

**CATHOLIC
CHURCH**

**VISION FOR
LAND REFORM
IN SOUTH
AFRICA**



**Southern African Catholic
Bishops' Conference**



Justice and Peace

Catholic Church Vision for Land Reform in South Africa

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CONTENTS

<i>Foreword</i>	v
1. Introduction.....	1
2. Our Vision for Land Reform.....	2
2.1. Theological basis.....	2
2.2. Our vision of South Africa after a successful land and agrarian reform.....	6
2.3. Assessment of the South African Land Reform Programme since 1994.....	7
2.4. How can changes be effected?	9
2.5. The role of the Catholic Church in Land Reform.....	10

Foreword

The distribution and use of the land has become one of the most sensitive issues of our time. It is the terrain of bitter struggles in many parts of the world, a terrain of struggle that is very evident in South Africa. If a way to just land distribution and efficient land productivity is not found, not only is there a great danger of violent conflict erupting in our midst, but the food security of our nation and our region is threatened. It is therefore an issue that concerns all people of this country and this region – including the Church.

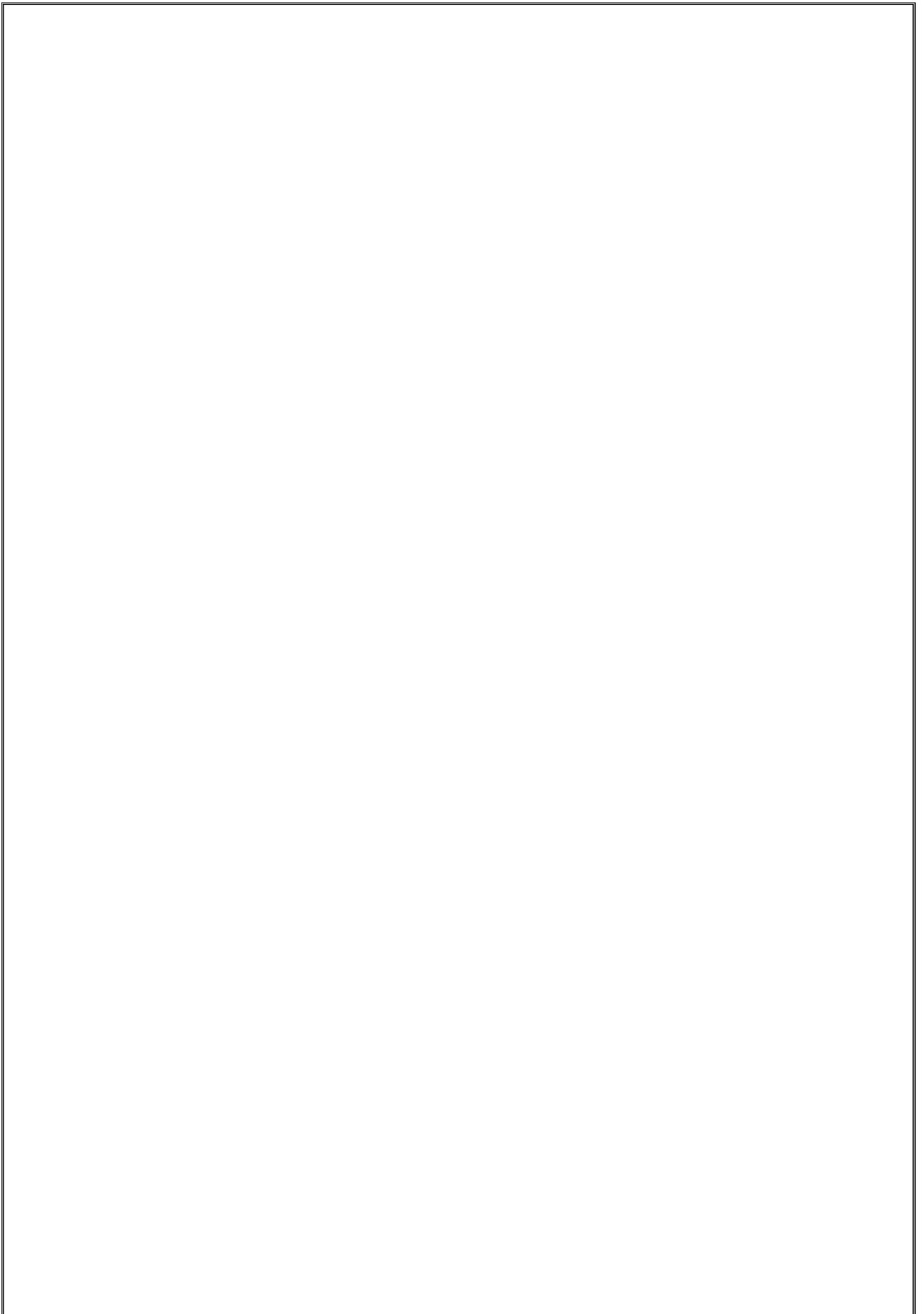
This Catholic Church vision for land reform in South Africa is a bold attempt by our church to highlight some key theological criteria which may assist the quest for land justice in this country. We are very conscious of the diverse interests that are preventing such land justice from becoming a reality. As we slowly emerge from our violent history of conquest and dispossession, we know that this struggle still has a long way to go. Yet we are saddened at the lack of meaningful progress in enabling those who are impoverished to assert their right to own land. We are saddened that even the minority that have benefited from various land reform programmes and have become land owners have not received sufficient support to enable them to use and care for the land in such a way that it benefits them.

Through our Land Desk, which is part of our Justice and Peace Department, our Church is making an effort to give expression to this vision by redistributing our own available land and empowering beneficiary communities. This empowerment is being promoted by creating awareness about our government's land reform programmes and ways to access them and by facilitating linkages between the state on the one hand and church land beneficiary communities, dioceses and religious congregations on the other. Furthermore, our Church is involved in supporting advocacy efforts by various social movements across the country.

We are very conscious that the struggle for land justice will only be won if all people of goodwill can develop an effective collaboration to realise it. This is why we would like to share our reflection more broadly and make it a public document. We hope that it will stimulate some discussion and debate amongst all land reform and rural development stakeholders and contribute towards the evolution of a consensus about the action that is needed to find meaningful solutions to the land questions we face.

Archbishop Buti Tlhagale OMI
President
Southern African Catholic Bishops' Conference

24 January 2012



Catholic Church Vision for Land Reform in South Africa

1. INTRODUCTION

The year 1994 held high hopes for many people in South Africa in terms of change and fulfillment of their dreams. Coming from a history of dispossession and the unequal distribution of land, which has been a major source of conflict in South Africa for centuries, many were looking forward to a more just and equitable land restitution and redistribution. At the time of the inauguration of President Nelson Mandela, only 13% of the land of the country was in the hands of black people, while 87% remained in the hands of white people.

Since then, many studies and many efforts have been made to redress this massive imbalance. However, in the first 16 years of democracy, only 6,9% of the land was redistributed. Furthermore the Minister of Rural Development and Land Reform acknowledged that, of the land redistributed, 90% remained underproductive. This highlights our failure as a country to address this crucial issue which poses a serious threat to the food security of the nation, adding to a rapidly growing frustration among the millions of landless people in our country which can explode at any time. In fact the ongoing invasions of state, municipal and private properties by landless people are a sign that the growing frustration of landless people is already exploding.

Since a successful land reform policy is still proving to be elusive – despite all the good intentions of successive governments, all stakeholders have an urgent duty to engage with each other and with the government to ensure that the obstacles to progress are swiftly addressed. We, as the Catholic Church, are one such stakeholder, having been, ourselves, engaged in efforts to ensure a more just use of our own land. We therefore believe that we have an important role to play in the development of a just and viable vision for land reform in our country.

In this document, therefore, we offer a reflection on land access, proper usage and thereby developing a vision for land reform which we hope will assist the process of bringing land justice to South Africa.

2. OUR VISION FOR LAND REFORM

2.1. Theological Basis

Our vision for land reform is informed by understandings of the land revealed in our Sacred Scriptures and in documents of our Church Tradition.

1. Liberation is a Process

Biblical stories such as the exodus from the slavery in Egypt inspired the dispossessed and oppressed people in South Africa to dream about liberation and a different South Africa. Thus, liberation in 1994 is not the end of the story. It must be completed with rooted-ness, landed-ness, and belonging, where people may live out their covenant relationship with God, the ultimate creator and owner of land.

2. The land belongs to God and is given into the care of all God's people

In the Old Testament, in response to the Israelite assertion to own the land, there is an insistence that the earth belongs to God and that God has given it as a heritage to all the children of Israel. It is therefore to be shared among all the tribes, clans and families. So, whereas in Egypt and Babylonia all the land belonged to Pharaoh or to the king, in Israel, God is the true master of the land, and people are simply the administrators or stewards. Thus the book of Leviticus states: "The land shall not be sold in perpetuity, for the land is mine; for you are strangers and sojourners with me" (25:23).¹

The land is thus a central part of creation which belongs only to God. It is not something that landlords have brought into being². All of us are only strangers and guests to whom the land has been given gratuitously to nurture and care for.

3. Care for the gift of land is an opportunity for sharing and not a license for domination

God's ownership of the land has specific consequences. Nobody has the right to dispossess a person who has the use of land, for this would violate a divine right. Not even a king can do that (cf Elijah's denunciation of Ahab's dispossession of Naboth's vineyard in 1 Kings 21). The prophets (Isaiah 5:8; Micah 2:2) are particularly energetic in their condemnation of abuses of the rich who force the poor and small farmers to give up their family holdings. Also, any form of absolute

¹ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 24.

² St John Chrysostom quoted in Avila, C., *Ownership: Early Christian Teaching*, Maryknoll, Orbis Books, 1983, p 135.

and arbitrary possession exclusively for one's own advantage is forbidden. We cannot do whatever we want with the goods that God has given to all.³

It is on this basis that, as need arises — always under the pressure of some specific situation — the law introduces numerous limitations to the right of ownership, for example the ban on picking the fruit of a tree during its first four years (cf. *Lev 19:23-25*), the call not to reap right to the edges of the field, and the prohibition on gathering up fruit and ears that have been forgotten or fallen on the ground, since they belong to the poor (cf. *Lev 19:9-10; 23:22; Deut 24:19-22*).⁴

Care for the land, therefore, implies seeing it not simply in material terms as geographical space, but in moral and theological terms as an opportunity for sharing and caring for the poor, the dispossessed, the stranger, the sojourner, the widow and orphan; in other words, those who have no status in the community, since being without land means to be without power and dignity. This same spirit of sharing was at the heart of the early Christian community in the Acts of the Apostles (2:44-45; 4:32-37) where all things were shared in common. Members sold property and goods, dividing everything on the basis of each one's need.

In the same vein, "the question of equitable agrarian reform in developing countries should not be ignored. The right to food, like the right to water, has an important place within the pursuit of other rights, beginning with the fundamental right to life. It is therefore necessary to cultivate a public conscience that considers *food and access to water as universal rights of all human beings, without distinction or discrimination*."⁵

4. Concentration of land in the hands of the rich and powerful while many are without is a scandal

In the social teaching of the Church, the process of the concentration of landholdings is judged a scandal because it clearly goes against God's will and salvific plan, inasmuch as it deprives a large part of humanity of the benefit of the fruits of the earth. Perverse inequalities in the distribution of common goods and in each person's opportunities for development, as well as the dehumanizing imbalances in individual and collective relationships brought about by such a concentration, are the cause of conflicts that undermine the very life of society, leading to the break-up of the social fabric and the degradation of the natural environment⁶.

³ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 25.

⁴ *ibid*

⁵ Benedict XVI, *Caritas in Veritate*, No.27.

⁶ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 27.

Thus, one of the Church Fathers in the patristic age, John Chrysostom, denounced such inequality as he angrily remonstrated with large land owners, some of whom were Christians:

*From whom did you receive that large estate, and from whom did he receive it who transmitted it to you? ... The root and origin of it must have been injustice. Why? Because God in the beginning did not make one man rich and another poor.... He left the earth free to all alike. Why, then, if it is common, have you so many acres of land, while your neighbour has not a portion of it? ... Is this not an evil, that you alone should enjoy what is common?*⁷

5. Private Property is subordinated to the Universal Destination of Goods

The social teaching of the Church takes the principle of the subordination of private property to the universal destination of goods as its basis in identifying the criterion of the productive use of the land for the exercise of the right to ownership of it, and in condemning the ownership of large land estates (*latifundia*⁸) as intrinsically illegitimate⁹.

Such *latifundia* go against the principle that "the world is given to all, and not only to the rich," so that "no one is justified in keeping for his exclusive use what he does not need, when others lack necessities."¹⁰

While the Church upholds the right to private property to assure the exercise of personal and family autonomy as an extension of human freedom¹¹, this right is not, however, unconditional, but entails some very precise obligations. It is basically an instrument to implement the principle of the universal destination of material goods, and hence a means and not an end¹². The right of every person to the use of the goods needed in order to live sets a limit on the right of private property. Hence, "when a person is in extreme necessity he has the right to supply himself with what he needs out of the riches of others."¹³

This doctrine was expounded by St Thomas Aquinas¹⁴, and it helps in evaluating some complex situations of major socio-ethical importance, such as the expulsion of peasant farmers from land they have been farming, without guaranteeing their right to receive a portion necessary to sustain life; or, again, cases of occupation

⁷ Quoted in Avila, C., *Ownership: Early Christian Teaching*, Maryknoll, Orbis Books, 1983, p 132.

⁸ This refers to large land holdings, often belonging to absentee owners where the land is worked by hired labour, using out-dated farming techniques. The resources of the land are also generally under-utilised.

⁹ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 32.

¹⁰ Paul VI, Encyclical Letter *Populorum Progressio*, 1967, no. 23.

¹¹ John XXIII, *Mater et Magistra*, no. 96; Second Vatican Ecumenical Council, *Gaudium et Spes*, no. 71.

¹² John Paul II, *Laborem Exercens*, no. 14.

¹³ Second Vatican Ecumenical Council, *Gaudium et Spes*, no. 69.

¹⁴ Cf. *Summa theologiae*, II-II, q. 66, art. 7.

of uncultivated land on the part of peasant farmers who are not its owners and who live in conditions of dire poverty.¹⁵

A socially responsible use of the right to property is suggested to be the promotion of family-owned and farmed enterprises that use family labour for the most part, but can tap into the external labour market by taking on paid workers. Such farms should be large enough to allow the family sufficient earning, to retain possession of the farm, to have access to the land credit market, and to ensure sustainability of the rural environment also through appropriate use of inputs.¹⁶

If certain landed estates impede the general prosperity because they are extensive, unused or poorly used, or because they bring hardship to peoples or are detrimental to the interests of the country, the common good sometimes demands their expropriation.¹⁷ Thus, estates insufficiently cultivated must even be divided up and given to those who will be able to make them productive.¹⁸

In such cases, patristic thought never discussed a so-called 'just compensation' to expropriated landlords. There is nothing to be 'compensated'. It is a matter of simple justice, as St Ambrose insists: "Not from your own do you bestow upon the poor man, but you make return from what is his. For what has been given as common for the use of all, you appropriate to yourself alone. The earth belongs to all, not to the rich.... Therefore you are paying a debt. .."¹⁹

6. Respect for the Community Property of Indigenous Populations

The social teaching of the Church does not consider individual property the only legitimate form of land ownership, but also holds common property, which is a feature of the social structure of many indigenous populations, in particular consideration.²⁰

This form of ownership plays such an important part in the economic, cultural and political life of these peoples that it constitutes a fundamental element for their survival and well-being, while making an equally basic contribution to the protection of natural resources. However, defence and development of community ownership ought not to blind us to the fact that this type of ownership is bound to change. Thereafter, any action aimed purely at guaranteeing its preservation would run the risk of binding it to the past and thus destroying it.²¹

¹⁵ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 31.

¹⁶ John XXIII, *Mater et Magistra*, no. 128.

¹⁷ Paul VI, *Populorum Progressio*, no. 24.

¹⁸ Second Vatican Ecumenical Council, *Gaudium et Spes*, no. 71.

¹⁹ Quoted in Avila, C., *Ownership: Early Christian Teaching*, Maryknoll, Orbis Books, 1983, p 137.

²⁰ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 39

²¹ Second Vatican Ecumenical Council, *Gaudium et Spes*, no. 69.

7. Redistribution and Re-allocation of land is not enough

While the insufficient usage of large landholdings justifies expropriation, it must be emphasized, however, that according to the social teaching, agrarian reform cannot be confined simply to redistribution of the ownership of land. Expropriation of land and its redistribution are only one aspect — and not the most complex one — of an equitable and effective policy of agrarian reform.²²

The increasingly decisive factor in gaining access to the goods of the earth is no longer possession of land, but possession of the whole complex of know-how that people can accumulate. John Paul II has stated: "In our time, in particular, there exists another form of ownership which is becoming no less important than land: *the possession of know-how, technology and skill.*"²³

The more farmers know about the productive capacities of the land and other inputs, and the various possible ways of satisfying the needs of those for whom the fruit of their work is intended, the more fruitful this work will be, especially as a means of personal fulfillment through the use of their own intelligence and freedom.

Priority must therefore be given to setting up a system capable of providing the broadest possible range of knowledge and technical and scientific skills on the various educational levels.

The commitment to ensuring access to land constitutes merely the first part of the programme if agrarian reform is to offer a practical and sustainable response to the serious economic and social problems of the agricultural sector in developing countries. The programme must continue to be developed over time and encompass actions that will ensure access both to the inputs and infrastructures that allow for a steady improvement in agricultural productivity and the marketing of such produce, as well as the enjoyment of the social services that improve people's quality of life and capacity for self-development, and consequently respect for indigenous populations. A final factor indispensable for the success of an agrarian reform is that it should be in full accord with national policies and those of international bodies.²⁴

2.2. Our vision of South Africa after a successful land and agrarian reform

Land is recognized not as a mere commodity but as our mother, the locus of life, God's gift to all, of which we are responsible custodians.

²² Cf. John XXIII, *Mater et Magistra*, nn. 110-157.

²³ John Paul II, *Centesimus Annus*, no. 32.

²⁴ Pontifical Council for Justice and Peace, *Towards a better distribution of land*, Libreria Editrice Vaticana, Rome 1997, No 45.

The land is used in a respectful and caring way, for present and future generations. The quality of life of all, including rural people, is good. The rural local economy is flourishing and integral to the broader economy, and is providing attractive opportunities for young people. All people (especially those marginalized and vulnerable) have access to adequate land for housing, grazing and cropping. This is accompanied by access to safe and affordable water, to other basic services such as electricity, sanitation, health and educational facilities (schools), to secure rights and to institutions to validate and enforce all the above mentioned rights.

There is a diversity of farming in terms of scale, methods, crops and organizational structure. Government policy gives priority to rural development, and supports a variety of agricultural models and tenure arrangements. In the urban areas, adequate, safe and spacious houses and plots that allow for food gardens are available and provided. Government continues to support people to access land and secure their tenure. Government supports small scale farmers through easily accessible material support, and appropriate training, extension and subsidy schemes.

Land plays a role in integrating different sectors (rich & poor, male, female & youth) and communities (black and white, urban, rural) into a cohesive and prosperous society, through progressive spatial planning. Commercial farmers and the private sector actively support agrarian transformation and cooperate with small scale producers. Some large scale owners even share parts of their land as an act of faith. Small scale farmers have access to existing market structures as well as to new market channels.

Strong, unified social movements give effective voice to rural people's interests where necessary. Communities are organized, operate in a democratic, responsible and consultative manner, and implement their own development initiatives.

2.3. Assessment of the South African Land Reform Programme since 1994

What has worked well thus far?

1. Most discriminatory laws have been revoked and new laws, policies and programmes enabling land redistribution have been put in place. The latter raised awareness of the right of black people to own land.
2. Laws have been introduced that can be called on to protect vulnerable people from arbitrary evictions.
3. Many people have benefited from the land reform programmes such as restitution, redistribution and tenure reform. There are now more black farmers than was the case previously.
4. Some people benefited by receiving houses with title deeds (2.7 mil. houses).

5. Many farm workers could choose to move to towns and own houses.
6. Rural development (services in rural areas) has been enabled and is a high priority for the government and the society.
7. Women do now assert their land and housing rights and these are more often recognized than before (gender discrimination has been reduced).
8. Some white farmers have collaborated positively.

What needs to be done differently?

1. An understanding of land seen not merely as a commodity but as our mother, the locus of life, God's gift to humanity, of which we are the tenants/stewards, needs to be promoted.
2. The history of people's link to the land and their need for rootedness should be more recognized by legislation and the courts.
3. A more holistic approach towards land reform needs to be adopted, involving the participation of all stakeholders, and the promotion of good stewardship and harmonious life of families and communities.
4. There is a need for greater promotion and protection of the right of all people to have secure land tenure.
5. To avoid land invasions of private or state property, the government needs to play a greater and swifter role in enabling access to land for those needing it, including making state-owned and municipal land available.
6. While the "willing buyer-willing seller" principle remains, provision should be made for expropriation by government as envisaged in the Constitution of South Africa and in Church documents such as "Towards a Better Distribution of Land"²⁵
7. An independent Ombudsman body (like the Judicial Services Commission) should be established to oversee expropriation to ensure that it benefits the poor and is fair to the former owners.
8. In redistribution, farm size should be appropriate to enable a sustainable livelihood for the occupants as part of the broader development project of society.

²⁵ Pontifical Council for Justice and Peace, *Towards a Better Distribution of Land*, (Nairobi: Paulines, 1998).

9. To avoid conflict, when big farms are redistributed, people should be given the option of family size farms, and not only communal farms.
10. Residential plots should be bigger to take family relationships into account.
11. There is a need for agricultural and economic policies and programmes to build skills and enable access to markets and finance for land reform beneficiaries. Particular support should be provided for subsistence farming.
12. There is a need for much greater promotion, especially amongst the youth, of farming as a positive vocation, to stem the great numbers leaving the rural areas and to ensure the sustainability of the country's future food security.
13. A ceiling should be placed on how much land can be owned by an individual and a corporation.
14. The foreign ownership of land needs to be curbed with laws that ensure that the local population benefits as well.
15. Mining and energy generation should be carried out with enough care and sensitivity towards the well being of surrounding communities and the environment. Where there is any pollution especially of water, companies involved should be held accountable to clean up and pay for damages to the health of surrounding communities and the environment. The enforcement of law should be strict and government must account for its duty and role in this regard.
16. The protection of water sources, as well as the securing of clean and affordable water, for both agriculture and household consumption needs to be enacted and enforced through strict laws and regulations.
17. Spatial planning in towns, cities and rural districts has to be done more carefully, keeping in mind that it should promote social cohesion, human development, care for the environment and proximity to workplaces, especially for the poor.
18. Agricultural development should be strongly linked to the local economy in the nearby districts, towns and cities, including the introduction of protective tariffs where necessary. Support for local economy by all, including Government, NGO's and the Church, is important.
19. Those in the lower income sector of the society should become more and more involved in decision-making, especially at the local level.
20. The land policy vacuum in former Bantustans needs to be addressed urgently so that tenure security is enabled for all, especially the most vulnerable citizens e.g widows and orphans.

2.4. How can changes be effected?

1. Through advocacy for these ideals
 - To parliament (for a change of laws)
 - To government (for a change of policy)
 - To provincial and local government (to implement laws and policies)
 - To civil society including the Church (for a change of attitudes and values)
2. Through developing good practice models of land development
3. Through developing a synergy among land organizations and other stakeholders
4. Through the mobilization of landless people into organizations
 - For capacity building
 - For advocacy
5. As matters proceed, these strategies can be enriched through ongoing reflection.

2.5. The Role of the Catholic Church in Land Reform

The Church's role is always to be in solidarity with the poor. Thus, the formulation of responses to issues of land reform needs to be underpinned by a preferential option for the poor. This can be done by:

1. Recalling and promoting the rich theology and social philosophy of the land in our Church's Social Teachings.
2. Ensuring that the poor are involved in all matters that concern them in line with the principle of subsidiarity and working for the common good.
3. Offering training and mentoring to the poor so that they can assert themselves more effectively.
4. Awareness raising of the need for land and agrarian reform in favour of the poor.
5. Creating safe spaces where the poor can have a voice where and when necessary.
6. Developing good-practice models of land development and sharing those with others.
7. Promoting and supporting advocacy and follow through at all levels.
8. Promoting agriculture as a viable ideal for young people.
9. Distributing Church land in dialogue with all the parties concerned.