapter also looks at land in the biblical tradition, the biblical basis of the demand for social justice as well as the Christian-ethical stand point. The chapter ends by acknowledging that a

multi-disciplinary approach could perhaps have a better chance of bringing about a resolution than a one discipline approach. The challenge though remains and Christians can ill-afford to ignore it.

3 Chapter Three sets out our goal both as Christians and Africans. The point is, we are Christians who live in South Africa at this day and age, and therefore need to relate our problem to our context. It is the authors view that *ubulungisa*, narrowly translated as justice, could be the key to the solution of our problem.

The concept is then unpacked and an effort is made to show how this goal can be reached. *ubulungisa* is described from the African perspective. The reason for selecting *ubulungisa* as the potential solution is that there is no clash between *ubulungisa* and Christianity. Instead, they are complementary. There is a sense in which it is true to say that Christianity crystallises *ubulungisa*. Jesus Christ at the cross is described as *Ilungisa* - that is a just one'. (Luke 23:47) I then conclude by making a suggestion that the concept of *ubulungisa* could be a guide to us in our search for a solution.

4 In Chapter Four, the author seeks to acknowledge that land injustice is a global problem. Countries that have been through similar transitions to our country's are examined. These include countries in East Asian, namely Japan, Taiwan and India, in Latin America namely Chile, Columbia, Brazil and so on; and countries in the African continent such as Tanzania, Ethiopia, Zambia, Zimbabwe and Botswana. The thrust of this chapter is to show that there are lessons to be learnt in other countries that have gone through similar experiences like ours.

The following findings are worth noting:

In countries like Chile, Peru and Mexico - foremost in conducting most extensive land reform programmes - collectives failed. Thousands of collectives were put in place but by 1992 all had virtually collapsed. The reasons for the failure need to be taken seriously. What becomes very clear from this experience, is that, reasons included amongst other things, insufficient planning, training, technical and financial support services. "Peasants with no farming experience were given land and expected to succeed..." If this area is not properly handled in the land-reform processes that are currently underway we could be heading for disaster. In my view adequate and appropriate planning, training, technical and financial support of programmes is of utmost importance.

The other area of interest that we as South Africans need to take seriously is that of the culture of dependence that has developed in the minds of those who were underprivileged throughout the years. In the South American culture it is known as the 'hacienda' culture. This is the culture of dependence on others to give direction and leadership, a culture that persisted in many peasant families. Their projects usually failed because there was no one to drive them. The de-motivation of Africans in the farming communities due to unacceptable working conditions could lead to this kind of dependence and if not carefully addressed, could lead to failure of land related programmes.

It is also clear from the findings that a strong and unambiguous political commitment is needed if

the best results are to be achieved with land reform. The Government of South Africa needs to be aware of the influence of land owners. The author closes this chapter by acknowledging that comparative case studies have a lot to offer to our South African situation, if we are prepared to learn our lesson.

In Chapter Five I acknowledged the efforts of the key political parties involved in the Government. In brief, the policies of the African National Congress, the National Party and the Pan Africanist Congress are examined with a view to establishing whether they can help in the resolution of land imbalances. I indicate that the policies of all the parties examined have the potential to throw some light in the resolution of the land imbalances facing our country. A brief examination of countries Land Policy is reflected in the Government's White Paper is also conducted.

In Chapter Six I challenge the Church to play its role. I make the point that, as I see it, the role of the church can be played in three ways. First, the church is challenged to conduct a theological analysis of our situation. Is God absent in certain spheres of people's lives like Landlessness? If not, what is His response to the sufferings caused by Landlessness? These are the questions the theological analysis should seek to address. I also make the point that this theological analysis must be informed by what is happening on the ground.

Secondly, the church has a mission or task of prophetic ministry to both herself and the country. God wants to see justice being done in the resolution of this problem and only the Church can speak the word of prophecy against the injustices people encounter including land imbalances. As

pointed out in Chapter Three, the examples of justice in the Bible, like the land redressing programme as shown in the book of Deuteronomy, the concept of the jubilee year also needs to be applied to our situation in a way that will not tamper with justice principles.

Thirdly, the Church can demonstrate its belief and commitment to justice in the way it uses its own land. Its land programmes must be aimed at servicing the community. Programmes should be encouraged and developed by the Church authorities and ordinary congregants.

I also make the point that in my view, a joint ecumenical approach to Church-related programmes has the potential of making the Church more effective in its land ministry. Realising, at the same time that the Church is not and cannot be the only body or organisation in the search for a solution, it nonetheless has as important a role to play as any other player if not more. "It is to these landless poor of the world that the Church must respond. It is to them that it must fulfil with concrete action the promise of Jesus, "the poor shall inherit the land." On the fulfilment of that promise hinges the salvation of all." (May 1995:125)

Epilogue

I offer the following thoughts for consideration by both those in Government and Churches.

The Deuteronomy tradition offers us strategies of redressing the imbalances in society through legislation. It was social legislation that had a dual thrust. In the first instance it sought to reduce the burdens of those who had become impoverished by the forces of change and had lost their land and freedom. This is a policy that can help the country if it is applied in the land-reform

programme. The current legislation of our country aimed at redressing the land imbalances is indeed a step in the right direction. I refer here to Act no: 22/1994 which is the basis of the land reform programme now unfolding in our country. The process of Land Reform policy as expressed in the Government's White Paper is also a commendable step but needs to be carefully watched.

2. Careful redistribution of land is inevitable in our country, given the historical background of land dispossession of the indigenous people. (Farisani 1993:76) This view is widely supported. "...The redistribution of the land is the absolute imperative in our conditions, for history demands that land be redistributed in South Africa." (de Klerk 1991: 268, Claasens 1991: 43) More importantly though, it is the development of a substitute process and strategy that will, at the end of the day, matter.

3. The challenge facing the country now is to come up with a system of property rights that seeks to create a fair balance between the legitimate interests of those who hold property, and the claims of those who need it in order to survive and live a decent life. This, no doubt, is a daunting task that we must all face together. The reaction by various groupings to the omission of a property clause in the New Constitution of the country is proof of this point.

As I see it, both the government and the Church have a mission towards the poor of this country. If the mission is to succeed, six fundamental ethical principles regarding justice in the land require our deep and sincere consideration.

1. Land is a gift to sustain human life but it is human action that is required to secure it and to establish justice.
2. Land is a source of life and is for all people. It follows, therefore, that its use is legitimated by its social function (not private).
3. Since land pertains to all, it is to be distributed in the context of the jubilee-reign of God, the organising principle being koinonia.
4. Land is not to be coveted but all must have access to the land.
5. Land itself must be respected, and allowed to 'rest', so that it could be productive for the benefit of all. This means that ecological destruction should at all cost be prohibited.
6. Those who work the land must get a fair compensation due to them. The exploitation of labourers should be prohibited by law. (May 1991:108) These guidelines have the capacity to offer some assistance in the search for a solution in the land question.

The Earth Speaks Out

How long a wait?

As a caring mother I gave birth to you
in warmth, care and love I brought you up
like any other caring mother with high aims
I gave you space for living under the sun
I looked forward with longing and admiration

to a great moment of joy and celebration

when all of you would share life together in harmony under my care.

But Alas: that moment never came.

How long must I wait?

You grew up and neglected me.

You started to behave as though you were strangers to each other.

Squabbling over space in greed and selfishness,

you ignored my pleas and continue in your different destructive errands,

nations, tribes, families, individuals all refusing to share life together on space.

How long must I wait?

Come back to me children of humanity.

Come back that I may give you back your humanness

Because it is in humanity that you begin to enjoy life together.

My arms stretch out to you with love and care waiting for you to return home.

How long must I wait?

Take heed and make haste.

Fate will overtake you.

Time is running out.

After all whether you like it or not,

You will come back to me 'because that's where you belong.

What a pity if fate should overtake you

Whether by choice or through fate.

I will wait till I hold you back in my arms.

“You were made from soil and you will become soil again” (Genesis 3:9b)

But how long must I wait?

Compiled by Nkululeko Abednego Makula

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