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Land reform, equity and growth in South Africa: A comparative analysis

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APPENDIX 6 - Church land

"Take the land away from the churches, they stole it anyway!"[1]

Land has a central place in the history of the church. Large farms were acquired for the establishment of mission stations and, accordingly, the church became the owner of relatively large tracts of land in the rural areas. Land acquisition took place through various means including purchase and grants from chiefs and/or colonial authorities. The Methodist, Roman Catholic and Dutch Reformed churches made an early appearance in South Africa. In terms of dispossession the church cannot be viewed as a single entity or a homogenous group since sharp differences in policy existed between churches as well as between different sections of the same churches. In some cases, churches/missionaries have played a crucial role (often at great personal cost) in giving Africans access to land and education.[2] Bethesda, for example, became the property of the Dutch Reformed Church in 1888. Approximately 900 people were resident on the farm, which had roads, a school, a wicker industry and a teacher's training college with accommodation for students. Following the proclamation of the Group Areas Act, the mission became a "black spot" and the people of Bethesda were forcibly removed to Seshego near Pietersburg. In another example, a Dutch Reformed missionary, Van Rensburg, established the Emmarentia Geldenhuys Mission school near Warmbaths in 1935 as well as 25 secondary schools. In 1954, the school became another victim of the Bantu Education policy. The school was closed and the residents forcibly removed to Turfloop in the 1960s.[3]

Some churches actively fought against Apartheid and forced removals - notably those represented by the South African Council of Churches (SACC). Some churches acquiesced to the Apartheid system and oppression, while others openly provided theological justifications for Apartheid.

The church as a land-owner

The church in South Africa is a major landowner, although there is no clear register of church land ownership. David Mayson of the Western Cape based Surplus Peoples' Project lists the following churches to give a rough idea of the extent of the Church's land interests:[4]

- A 1986 Roman Catholic Survey in KwaZulu-Natal indicated that the Catholic Church in that province owned 16 000 hectares of land, 42% of which was leased to white farmers. African tenant families used a further 30% mainly for residential purposes, the church farmed 18% and neighbouring communities used 9%. No nation-wide statistics exist for the Roman Catholic Church.

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[1] Expressions of community sentiments with regard to church land at SACC conference in 1992, in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 1 - 5

[2] Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 1 - 5

[3] Bruwer E, "The Church and Land Reform: The case of the Dutch Reformed Church", Paper presented at Church and Land conference, Stellenbosh University, 1996

[4] Land and Rural Digest, "A knotty moral issue: church and land", Vol.1, No.3, October /November 1998

- The Moravian Church's six large mission stations cover a total of 55 000 hectares inhabited by some 13 387 people. Although the mission stations are not self-sufficient, employment creation projects have been launched in two cases.
- The Evangelical Lutheran Church (through its Property Management Association) owns approximately 20 000 hectares, 67% of which is used for residential purposes and 33% for farming.
- The Methodist Church owns 18 mission stations but the extent of the land area is not known.
- There is no certainty as to how much land the Dutch Reformed Church (DRC) owns. The DRC broke up into racially distinct churches and up until the 1960s only the white sections of the DRC owned property.

The role of the church in land reform

Since 1994, various churches have reacted very differently to the land reform programme and also have had very different views with regard to the role the church could/should play in the restoration and redistribution of land. Some church groups, notably the SACC, have been involved in campaigns for the restoration of land to dispossessed communities. In 1990, for example, the SACC and the Southern African Catholic Bishop's Conference adopted the Rustenburg Declaration. The Declaration states that: "*Confession and forgiveness necessarily require restitution. Without it, confession of guilt is incomplete. As a first step toward restitution, the church must examine its land ownership and work for the return of all expropriated land from relocated communities to its original owners*."[5]

The Evangelical Lutheran Church (ELC), on the other hand, believes that the role of the church is one of development facilitation and not land redistribution. The ELC, has suggested using their smaller properties for the provision of libraries, cultural and community centres and lecture rooms. The ELC plans to use its larger properties for outdoor courses (vegetable gardening). It is also involved in 75 farm schools reaching 12 000 children.[6] The ELC claims to have embarked on a strategy "*of preparing the communities not only to manage their own affairs but also to take ownership rights in the future*".[7] It also approved a Church Land Policy in 1996 that "*entrenches the ELC's commitment to the respective communities and also to continue assisting the communities after the transfer has taken place*".

The Moravian Church is involved in various development projects and has assisted the Mfengu people in the Tsitsikamma area for years. In 1990, the church agreed that 50 families could settle on church land at Clarkson as a first step to restitution. The Moravian Church has, however, been unwilling to give residents on their land title deeds to their houses. The Moravian Church also leases large parts of its land to white farmers.

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[5] Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 1 - 5
[6] Madjera M, "The Land Issues in SA: Case Studies ELCSA", Paper presented at Church and Land Conference, Stellenbosh University, 1996
[7] Von Fintel M, "Church Land and the Evangelical Lutheran Church in Southern Africa", in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 83 - 85

In some cases, leases were renewed despite the expressed needs of nearby communities for agricultural land.[8]

The Methodist church, through its Joseph Project, is using some of its properties as agricultural training centres and for employment creation initiatives. The Roman Catholic Church, after almost a century of struggle, managed to give 3 000 certificates of ownership to persons living at the Great Marianhill Development Area. The aim is to confer 15 000 freehold titles.[9]

Other churches sold their land in anticipation of the Land Reform Programme. The Commission on the Restitution of Land Rights has argued that churches have often resorted to negative tactics in response to restitution claims lodged on their land. Tactics include employing extensive legal council to oppose the claims, requiring unreasonably high compensation, outright refusal to co-operate with the Commission as well as attempts to pre-empt claims by selling contested properties to private interests.[10]

The Dutch Reformed Church at Kranspoort in the Northern Province, for example, denied 44 children educational opportunities in 1997 when it sold its land (on which a school was situated) to a farmer with tourism development plans - despite a pending land claim by former residents.[11] The land had been taken over by the Dutch Reformed Church in 1950 when many of the residents were forcibly removed under the Land Acts. Those who found employment with the Church or where otherwise "*useful to the church*" remained behind.[12] It was in the 1940s that conflict started emerging. Many residents stopped paying rent and issues around smuggling and drinking became increasingly conflictual. By 1956, the resident missionary was facing a revolt and asked the magistrate at Louis Trichardt for an eviction order. Apartheid laws were used and the residents were forcibly removed. Of the 800, families only 75 were allowed to remain. The case went to the Land Claims Court in early 1998. The Court ruled against the land claim for the following two reasons.

- There is no actual Kranspoort community, because the people at Kranspoort never submitted to a single authority and because the Church never vested any of the beneficiaries with any rights in the land.
- Restitution is not feasible since the aesthetically pleasing nature of the land is more suitable to tourism than to agricultural production or grazing. In addition, the farm had recently been included as part of a conservancy in terms of the South African Natural Heritage Programme. It was argued that the settlement of more than 200

[8] Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 75 - 82
[9] Gahlen D, "Greater Mariannhill Area Development: past, present and future", in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 75 - 82
[10] Tsele M, "Land and Poverty: towards an ecumenical agrarian reform strategy" in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 142 - 144
[11] Malope M, "Church closes door of learning", Land and Rural Digest, Vol.1, No.3, October/November 1998
[12] Malope M, "Church closes door of learning", Land and Rural Digest, Vol.1, No.3, October/November 1998

people on this land would have adverse effects on the eco-system and would result in the loss of the conservancy.[13]

In another example, the Elandskloof community had lived on a farm near Citrusdale in the Western Cape for a century. The Dutch Reformed Church (DRC) bought the farm in 1861 for the purpose of establishing a mission station. The community contributed financially to the surveying and transfer cost but this contribution was ignored when the DRC evicted the community and put the 3 000 hectares up for sale in 1961.[14] For 30 years, the Elandskloof community fought to regain access to their land (increasing their efforts in the 1980s). When the Advisory Commission of Land Allocation (ACLA) was set up in 1992, the Elandskloof community was the first to submit their claim. The community's claim was successful and the farm Elandskloof was returned to them in 1996. The Elandskloof Communal Association now owns the property measuring 3 101 hectares. The DRC sent a formal letter of apology to the Elandskloof community, agreed to contribute R500 000 to the restoration of buildings and committed itself to financially assisting the agricultural development of the farm.[15]

In the Fouriesburg district of the Free State, a community of farm workers who had been working on the Sheridan farm owned by the Roman Catholic Church in Bethlehem since 1986, found themselves landless when the Church decided to sell the land in 1995.[16] The Sheridan Association, which together with the church managed the farm, was formed a few years before the sale. The decision to sell the farm was made based on the fact that the farm was operating at a loss. The farm workers were initially given a priority option to purchase the farm while the Bishop of the Bethlehem Diocese wrote a letter to the Department of Land Affairs offering the government the opportunity to take over the farm as part of the National Land Reform Programme.[17] The Department of Land Affairs became involved but delays in the process prompted the Bishop to sell the farm to Lone Tree Farms in October 1995. The community was granted alternative land near Fouriesburg, in 1996, through the redistribution programme. Lacking the financial resources to acquire the necessary equipment to start farming, most of the former Sheridan workers are still unemployed.

The Uitkyk community near Ventersdorp lodged a restitution claim with the Commission for the Restitution of Land Rights for land from which they were forcibly removed in the late 1990s, when the Methodist Church decided to sell the land. The community believes that the Methodist Church has some responsibility and has demanded both an apology and financial compensation from the church.[18]

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[13] both points from Munnik V, "A 100 year war over land and belief", Land and Rural Digest, Vol.1, No.3, October/ November 1998

[14] Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 25 - 28

[15] Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 25 - 28

[16] Land and Rural Digest, "A knotty moral issue: church and land", Vol.1, No.3, October /November 1998

[17] Molisalihe I, Sheridan Farm: losing the promised land", in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 29 - 32

[18] Hargreaves S, "In pursuit of equitable and sustainable solutions: The Uitkyk Case Study", in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 33 - 48

What the church can do

An important first step would be to compile national registers of land ownership as well as land use. The churches need to determine how much land is available for redistribution and how much agricultural land is under-utilised. Without this information, no adequate planning can take place. The churches are landowners, a political lobby as well as one of the strongest social networks in rural areas. Like the private sector, the church could play an important role in the restitution process. A particularly contentious aspect of the National Land Reform Programme is the 1913 cut-off date for restitution claims.[19] Most of the communities who lost their land to the churches, did so prior to 1913 and, accordingly, do not qualify for restitution. The church could play an important role in this regard either by returning land, purchasing additional/alternative land or providing financial and other development aid to dispossessed communities.[20]

A second contentious aspect of the National Land Reform Programme concerns the Tenure Reform Programme and the introduction of the Labour Tenants Act of 1996 (LTA). As I will discuss in chapter nine, the LTA has been characterised by a number of problems. Firstly, there was no publicity campaign conducted to inform labour tenants about their rights or how to use the legislation. As a strong rural organisation, the church could utilise its position to provide information and play this advocacy role. The LTA excludes many bona fide tenants, including those who lost their status before 1995. Despite the implementation of the LTA, evictions and human rights abuses on farms continue. The church could provide humanitarian, legal, social and financial aid to these marginalised groups.[21]

The communities currently resident on church land generally do not have legal rights to the land. The church could contribute to agricultural development and employment creation by giving communities tenure security on church land. The church could act as an agent of development. In cases where churches are unwilling to part with their land, the land could be used as educational centres or agricultural training facilities. The SACC argues that the church should play a role in the development of local agrarian economies. The SACC has also argued that by donating land as a gesture of goodwill the church can contribute to poverty alleviation and, because of the symbolic nature of these gestures, contribute to national reconciliation. As a political lobby group and an important rural organisational network, the church could act as a mediator between, for example, affected communities and the Department of Land Affairs.

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[19] See chapter 6 on Restitution

[20] Seremane J, "The role of the church in the South African land reform programme" in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 93 - 95

[21] Mngxitama A, "The Church, Land and Transformation: The NLC and the church land question", in Gillan D.S. (Ed.), Church Land and Poverty, SACC, NLC, SSP, CLP, Braamfontein, 1998, p. 9 - 12