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Hassan, Asma

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History, histories and historians in Land Reform: An Insider's Account

Asma Hassan

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HISTORY, HISTORIES AND HISTORIANS IN LAND REFORM: AN INSIDER'S ACCOUNT

ABSTRACT

One of the stated aims of the South African Land Reform Policy is to "redress the injustices of the past". The different participants in the Land Reform Programme have invoked South Africa's contested history. What has become clear is that the different histories are impacting on policy formulation and implementation, and though not confined to the sphere of land reform, raise questions about the role of history in the reconstruction of our society.

At other fora, questions are being raised about the future of the historical profession. The land issue has been suggested as a site where historians can maintain a professional presence. Over the past few years, a number of academic conferences have been held in which the relationship between the historical profession and the issue of land rights in South Africa has been discussed, either directly or indirectly. In addition, professional historians or graduates in historical studies have been employed, as permanent or contract staff or on a consultancy basis, by various governmental and non-governmental organisations involved in the Land Reform Programme. Their activities have not been confined to historical research, and have included offering a variety of professional services.

This conference provides an opportune moment to look back on the past five years and examine the complex web of relations between history, histories and historians in the policy and implementation of the Land Reform Programme. This paper offers personal impressions, based on the writer's training as a historian and employment in the Commission on Restitution of Land Rights and the Department of Land Affairs, of the use, and abuse of history, histories and historians in the Land Reform Programme. The paper concludes with suggestions for greater interaction between professional historians and land reform practitioners.

One of the stated aims of the South African Land Reform Policy is to "redress the injustices of the past". The different participants in the Land Reform Programme (hereafter LRP) have invoked South Africa's contested history, often with competing aims. What has become clear is that the different histories are impacting on policy formulation and implementation, and though not confined to the sphere of land reform, raise questions about the role of history in the reconstruction of our society.

The issue of land rights commands considerable academic and popular interest in post-apartheid South Africa. Some circles (erroneously) ascribe the inequalities in land ownership and occupation to the era of 'grand apartheid' while others have acknowledged the influence of the colonial (and even pre-colonial) era in the development of forms and instances of land ownership and occupation.

The 'land issue'-and its associations with property, citizenship and political consciousness- has been one of the enduring slogans of political movements in the history of modern South Africa. From Sol Plaatje's *Native Life in South Africa* and the early development of the South African National Native Congress (the precursor to the African National Congress), to the Passive Resistance and Defiance Campaigns and the Freedom Charter, through to the era of Black Consciousness and the period of popular uprisings and demonstrations prior to the unbanning of extra-parliamentary organisations, the land issue has been a consistent feature of resistance politics, as has been the demand for its return.

As expected, the land issue featured in the negotiations between the government and the various political parties and interested parties, and in the election manifestoes of a number of political parties. The importance of the land issue is demonstrated in its inclusion in the Interim and final Constitutions of the Republic of South Africa.[1]

One of the reasons why the land issue continued to enjoy support, despite South Africa's massive (albeit skewed) industrialization and urbanization, was the quality and accessibility of a number of influential works by social historians and revisionist scholars. The advances in the field of history in South Africa have produced specialists whose expertise in particular regions, processes and periods has enriched debate and contributed, particularly, to a greater understanding of the social and economic history of southern Africa. The insights of the social historians of urban and rural southern Africa are useful in understanding not only social and economic history but have also, at best, formed the basis for post-apartheid land reform programmes, or, at least, determined the parameters for discussion.[2]

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[1] Sections 121, 122 & 123 of the Interim Constitution (1993). Land reform measures were further defined by the property clause in the final Constitution (1996), which respects the right to property (25 (1)), sets the parameters for legal expropriations (25 (2) & (3)), includes land reform in the public interest (25 (4)) and defines the form land reform must undertake (25 (5) (6) & (7)).

[2] Here I am thinking particularly of the work of William Beinart, Colin Bundy, Belinda Bozzoli, Peter Delius, Timothy Keegan, Paul Maylam and Charles van Onselen. This is no way denigrates the work of other scholars or researchers.

Indeed, the land issue has been suggested as a site where historians can maintain a professional presence in an environment where the future of the historical profession is looking increasingly grim and uncertain. Over the past few years, a number of academic conferences have been held in which the relationship between the historical profession and the issue of land rights in South Africa has been discussed, either directly or indirectly.

In July 1995, at the Fifteenth Biennial Conference of the South African Historical Society, the President identified 'the thorny land question as an obvious area where historians could play an important role...and do research of real practical value'.[3]

In July 1996 a conference at the University of the Western Cape entitled "The Future of the Past: The Production of History in a Changing South Africa" devoted a session to the history of local communities, oral studies and land rights.[4]

At the sixteenth biennial conference of the South African Historical Society entitled "Land, violence and social problems in the history of Southern Africa", delegates to the conference presented papers on restitution, labour tenancy, and general land-related

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[3] P. Maylam, 'Tensions Within the Practice of History', *South African Historical Journal* 33 (Nov. 1995), 3-12.

[4] For example, A. Hassan, ' The Umnini Tribal Trust: A Challenge for Historians'; G. Oosthuizen, ' The Barolong Ba Ga Modiboa of Machaviestat (Matlwang): Victims of Forced Removals, 1923-1995' & N. L. Ramoupi, 'The History of the Luthuli Chieftainship of the Mnini Trust' papers presented at the Conference on the Future of the Past: The Production of History in a Changing South Africa, University of Western Cape 10-12 July 1996.

issues, e.g. political authority, the role of traditional authorities, and other resources, and comparative perspectives.[5]

In addition, professional historians or graduates in historical studies have been employed, as permanent or contract staff or on a consultancy basis, by various governmental and non-governmental organisations involved in the LRP. Their activities have not been confined to historical research, and have included offering a variety of professional services.

These developments are not unique to South Africa. In societies where land rights are being contested, historians are being drawn into debates about the past, and are involved in various stages of contemporary land rights campaigns. For example, in Australia, New Zealand, Canada and the United States, where indigenous land rights continue to be a

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[5] N. Andrew, 'Within or beyond reach? Land and the controversy over labour tenancy on white-owned farms'; J. Carruthers, 'National parks and game reserves, the Transvaal and Natal: protected for the people or against the people'; R. du Pre, 'The return of the dispossessed: claims to property expropriated under the Group Areas Act in Walmer South End area of Port Elizabeth in the 1960s and 1970s'; H. Feinberg, 'Challenging the Natives Land Act: African Land Acquisitions between 1913 and 1936'; R. Hull, 'Native reserves and Indian reservations: what the South Africans learned from the Americans on dealing with land and indigenous populations'; E. Kreike, 'Vanishing floods: people, land and water resources in Ovamboland, 1890-1990'; T. McClendon, 'The sting of the lash: disciplining labour tenants in 1930s South Africa'; J. Pridmore, '"Keep my seat, I'm on my way": the Fynn family and traditional leadership in southern Natal in the 1990s: a preliminary investigation'; M. Thabane, 'Who owns the land in Lesotho? Land disputes and the politics of land ownership in Lesotho'; C. Thomas, 'Land, violence, and implied violence on the Zulu and Cherokee frontiers, c.1828-43: a comparative foray'; E. van Eeden, 'Forced removals in its many colours: a comparative study of selected examples worldwide', papers presented at the South African Historical Society 16th Biennial Conference, University of Pretoria, 6-9 July 1997.

contentious issue, historians have contributed to the growing recognition that indigenous peoples ought to have inviolate rights to land, and the benefits which accrue therefrom, and that, where such rights are not entrenched in a form which is acceptable and enforceable, historians and other academics will continue to be embroiled in these debates and processes.[6]

The Australia and New Zealand Law and History Society recently hosted a conference entitled "Land and Freedom" where the intersections between law, history and land were discussed in relation to several countries.[7] Although there are distinct differences between the countries discussed and their respective policies, there are a number of parallels with South Africa- the politics of the 'colonial encounter', the development of indigenous and settler identities, political and legal questions and cultural issues-which confirm the importance of the past to contemporary issues.

Having established that historians are playing a significant role in land rights movements, locally and globally, what, then, are my impressions of the interrelationship between history, histories and historians and the LRP in South Africa?

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[6] For a personal account of one historian's contribution to and involvement in land rights campaigns and other constitutional issues, and the transformation of the history syllabi at several Australian educational institutions, see Henry Reynolds, *Why weren't we told? A Personal Search for the Truth about our History*, (Victoria, Australia: Viking, 1999).

[7] The papers for the conference are available on the Internet at: http://econ-www.newcastle.edu.au/conferences/land/papers.html

Firstly, a certain understanding and knowledge of southern African history, and the history of forced removals and dispossession in particular, on the part of facilitators and implementers is required to fulfil the objectives of the LRP. My impression is that most participants in the LRP are not aware of the full history of land dispossession and forced removals in South Africa. Awareness is limited to individual experiences, and to local conditions. This can be attributed to inferior or insufficient education, skewed distribution of resources and state policies of 'estrangement' between the various racial and ethnic groups in South Africa.

One aspect of the Land Reform Programme, particularly the restitution component, has been to educate not just the primary participants in the Programme, but also the facilitators and implementers: civil servants (at all levels of government), lawyers, politicians, the media. I recall, for example, having to distribute the notes and reading materials I had accumulated during my undergraduate and post-graduate studies to colleagues in the Commission to familiarise themselves with history of removals in Cato Manor and other parts of Durban. I was involved in the compilation of numerous resource packages, which were distributed to various stakeholders to highlight the work of the Commission and other role-players. I performed similar functions at the Provincial Office of the Department of Land Affairs in Pietersburg.

The various training programmes of the Commission and the Department of Land Affairs attempted to address the problem of land reform practitioners not being familiar with the

history of dispossession. However, the training that was provided was piecemeal, was subject to the availability of resources and was, in my opinion, not well co-ordinated or conceptualized.[8]

Secondly, South Africa's destructive past has bequeathed to us not only a grossly distorted land dispensation but also a constellation of inequalities, imbalances and interests which make land reform impossible without some sort of social, political and economic reform. Everyday, one is confronted by the glaring reminders of the urban-rural divide, the black-white dichotomy, the gender imbalances, and other power struggles, all of which have roots in the past. An understanding of the evolution and implementation of these policies is essential to policy-formulation and implementation.

For example, land reform in the rural areas needed to be accompanied by policies and programmes to transform rural power relations and improve access to vital resources, such as credit and marketing opportunities. The LRP was embarked upon with insufficient planning and co-ordination, with the result that most land reform projects have collapsed, or are in danger of doing so (if one has to believe the numerous media reports, notwithstanding the denials by the Land Affairs' Monitoring and Evaluation Unit).

Thirdly, apartheid affected all of us in different ways. The different histories have given rise to competing claims and have sometimes escalated into violent confrontation. Such

[8] I served on training sub-committees in both the Commission and Land Affairs.

occurrences provide arsenal for the beneficiaries of apartheid to undermine reconciliatory and reconstructive policies. For example, most of the claims for restitution in KwaZulu-Natal are from 'African' rural communities, 'African' urban or peri-urban communities or from 'Indian' urban communities and individuals. Given their apparently conflicting interests and the violence associated with KwaZulu-Natal one would expect these social groups not to have anything in common.

My perception is that they have much in common. One of the most common grievances of those dispossessed under apartheid is the injustice perpetrated against social and religious institutions: churches, mosques, temples, graveyards, schools and the extended family. A perusal of the claim forms and applications for land reform grants in any Commission or Land Affairs' office will produce a litany of similar experiences. This proliferation of histories is, of course, a smorgasbord for the historian working in close proximity to *Homo Southafricanus*. The demands of the LRP, and the restitution process, did not, and still do not, allow for academic indulgence.

While the historical component is important, the history which is produced is very much history on demand, with the individual historian being constrained by the terms of the research brief. The research process is also fragmented. For example researchers in the Restitution Directorate conduct archival research but do not have direct contact with claimants, while Commission researchers have access to fieldworker notes and interviews, but may be constrained by the paucity of archival records. Research is also conducted with the final Court process in mind, and tends to be legalistic and less

academic. Recent restructuring within the Commission and Land Affairs may have redirected some of the processes, but has not tampered with the demand-driven nature of the research.

There are some promising signs of greater co-ordination between agents in the LRP and academic institutions and archival repositories, namely the Universities Project and the Archives Project. These projects aim to optimize resources and eliminate duplication, and provide a forum for sharing the products of research. It is still too early to assess the success of these projects.

Besides research, historians served as reminders to their colleagues of the necessity and significance of contributing to an 'archive'. It is, of course, standard policy within the civil service to maintain records (as directed by legislation), but not with future historians in mind. Before joining the Commission, I had conducted archival research on the 1846 'Locations Commission' in the colony of Natal, and had perused official and personal correspondence, and was acutely aware of the long-term importance of recordkeeping, and was struck by the parallels with my own work. I wondered what, a historian in another 150 years, would make of South Africa's attempts at land reform.

Thus, in attempting to 'undo history' and the injustices of the past, there was a sense in which we were engaged in our own process of 'making history'. This sentiment was expressed at several fora, particularly during the Ministerial Restitution Review of 1998,

when participants in the review process raised concerns about how the work of the Commission and Land Affairs would be judged by future generations.

The process of 'making history' was not confined to staff in the various land reform organizations. The LRP presented opportunities for previously disadvantaged and dispossessed communities to empower themselves by reclaiming the right to tell their stories. One of the outcomes of the LRP, in particular the restitution process, has been the creation of local histories outside of the formal, legal process. Examples from urban areas are the District Six Museum in Cape Town, the collection of reminiscences of South End in Port Elizabeth, and the inclusion of historically significant places and buildings in the development of Cato Manor in Durban. Similar attempts have been made to commemorate the histories of rural communities, such as Elandskloof in the Western Cape and Cremin in KwaZulu-Natal.

Ironically, the act and process of telling stories was facilitated by the work of another Commission, the Truth and Reconciliation Commission (TRC). Many claimants and land reform beneficiaries had been exposed, via various media, to TRC hearings and to South Africa's hidden past. There were attempts by several organizations and individuals to have forced removals investigated by the TRC as a gross violation of human rights. The TRC was limited in its mandate, and was unable to accede to this request. Instead, claimants drew from the TRC practice of hearing individual stories, in languages with which the speakers felt comfortable, and in symbolic places, to make

submissions to the Land Claims Court (which operates on similar principles) and at other formal and informal gatherings.

As with the TRC, reparations or restitution (or land reform) have not been easy to effect. Political and economic constraints have hampered delivery. With regard to land reform, it is doubtful whether the initial, oft-cited goal of restoring or redistributing at least 30% of the land can be achieved. This target is now considered unrealistic and emphasis is now on the quality and sustainability of land reform projects.

Where do historical research and the historical profession figure in this development-dominated scenario? Apart from the obvious role of conducting historical research, I believe there is still scope for historians to contribute to the land reform process, either as participants in the various organizations or as commentators, whose historical insights enable them to assess the immediate and long-term significance of policies and processes. Whichever role historians choose to adopt, they would need to strike a fine balance between practical involvement and maintaining their professional integrity.