

THE CATHOLIC CHURCH AND LAND OWNERSHIP IN SOUTH  
AFRICA: 1994-2014

By

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## Declaration

Degree: Masters of Theology in the subject Church History

I declare that *THE CATHOLIC CHURCH AND LAND OWNERSHIP IN SOUTH AFRICA: 1994 – 2014* is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I have not previously submitted this work, or part of it, for examination at Unisa for another qualification or at any other higher education institution.

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18 September 2018

DATE

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## **Abstract**

A *Freedom Charter* statement regarding land is highlighted as follows:

*“The land shall be shared among those who work it, demands a redistribution of the land and state assistance for the peasantry, as well as the abolition of any restrictions on movements of people, access to land, and stock holdings.”*

The quest for inclusive and participatory governance enshrined in the South Africa’s Land Reform Programme resonates with efforts to develop and strengthen an active and critical rights based citizenship. The need to boost local community awareness of land reform challenges necessitates continuous evaluations of the lived realities of poor communities through participatory and collaborative methodologies in order to articulate their socio-economic problems. Land is regarded as a resource that gives people access to certain basic needs necessary for them to lead a dignified life.

This research explores the participation of the Catholic Church on land reform programmes in South Africa between 1994 and 2014. It also looks at the Catholic Church’s land ownership policy and how it has been using its land in two decades of democracy (1994-2014). This research further explores the Catholic vision for land reform in South Africa. It also highlights some key theological criteria which may assist to achieve the intended objectives. In the light of this reality, the research shows that there is lack of meaningful progress in enabling those who are impoverished to assert their right to own land. Even the majority 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 benefits them. This leads to an unproductive and demeaning lifestyle. More emphasis needs to be placed on proper financial support from the government. Further emphasis needs to be placed on training for skills development as a condition for receiving Church assistance on the part of the beneficiaries.

*Keywords:* Beneficiaries, collaboration, common good, justice, land reform, livelihood approach, poverty reduction, sustainable development, valuation, community capacity building.

## **Abbreviations**

<b>AAP</b>	: African Agricultural Policy
<b>ANC</b>	: African National Congress
<b>BBTP</b>	: Bethlehem Basic Training Project
<b>CC</b>	: Catholic Church
<b>CPAs</b>	: Communal Property Associations
<b>CCC</b>	: Catechism of the Catholic Church
<b>CCB</b>	: Community Capacity Building
<b>CPI</b>	: Communal Property Institution
<b>CRLR</b>	: Commission on the Redistribution of Land Rights
<b>CRDP</b>	: Comprehensive Rural Development Programme
<b>CLARA</b>	: Communal Land Rights Acts
<b>DLA</b>	: Department of Land Affairs
<b>DRC</b>	: Dutch Reformed Church
<b>DRDLR</b>	: Department of Rural Development and Land Reform
<b>DWA</b>	: Development and Welfare Agency
<b>ESDD</b>	: Economic and Social Development Department
<b>FAO</b>	: Food Agriculture Organisation
<b>FSRDA</b>	: Free State Rural Development Agency
<b>GEAR</b>	: Growth, Employment and Redistribution
<b>JPD</b>	: Justice and Peace Department
<b>LCC</b>	: Land Claim Commission
<b>LI</b>	: Land Initiative
<b>LRP</b>	: Land Reform Programme
<b>LRAD</b>	: Land Redistribution and Agricultural Development
<b>LRGP</b>	: Land Reform Gender Policy
<b>LARP</b>	: Land and Agrarian Reform Project
<b>LPC</b>	: Local Parish Council
<b>LMS</b>	: London Mission Society
<b>MCA</b>	: Manthole Community Authority

<b>NDA</b>	: Nkunzi Development Association
<b>NPOs</b>	: Non-Profit Organisations
<b>NLC</b>	: National Land Committee
<b>NLS</b>	: National Land Summit
<b>PLAS</b>	: Proactive Land Acquisition Strategy
<b>RDP</b>	: Recapitalisation and Development Programme
<b>RDLR</b>	: Rural Development and Land Reform
<b>RECAP</b>	: The Recapitalisation and Development Policy Programme
<b>SA</b>	: South Africa
<b>SAS</b>	: South African Society
<b>SPP</b>	: Surplus People Project
<b>SLAG</b>	: Settlement Land Acquisition Grant
<b>SACC</b>	: South African Council of Churches
<b>SACBC</b>	: Southern African Catholic Bishop's Conference
<b>SLLDP</b>	: The State Land Lease and Disposal Policy
<b>TGP</b>	: Thusanang Gardening Project
<b>URCSA</b>	: Uniting Reform Church of Southern Africa
<b>UN</b>	: United Nations
<b>UKZN</b>	: University of KwaZulu-Natal
<b>VAF</b>	: Vumelana Advisory Fund
<b>WB</b>	: World Bank
<b>WCARRD</b>	: World Conference on Agrarian Reform and Rural Development
<b>ZA</b>	: Zamintuthuko Association

## **Tables**

Table 2.1: Statistics of the Vicariate Apostolic of the Diocese of Bethlehem

Table 2.2: Statistics of the Bloemfontein Archdiocese

Table 2.3: Statistics of the Bloemfontein Archdiocese

Table 2.4: Statistics of the Prefecture Apostolic of Volksrust / Diocese of Dundee

Table 2.5: Statistics of the Vicariate Apostolic Kokstad / Diocese of Kokstad

Table 2.6: Statistics of the Diocese of Keimoes-Upington

Table 2.7: Statistics of the Diocese of Mariannhill

Table 2.8: Statistics of the Diocese of Umzimkulu

Table 2.9: Statistics of the Diocese of Witbank

## Table of Contents

DECLARATION.....	i
ACKNOWLEDGEMENTS.....	ii
SUMMARY.....	iii
ABBREVIATIONS .....	iv
TABLES.....	v

### CHAPTER 1

ORIENTATION AND BACKGROUND.....	1
1.1 INTRODUCTION.....	1
1.2 Background to the study.....	2
1.2.1 1994 – 2004.....	10
1.2.2 2005 - 2014 .....	13
1.2.3 The challenge of sustainable development.....	18
1.2.4 Understanding decision-making in LRP.....	19
1.2.5 Critical assessmet.....	22
1.2.6 Theological reflection.....	23
1.2.7 Policy framework.....	29
1.3 Literature review .....	32
1.3.1 Contribution of land reform to socio-economis development .....	32
1.3.2 Church land ownership in South Africa.....	34
1.3.3 Summary.....	38
1.4 Problem formulation .....	39
1.4.1 Research questions.....	40
1.4.2 Aim of the research .....	41
1.5 Clarification of terms.....	42
1.6 Chapter outline .....	44
1.7 Summary.....	45

### CHAPTER 2

HISTORICAL DEVELOPMENT OF THE CATHOLIC CHURCH IN SOUTHERN AFRICA .....	48
2.1 Introduction .....	48
2.1.1 Diocese of Bethlehem – (Free State) .....	49



2.1.2 The Diocese of Bloemfontein (Free State).....	52
2.1.3 The Diocese of Dundee (Kwazulu-Natal).....	53
2.1.4 The Diocese of Kokstad (Kwazulu-Natal).....	54
2.1.5 The Diocese of Keimoes-Upington.....	54
2.1.6 Mariannahill Diocese – Kwazulu-Natal (1994-2014).....	56
2.1.7 The Diocese of Umzimkulu (KwaZulu-Natal).....	56
2.1.8 The Diocese of Witbank (Mpumalanga).....	57
2.2 Conclusion .....	57

### **CHAPTER 3**

RESEARCH DESIGN AND METHOD.....	59
3.1 Introduction .....	59
3.2 Theoretical approach underpinning the study.....	59
3.3 Rationale: Catholic Church land ownership in South Africa: 1994-2014.....	60
3.4 Research paradigm .....	61
3.5 Research methodology.....	62
3.6 Theoretical framework .....	64
3.7 Data collection .....	64
3.8 Data analysis .....	65
3.9 Secondary data .....	67
3.10 Ethical considerations.....	68
3.11 Trustworthiness of the data .....	68
3.12 Summary.....	69

### **CHAPTER 4**

DIOCESAN LAND OWNERSHIP .....	70
4.1 Introduction .....	70
4.1.1 The Diocese of Bethlehem.....	70
4.1.2 Diocesan rural development support programme .....	73
4.1.3 Ofontein Farm .....	73
4.1.4 Oom Japie Farm.....	75
4.2 Land reform audit progress (Bloemfontein) .....	76
4.2.1 Assissi Mission – Ladybrand .....	76
4.3 The Diocese of Dundee.....	77

4.3.1 Maria Ratschitz.....	78
4.3.2 St. Joseph's.....	80
4.4 The Diocese of Keimoes-Upington.....	82
4.4.1 Pella.....	83
4.4.2 Onseepkans .....	85
4.4.3 Residential properties.....	88
4.4.4 Assumpta.....	88
4.4.5 Blaauwskop .....	89
4.4.6 McTaggart's camp .....	89
4.4.7 Critical concern for the Diocese.....	90
4.5 The Diocese of Kokstad .....	91
4.6 Mariannahill.....	93
4.6.1 Background to Mariannahill Mission land(s) .....	93
4.6.2 Zeekoiegat / Mariannahill Farm(s) .....	96
4.6.3 Reichnau farm .....	96
4.6.4 Kevelaer farm .....	97
4.6.5 Assisi farm .....	97
4.6.6 Mariatrost / St. Faiths farm .....	97
4.6.7 Mariathal farm.....	98
4.6.8 Lourdes farm .....	98
4.6.9 Centocow farm.....	99
4.7 The Diocese of Unzimkulu .....	100
4.7.1 Coniston .....	100
4.7.2 Lourdes.....	101
4.7.3 Challenges facing Coniston and Lourdes.....	102
4.8 Diocesan land reform programme (Witbank).....	103
4.8.1 The process of the inventory .....	103
4.8.2 Bongani farm .....	104
4.8.3 Luckau farm.....	106
4.8.4 Mashabela farm.....	107
4.9 Conclusion .....	108
<b>CHAPTER 5</b>	
<b>THE SACBC AUDIT PROCESS .....</b>	<b>110</b>
5.1 Introduction .....	110

5.1.2 Preparatory discussions with Dioceses .....	111
5.1.3 The inventory of the SACBC land audit .....	112
5.1.4 The Church land programme inventory results (SACBC Audit report, 2004).....	113
5.1.5 The audit process .....	115
5.1.5.1 Community .....	116
5.1.5.2 Diocesan information and policy .....	117
5.1.5.3 Land.....	117
5.1.5.4 Regional dynamics .....	118
5.1.5.5 Resources available and required .....	118
5.2 The Audit analysis .....	118
5.2.1 Development and training.....	121
5.3 Conclusion .....	122
<b>CHAPTER 6</b>	
CONCLUSION AND RECOMMENDATION .....	123
6.1 Introduction .....	123
6.2 Summary of the literature review .....	123
6.3 Summary of the data analysis .....	126
6.4 Synthesis of the research findings .....	127
6.5 Conclusion.....	136
6.6 Limitations of the study.....	139
6.7 Recommendations .....	139
6.8 Suggestions for further research .....	140
6.9 Summary .....	143
LIST OF TABLES.....	152
REFERENCES.....	160

# Chapter 1

## Orientation and background

### 1.1 Introduction

The Freedom Charter<sup>1</sup> was a document ratified at the Congress of the People, held at Kliptown, Soweto, South Africa, in June 1955, by the various member bodies of the Congress Alliance. The policies set out in the Charter includes a demand for a multi-racial, democratically elected government, equal opportunities, the nationalisation of banks, mines, and heavy industries, and a redistribution of land (Boddy-Evans, 2017). At this point, the main interest of the study is the Catholic Church land ownership in South Africa: 1994-2014.

Land reform has been at the forefront of headlines in Southern Africa and other parts of the world. At the workshop on national land hunger and needs held by the Human Sciences Research Council (HSRC), revealed that the government's land reform programme appears to be failing to promote the widespread productive use of land to provide household food security and strengthen agricultural markets (Mail & Guardian, September 2017). The HSRC (2013) also reports that numerous analysts have criticised the institutional arrangements from the overall design of land reform in South Africa, incorporating the actual implementation and notably the lack of sustained and coherent post-settlement support. For example, Zimbabwe went through a land reform process and as a result the country suffered an immense economic meltdown (Moyo, 2000). When it comes to South Africa, it is noticed that land reform policy had a low profile and for many, states (De Villiers, 2003; Moyo, 2014) it became a model of how land reform should be undertaken. Since 1994 however, it became clear that the political currency of land, the demands of the landless, unlawful occupation of land

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<sup>1</sup> The Freedom Charter was a document ratified at the Congress of the People, held at Kliptown, Soweto, South Africa, in June 1955, by the various member bodies of the Congress Alliance. The policies set out in the Charter included a demand for a multi-racial, democratically elected government, equal opportunities, the nationalisation of banks, mines and heavy industries and a redistribution of land (A Freedom Charter of 1995).

and unfulfilled promises of land reform could soon develop a momentum that would be difficult to control (De Villiers, 2003).

Recently, the issue was stated by the newly elected President of the ANC Mr Ramaphosa. In his speech the president alluded that he is committed to land expropriation without compensation in a way that does not undermine the economy, agricultural production and food security (fin24, Dec 21 2017). Hence this research explores views on the local obstacle of contributory factors of transformation of human livelihoods, economic development, and poverty alleviation. In addition, this research will demonstrate that while some progress has been made in improving secure access to land for the rural and disadvantaged communities, a number of longstanding challenges remain (Cotula, Toulmin & Quan, 2006). Concurring with Bekeleza (2017), this research will show that the land reform programme has generally been tardy, which has created uncertainty in the agricultural sector. This research further, gives a general idea of the problems and issues concerning church land ownership and land reform programmes in South Africa since the post-apartheid epoch: 1994-2014. This study, presents the different policies and programmes for farm land acquisition as well as the effects of these policies and programmes towards the Catholic Church initiative programme. Bearing in mind the underlying motivation of the Land Initiative (LI), the sale of church land could well represent an abdication of responsibility and the loss of significant opportunity. The introduction asserted above opens the opportunity to move towards the understanding of the background of the study.

## **1.2 Background to the study**

The land reform question in South Africa has been dominated by policy<sup>2</sup>, legal and jurisprudential developments informed by the hegemonic market economy private property value systems and thinking (Gutto & Lesiba, 2011a, p. 15). My own personal view concurs with Gutto and Lesiba (2011a) that this system, however, brings

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<sup>2</sup>The first land-reform policy was adopted in 1997 – the 1997 *White Paper on Land Policy* (DLA). It incorporated three pillars – restitution; tenure security; and redistribution. This was preceded by the coming into force of the new permanent Constitution (Act 108 of 1996) on February 4, 1997. The Constitution provided for all these pillars. Essentially, section 25 provides for six main legal areas on property and land: Protection of existing property rights and prohibition against arbitrary deprivation; Expropriation with compensation for public purpose or in the public interest; The current use of the property; The history of the acquisition and use of the property; The property's market value; The extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property and the purpose of the expropriation (Gutto & Lesiba, 2011a, p.15).

imbalances in the division of land ownership and the policies giving rise to and sustaining them are the source of vicious hindrance to economic growth and advancement. Gutto and Lesiba (2011b) further maintains this point of view by arguing that the restitution policy and law have failed to achieve much in land and agrarian reform because of the inept manner of implementation. Poverty is a daily reality for most people in South Africa, particularly in rural areas. Poverty affects the community as a whole and the daily affairs of many families.

Right from the beginning of democracy (1994) the aim of the South African government through land reform was linked to economic growth and the alleviation of poverty. In line with what Buvton (2004) argued 10 years before 2014, it is true that there are complaints that the delivery on land reform has not been entirely satisfactory. This means that despite twenty years of democracy, land issues remain as contentious in South Africa as they ever have been (Gillian, 2014). Land reformation has always been seen to play a role in the transformation of human livelihood, not only in because it has existed as a concept embedded in every disadvantaged country due to political and socio-economic circumstances of apartheid and colonialism, but in that the debate about what constitutes the right of ownership is an ongoing one. Particularly the right to own land, has become a very emotional matter for mankind, which has led to many problems and conflicts and still does (Changuion & Steenkamp, 2012, p. 12). One may agree with Philpott and Butler (2002) that getting land reform right is fundamental to the broader project of healing South Africa, and that the poor will have to be the focus in this healing process. In 1994, the South African government committed itself to the Reconstruction and Development Programme (RDP), a policy framework to promote a fundamental transformation of the social, economic and moral foundation of South African Society (SAS) (African National Congress, ANC, 1994). This policy framework has three aspects: *redistribution*; *land restitution*; and *land tenure reform* which are explained below as follows:

- *Redistribution* refers to the transfer of land to recipients who were not necessarily original owners, but were nonetheless dispossessed of land under apartheid law. It also aims to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope

includes the urban and rural poor, labour tenants, farm workers and new entrants to agriculture (Pienaar, 2014, p.273).

- *Land restitution* refers to the transfer of land back to original owners or their descendants. It covers cases of forced removals that took place after 1913. This is being dealt with by a *Land Claims Court and Commission* established under the *Restitution of Land Rights Act 22 of 1994* (Pienaar, 2014, p.564).
- *Land tenure* reform is led by a vision of flexible tenure regime that legally secures the rights of people occupying and using land, balancing these rights equitably against rights of owners. The intention is to improve tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure (Pienaar, 2014, p.468).

According to Hall (2007) the tenure reform policy was intended to address the chaotic state of land administration in the communal areas of former homelands and coloured reserves. The target was to transfer 30% of arable land from large white owned farms to black small-holders (Extended to 2014) (Ntsebeza & Hall, 2007). These findings showed, to a certain extent that the land reform programme has not met its initial goals for a number of reasons and the local governments have fallen short in fulfilling their constitutionally mandated role of providing basic services and technical support needed to make the restitution and redistribution of land productive. In addition, land reform beneficiaries often have insufficient access to credit, equipment and technical assistance, and only a small percentage of the land is under irrigation. Land reform remains a contested terrain which land rights specialist Hall (2007) calls an unresolved historical grievance. It is therefore important that a new set of land administration and information management systems are necessary to implement the continuum of land rights which will be responding to the needs of the poor people and providing them with equal socio-economic opportunities (Danilo, 2011, p.3). The need for such a vision remains as urgent now as it was in 1994 (Hall, 2009, p.2). This can be contrasted with a 'needs-based' approach where the state would play a proactive role in identifying needs and translating these into specific plans (Hall, 2009, p.67). Land reform can make a significant contribution to the alleviation of poverty and injustice in both urban and rural areas and can create conditions of stability and certainty for

sustainable growth and development in South Africa, notes the White Paper on South African Land Policy (1997, p.4-7).

The World Conference on Agrarian Reform and Rural Development (1997) asserts that the transformation of rural life must be pursued by policies which allowed growth to be reached in an equitable way, through redistribution of the economic and political power and people's participation. What is the implication of this? This therefore, indicates that the local institutional arrangements must be strong, and therefore must be supported by policy and law t a national level (De Satge, Ward, Penny 2002, p.1).

In their observation, Duke and Junjie (2014) discovered land use change is arguably one of the most pervasive socio-economic forces affecting economic systems and human well-being. A land reform programme is seen as the best possible way for economic development. This development can happen only if there is also support, training, skills development and much more to accompany the act of land reform. Redistribution of land is widely seen as having the potential to significantly improve the livelihoods of the rural poor and to contribute towards economic development (Van Zyl, Kirstin & Binswanger, 1996; Lipton, 1996; Deininger & May, 2000). This would imply, given the goal of economic development, that land is the key factor in production.

A lot of debate and intensive activities have been put in motion regarding the approach to land reform. Moyo (2004) argues that, the debates from the late 1970s up until today have centred mainly on the merits and demerits of the redistribution of land, rather than arguing against that 'some' land should not be redistributed. For many people, land is closely linked to individual and community identity, history and culture, as well as being a source of livelihoods and, for many poor people, their only form of social security (UN, 2012; CSDH, 2007). The current programme, however, has not been trusted in providing an insight into the impact of land reform projects that have been implemented.

The approach to land reform has significant value to the future of our country. Land reform creates an opportunity for disadvantaged communities of South Africa to make a better life and building a fully inclusive society. Therefore, land reform is more than just redistribution of land. It has the potential to improve the sustainable development



of livelihoods and guarantees social stability. Twenty years into the transition of democracy, however, the underlying problems of landlessness and insecure land rights remain largely unresolved. Achieving greater equality in land ownership and improving the livelihoods of rural people are the main challenges facing land redistribution in South Africa (Jacobs, Lahiff & Hall, 2003). Because of these increasing issues and problems concerning agricultural lands, the government chose to intervene and implement policies that will help and encourage the farmers to continue their production.

The WCARRD (1997) emphasises the problems that policies and programmes affecting agrarian and rural systems. This should be formulated and implemented with the full understanding and participation of all rural people, including youth, and of their own organisations at all levels and that development efforts should be responsive to the varying needs of different groups of rural poor. Some research also defined the Land Reform Programme as a key resource in South Africa affecting the food security and livelihoods of millions of people, stated by (Lahiff, 2007; FAO, 2007) and also acting as a major determining factor in the social and political power relations in the country (Phiroshaw & Gordon, 2000).

According to South African Agricultural Policy (1997) the RDP and GEAR<sup>3</sup> who identify food as a basic need that should be met and they identify sustainability, productivity, participation, nation-building and democratisation as the principles guiding strategies to tackle poverty. Substantiated by FAO<sup>4</sup> (2007), land tenure arrangements are a key to food security and sustainable rural development. Equitable and secure access to land, especially for the rural poor, is a crucial factor for reducing poverty and hunger, for increasing agricultural productivity and for improving rural conditions.

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<sup>3</sup> The GEAR strategy forms the macro-economic framework within which a Food Security Policy must be developed. It provides the fiscal, monetary and exchange rate policies required to stabilise the economy and enhance international competitiveness, and emphasises employment creation, stimulating new investment, infrastructure and human resource development as key areas.

<sup>4</sup> FAO's Land Tenure Studies are concise presentations on the often complicated and controversial subject of land tenure, especially as it relates to food security, poverty alleviation and rural development. FAO addresses the role of land tenure in rural development, gender and access to land, improved access to land through leasing arrangements, rural property taxation systems, land consolidation, land access and land administration after violent conflicts, and good governance in land tenure and administration.

However, if the problem cannot be solved, the land therefore, cannot sustain the people living on it since it makes farming and other agricultural activities difficult because there is also a lack of support, training, and skills development. The problem still continues to be one of the major problems demanding urgent attention in South Africa. Close to the issue of the land redistribution programme is church land ownership and rural development. They both address the concern of security and appear to be important asserts in the reduction of poverty.

Since 1994 the land reform programme has undergone many changes and received a lot of criticism from the academic arena. Many different mechanisms have been put on the table, discussed and left useless. In order to find a coherent explanation for why the land reform programme is still a failure in many people's eyes it is fundamentally important to look at the developments over time and the basic assumptions underlying the programme. There are a handful of pieces of legislation that were passed after 1994 to facilitate land reform in South Africa. They can be summarized as follows:

- *RDP of 1994*: The RDP is an integrated, coherent socio-economic policy framework that seeks to mobilise all our people and our country's resources toward the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future (ANC, 1994).
- *A Green Paper on Land Policy of 1996*: The Green Paper directly addresses issues of justice and reconciliation. Its vision is of a land policy and land reform programme that contributes to reconciliation. The primary reason for the government's land reform measures is to address the injustices of apartheid and to alleviate the impoverishment and suffering that it caused (de Wet, 2008).
- *The White Paper on Land Policy of 1997*: The White Paper ranges from general statements of principle to detailed information on the state financial assistance programme which makes it possible for more people to own land. It includes programmes to provide security of tenure to people who are vulnerable, and to prevent unfair evictions. A central concern has been to translate the government's commitment to social justice and the alleviation

of poverty into a set of concrete land reform and land development programmes, legislation and procedures (White Paper on South African Land Policy, 1997).

- *Security Tenure Act of 1997*: The tenure reform programme has great potential to change ownership patterns and to transform society. The promotion of secure tenure is linked to increased investment in land and property and leads to innovation and enhanced livelihood security. It is furthermore instrumental to progress and development; it enhances elements of citizenship, community and a sense of belonging and assists in the balance of power relations and social inequity (Pienaar, 2014).
- *LRAD of 1999*: The aspects that have to be dealt with in this programme are the identification of beneficiaries; the kind of benefit involved as well as the process that unlock the benefits; details regarding the financial structures and tools relevant; and the qualifying criteria. Particular characteristics of the programme include that it is market-based (Pienaar, 2014).
- *CLARA of 2004*: According to Land & Accountability Research Centre (2015), the Communal Land Rights Act was framed by the government as legislation that would offer redress to people whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices, as proclaimed in section 25 (6) of the constitution.
- *DRDLR of 2009*: The aim of the Department of Rural Development and Land Reform is to create and maintain an equitable and sustainable land dispensation and act as a catalyst for rural development that ensures rural livelihoods, decent work and continued social and economic advancement for all South Africans (Rural Development and Land Reform, Vote 32).
- *CRDP of 2009*: The Comprehensive Rural Development Programme (CRDP) was approved by Cabinet. The CRDP aims to mobilise and empower rural communities to take initiatives aimed at control of their own destiny - with the support of government. The goal of the CRDP is to achieve social cohesion and development by ensuring improved access to basic services, enterprise development and village industrialisation. The CRDP

implements broad based-agrarian transformation focusing on community organisation and mobilisation as well as strategic investment in economic and social infrastructure. The CRDP proposes an approach that addresses the needs of the person, household, community and space. It is built on the premise that rural areas in the country have the potential to be developed in a way that generates jobs and economic opportunities, thus providing an alternative to the urban centres, and contributing to the reduction in rural-urban migration. Furthermore, although agriculture plays a significant role in rural development, the CRDP proposes diversification of the rural economy, according to conditions prevailing in different areas (Rural Development and Land Reform, 2014).

- *A Green Paper on Land Reform of 2011*: The goal of the strategy is 'social cohesion and development'. All anti-colonial struggles are, at the core, around two things: repossession of land lost through force or deceit; and, restoring the centrality of indigenous culture (Department of Rural Development and Land Reform, 2011).
- The State Land Lease and Disposal Policy (SLLDP) of 2013: This Policy replaces all existing policies on the leasing of immovable assets of the Department of Rural Development and Land Reform. It also takes precedence of any other Departmental Policy that contains provision on leasing of immovable asserts (Rural Development and Land Reform, 2013).
- The Recapitalisation and Development Policy Programme ("Recap") of 2014: Recapitalisation and Development focuses on human (capacity development), infrastructure development and operational inputs on properties in distress and newly acquired through the land reform redistribution, restitution and other programmes since 1994 as well as other agricultural properties in distress acquired without grant (Rural Development and Land Reform, 2013).

The question is, however, have these legislative pieces made an impact in the lives of those previously deprived of land rights? It is therefore fitting to identify the position of

South Africa and its impact on land reform programme. The following is the summary of the outcome of land reform that the government achieved since 1994:

### **1.2.1 1994 – 2004**

It was in 1994 when the South African government recognised various categories of land tenure reform. Pienaar (2014) lists them as follows:

- *Communal*: a right of commons may exist within a community where each member has a right to use independently the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture.
- *Open access*: specific rights are not assigned to anyone and one can be excluded. This typically includes marine tenure where access to the high seas is generally open to anyone; it may include rangelands, forests etc., where there may be free access to the resources for all.
- *State*: property rights are assigned to some authority in the public sector, forest lands may fall under the mandate of the state, whether at the central or decentralised level of government.

Among the above mentioned categories is private land which was registered under private individuals in farms or portions of farms registered in the names of several owners (Pienaar, 2014). During this period, the lack of delivery was confirmed by implementation statistics which showed that less than 1% of agricultural land had been redistributed between 1994 and 2000 (Wegerif, 2004).

Progress was slow in the first five years of land reform, and most targets were not met (e.g. redistribution was nowhere near the target of 30% of commercial farm land within 5 years). Pilot schemes soon hardened into policy, arguably undercutting the 'learning process' (Cousins, 2016). At the summit of 2005, the government intended to transfer at least 30% of the agricultural land to black owners by 2014 of which a call was made for new proposal to speed up the pace because the progress was too slow (Changuion & Steenkamp, 2012, p. 279). Restitution was transformed from a cumbersome, courts-driven process into one with considerable administrative leeway, but relatively few land claims were settled. The Land Claims Commission (LCC) found it challenging to provide effective post-settlement support (Cousins, 2016). Communal Property

Associations (CPAs) allowed groups to hold restored and redistributed land. Communal tenure, however, was highly politicised as a result of the lobbying power of chiefs, and progress in developing a policy framework was slow and incomplete (Cousins, 2016). Agricultural policies were uncoupled from land policies, and both from water policies and initially focused on deregulation and liberalisation. These measures were portrayed as progressive because they removed state support for privileged white farmers. The LRAD programme was regarded as a shift of focus away from the poor and landless towards black economic empowerment (Jacobs, Lahiff & Hall, 2003). The LRAD programme focused explicitly on people who were able and willing to farm full-time and had a focus on commercial agriculture. Strategic partnership for farming purposes were promoted and the money could also be used to buy capital assets in order to develop land (DLA, 2001).

Many of the problems experienced in the first five years of land reform resurfaced: official processes remained cumbersome and slow, plagued by poor co-ordination between different departments and spheres of government. Group projects saw beneficiaries continuing to pool their grants to purchase large farms, but they were not allowed to subdivide these (Cousins, 2016). Project failures contributed to a public perception that land reform was in trouble.

In late 1996 the DLA established a gender Unit that was tasked with drafting a 'Land Reform Gender Policy' (LRGP) document. This document 'aimed at creating an enabling environment for women to access, own, control, use and manage land' (DLA, 1997, p. 2-3). It expanded on the White Paper on South African Land Policy's general commitment to women's rights by delineating guiding principles for the DLA to 'actively promote the principle of gender equality'. These included mechanisms for ensuring women's full and equal participation in decision-making, communication strategies, gender-sensitive methodologies in project planning, legislative reform, training, collaboration with Non-Profit Organisations (NPOs) and other government structures, and compliance with international commitments on gender equity.

In 1997, the government released a white paper<sup>5</sup> that has three key elements that are identified in land reform (Changuion & Steenkamp, 2012). The three essential aspects

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<sup>5</sup> The White Paper is a lengthy, detailed document that ranges from general statements of principle to detailed information on the state's financial assistance programmes. The central concern of the White

of land reform are: i) Land restitution: which is for those who lost land and property because of apartheid laws and practices, and it is meant to benefit the victims of forced removal. ii) Land redistribution: which is residential and agricultural land redistributed to those who need it but cannot afford it and it is meant to benefit landless people. iii) Land tenure: its main purpose is to strengthen the property rights of individuals, groups and communities, and it is meant to provide security of tenure to all South Africans (Pienaar, 2014).

At the conference that was held in 1997 by the South African Council of Churches (SACC) and The National Land Committee (NLC), Chief and Advocate Phathekile Holomisa encouraged co-operation between and among non-governmental organisations, government, church and other organisations and sectors in civil societies to explore ways of effectively using church land to eradicate poverty (Gillan, 1998, p.vi). Phakamile Holomisa also offered clarification in the areas of communal ownership of land, entitlement to allotment, the rights of women to land, the administration of tribal land and development on communal lands, and exhorted the Church and NPOs to co-operate with traditional structures with respect to land (Gillan, 1998).

In his conclusion, Chief and advocate Phathekile Holomisa alluded that the Church, NPOs like NLC, and all other bodies concerned about the deteriorating condition of the African majority should begin to identify rural leaders and rural communities, create ties and work closely with them for the development of programmes which will stem the mounting tide of poverty (Gillan, 1998, p.92).

In 1999 policy priorities shifted from meeting the needs of the poor to servicing a group of aspirant black commercial farmers. Market efficiency and the de-racialization of commercial farming received renewed emphasis. A 'land redistribution and agricultural development' programme replaced earlier policy frameworks, was to be complemented by a 'comprehensive agricultural support programme' (Cousins, 2016).

The struggles faced by the land reform programme arose out of highly complex and open-ended real-life situations with no clear guidelines, no maps or compass to guide

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Paper was 'to translate the government's commitment to social justice and the alleviation of poverty into a set of concrete land reform and land development programmes, legislation and procedures' (Pienaar, 2014).

the nation through them. On the contrary, the struggles that emerged from concrete reality were often confusing and stressful precisely because they were linked to different and conflicting ways of settling matters (Goldewijk & Fortman, 1999, p. 36). In rural areas, most farms transferred through the restitution programme failed. Commercial farming faced the difficulty in yielding benefits for all. Many such projects collapsed owing to conflicts over power and decision-making. Hence a question was asked honestly if the land reform programme was on track, and where was it going (Philpott & Butler, 2004, p.1).

### **1.2.2 2005 - 2014**

A National Land Summit (NLS) held in 2005 agreed on a review of 'willing seller, willing buyer', the expanded use of expropriation and a proactive role for the state. The following year saw several new policy thrusts: area-based planning, a proactive land acquisition strategy, a draft Expropriation Bill, and reports on foreign land ownership, land ceilings and land taxes (Cousins, 2016). The "most important policy change" (Lahiff, 2008, p. 21) that came from this process of policy review was the introduction of the Proactive Land Acquisition Strategy (PLAS).

At around the same time that PLAS was introduced, the Land and Agrarian Reform Project (LARP) was drawn up and then introduced a year later (Betge, 2013). This programme promoted further orientation towards capital intensive and skills requiring agriculture. The following were drawn among LARP objectives (Department of Agriculture Forestry and Fisheries, 2008):

- To increase the number of black entrepreneur in agribusiness by 10 percent.
- To increase agricultural production by 10 – 15 percent for the target groups.
- To increase agricultural trade by 10 -15 percent for the target groups.

In order to emphasise the above mentioned points, during the National Conference held at Polokwane in 2007, the ANC stressed the need for an integrated programme of rural development, land reform and agrarian change Cousins (2016). The rural poor (seen as comprising victims of land dispossession, small-scale farmers, farm workers, labour tenants, communal area residents, women and youth) were to be the primary beneficiaries (Cousins, 2016).



After 2009, (Cousins, 2016)<sup>6</sup>, on new direction was a Comprehensive Rural Development Programme<sup>7</sup> (CRDP) aimed at creating 'vibrant and sustainable rural communities' (Cousins, 2016). The state's priorities for land shifted towards more narrowly economic outcomes. Driven in part by the policy imperatives of the national Department of Agriculture, but informed also by the inspirations of the black middle classes, land reform was repositioned to support black access to the commercial agricultural sector. The heart of this programme was (CRDP, 2009):

- To create a decent work and sustainable livelihoods.
- To ensure sustainability, communal ownership, and effective contribution towards the overall objectives of developing rural areas.
- To facilitate integrated development and social cohesion through participatory approach in partnership with all sectors of society.

This is carried out by (CRDP, 2009):

- Contributing to the redistribution of 30% of the country's agricultural land.
- Improving food security of the rural poor.
- Creating business opportunities.
- Decongesting and rehabilitating over-crowded former homeland areas.
- Expanding opportunities for rural women, youth, people with disabilities and older people.

These points indicate that the creation of the Department of Rural Development and Land Reform in 2009 marks the first time ever that a government department was dedicated to the social and economic development of rural South Africa (Rural Development and Land Reform, 2012/2013).

In pursuit of these, (RDLR: Annual Performance Plan, 2012/13, p. 12) the department in 2011 integrated the outcomes-based approach with its internal programmes and processes. All five outputs of outcome seven now form part of the department's

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<sup>6</sup> Ben Cousins: DST / NRF Research Chair in Poverty, Land and Agrarian Studies, University of the Western Cape.

<sup>7</sup> The CRDP is focused on enabling rural people to take control of their lives, with support from government. The programme aims to deal with rural poverty effectively through the optimal use and management of natural resources through an integrated broad-based agrarian transformation and the strategic investment in economic and social infrastructure that will benefit rural communities (Rural Development and Land Reform, 2013/2014).

strategic goals and objectives. These five outputs are (RDLR: Annual Performance Plan, 2012/13, p. 12):

- Sustainable agrarian reform with a thriving small and large farming sector.
- Improved access to affordable and diverse food.
- Improved rural services to support sustainable livelihoods.
- Rural job creation linked to skills training and promoting economic livelihoods.
- Enabling institutional environment for sustainable and improved growth.

The report by Rural Development and Land Reform<sup>8</sup> (2013/14) states that in February 2012, President Zuma announced that government would pursue the just and equitable principle for compensation, as set out in the Constitution instead of the 'willing buyer, willing seller' principle, which forces the State to pay more for land than the actual value.

Although land reform projects were exempt from restrictions of subdivision, in practice large, groups of people were expected to operate farms as unitary commercial enterprises. Restitution was transformed from a cumbersome, courts-driven process into one with considerable administrative leeway, but relatively few land claims were settled. The Land Claims Commission<sup>9</sup> found it challenging to provide effective post-settlement support. The question is essentially how to undertake a land reform programme in a way that could develop a national strategy which could also guide policy makers with the aim of approaching land reform in a holistic way.

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<sup>8</sup> The principles which underpin the new approach to sustainable land reform are (Rural Development, 2013/2014):

- De-racialization of the rural economy
- Democratic and equitable land allocation and use across gender, race and class
- Strict production discipline for guaranteed national food security.

<sup>9</sup> In September 2013, Parliament's Ad Hoc Committee on Land Reform and Redistribution embarked on a nationwide public consultation programme as part of the reopening of the land reform and redistribution process. The consultations formed part of the coordinated oversight activities by Parliament to reverse the legacy of the Native Land Act (1913). During the visit, parliamentarians were joined by members of the provincial legislatures, the public, traditional leaders and other stakeholders to enquire about the systems put in place and to monitor processes for the reopening of the lodgement of land claims to enable the CRLR to implement a fair and transparent programme. Several projects were visited to get input and feedback from those who benefited during the first phase of lodgement. The oversight assisted parliamentarians in relation to land restitution. At the end of the consultation process recommendations were made on the removal of blockages preventing the restitution of land. The recommendation was tabled before the National Assembly in September 2013. In September 2013, Cabinet approved the Restitution of Land Rights Amendment Bill, which proposes the deadline for all land claims be extended to 2018 (Rural Development, 2013/2014).

According to Vumelana Advisory Fund (2016) communities that have land restored are frustrated at being unable to use their land rights to raise capital for its development. Much of the land transferred through the redistribution programme has real potential, but is not being used productively. It strongly maintains that large sums of money are allocated to beneficiaries through the Recapitalisation and Development Programme, but these have little effect on production levels, despite the requirement that mentors or strategic partners provide expert assistance to the beneficiaries (VAF, 2016).

Looking at these policies provides some information about the institutional context of land reform and gives an idea about the direction the driving force behind the policy tried to push the programme. Having said that, there is a concern that land reform projects are failing due to poor execution, poor planning and poor service delivery. Some experts believe that the speeding up of the land reform programme, positive progress and urgent attention is required in South Africa because of the following (Lahiff, 2010):

- The state needs to find means to acquire land efficiently, which could include to be purchased on the open market, and use those means to meet the expressed needs of poor and landless people.
- The state agencies must get over their obsession with large-scale, commercial production and accept the need for a radical restructuring of current land units.
- Land reform beneficiaries should be given the option to identify their own preferred means of production and within reason, given the support necessary.
- Training and credit opportunities should be provided in a gradual way so that small farmers can expand production at a pace that suits their individual circumstances.
- At a policy level, the state should abandon the *laissez faire* market-based approach that is not informed by any clear objectives or principles.
- Effort should be made to involve the widest possible constituency in establishing the aims of land reform, the target group, the type of land to be acquired and the type of farming to be promoted.

Providing all the reports of the land reform programme may prove to be an insurmountable task. It therefore may be prudent to focus on manageable areas of development initiatives played by the Catholic Church and the Land Reform Program, while working towards a holistic and all-inclusive approach.

Lahiff (2010) indicates that this would send a clear signal to both supporters and opponents of land reform and bring focus to the activities of state agencies. At the same time there is a strong emphasis on poverty reduction and food security for sustainable support and development. Harvey in Bond (2002) emphasises that poverty reduction and food security is based on the rational use of land equity in order to configure what would be a good strategy for sustainable economic growth and economic development in the long term. However, there are challenges facing growth and economic development that impedes the momentum of progressive development.

I will now move towards the understanding of land redistribution by the State and Church. I will develop a comparison between political and theological opinions regarding the issue of land reform in South Africa since 1994 – 2014. First I focus on the State understanding of land redistribution. The South African State understands land reform as direct influence from the Constitutional remedies or legislation. Which means that the State approaches land reform development from a legal perspective. Hence it has brought three special programmes constituting redistribution and broadening access to land, tenure reform and restitution (Pienaar, 2014).

The second stance is the theological understanding of land reform by the Church. The church understands itself as a community that has a structure which consists of a system of working together. This is where all members of the community work to coordinate in a way that will give life to this structure through their activities. These activities centre on service to God, oneself, other human beings and the physical organic environment within the grand acts of the God of creation (land); reconciliation (paying back); renewal and future fulfilment. The church, as a living organism and not a static organisation, needs to develop by transformation or reformation from within (Modise, 2010). Hence the church, in particular, “claiming to be a custodian of truth and steward of justice, has a moral and pastoral responsibility to deal with the issue of land injustices since a human being is made of God and land” (Makula, 2005, p.1).

### 1.2.3 The challenge of Sustainable Development

The idea of sustainable development is, without question, Bond, (2002) an improvement over a purely economic approach to land reform management. The sustainable development programme has become a popular concept in both the analysis of the social basis of the recent economic changes in South Africa and in external policy support for process of the land reform programme. Sustainable development is portrayed as the implementation of a programme, where people are invested in a sense of place and are able to learn, feel, and be empowered to act – at the local level. Sustainable development must be integrated into policies and decisions in local communities, where people have the power to effect change. Then, one begins healing the environment in the present for the future (Silberstein & Maser, 2014, p.26).

The government's plan to create agricultural hubs in rural areas might make it easier for emerging farmers, especially in bringing produce closer to the people. The word transformation is significant because it does not refer to some quick-fix solution that will offer sustainable employment to the previously disadvantaged communities just for the moment or the immediate future. However, while secure tenure and access to land have been universally accepted as a fundamental element in promoting economic growth and social development, recent efforts to secure tenure have in several developing countries led to tenure insecurity for disadvantaged communities, consolidation of wealth and marginalisation of the poor. One reason has been weak governance (Zakour, Wehrmann & Torhonen, 2009).

In the case of land restitution and land redistribution, significant amounts of funds have been spent, but the quality of spending remains a concern. This unresolved historical grievance is further reinforcing many beneficiaries to continue to wallow in poverty. There is a general agreement that land reform has been a failure and needs to be accelerated. Research shows that between 70% - 90% of the projects, including restitution projects have failed (Xaba & Roodt, 2016). The most common cause of failure is a lack of support for farmers once they become landowners. The practice of community development<sup>10</sup> therefore must aim to improve the support for communities

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<sup>10</sup> Flecknoe and McLellan (1994) provide a typology of criteria with related outcomes for evaluating neighbourhood community development work. The criterion of increased opportunities for social interaction and collective activity, for example, leading to the development of more caring, co-operative and vocal community networks, might result in the growth of local organisations, informal skill-sharing

that have a social, educational and health impact. According to Akroyd (2003, p. 183), land reform policies have to be visionary, direction giving and all-encompassing in order to assist society's well-being or livelihoods.

It is vital to understand how land use has impacted on the livelihoods of land reform beneficiaries. According to Hall (2009), the South African literature on land reform suggests that outcomes, or indicators, of success in land reform should include the following:

- Improved food security.
- More income.
- Increased well-being.
- Reduced vulnerability.
- Sustainability.

The patterns of land used in land reform projects were therefore partly determined by the land and other natural resources, but also substantially by choices made in business planning and the constraints of the market environment, states Hall (2009). Nevertheless, how well rural areas are able to cope with the ongoing shift is the function of their present situation and resources, and the role that the State and Stakeholders may play in helping adapt to these changes (Bowler, Bryant & Nellis, 1992). In this case therefore the local institutional arrangements must be strong and must be supported by policy and law at a national level (De Satge *et al*, 2002). This policy will enable effective governance and effective administration. But good governance and effective administration in land reform require skills on decision-making.

#### **1.2.4 Understanding decision-making in LRP**

A requirement for effective delivery of socio-economic rights is an efficient state administration, at a national and local level, with decisive leadership and efficient management within the civil service. A question may be asked: What is land

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organisations and campaigning activities. Other criteria include improved information and educational opportunities within the neighbourhood, improved material resources, and evidence that local people are taking greater individual and collective control of their lives and that they are influencing external decision-makers.

governance and how can land governance become good? According to FAO (2007) and UN-HABITAT (2012), land governance means, “the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled”. Land governance can be called “good” when this decision-making over access to and use of land as well as its enforcement and the reconciliation of conflicting interests is done in a fair and transparent way, allowing everyone to equitably participate and to receive an adequate share while at the same time guaranteeing economically, socially and environmentally sustainable land development (Wehrmann, 2008). A concrete assessment is that even where land has been transferred, it appears to have had minimal impact on the livelihoods of beneficiaries, largely because of inappropriate project design, a lack of necessary support services Lahiff and Li (2012, p. 1). This has caused much of land reform’s potential, especially as a mechanism for agrarian change and rural development unrealised (Lahiff & Cousins, 2005; Deninger & May, 2000).

Substantiating his reflection, Wehrmann (2008) argues that good land governance therefore, requires the honest and serious application of certain principles to land policy, land related legislation, state land management, land administration, land management, land reform, land conflict resolution, etc. These principles include: equity, accountability, integrity, transparency, effectiveness, efficiency, rule of law, legal security, civic engagement, subsidiarity, security and sustainability (FAO, 2007; UN-HABITAT, 2012). Equity also calls for inclusiveness of stakeholders in decision-making on land issues such as land policy processes, land commissions, land tribunals, land laws, etc. Hence the Church can play an important role in a land reform programme that can firmly rest upon respect for fundamental human rights.

As land reform is a primary issue for the communities, the government of South Africa, therefore, needs a competent implementation of evaluative strategy that is importantly effective and active on the communities. The community needs to be empowered to manage their affairs and project on their own, and they need to be empowered to utilise their inherent skills properly, having shown that they lack initiative to engage in self-development (Gillan, 1998, p. 32). This includes good governance. Good governance in land administration and state land management is therefore a

fundamental component of land governance (Wehrmann, 2008). An important component of land reform is for the beneficiaries to become self-sufficient. Xaba and Roodt (2016) state that it is necessary to understand what mechanisms need to be put in place to ensure that beneficiaries can generate adequate livelihoods after they have been given land by the government. In this case, however, good governance works if carried out in co-operation with the existing private sectors and the church.

The inclusion of the church will be necessary as there has been a substantial amount of land reform research, laws, articles, journals and reports but such research advice have remained unused by the competent authorities. The church will boost the existing lack of the practical application of tools and methods in this programme. Tangible evidence has shown that even where land has been transferred, “it appears to have had minimal impact on the livelihoods of beneficiaries, largely because of inappropriate project design, a lack of necessary support services”, attest Lahiff and Li (2012, p.1). This can be improved and achieved through the help of national and international agencies.

Speaking generally, the government of South Africa has made a great effort of putting more land in the hands of the previously disfranchised black majority. Unfortunately, the public, politicians and other stakeholders have largely focused on the land acquisition or restitution phases of the process, to the exclusion of land reform implementation and what happens afterwards. The progress of the restitution policy and law is therefore identified as having, ‘failed to achieve much in land and agrarian reform because of the inept manner of implementation’ (Gutto & Lesiba, 2011, p.17).

Thus, from 1994, even earlier, South African civil organisations including the Church have campaigned against poverty and (Gabriel, 2003, p. 1) for policy and governance transformation towards defined social development objectives. According to Schreiter (1999) the changing world demands changing mission. “Mission is both challenge and response: a challenge to address a perceived need and a response intended to meet that need” (Schreiter, 1999, p.9). In other words, a changing world can create programmes and projects that focus on the building of a new and just society. As a consequence, “the Church must always be committed to make the presence of God visible in time and space” (Mwaura, 2009; Escobar, 2003). As it has done in the past, the Church in South Africa assumes a prophetic role and speaks for the interest of the



poor. About ten years after the 1994 elections the same issue of land reform was still debated by some scholars to evaluate if it is on track, and where it is going (Philpott, 2004). It takes the opportunity to speak urgently to those in power in the hope that the concerns will find a perspective and open hearing (Philpott, 2004). Thus the Catholic Church gives its critical assessment on land reform issues.

### **1.2.5 Critical Assessment by the Catholic Church**

According to Catholic Church, what has worked well for land reform programme thus far is the following (SACBC, 2012):

- 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.
- Laws have been introduced that can be called on to protect vulnerable people from arbitrary evictions.
- Many people have benefited from the land programmes such as restitution, redistribution and tenure reform. There are now more black farmers than was the case previously.
- Some people benefited by receiving houses with title deeds.
- Many farm workers could choose to move to towns and own houses.
- Rural development has been enabled and is a high priority for the government and society.
- Women can now assert their land and housing rights and these are more often recognised than before.
- Some white farmers have collaborated positively.

The above assessment indicates the need to unlock radical capacities of the land reform programme such that they may contribute to sustainable development. Hence my argument will not directly be on what government did but on the service of the Church regarding the land reform programme.

Additionally, due to the above uncertain progress, the Church had plenary meetings of the Southern African Catholic Bishops Conference that were held on August 1998,

January 1999 and August 1999 to discuss the issues regarding its land ownership with the consideration to alleviate poverty in this country (Philpott & Zondi, 1998).

In that meeting of church land (that is, land under control of dioceses, religious institutes or other church bodies) the Conference resolved to proceed with the proposed inventory in all dioceses and an audit in five dioceses to be selected, in consultation with the relevant church or religious authorities. Plans were subsequently developed and resources secured for the implementation of this resolution. The following were included in these plans (Philpott & Zondi, 1998, p. 28):

- To compile an inventory of all land owned by the Catholic Church in South Africa.
- To conduct an audit of significant properties within five dioceses of the SACBC, so that options for the use of this land can be identified.
- To develop appropriate policies for the use of the land through dialogues between the stakeholders concerned.

The details and outcome of the audit will further be discussed in chapters four and five. The section below discusses the literature consulted in the study. This will help the researcher to see whether the results of each diocesan audit corresponds with the SACBC's claim on the utilisation of land.

Research on the land reform programme in South Africa will continue to be an issue that concerns all people including the Catholic Church, because (Justice & Peace Department, 2012, p.1) the year 1994 held high hopes for many people in terms of radical change and the fulfilment of their dreams. In other words, in order to deal with issues and backlogs in land reform, there must be additional theological strategies that are sought to be the primary instruments with which poverty can be alleviated in South Africa.

### **1.2.6 Theological Reflection on Catholic Church Land Ownership**

The Catholic Church offers reflection on land access, proper usage and thereby developing a vision for land reform which it hopes will assist the process of bringing land justice to South Africa (SACBC, 2012). The Catholic Church offers this by giving a brief review of key Biblical themes and principals that provide the moral and

theological basis for a Christian perspective on land matters. This reflection is interconnected with other scholars who have been classified as writers who are in line with what the Catholic is teaching on this matter.

In the Social Teaching of the Catholic Church, it is exhorted that “society ensures justice when it provides the conditions that allow associations or individuals to obtain what is their due, according to their nature...” (CCC, 2001: paragraph 1928)<sup>11</sup>. Hence the Church ensures that social issues could no longer be treated as marginal or secondary to the mission of the church, or as an ‘optional extra’ (Dorr, 1992, p.15). This theological reflection can assist land reform to make a significant contribution to the alleviation of poverty and the injustice policies and create conditions of stability and certainty for sustainable growth and development in South Africa, *White Paper on South African Land Policy* (1997, p.4-7).

The Catholic Church seeks to influence, and certainly does influence, the way the land reform programme is transforming the lives of many previously disadvantaged communities. O’Neil and Black, (2003, p.258) indicate that one of the principal goals of the social teaching of the Catholic Church is to ensure that the political, economic, and social environments are such that human beings flourish, it makes sense to have a particular concern for those who are without the means necessary to participate fully in their own development and to take steps on their behalf. Because the poor are the subject and not the object of a land reform policy which is informed and affected by the poor themselves (Molefe & Butler, 1998, p.44). The poorest who live far from the centre, who are weak, or overworked, or used to being excluded, are easily left out of empowering participatory process (Nelson & Wright (1995, p.39).

The Church conveyed theological points which were raised by the Vatican II Council, and they were enhanced in the Social Teaching of the Church. Since Vatican II, Catholic Church teaching cannot inspire and move people without attention to an integration of the Biblical view of social justice. The incidence of the economic crises of 2008-2009 invited Pope Benedict XVI to treat the issue and the ethics of economics

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<sup>11</sup> The Catechism of the Catholic Church (CCC) (Revised edition), is a statement of the Church’s faith and of Catholic doctrine, attested to or illumined by Sacred Scripture, the Apostolic Tradition and the Church’s Magisterium. It was given on October 11, 1992, on the thirtieth anniversary of the opening Second Vatican Ecumenical Council, in the fourteenth year of Supreme Pontiff John Paul II (CCC, 2001).

in the context of human development in greater detail. Indeed, as Pope Benedict XVI observed, “what is missing in the human development is a network of economic institutions capable of addressing the primary needs and necessities ensuing from food crisis” (Caritas in Veritate, 2009: paragraph 27)<sup>12</sup>. Thus, Church teaching presumes that one’s ability to give and receive love and to be involved in the public/political dimension of life is enhanced and can only be achieved through good organisations in the political, economic, and social sphere (O’Neil & Black, 2003, p. 265). This is significant (Moyo, 2000, p.27) because the land reform programme can achieve its desired social, economic and political objectives if the land acquisition exercise is strategically planned.

Notably, the primary focus of land reform is the historically disadvantaged, particularly those who have been denied access to land and have been disinherited of their land rights (Pienaar, 2014, Restitution of Land Rights Act, 1994). This was supported by Pope Leo XIII when he proclaimed that, by a transfer of private goods from private individuals to the community, can cure the present ‘evil’ through dividing wealth and benefits equally among the citizens (Rerum Novarum, 1891: paragraph 7)<sup>13</sup>. However, the Pope was very much aware that peace is built on the foundation of justice. What was essential to the *encyclical* was precisely its proclamation of the fundamental conditions for justice in the economic and social situation of the time (Centesimus Annus, 1991: paragraph 11)<sup>14</sup>. To attain these economic necessities to eradicate poverty, a great union between the State and Church is necessary. Thinking of a land reform programme involves building on lessons from its own past and from recent assessment.

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<sup>12</sup> Caritas in Veritate is an Encyclical letter on integral human development in charity and truth of the Supreme Pontiff Benedict XVI. Benedict XVI had an articulated vision of development. He understood the term to indicate the goal of rescuing peoples, first and foremost, from hunger, deprivation, endemic diseases and illiteracy. From the economic point of view, this meant their active participation, on equal terms, in the international economic process; from the social point of view, it meant their evolution into educated societies marked by solidarity; from the political point of view, it meant the consolidation of democratic regimes capable of ensuring freedom and peace (Caritas in Veritate 2009: paragraph 21).

<sup>13</sup>Rerum Novarum is an *Encyclical Letter* on the condition of the working class promulgated in May 15, 1891 by His Holiness Pope Leo XIII.

<sup>14</sup> Centesimus Annus is an Encyclical Letter on the hundredth Anniversary of *Rerum Novarum* promulgated on May 1, 1991 by His Holiness Pope John Paul II. This encyclical has looked at the past, but above all it is directed to the future. Like Rerum Novarum, it comes almost at the threshold of a new century, and its intention, with God's help, is to prepare for that moment (Centesimus Annus, 1991: 62).

However, church land requires ownership and stewardship (Hallowes, 1999). It is therefore that the monitoring of land and other efforts will be important. Thus land is fundamental to our existence as humans (Pothier, 1999). In his teaching, Pope Paul VI (*Populorum Progressio*, para 29) emphasises strongly that if injustices are to be overcome peacefully, there must be 'bold transformations in which the present order of things will be entirely renewed or rebuilt' (*Populorum Progressio*, para 32).

Furthermore, livelihood transformation is not taken lightly by the church, since the church forms such a crucial part of a person's impact on society. According to Pope Paul VI (1972) teaching, it is a part of man's dignity to be, not a bystander, but an active participant in social and economic life, and in this way man can make a greater contribution towards solving the immense problem of hunger that afflicts so many people and can help to promote balanced economic growth and hence social justice<sup>15</sup>. The church teaches also that agrarian reform and rural development demand that consideration be given to reforms aimed at reducing the gap between the prosperity of the rich and the anxiety and need of the poor (John Paul II, 1979). In considering the social task and contribution of the Church, success in this arena of the livelihoods of the previously disadvantaged South Africans would certainly bring about transformation, which (Dorr, 1992, p. 15) applies not merely in the sphere of official teaching but also in practical commitment. The Catholic Teaching outlines its wider social mission in a series of documents.

Along with what the Church reflects upon, Pienaar in his book *Land Reform* (2014) gives the importance of land when he states that land is important for economic growth and in achieving economic goals, it is also an important part in the construction of social identity and the organisation of Church life and culture. This point of reflection is further carried on by World Bank (2003, p. xvii, p. 16) by indeed elaborating that 'land reform is also seen as important in contributing to human freedoms, civil liberties and sustainable democracies'. In addition, being a valuable resource for civil society, access to land remains critical for people's very survival in most developing countries

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<sup>15</sup> The Justice and Peace Department continue to raise awareness among people about the causes of suffering and poverty, work for a more just society where the basic human rights of all people are respected, especially those of the poor, of women and others who are marginalised and to help the community to be aware of the suffering, injustice, and be committed to transforming society.

where 'land is the primary means for generating a livelihood' (World Bank 2003: p. xix). As a primary means for generating a livelihood particularly of the poor, land is such an important resource; it is an integral part of the political economy of the region (Chitando, 1998, p.55).

Ultimately, it is this view of theological reflection that the purpose of the land reform programme is set out as providing the poor with land for residential and productive purposes in order to improve their livelihoods. One could relate this reflection with the moral task of the Church where the Church sees land access, proper usage could help the process of formulating land justice for South Africans. To become relevant, the Church must enter into intense dialogue with people who, by virtue of their professions, are close to the problems of land allocation, agricultural production and social organisation (Nürnberg, 1999).

Another theological reflection is explained by Philpott (2004, p.2) as follows:

- Land is a gift from God, to be equitably shared for the benefit of all humanity.
- Land is the 'locus of life', the place where life is lived and celebrated, the place that gives life and identity.
- There is a critical social function of land. 'Ownership' of land is never absolute because this social function of land is paramount.
- We must acknowledge the propensity for commodification, accumulation and profit, leading to the exclusion of the poor and the denial of their rights in land. Our interventions must be to work against this and ensure redress.
- The Jubilee tradition affirms the redistributive nature of God's commitment to the poor, seeking to ensure just and equitable access to land and resources.
- Human work on the land should express the dignity of human labour and the joy of participation and co-operation because it is a privilege to be co-creators with God in the unfolding story of creation.
- It is judged as contrary to God's will where our working of the land strips the earth of fertility and robs future generations of its benefits (Philpott, 2004).

The above theological reflection may be called principles for stewardship of the land because stewardship describes what people's relationship should be with the land and

with each other. Stewardship means caring for God's creation. It implies that civil title to a portion of the earth does not confer absolute ownership of it. That belongs to God alone. Civil title does confer responsibility for the land: for the use to which it is put and the care with which it is treated. To say that land is God's gift means it is a gift for present and future generations of humanity. In other words, the consumption patterns of the present generation must be adjusted so that future generations might also partake of the land's bounty. In addition, the Catholic Church's reflection teaches that the Church has a moral obligation to impact the communities with its social responsibilities. It lays out the theological view of land question, by reflecting on the following: (SACBC, 2012, p.2):

- Liberation is a Process.
- The land belongs to God and is given into the care of all God's people.
- Care for the gift of land is an opportunity for sharing and not a license for domination.
- Concentration of land in the hands of the rich and powerful while many are without is a scandal.
- Private Property is subordinated to the Universal Destination of Goods.
- Respect for the Community Property of Indigenous Populations.
- Redistribution and Re-allocation of land is not enough.

Although the church has reflected upon the theological aspects of land, it is important to point out that the church is not interested in a theoretical notion of land reform. Instead, the church is more concerned with the practical reality of how best it can make use of the land it owns as a resource in poverty alleviation (Philpott & Zondi, 1998). However, the question remains as to what level of support the church would provide to communities as they seek to maintain viable livelihoods from the land. In 1998, the Chief Land Claims Commissioner appealed to the church that it has to make full transparent disclosure of its land holdings and the need for a national survey of church land was identified (Gillan, 1998, p. vii). He proposed that the church reveal the possession of its land and contribution it is making in redressing the injustice of the past regarding the land rights of the landless. This was taken further by the Catholic

Church by undergoing the land audit progress which shall be disclosed in chapters four and five.

Along with the practical reality in poverty alleviation by the church, Philpott and Zondi (1998) point out that since 1994 the Church has been willing to sell, to donate and to transfer its land or portion to communities living on the land. The Department of Land Affairs was included to be part of the Land Audit process in 1998 and a church Land Desk team was established Philpott and Zondi, (1998). This was a means of redressing the imbalances of the past and fulfilling the mission of the Church. As discussed by Tsele and Butler (1998), this initiative was a theological entry pointing out that the poor are the subjects and not the objects of a land reform policy which is informed and affected by the poor themselves. In addition, the church is called to be an ally to the landless. Adams (2000, p. v) concurs with the Catholic Church's view, and notes that, land reform is generally accepted to mean the redistribution and/or confirmation of rights in land for the benefit of the poor. The Catholic Church also believes that it has an important role to play in the development of a just and viable land reform in South Africa, more because land reform needs to be underpinned by a preferential framework and option for the poor<sup>16</sup> (JPD, 2012).

### **1.2.7 Policy Framework by the Catholic Church**

After the Rustenburg Declaration, the SACBC<sup>17</sup> believed that it has an important role to play in the development of a just and viable vision for land reform in South Africa. It offered a considerable reflection on land access, proper usage which will help the process of formulating land justice for South Africans. The Southern African Catholic Bishop's Conference extended its reflection on land revealed in Sacred Scriptures and in documents of the Tradition of the Church. This reflection is in line with the teaching of the Pontifical Council for Justice and Peace: *Toward a Better Distribution of Land: The challenge of Agrarian Reform* ably argues for the need of landless people to have

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<sup>16</sup> The notion of an 'option for the poor' developed in Latin America as Church leaders there began to implement the renewal sparked off by Vatican II. At the heart of this option...there was a commitment to make the Church itself more just and participative; in this way poor and oppressed groups and individuals could have their dignity and value recognized by being listened to, and could have a practical experience of being empowered by participating in decision-making (Dorr, 1992, p. 2).

<sup>17</sup> The Southern African Catholic Bishops Conference (SACBC) is a collegial body approved by the Holy See and has as its particular aim to provide development, justice, reconciliation, social welfare, schools, hospitals, and any other necessary activity.



land. The Church teaches that Land is a gift from God that must be shared equitably. To adhere with what it teaches, the church drafted and adopted a policy framework for the utilisation of church land in the eradication of poverty. The outcomes regarding the framework were as follows (Gillan, 1998):

- Land is a God-given resource that can be utilised towards the eradication of poverty.
- The recommendation to initiate an audit to church land was accepted by the Church Leaders Forum.
- Churches can take the lead in utilising and distributing land in such a way as to contribute towards the eradication of poverty.
- The moral leadership of the church has the capacity to benefit the entire nation.
- A multitude of the poor people, many of whom are themselves members of churches, are poised and looking to the church for help – help that will alleviate their situations of impoverishment and restore their relationship with the life-giving soil of Africa.

Some of the most important church's reflection and approaches regarding the issue of church land ownership have been briefly addressed in this study. Although it was not listed above, it was mentioned that the church also brought theological reflection of land ownership. Basic concepts about church land ownership were key for understanding more elaborated concepts in answering the research question. With this brief travel around the basic concepts of church land ownership, it is imperative to move on to the biblical views of land ownership.

Through these reflections the church believes that the responsibility of the societies in which the church finds itself, remains a pertinent subject for the church in order to enhance a better livelihoods transformation (SACBC, 2017). This is a reminder that each person's faith also relates to public life. It is also a reminder that if one wishes to accumulate justice, one should on the other hand get his/her hands dirty.

In light with the social teaching, the task of the church, the utilisation of the land, the land use, policy framework and the biblical view, mentioned above, one can easily conclude that human life in particular goes hand in hand with land. Meaning that one

cannot separate life from land use. This implies that for life to be complete and sustained, that life requires human capacity to use land and work on it. This is a sufficient remedy and tool to alleviate poverty and hunger. It is also a proficient structure for job creation. Here it is very important to strengthen, “sufficient remedy and tool” because if the practice of the use of land is poor and does not meet human needs, society suffers. What is missing therefore is giving people the opportunity to choose agricultural programmes for themselves that will be suitable for their needs. The church also argues that every community particularly the marginalised have land rights which should be founded on the ground of justice. In light with the Catholic teaching, justice can be based on giving ‘respect the rights of each and to establish in human relationships the harmony that promotes equity with regard to persons and to the common good’.

However, the church is also faced with challenges emerging from a changing environment, challenges that entail a review of its ministry and its use of the land under its control. Those challenges include finance, development, and collaboration with the state and leadership practices (Philpott & Zondi, 1998, p.34). These challenges have placed the church ownership of land in an ambiguous position that is regarded as a problem which will not go away (Hallowes, 1999). It can be inferred that the church should be identified at the outset of the planning process, and its various roles and goals be established, if they are to work together effectively (Dalal-Clayton, Dent & Dubois 2003, p.17). Although the government tried to implement its land reform programme in a certain period of time, the study shows that the state still lacks the theological understanding of land.

Communities are asking questions about the way in which the land and the resources of the churches may be employed in the crucial task of eradicating poverty, and about the implications of such questions for the ownership of land by the church (Gillan, 1998). Moreover, the role of the church and other faith communities in the land question is an important but very different discourse to the one about the moral questions surrounding land and reform (SACBC, 2017; Gillan, 1998). This is in line with the statement made by Tutu (SACC, 2004, p.2) that the “involvement of the church in attempts at shaping policy in a democracy, are signs of recalling the mission of the

Church at the heart of social transformation”. To address the objectives of the study, it is imperative to review some literature.

### **1.3 Literature review**

The aim of this section is two-fold. The first is to discuss what needs to be in place for land reform to contribute to socio-economic development. The second is to briefly discuss other ecclesial writers' view on the land owned by the Church in South Africa. Studies carried out related to socio-economic impact of land reform projects on beneficiaries in relation to post-settlement support.

#### **1.3.1 Contribution of land reform to socio-economic development**

The research on socio-economic development conducted by Stiglitz (1998); Zimmerman (2000) and FAO (2006) revealed that positive results on the issue of socio-economic development of beneficiaries will be realised if the reforms were to be complemented with infrastructure development such as financial support, skills development and extension services. On the other hand, however, Lopez and Valdes (2000) disagree with the view that land reform can make an effective contribution in alleviating poverty. They argue that the impact of such a programme on poverty is limited (Lopez & Valdes, 2000). There were several elements that were mentioned to validate the limited capability of land reform. The idea is that most of the time the land reform beneficiaries fail to transform the land asset into income which can play a vital role in improving their socio-economic well-being. Access to land is a first step, but is not sufficient by itself towards improving the livelihoods of the poor in particular. Lopez and Valdes (2000) further state that the success of a LRP as a poverty alleviating measure is conditioned upon the provision of accompanying enablers such as on and off-farm support services; infrastructure, input support, human and skills development. To add to what Lopez and Valdes have said, Stiglitz, (1998) and DFID (Department for International Development) (2002) allude that, these complementary services allow the poor to turn the land into viable livelihoods through farm or non-farm projects. In other words, one should not see land reform as a once-off intervention, where the programme ends after the land has been transferred to people.

Bryceson (1999), Zimmerman (2002) and DFID (2002) found that in most cases, poverty alleviation is a result of interaction between land and other relevant resources.

This statement is supported by Zimmerman (2000) when he attests that the degree to which the people can make use of land is dependent on the interaction of land and other forms of capital, such as physical, human, social and financial capital. Zimmerman (2000) also points out that for land to be successful in alleviating poverty and ensuring food security, beneficiaries must not only be dependent on access to land, but must also be provided with the necessary support. Kay (1998) also questions the capability of land redistribution for developing the socio-economic well-being of beneficiaries. Kay (1998) argues that while public debates are always passionate about land redistribution as a poverty reducing mechanism, evidence points to a disappointing result.

Bruce (1993), maintains that for land use, to be effective and sustained, a number of policy changes need to be adopted by countries that are introducing land reform. He clarifies that the weakness of many African countries in particular is that they put much emphasis on land redistribution and tenure, but fail to restructure the wider agrarian economy. African countries failed to create an enabling environment for the emerging farmers which results in little or no improvement in the livelihoods of beneficiaries. According to Chimhowu (2006), giving poor people access to land may be beneficial to farmers in rural areas only if they have the required knowledge and skills, financial assistance, and access to markets, and where physical structure such as transport systems are convenient and accessible. However, these requirements are seldom met in South Africa.

Evidence from other parts of the world prove that providing support to land reform beneficiaries entails the involvement of various categories of role players such as beneficiaries themselves, local government, various government departments and non-governmental organisations including the Church. According to Luwanda and Stevens (2015) providing proper support is often made difficult by the lack of co-ordination in institutions tasked with providing settlement duties.

Mafora (2014) investigated the socio-economic impact of land reform projects in the Limpopo Province. The main objective of the study was to assess the factors that positively contribute to socio-economic benefits (food security) of land reform. The results revealed that beneficiaries participating in decision-making and who had

gained knowledge through training had greater opportunities of attaining household food security. The study established that land reform plays an important role in the food security status of the people of Limpopo Province.

Another person who conducted a study to determine the economic impact of land reform project is Gordoncillo. Gordoncillo (2012) evaluated the economic impact of the Comprehensive Agrarian Reform Programme using panel data from surveys carried out in 1990, 2000 and 2006. The study employed the first difference regression model as the methodological approach. The dependent variable used in the study was real income and explanatory variables were household size, age of respondents, land size and the intervention variables, as well as the time trend variables. The analysis of the study showed that household size and land size were all significant for all the models, whereas age was significant for the income and total asset models only. The first difference was also significant across time. It showed significant positive change in the economic well-being of beneficiaries after intervention and in comparison to the control group.

What is the gap from the above study? Although the study above discussed important issues regarding land reform, however, it does not include Church land ownership with regard to LRP, which is the interest of the research. In other words, the missing link gap identified above is the theological aspects of land. As the background to the study was discussed, I suppose it is fundamental to touch the issue of Church land ownership and its use in South Africa so that the answer to the question of the study may be reached. There is a long list of names and debates on whether the Church should own the land or not. There are scholars and writers who will assist us in tackling this question efficiently in order to achieve the objectives of the study.

### **1.3.2 Church land ownership in South Africa**

We have Gillan, (1998); Changuion and Steenkamp (2012) among others who in their reflection regarding the issue of land ownership shared with us that the first general election of 1994 in which all citizens of South Africa could participate was preceded by multiple meetings during which the issue of church land and the land reform programme was also part of the focal discussion. Gillan, (1998) states that it is important to point out that the Church Land Policy Framework is the result of the deliberation of many Church participants or leaders on the effective utilisation of

Church land. According to Gillan, (1998), there is a prevalent notion that the Church is in fact a different landholder of which other reflections have alluded to this differences on the on the basis of a Theology of Church Land.

Zondi and Philpott (1998) indicate that the main purpose of the Catholic Church to own land was to create a productive agricultural community of African converts and to stimulate the emergence of an African peasantry. This was achieved by giving instruction on agriculture and selling small plots to the converts which would give them an opportunity to acquire ownership of property. This was practised by other denominations such as the Evangelical Lutheran Church in South Africa. In the report made by the National Land Committee in 1997, it was also specified that the quality of Church owned land in South Africa is of sufficiently high standard that it could make a significant contribution to the livelihoods of rural communities (Philpott & Zondi, 1998). Philpott (2004), further states that in good conscience, the Church cannot ignore the gulf between an agrarian reform that is in line with Biblical morality and government's markets-oriented.

Von Fintel (1998) alludes that the Lutheran Mission Societies acquired substantial tracts of land designed to create an environment where the converts could be taught various life skills, and where they could live peacefully. As concurred by the Report of the SAATC (1995), that human stewardship of land requires that it be utilised for the common good and in such a way that it is not itself destroyed and individuals should be free to utilise the land they own only within the general framework of the common good and the preservation of the environment.

Maluleke (1995), also points out the concept of theology in Church land ownership. In his view he suggested that the contribution and analysis on the question of the church and its land, while it cannot exclude other inputs, must be ultimately a theological one (Maluleke, 1995, p.64). Along with what Maluleke states, Saayman (1998) proposes other concepts for Church and its landownership. Saayman suggests the concept of *Missio Dei* (the Mission of God) towards a contextual theology of land. This requires the following four dimensions: (Saayman, 1998, p.156):

- The understanding of Christian mission emphasises the fact that all authentic mission emanates from the heart of Godself.

- Theology of land has to emphasise that the land belongs to our Creator-God. Therefore, African theology of land demands a soul-searching review of concepts of land ownership and has to lead to fundamental reformulation of the concept of land.
- The issue of land ownership in the post-1994 South Africa cannot simply be settled on the basis of a thorough scrutiny of the legal dimensions. In the light of *Missio Dei* the moral and ethical justice dimension is equally important which invites all South Africans including the Church to accept the precondition for forgiveness and restoration of restitution.

At the Rustenburg Declaration, November 1990 we see the Church committing itself to examining its land ownership and working for the return of all land expropriated from relocated communities to its original owners (Hargreaves, 1998):

- In the debate of the land and in the light of *Missio Dei*, the missionary responsibility of the Christian community is to erect signs of God's reign, God's commonwealth or encompassing well-being.

Therefore, land ownership is not just about settling on it. It also draws us into some of the most fundamental dimensions of its usage. It further draws us into some of the most fundamental issues about the Church as an instrument for the shared goals of justice, equity and sustainable development. Philpott and Zondi (1998, p.17) state that Church owned land is of significance because of the following reasons:

- The starting point is that the church is a landowner.
- The second point to make is that there are people living on church owned land communities who for generations have been tenants, or in other uncertain relations with the landowner, while also being members of the very same church who is the landowner.
- It is generally held that the quality of church owned land is of a sufficiently high standard that it could make a significant contribution to the livelihoods of rural communities.
- The land owned by the church is potentially a significant resource base for the church to play a meaningful role in the development of the rural areas.

- The extent and nature of church owned land allows for the possibility of developing a range of models for land reform in general of our country.
- Given the history of land dispossession of black people in South Africa, there is the need to redress this injustice and to change the balance of white ownership of land. This needs to be done in the context of the strengthening of black people's rights and access to land, and the development of effective models of ownership, management and use of this important resource.
- Unlike any other private land owner, the church has an ethical obligation to deal with its land in a morally responsible manner, seeking to do the "right thing" for the broader society but with a particular concern for the poor and marginalised.

Tsele and Butler are among the ecclesial scholars who oppose the generally believed idea that the Church owns land in South Africa. They do not agree about the Church being landholders in South Africa because for them, "it is well known that the Church did not bring with them the resources to buy land, yet within a few years of their arrival they were already owners of large tracts of land" (Tsele & Butler, 1998, p.138). They consider the Church Land Ownership as an embarrassing fact. As knowledge production centres, missions imposed a sense of the superiority on black converts. In addition to what Tsele and Butler said, Holomisa (1998) states that in varying degrees, the Church is responsible for the dispossession of the natives of their land, to the extent that by 1912 Africans were in the possession of 13% of their original land. His advice was that when the government is engaged in a process of restoring land rights to those who were unjustly deprived of such rights, that the Church is holding a conference of this nature with a view to finding ways of playing its part in the process of nation-building and reconciliation by giving back some of that land (Holomisa, 1998). His conclusion was read thus (Holomisa, 1998, p. 88):

*"We expect the Church to set an example to the others who hold land which is watered and fertilised with the blood and the bones of our forebears who fell in the Wars of Dispossession by restoring even those land rights that were taken before the year 1913".*

This request encouraged various denominations to embark on land reform projects with non-governmental organisations. Denominations with the largest percentage of church land including the Catholic Church also initiated audit and designed related programmes.



### 1.3.3 Summary

There has been a lot of discussions and research regarding Church land ownership in South Africa since 1994. One of the reasons for such discussions is that the Churches have been major landholders, although the extent of its holdings has been significantly reduced (Report of SAATC, 1995). Much research has shown that the challenge to implement appropriate strategies in the land reform programme is still a major problem in the government to alleviate poverty in South Africa. As a consequence, this has brought a crisis that is specifically related to economic and social bereavement. In order to avoid this crisis, Philpott (1995) suggests that the land ownership should be the barometer of the transformation of societies, and indicator of the extent to why justice and equity are established. A number of studies in the literature has revealed the importance of complementary services such as infrastructure, access to financial support, and training in making land reform successful. Thus improving the socio-economic well-being of beneficiaries.

Although the research only goes to 2014, the current polemic around the issue is relevant and therefore my study can contribute to the current debate. The above mentioned scholars are among those who have contributed much on this issue of land reform in South Africa. They point clearly that the exploitation of economy in South Africa through land policies contributed to the emergence of social uncertainty such as food security and unemployment. A question may be posed: how can the Church meet the economic and social needs of people today and keep in mind the needs of future generations without doing irreparable damage? (O'Neil and Black, 2004, p 291). The context of the land reformation in this study and its political, social and economic consequences is described within the Catholic Church in Southern Africa. As is the case with any State, different organisations, private sectors, etc.

The posture of the literature review discovered that the Church can assist in filling this gap. As we discussed the conceptual framework regarding Church land ownership which was addressed by other scholars or writers, our central focus is the understanding of the Catholic Church land ownership and its use. It has been reported that the Church has been jointly engaged in a consultative process with landless communities with a view to finding constructive solutions to the questions posed to the churches by the ongoing suffering and status of the poor in South Africa (Gillan, 1998).

It has often been said that the question of morality and land is a question of churches, and other faith communities, and their historical complicity in the land question (SACBC, 2017).

#### **1.4 Problem formulation**

According to (DLA 1997) land reform is considered to be a vehicle to redress the injustices of the past and to simultaneously promote sustainable growth and development in South Africa. The land reform programme instability reaches across social barriers and has a major impact on the economy and a range of social problems. This includes transformation of human livelihoods, economic development, poverty alleviation and food security. This scourge is a major threat to many lives of South African citizens, whether staying on a farm or far from a farm. It is also a threat 'towards a better distribution of land'. That said however, it is notable that although the same attitudes toward land reform have changed, very little attention is given to the reasons why the programme has failed to achieve its policy objectives. However, the Land Reform Programme is considered to be correct, then why is it not reducing poverty?

Since 1996, the South African government has transferred a considerable amount of land and nearly all of the backlog claims lodged before the 1998 cut-off date. Yet, despite this progress, the land reform programme has failed to achieve its policy objectives. The programme has been criticised for the slow pace of land transfers relative to the goal of transferring 30% of agricultural land to the previously disadvantaged by 2014 (Lahiff & Cousins, 2005). Most of the transferred land has either remained fallow or been used for productive activity that has not been profitable (Lahiff, 2007). This shows clearly therefore, that the land reform programme has not met its initial goal and plans for a number of reasons.

The fundamental purpose of this research is not focusing on the needs of one particular target community or group, but is intended to supply demand information on a spectrum of land use activities by the Roman Catholic Church during the period 1994 to 2014 and community needs, especially agricultural land use. Therefore, special attention should be given to the projects that aim to improve the livelihoods of the community, projects that aim to promote and uplift the socio-economic welfare of the

community such as basic education and the learning of skills and community projects offered by the Church.

The Church as a non-profit Organisations can particularly play an important role in mobilising the rural population. The Catholic Church, for example, facilitates workshops (i.e. human rights education, developing leadership skills, agricultural training) and monitors human rights abuse (particularly that of the poor and marginalised). Monitoring the impact of the land reform programme, particularly on poverty and human rights is an important function that the Catholic Church can perform. Hence land reform policies will always have to be coupled with other policies to create alternative forms of employment that involve people leaving the land together.

It is not necessary that the government provides all technical services regarding the land reform programme. Linking with existing initiatives of the church, and of other private sectors or even of international programmes should be the aim. The Catholic Church could also play a role in agricultural training skills. Food Agriculture Organisation study proposed that land strategies, the upgrading of land, settlement and training with the aim of approaching land reform in a holistic way can improve living conditions of poverty (UN, 1986). Hence this study expresses the significant role that the Catholic Church played in land reform to complement this vital component strategy to improve living conditions of poverty.

#### **1.4.1 Research questions**

This study resonates with concern for the powerless communities who live at the margins of any society within the respective eight dioceses. This study is also a critical examination of the progressive development of the Catholic Church and the LRP in the aforementioned dioceses from 1994 up to 2014. As the main focal point, it is encouraged that the Catholic Church develops a sound analysis of ethical issues in a society as well as to muster an appropriate level of prophetic denunciation of unjust social structures and practices, then church land should be used as a means of restoring the full humanity of victims of land dispossession. The overarching question addressed by this study is:

How did the Roman Catholic Church contribute to land redistribution during the period 1994 to 2014?

In order to assist with examining the primary research question, the study was designed to explore the following sub-questions:

- What is the land ownership status of the eight dioceses during the period of twenty years of democracy?
- What are effective outcomes/landmarks of the eight dioceses that RCC achieved towards land reform during the period of 1994 to 2014?

It should be noted that these eight dioceses were specifically picked among 26 dioceses by the researcher for specific reasons. The first reason is that they were included in the audit of the Church's property. The second reason is that they were significant landowners. In addition to these reasons, the information required was accessible even though in some dioceses among those eight, was not easy to access. Most of them were supportive in providing information for academic purpose.

#### **1.4.2 Aim of the research**

The aim of this dissertation intends to examine the Catholic Church land ownership land reform programme since 1994–2014. The study assesses how the Catholic Church has been using its land during the period of twenty years of democracy. It also aimed at looking at the issues deserving special attention such as land reform advancement and land reform policies that will encourage radical engagement and participation among all land reform and rural development stakeholders, and (SACBC, 2012, p. v) advances the contribution towards the evolution of a consensus about the action that is needed to find meaningful solutions to the questions South Africa faces. Furthermore, this paper addresses the question of the Catholic Church land ownership in South Africa and how it uses it in relation to South African Land Reform Programme. This question is addressed because if the Land Reform Programme was a good idea, then why have the outcomes not been fruitful nor successful for two decades of democracy?

The key objective of this paper is therefore to:

- Investigate the Catholic Church land ownership in South Africa since 1994-2014.
- Assess how the Catholic Church (through participation of the eight dioceses) has used its land two decades of democracy (1994–2014).

It should be noted that the communities and the Church are the main actors/actresses within the whole process of land reform in relation to the land owned by the Catholic Church.

## 1.5 Clarification of terms

The definitions below uncover much deeper and more explanation that serves to describe the meaning of the concepts within the subject of this investigation

**1.5.1 Beneficiary** - Those who were in the past constrained or disempowered by the apartheid laws and practices (Land reform research Phase One, Gauteng Regional overview and Synthesis, 2016, p.4).

**1.5.2 Collaboration** - It is defined as the act of working with another person or group to produce something (Oxford Advanced Learner’s Dictionary, 2010).

**1.5.3 Common good** - The sum total of social conditions which allow people, either as groups or individuals, to reach their fulfilment more fully and more easily (O’Neil, C.Ss.R & Black, C.Ss.R<sup>18</sup>, 2006, p.302).

**1.5.4 Justice** - Disposes one to respect the rights of each and to establish in human relationships the harmony that promotes equity with regard to persons and to the common good. (CCC, 2002, paragraph 1907).

**1.5.5 Land reform** - Seeks to address over 350 years of race-based colonisation and dispossession, as part of the transition to a democratic society (Lahiff & Li 2012, p.4).

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<sup>18</sup> The Congregation of the Most Holy Redeemer (Latin: *Congregatio Sanctissimi Redemptoris* – C.Ss.R), commonly known as the *Redemptorists*, is a worldwide congregation of the Catholic Church, dedicated to missionary work and founded by Saint Alphonsus Liguori at Scala, near Amalfi, Italy, for the purpose of labouring among the neglected country people around Naples. Members of the congregation are Catholic priests and consecrated religious brothers and minister in more than 77 countries.

**1.5.6 Livelihood approach** - Work with people, supporting them to build upon their own strengths and realise their potential (Diana, 1999, p.1).

**1.5.7 Poverty reduction** - Requires that individuals and families are able to participate in productive economic activities and secure standard of living (Ellis, 2001, p.2).

**1.5.8 Sustainable development** - Requires the participation of affected individuals and communities as partners in the process (White Paper on South African Land Policy, 1997, p.47).

**1.5.9 Valuation** - Where State funds, including government grants, are used to subsidise the purchase of private land (White Paper on South African Land Policy, 1997, p.14).

**1.5.10 Community capacity building** - This term was seen as to do with building capacity for the formulation of plans and strategies support of sustainable development in areas such as health, industry, education, the environment and human settlement (McGinty, 2003, p.66).

The UN (1996, p.2) defined CCB<sup>19</sup> as the process and means through which national governments and local communities develop the necessary skills and expertise to manage their environment and natural behind resources in a sustainable manner within their daily activities. The main concepts of this concept are presented as follows:

- Strengthening people's capacity to achieve sustainable livelihoods.
- A cross-sector multidisciplinary approach to planning and implementation.
- Emphasis on organisational and technological change and innovation.
- Emphasis on the need to build social capital through experimentation and learning.

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<sup>19</sup> Most analysts and practitioners in the human services field would count this as a positive development despite the fact that the concept of "community capacity" is seldom precisely defined in ... (and) measures to indicate whether or not it has been "built" are only in the developmental stage.' (Hounslow, 2002). Various definitions are offered here from the Australian experience which covers, for example: The ability of a community to develop, implement and sustain actions which allow it to exert greater control over its physical, social, economic and cultural environment; the ability of individuals, organisations and communities to manage their own affairs and to work collectively to foster and sustain positive change.

- Emphasis on developing the skills and performance of both individuals and institutions.

However, McGinty (2003, p.5) later argued, 'the acknowledgement that the UN needed better capacity in its interface with communities was the point at which the discussion and models of community capacity building for provider organisations and government shifted to a more participative mode' and links with community development acknowledgement. Thus Bruce, (2003, 25) understood CCB as any activity which the community undertakes (on its own or with the help of others) to improve or build its own collective commitment, resources and skills.

This definition of capacity incorporates information, knowledge, skills, resources, processes and 'how-to's'. Human Resources Development Canada has developed both a toolkit and a framework for facilitated workshops on understanding CCB (LMLDU, 2000). In Canada, for example, the process of 'strengthening communities' is often described as establishing 'resilient' communities (CCCE, 2000).

## **1.6 Chapter outline**

This study highlights the contribution of the Catholic Church support for communities that have a social, educational and health impact in the diocese of Bethlehem, Bloemfontein Archdiocese, Dundee, Kokstad, Keimoes-Upington, Mariannhill, Umzimkulu and Witbank diocese's outreach to the communities they served since 1994-2014. The study takes into account the gap between Catholic Church perspective on land reform and social realities, which takes into account the livelihoods of the South African disadvantaged communities. This is achieved through a presentation of material comprising of six chapters.

Chapter one looks at the historical context of limited success of South Africa's land reform programme. It explains how the history of land legislation in South Africa has impacted on land distribution and the task for land reform to change this. The chapter also studied the contribution of land reform to socio-economic development. This chapter further reviews the literature regarding what other ecclesial scholars investigated concerning church land ownership. The chapter also gives an overall view of the Church's reflection on the land reform question. It also sets a summary of the

outcome of land reform that the government achieved since 1994. This chapter further provides clarity on the terms that are used in this study.

The second chapter sets a detailed historical background of each diocese. It looks at the historical development of the Catholic Church in South Africa. This chapter also presents the demarcation of each diocese and population.

Chapter three is an illustration of the type of research methodology that will be used to carry out the research. It describes the research design and briefly discusses the limitations of the study. Furthermore, chapter three highlights the theoretical approach and data collection which will help the researcher to have a concrete investigation on Catholic Church land ownership in South Africa.

Chapter four examines the SACBC land audit report in more depth, critically assessing the policy and examining the extent of impact the SACBC land programme may have on rural landlessness as an extension support mechanism for SACBC projects.

Chapter five focuses more on the audit process and the implementation of the investigation with regard to the eight dioceses that conducted the process. It also provides us with the report of the audit process. This involved working closely with SACBC land desk and Church Land Programme to examine the implementation of the SACBC land reform programme. Analysis of the SACBC projects enables a critique of the SACBC land programme. Chapter five looks at the willingness participation and co-operation of the Catholic Church to improve the land reform programme. This chapter further looks at the effectiveness of both the land reform programme and the Catholic Church thus far (1994-2014) and how a slow space has shifted the approach to land reform.

Chapter six draws conclusions about the Catholic Church land ownership and land reform programme in general. It also offers some recommendations to enhance the relationship between partnership performance of land reform programme and church land ownership. It also offers suggestions for further study on this research.

## **1.7 Summary**

This chapter highlighted an overview of the legislative framework of South African land reform programme; the changes that have occurred since 1994 to 2014. It further



shows the relationship between the church and other bodies in place to continue the fight for the eradication of poverty to ensure that church land is utilised justly and effectively. In this case specific reference has been made to ecclesial scholars and the Catholic Church teaching. In this sense, it can be highlighted that it is within our own communities that the church and the government of South Africa can play their part to make the development strategies of land reform known and understood. Activities that are carried out by local government, the church and communities in all parts of the respective dioceses will show the power of commitment and action. This chapter further, outlines the objectives of the study.

The aim of this study is to investigate Catholic land ownership and how it has been used since 1994 – 2014. It was understood from the beginning that this would be a discovery process, resulting not in a definitive and fixed set of answers, but in an initial set of considerations derived in large measure from church beneficiaries that could begin a process of continuous reassessment of impact and programme enhancement based on the expansion of evaluation from a limited implementation focus to a result-based focus informed by the farms (lands) affected by the programme.

However, the land reform programme has suffered many failures and its beneficiaries have in many cases seen little or no improvements to their livelihood (Xaba & Roodt, 2016). To add to these results, the continuation of this dilemma encouraged the Catholic Church to be in close relationship with impoverished communities and act as trusted representatives, ensuring that potential beneficiaries play an active part in its policy formulation and implementation of the Church land programme. This is particularly important because of the land programme's emphasis on the process being "demand-driven". Additionally, the development and empowerment of marginalised communities remains the focus of Roman Catholic Church in the post 1994 era. As South Africa moved towards the dawn of democracy, poverty, hunger and high rate of unemployment remain a threat to the social and economic betterment of marginalised communities. Just as at the period of the Church's arrival in South Africa, the Roman Catholic Church met the development needs of under-developed communities, the Church through a land reformation programme is called to empower the disadvantaged communities during the period of democracy.

It is also clear that even if the land reform programme was well resourced and speedily implemented, it would not fundamentally transform the basic social and economic structures that define South Africa and that locks the poor majority of rural people into a life of poverty, marginalisation, serfdom and insecurity (Philpott, 2004). Notably, since the land reform programme has experienced a number of problems related to policy formulation and implementation, the right to intergovernmental implementation of the land reform programme should be strengthened to play the catalytic role envisioned in policy. South Africa needs more private partnerships such as the church. These should be tested to create joint collaboration between the government and private sector and, in turn, to build trust. One could also highlight that the Rustenburg Declaration laid a foundation on which the church in South Africa could build its relations with the State.

The inadequate support for the various land reform systems has a differentiated impact in the context of promoting the injustice of poverty in South Africa. The gap between church and state might lead to widespread land insecurity because in some cases, the land reform plan has failed to deliver the initial plan. As a result, other service delivery institutions should be funded more adequately by the state to function as partners alongside municipalities and government departments, because institutions such as NPO's and churches often have the necessary knowledge, skills and experience for rural service delivery programmes.

With the land issue being crucial for the future success of the country there is a need to pose the question about the church's role in the process of land reform both from the perspective of the church as landowner as well as from the position of the members of the church as landowners. It should be noted that the land reform programme is a process rather than an event. Thus, this study constitutes part of a stage of the process of land use by the Catholic Church since 1994 to 2014.

Chapter two presents the historical development of the Catholic Church in South Africa.

## CHAPTER 2

### Historical development of the Catholic Church in Southern Africa

#### 2.1 Introduction

Chapter one provided an overview and background on church land ownership and the land reform programme in South Africa since 1994–2014. It gave the overall social context of South Africa between 1994 and 2014 in relation to the problem of the land reform programme. The land reform programme is seen as essential and topical in light of the growing gap between the rich and the poor in South Africa, and twenty years after the adoption of the South African Constitution, particularly in the context of increasing questions and debates about the future direction of the country. In this chapter, therefore, in order to understand why the selection of eight dioceses, it is important to understand how each diocese was founded and where each diocese is demarcated and their population statistics. In other words, it is important to understand their historical background before I present the found results for the research question and also for each objective. Moreover, this chapter is a pathway to understanding the present state of church land ownership compared to church land ownership prior 1994.

It is also important to take note that within the diocese itself, there is some territories or portion of land that is owned and occupied by particular '*Religious congregations*'. Therefore, within the diocese, there is part of the land that is 'owned' by a particular religious congregation and on the other hand there is land that is owned by the diocese (Philpott & Zondi, 1998). For example, in Southern Africa, there are religious congregations such as (Egan, 2017, p. 1, Soma Newsletter, 2017):

- The Oblates of Mary Immaculate (OMI)
- The Franciscans
- The Order of Friars Minor (OFM)
- The Oblates of St. Francis de Sale (OSFS)
- The Spiritans

This brings us to look at the position of the Church since the Church has gone a long way in developing infrastructures in the areas it has settled. To avoid the confusion therefore, the emphasis in this research is clearly focused on the diocesan land ownership.

It is important to note that there were significant reasons for the Catholic Church to accumulate a particular portion of land in these respective dioceses of which they benefited the Church. The Church developed innovative missionary methods, combining hospitals, welfare institutions, farming and schooling which led to contributing to the growth of Catholicism.

### **2.1.1 Diocese of Bethlehem – Free State<sup>20</sup>**

Prior to 1924 this territory formed part of the Kimberly Vicariate. From 1924 it was known as the Kroonstad Vicariate. Msgr. Leo Klerlein CSSp<sup>21</sup> was appointed Prefect Apostolic in 1924, Vicar Apostolic in 1935. By Papal Decree dated 12 February 1948, the Sacred Congregation of Propagation of the Faith partitioned the Kroonstad Vicariate into two separate Vicariates. The western part with Kroonstad was entrusted to the Dominican Fathers of the Dutch Province. The eastern part with Bethlehem was entrusted to the Holy Ghost Fathers (CSSp) of the German Province. Msgr. Klerlein

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<sup>20</sup> The Free State is situated on a succession of flat grassy plains sprinkled with pastureland, resting on a general elevation of 3,800 feet only broken by the occasional hill or kopje. The rich soil and pleasant climate allow for a thriving agricultural industry. With more than 30,000 farms, which produce over 70% of the country's grain, it is known locally as South Africa's breadbasket. The province is high-lying, with almost all land being 1,000 metres above sea level. The Drakensberg and Maluti Mountains foothills raise the terrain to over 2,000 m in the east. Agriculture dominates the Free State landscape, with cultivated land covering 32,000 square kilometres, and natural veld and grazing a further 87,000 square kilometres of the province. It is also South Africa's leader in the production of bio-fuels, or fuel from agricultural crops, with a number of ethanol plants under construction in the grain-producing western region. South Africa is one of the top ten Maize producers in the world (12,365,000 tons as of 2013) whereby all of the crops come from the Free State. The Free State is well known for its *Mielielande* (corn-fields). The main vegetable crop is asparagus, both white and green varieties. Although horticulture is expanding and becoming increasingly export-orientated, most produce leaves the province unprocessed. The Free State's advantage in floriculture is the opposing seasons of the southern and northern hemispheres. The province exports about 1.2 million tons of cut flowers a year. The Free State lies in the heart of the Karoo Sequence of rocks, containing shales, mudstones, sandstones and the Drakensberg Basalt forming the youngest capping rocks. Mineral deposits are plentiful, with gold and diamonds being of particular importance, mostly found in the north and west of the province retrieved from (Statssa, 2011).

<sup>21</sup> The abbreviation 'CSSp' stands for Roman Catholic Society Spiritans. It is used by the Holy Ghost Fathers, members of Congregation of the Holy Ghost and of the Immaculate Heart of Mary founded in 1703 at Paris by Claude-Francois Poullart des Places.

retired in 1948, with the creation of the new Vicariate. He was succeeded in 1950 by Bishop Peter Kelleter CSSp, who resigned on July 1975.

The diocese comprises the following magisterial district: Bethlehem, Clocolan, Ficksburg, Fouriesburg, Frankfort, Harrismith, Lindley, Reitz, Senekal, Vrede, Phuthaditjhaba (Qwaqwa), and part of Ladybrand.

Schools in the Diocese:

- Breda H.P. School (Slabberts)
- Ekwaluseni H.P. School
- Glen Ash<sup>22</sup> P. & H. School
- Oom Japie H.P. School
- Sibonakaliso Primary & High School
- St Benedict's H.P. School
- St Joseph's H.P. School
- Tshebedisano H.P. School

For years Bishop Emeritus Hubert Bucher was on the lookout for a suitable site where he could establish a diocesan formation centre for the ongoing training and replenishment of unpaid voluntary community leaders. Fortunately, a suitable site was found on the Farm De Rust in 1994. The centre for Social Academy intended to provide a platform for developing practicable models for the New South African society, e.g. seminars for trade union and business leaders, courses for community leaders on sound and honest administration, training in social responsibility and propagating the Church's Social Teaching to people in all spheres of public life.

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<sup>22</sup> The Order of Cistercians of the Strict Observance (O.C.S.O.: *Ordo Cisterciensis Stricteris Observantiae*) is a Roman Catholic religious order of cloistered contemplative monastics who follow the Rule of St. Benedict. A branch of the Order of Cistercians, they have communities of both monks and nuns, commonly referred to as Trappists and Trappistines, respectively. The order takes its name from La Trappe Abbey or *La Grande Trappe*, located in the French province of Normandy. A reform movement began there in 1664, in reaction to the relaxation of practices in many Cistercian monasteries. Armand Jean le Bouthillier de Rancé, originally the commendatory abbot of La Trappe, led the reform. As commendatory abbot, de Rancé was a layman who obtained income from the monastery but had no religious obligation. After a conversion of life between 1660 and 1662, de Rancé formally joined the abbey and became its regular abbot in 1663.[2] In 1892 the reformed "Trappists" broke away from the Cistercian order and formed an independent monastic order with the approval of the pope.

## Institutions:

- Gethsemane Health Care Centre
- John Paul II Conference Centre
- Catholic Community Service<sup>23</sup> (CCS)
- Sekwele Centre<sup>24</sup> for Social Reflection

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<sup>23</sup> In line with the social teaching of the Catholic Church, the response of the Diocese of Bethlehem, through CCS, has been to work with local communities and help themselves. Following the basic principles of the social teaching, the project reaches out to the poorest of the poor with the belief that they have the capacity to help themselves, although they may lack some resources to make their work easier. In the light of the principles of subsidiarity and the belief that people should make as many decisions as possible at local level, the work of CCS is to challenge the community members at grass roots level and to assist them in moving out of the poverty trap. CCS operates 3 Programmes:

i). The word “*impilo*” comes from isiZulu and means “life”. The *IMPILO* Nutrition Programme was established in 2003, to address a growing problem of children dropping out of school due to poverty and lack of nutrition. The original project was comprised of a network of 6 community kitchens linked to local schools in various communities. These schools identified needy children between the ages of 6-15 and referred them to the kitchens for a warm meal. Over a period of four years the number of projects increased from six to 12 kitchens, and collectively they served thousands of meals to needy children. However, it was soon realised that these children required more than just a warm meal to succeed in school. In 2007 a new objective was established next to the existing one, and that was to provide other services for children to include afterschool care and psychosocial support. These new activities transformed the once “kitchens” into “Multi-purpose Centres” (MPCs) that offer a variety of services, and each registered as a non-profit organisation. Today with the support and dedication of volunteers from the local communities, our MPCs provide the services mentioned above, and more to over 1,100 children across the eastern Free State, South Africa.

ii) In 2003 the *Thuthukani* programme began by providing trainings to the beneficiaries of other programmes at the Catholic Community Service, namely *IMPILO* and *MARU*. Originally it was established to ensure that training provided to those beneficiaries was done so in an organised fashion. The subject matter of these trainings was focused on team building, organisational development, and finances. Four years later in 2007 it was decided that *Thuthukani* could also provide valuable training to beneficiaries of other diocesan projects, external organisations, and individuals. The aim was to train individuals in basic skills, social awareness, and personality development to make a positive impact on the larger community. Today, in addition to the other services mentioned, *Thuthukani* provides Life Skills Training to assist youth in building their skills and values in order to give them a foundation to enter the professional world. Life skills training is also tailored to assist the youth to grow as individuals in personality and emotional maturity. These trainings along with the others provided by *Thuthukani* continue to have a positive impact on the community as they expand to assist more beneficiaries each year.

iii) The Maluti Agriculture Response Unit (*MARU*) was established in 2000. The project was established to assist communities across the eastern Free State address food security issues by training individuals, and forming cooperatives in organic vegetable production and poultry production. Initially the project trained and mentored individuals in organic vegetable production. Later in 2006 the programme expanded to offer its beneficiaries courses and support in poultry production. In 2008 the programme introduced vegetable drying and Agri-planner, a programme for start-up enterprises to become income generating, into its training scheme. Today the *MARU* programme assists over 70 individuals, and supports 8 cooperatives. The number of direct beneficiaries is easier to define but a large number of needy individuals also benefit from the work of the *MARU* programme. The programme continues to grow and expand its scope beyond the eastern Free State and trains other organisations in other South African provinces. From June 2013 to January 2014, 70 Expanded Public Works Programme workers extended much-needed labour in bringing these gardens to full potential. The good rains of the past few months have also made sure that there are bumper crops waiting to be harvested.

<sup>24</sup> Sekwele is a Civil Society Organisation that was established under the auspices of the Roman Catholic Church with the name “Bethlehem Catholic Social Academy” by Bishop Emeritus Hubert Bucher, as part of the reconstruction of the post-apartheid society with others. To summarise...

See Table 2.1 on page 153 for statistical report of the diocese of Bethlehem

### **2.1.2 The Archdiocese of Bloemfontein - Free State**

Originally the area of the Free State was part of the Vicariate of Natal, which was established by the Holy See on the October 1850, extending from the Kei River in the South and Quillemane in the North and confided to the Oblates of Mary Immaculate. Bishop JE Allard OMI was appointed the first Vicar Apostolic. Consecrated in Marseilles, France, on 13 July 1851. The Zambesi Mission to the North of the Limpopo was confided to the Society of Jesus in 1879. Then in 1886 the remaining territory under Bishop Jolivet OMI, was subdivided into the Prefecture of the Transvaal and the vicariate of the Free State, comprising the Free State, Basutoland and the Diamond Fields; on the north and on the west, the Vaal River; and on the east Drakensberg Mountains. The new Vicar Apostolic, Bishop Anthony Gaughren OMI, (consecrated in Tower Hill, London on the 10 August 1886) would reside at Bloemfontein. Bishop Q Devereux of Grahamstown had sent Father R Hoenderwangers, O Praem. To visit Bloemfontein in 1850 and he took up residence there in 1852, remaining as the pioneer priest of the Free State until his return to Belgium in 1869, when his place was taken by Father Le Bihan OMI, and later by Father V Bompert OMI. When Bishop Gaughren arrived in November 1886 the train terminus from Cape Town was Kimberley and so he took up residence there, travelling regularly by post cart to Bloemfontein and on to Basutoland. Kimberley remained the Episcopal residence for his successors, Bishop Matthew Gaughren OMI (1902-1924) and Bishop HJ Meysing OMI (1924-1951). During the interregnum (1914-1924) Bishop C Cox OMI, of the Transvaal was Administrator Apostolic.

On 11 January 1951, by Papal Bull, Pope Pius XII established the Ecclesiastical Hierarchy in the Union of South Africa, and set up the Ecclesiastical province of Bloemfontein. Archdiocese includes the civil districts: Bloemfontein, Boshof,

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Sekwele's focus on reflection addresses two related issues: First, facilitating a process to help people think systematically about the social causes of suffering, and simultaneously exploring individual and collective resources and strategies for addressing these problems for the common good. A resolution was made to change its name in 2003 in order to reflect the inclusive nature of its objectives: Sekwele Centre for Social Reflection. In 2004 rural communities started approaching Sekwele to assist them in advocating for quality basic services by government.

Botshabelo, Brandfort, Bultfontein, Daleville, Dewetsdorp, Edenburg, Excelsior, Fauresmith, Hertzogville, Hobhouse, Jacobsdal, Koffifontein, Luckhoff, Marseilles, Petrusburg, Phillipolis, Redderburg, Smithfield, Thaba Nchu, Trompsburg, Tweespruit, Verkeerdevlei, Wepener, Zastron, and portion of Ladybrand, Hoopstad and Winburg.

See tables 2.2 & 2.3 on page 153 and 154 for statistical report of the Archdiocese of Bloemfontein between 1959 and 1979.

### **2.1.3 The diocese of Dundee - Kwazulu-Natal**

The former Prefecture Apostolic of Volksrust was erected by the Bull, *In Similitudinem* of Pius XII dated 23 June 1958, and entrusted to the English Province of the Order of Friars Minor. The boundaries of the territory are: Lydenburg Diocese to the North, Johannesburg to the North-West, Bethlehem Diocese to the West, Manzini Diocese to the East and Durban Archdiocese to the South. The Prefecture comprised of the following District: Ermelo, Standerton, Bethal, Piet Retief, Amersfoort, Volksrust, Wakkerstroom in Mpumalanga and Newcastle, Utrecht, Dundee, Klip River and Msinga districts (as bounded by the Tugela River) in KwaZulu/Natal.

The Prefecture was created a Diocese under the title, Diocese of Dundee, by the Bull of Pope John Paul II *Quandoquidem Ecclesia* dated 19 November 1982. Michael Paschal Rowland OFM was ordained the first bishop of the diocese on the 17 September 1983.

The Diocese of Dundee covers a large portion of the northern area of the province of Kwazulu-Natal, and has a long history of involvement in land issues in the complex history of this region. Large portions of land were originally acquired within the geographic area of this Diocese in the latter half of the nineteenth century by the Trappist brothers associated with the Mariannhill Mission Institute (MMI). It is from some of these properties that the Diocese of Dundee and communities experienced the violence of forced removals carried out by the apartheid regime in the 1960's, leaving the Diocese with the racist policies of the state, and the black membership of the church left vulnerable on the land and some communities torn apart and relocated to inhabitable locations.

Please refer to table 2.4 on page 154 for statistics of the Prefecture Apostolic of Volksrust/ Diocese of Dundee.



### **2.1.4 The diocese of Kokstad - KwaZulu-Natal**

By Papal Decree of 8 April 1935, the Kokstad District of the Mariannhill Vicariate was constituted the Prefecture Apostolic of Mount Currie. The Prefecture Apostolic of Mount Currie became the Vicariate Apostolic of Kokstad on 11 July 1939, and was entrusted to the Franciscan Fathers (Order of Friars Minor, OFM). Rt Rev Sigebald Kurz, OFM became the first Bishop. He resigned in 1945 and Rt Rev Lucas Puerstinger, OFM was Apostolic Administrator until 1949 when Rt Rev John Evangelist McBride, OFM was appointed Bishop and remained in office until his resignation in 1978, when Rt Rev. Wilfrid F Napier, OFM was appointed Apostolic Administrator and later Bishop.

With the establishment of the hierarchy in 1951, the diocese of Kokstad came into existence and comprises the magisterial districts of Bizana, Flagstaff, Lusikisiki, Port St John on the left bank of the Umzimvubu River, Mount Ayliff, Mount Frere, Tabankulu, Mount Currie and Matatiele south of the Kenegha-River.

It is noted that apart from the Kokstad town, which is located within the Province of KwaZulu-Natal and which is where the Kokstad Diocesan management and administrative hub is located, the remaining area covered by the Diocesan is to be found in the Eastern Cape Province. 18,000 square kms of the Kokstad Diocese lies in The Eastern Cape Province and encompasses what was traditionally known as the Eastern Province, Border and North-Eastern Cape areas, as well as the former homelands of Transkei and Ciskei (SACBC Land Audit report, 2004). In KwaZulu-Natal Province is covered by the Sisonke District Municipality while in the areas covered in the Eastern Cape it covers the Districts of Alfred Nzo and O.R Tambo, with a small section falling into the Ukhahlamba.

Please see table 2.5 on page 154 for statistics of the Vicariate Apostolic of Kokstad.

### **2.1.5 The Diocese of Keimoes-Upington**

On the invitation of Bishop Leonard of Cape Town (1872-1908), the Fathers of the African Missions of Lyons, SMA, sent Father Gaudeul and Brother George to minister in the Northern part of the Cape. Father Gaudeul and Brother George took

up residence at Springbok in 1872. In 1873 Father Gaudeul started a mission at a nearby mine, but when after one year the mine was closed, he returned to Springbok.

In 1874 the Apostolic Prefecture of the Central District was separated from the Vicariate of the Cape of Good Hope – the whole territory from Mossel Bay and George in the south, to the Orange River in the north. This became the responsibility of the SMA who commenced with thirteen missionaries. Father Gaudeul and Brother George left Springbok and took up residence at Pella on land abandoned by the Rhenish Mission. Permission to stay on the land was granted by the Cape Government.

After struggling for ten years, it became clear that due to a shortage of staff, Father Gaudeul and Brother George could not continue. In 1880 the SMA decided to return responsibility of the Prefecture to the Apostolic Vicariate of the Cape of Good Hope.

In 1880 Bishop Leonard travelled to France and approached Father Louis Brisson, founder of the Oblates of St. Francis de Sales, OSFS, to send missionaries to the area vacated by the SMA.

The Missions of Namaqualand came under the care of the Oblates of St Francis de Sales in 1882. In 1884 the territory was established as a separate Prefecture Apostolic, and in 1898 it became known as the Orange River Vicariate. In 1898 Father Jean Marie Simon, OSFS, saintly pioneer, was consecrated as bishop of the territory. In 1940 the name of the Vicariate was changed to the Keimoes Vicariate.

On the establishment of the Ecclesiastical Hierarchy in South Africa on 11 January 1951, the name of the Vicariate was changed to the Diocese of Keimoes. Canonical possession of the new See was taken on 10 July 1951.

The Diocese of Keimoes-Upington is situated in the province of Northern Cape and extends to the border with Namibia, the Atlantic Ocean in the West, and the Republic of Botswana in the North, the eastern part of Gordonia and Kenhardt districts in the East, and the southern border of Vanrhynsdorp, Prieska, Kenhardt, Williston

and Calvinia-districts in the South. In 1985 the name of the Diocese was changed to the diocese of Keimoes-Upington by the Sacred Congregation of Propaganda Fide.

It covers an area of very harsh terrain, but also incorporates the lush agricultural area of the Orange River, which is one of the major agricultural production regions for South Africa. The inequity between the established wealthy white farmers and their farm workers (or ex-farm workers) is particularly marked, and is a feature of the social dynamics within the province, as well as being a particular challenge for the Diocese in its ministry.

Table 2.6 on page 156 presents the Statistics information of the diocese of Keimoes, Vicariate Apostolic of Keimoes and Keimoes-Upington.

### **2.1.6 Mariannahill Diocese – Kwazulu-Natal (1994-2014)**

Founded in 1882 as a Trappist monastery, the diocese of Mariannahill consists of communities which are faced with various social, economic, environmental and governance challenges. The issues that have been identified as the most serious day-to-day challenges experienced by various communities include lack of employment, financial problems, bad service delivery, health issues, access to basic household and community development. Civil districts within the ecclesiastical boundaries of the Diocese of Mariannahill comprise Ixopo, Impendle, Richmond, Umzinto, Umbumbulu, parts of Port Shepstone, Camperdown and Pinetown, Polela and Underberg.

Please see table 2.7 on page 156 for the statistical report of the diocese of Mariannahill

### **2.1.7 The Diocese of Umzimkulu - KwaZulu-Natal**

The Diocese of Umzimkulu was established in 1954 by the excision from the Diocese of Mariannahill, of the civil districts of Umzimkulu, Harding and portions of the districts of Port Shepstone, Bulwer and Himeville, west of the Umzimkulu River. The Diocese of Umzimkulu is located in the southern section of Kwazulu-Natal and crosses the border into the eastern section of the Eastern Cape Province.

Diocese of Umzimkulu comprises of fifteen parishes that each have from five to fourteen outstations - chapels to serve by the missionary.

Table 2.8 on page 157 presents the statistics of the diocese of Umzimkulu

### **2.1.8 Diocese of Witbank - Mpumalanga**

By Papal Decree 12 June 1923, the Eastern Transvaal (Mpumalanga) was separated from the Transvaal Vicariate and entrusted to Missionaries, Sons of the Sacred Heart (MSFC). In 1979 the MSFC re-joined the Verona Fathers (FSCJ) and are now known as the Comboni Missionaries of the Heart of Jesus (MCCJ).

The Lydenburg Prefecture was raised to the status of a Vicariate on 9 December 1948. Following the establishment of the hierarchy in South Africa, the Vicariate was raised to the status of a diocese on 11 January 1951.

On the 23 June 1958, a number of magisterial districts on the southern boundary of the diocese were excised and incorporated in the Volksrust Prefecture. On the 13 September 1964 the name of the diocese changed to Lydenburg-Witbank by papal decree and on the 10 November 1988 to Witbank.

The diocese comprises the magisterial district of Barberton, Belfast, Carolina, Kamhlushwa, Lydenburg, Mapulaneng, Mhala, Middleburg, Nebo, Nelspruit, Nsikazi, Pilgrim's Rest, Sekhukhune, Waterval-Boven, White River, Witbank, and portions of Eerstehoek and Groblersdal. Some of these districts are located in the province of Mpumalanga, others in that of Limpopo.

For Statistics report of the Diocese of Witbank, please see table 2.9 on page 158

## **2.2 Conclusion**

This chapter viewed the historical background, the demarcation background and the population statistics of each respective diocese. As discussed in the introduction of this chapter, it was noted that the Church also benefited from the land that it accumulated. By developing innovative missionary methods such as building hospitals, schools and welfare institutions, bringing agricultural activities led to the expansion of the Church. What does this achievement mean? It implies that the quality of the land owned by the Church had the potential to assist in enhancing development in the community.

In addition, it was discussed that some dioceses changed their names at some stage. Most names were changed from 'Vicariate Apostolic' to 'Diocese'. While others changed from 'Prefecture Apostolic' to 'Diocese'. Further, the statistical tables indicate clearly that in the past the records were not constantly documented by the Church in its particular region / diocese. It was after the year 1990 whereby a serious recording of diocesan statistics was archived categorically. This is an implication that technology assisted the diocese in advancing its archiving method of documentation. It was therefore, fitting to bring this chapter because it complements the discussion in the next chapter which is the central focal point to the research. The following chapter is based on the research approach and methodology that was implemented in the case study for church land ownership and land reform programme in South Africa. Through the uniqueness of the documents to provide required information, the theoretical approach and theoretical framework of the study was found suitable to be discussed and explained.

## **Chapter 3**

### **Research design and method**

#### **3.1 Introduction**

This chapter is a description of the type of research methodology used to carry out the research and the reasons for choosing that research methodology and data collection. It also outlines the research design and briefly shows the limitations of the study. The aim of this study was to investigate the Catholic Church and land ownership in South Africa since 1994 – 2014.

The first part of chapter 3 highlights the theoretical approach that supports the investigation. The study was guided by a historical research method. The research used pragmatism as a research paradigm which is specifically within a qualitative research approach. In this study, documents analysis was used to help the focus on measuring the degree to which land reform programme policies have been implemented. Through the data collection and data analysis, various documents were gathered to evaluate the position of the state, the church and communities. The final discussion was to ensure that the aspects of trustworthiness and ethical procedures were followed.

#### **3.2 Theoretical approach underpinning the study**

A special discussion and focus between the state and Catholic Church should be imposed as a new strategic plan and implementation that will serve the land reform programme purpose. The state of South Africa affirms the democratic values of human dignity, equality and freedom (Bill of Rights, 1996). Attitudes toward the land and its uses express economic and political values, often held with deep emotion. How people relate to the land influences how they relate to one another. The aims and goals of the South African land reform programme should be aligned with South African demands, conditions and needs (Pienaar, 2014).

This research study was guided by a historical research design. Here, a historical research method is reviewed as “witness in a trial” (Lundy, 2008, p.3), in order to help

the researcher describe how to judge the validity of historical data (Lange, 2013, p. 13). This design is a systematic process for searching, exploring, summarising, and reporting past information and events using primary and secondary sources of historical data to gain understanding of events, issues and policies (Kalaian, 2008, p.16). Thus, the cardinal significance of historical research design (L'estrage, 2003, p.4) allowed the researcher to conceptualise the relationship between past and present, and to assess the importance of a specifically historical understanding of social phenomena. The rationale for the research is discussed next.

### **3.3 Rationale: Catholic Church land ownership in South Africa: 1994-2014**

The year 2014 marks two decades of the anniversary of the South African democracy. The main concern with the actual condition existing in the country is that the economy is in deep trouble, and South Africa has the benefit of one of the most progressive Constitutions in the world. Yet, all is not as 'rosy' as it would seem (Binswanger-Mkhize, 2009).<sup>25</sup>

Despite the tremendous and the great possibility of ensuring a reasonable livelihood for the majority of South Africans, a growing socio-economic crisis is unfolding. It is not hard to imagine that the anger may grow and degenerate into fuelling chaos similar to that which is seen happening in a country like Zimbabwe. Already some people from that country are identifying the warning signs in South Africa that they first noticed in their own country in the late 1980s (Moyo, 2000). The evidence from Zimbabwe indicates that the fast track approach to land redistribution threatened food security, at the household and national level (COHRE, 2001). At this stage there seems to be a small but diminishing opportunity remaining for the social collective to pause and reflect for a moment, and consider whether to intervene to change the course of events unfolding in South Africa.

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<sup>25</sup> Report by South Africa - Economic Forecast Summary (November 2017) shows that growth has disappointed in the last few years. Weak consumer demand, policy uncertainty, and the prolonged drought weighed on activity. While power production has improved, important bottlenecks remain in infrastructure and costs of services, which increase the cost of inputs for firms. The economic slowdown has pushed up the unemployment rate and income inequalities remain wide. Reviving economic growth is crucial to increase well-being, job creation and inclusivity. As there is limited room for monetary and fiscal stimulus, bold structural reforms, supported by social partners, are needed to unlock the economy.

Furthermore, the South African government wants to ensure food security to decrease its dependence on other countries for agricultural products. But food security cannot be achieved if it cannot produce enough volume of products. There is also the vision of alleviating poverty in the country especially in rural areas. This can be attained by easy access to lands because most of the poor depend on lands for their livelihood and welfare. However, there are many issues concerning farm lands because most of these lands are being converted to residential areas and the farmers have no resources to get into commercial farming. That brings an obstacle, which makes it difficult to find a way of assessing the fast process of land reform. In addition, this problem needs to be up-rooted because it is an impediment to positive results of just life.

The question is however, if ever the Land Reform Programme strategies and policies in South Africa are considered to be good, then why their outcomes have not been successful and fruitful? Therefore, the state is required to make major changes in bodies, institutions and regulations that often form the basis of a nation's political, economic and social organisations.

Twenty years after 1994, the church is still in a position of a land owner. Therefore, the aim of this research is to investigate the reform that took place regarding the church owned land to see what the measure and level of reform is.

### **3.4 Research paradigm**

**Pragmatism:** Pragmatism as a research paradigm emerges as accepting both singular and multiple realities in the world, setting itself towards solving practical problems in the real world (Feilzer, 2010). Shields (1998) observed that because it speaks to the world of practice, pragmatism has the potential to unlock many roads to research. Through pragmatism, researchers become aware and are receptive of the ideas of others. Ormerod (2006, p. 892) explained that:

*“The words pragmatism has for me positive connotations. I take it to be about being practical, getting things done, doing things a step at a time, not allowing the best to be the enemy of the good, taking account of other's views, not being hung up on unattainable principles and yielding on some issues in order to make progress on others.”*

In the pragmatism paradigm, the main (objective) goal of land reform is to reduce poverty and gross inequality (Pienaar, 2014), and in order to benefit effectively from



land reform initiatives, programmes have to be designed in such a manner as to promote active participation of beneficiaries. Within the South African context, Moyo (2007) identifies the following as the usual aims of land reform: to decongest overpopulated areas; to increase the base of productive agriculture; to rehabilitate people displaced by war; to resettle squatters, the destitute and the landless; to promote equitable distribution of agricultural land; and to deracialize commercial agriculture.

On the other hand, the Catholic Church recognises land not as a mere commodity but as our mother, the locus of life, God's gift to all, of which we are responsible custodians (SACBC, 2012). The land is therefore, used in a respectful and caring way, for present and future generations, the quality of life of all, including rural people. By focusing on the land reform programme and Catholic Church land ownership that can support this approach, a research approach such as qualitative method was employed to conduct a thorough investigation.

### **3.5 Research methodology**

This section is a description of the type of research methodology used to carry out the research and the reasons for choosing that research methodology. The complex and dynamic nature of the situation being researched required a variety of methods to reveal the level, quality of detail needed to ensure an accurate analysis of the Catholic Church land ownership between 1994 and 2014 and Land Reform Programme.

In order to investigate the Catholic Church Land Ownership in South Africa 1994-2014, a qualitative methodology was employed, as detailed research planning was needed to produce precise findings regarding the Catholic Church and Land Ownership in South Africa. A qualitative methodology is a broad approach in social research aimed at understanding a particular social situation or event (Creswell, 1994). The information gathered in this study assisted in looking at an in depth understanding of human behaviour through which possible solutions to social problems will be suggested (Sarantakos, 2005). The process of research involved emerging questions, data analysis inductively building from particulars to general themes, and thereafter "making interpretations of meaning of the data which made the final report have flexible structure" (Creswell, 2014, p. 4).

In this study, '*document analysis*' methodology was used to help me to focus on measuring the degree to which certain land reform policies in South Africa have been implemented. (Corbin & Strauss, 2008; Rapley, 2007) define '*documentary analysis*' as a systematic procedure for reviewing or evaluating documents, and like other analytical methods in qualitative research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge. Document analysis is also referred as 'social facts' which are produced, shared, and used in socially organised ways (Atkinson & Coffey, 1997, p. 47). I reviewed prior literature and incorporated the information in the report (Bowen, 2009).

Further, another strength of the document analysis method is that it relies on a range of information sources such as documents, archival reports, etc. The document analysis study approach as used in this instance with the focus being the Catholic Church land ownership and land reform programme in South Africa since 1994-2014. Therefore, church documents and government documents, form the primary material in this research. Data collected was triangulated with minutes of the different communities and SACBC land Audit Final Report which addressed restitution and development issues towards Land Reform Programme.

The research methodology used specifically within a qualitative paradigm that focused on the production of knowledge that is practical and has immediate application to pressing problems of concern to society (Brodsky & Welsh, 2008, p. 3). The qualitative methodology was guided by an emancipatory paradigm with a socio-political concern for providing important information for policy development and explaining why policies work (Byrne, Olsen and Duggan, 2009, p. 5).

An Analysis of document was necessary because it assisted me to understand the reasons and context for the policy as well as how it is being implemented in practice (Simons, 2009, p. 25), and can influence episodes of human interaction. Another fundamental objective of document analysis in this dissertation was to assist me to suggesting what could be helpful to address the South Africa's land tenure, redistribution, restitution system in relation to the Church owned land reform programme.

Moreover, evidence from documentary sources was important as it assisted in proving an account of the Church Land Restitution claim and the radical development of the South African disadvantaged communities. The advantage of documentary collection was that there was no reactivity, even though at times they were not easily accessible, which brought some hiccups to the study.

### **3.6 Theoretical framework**

For the purpose of this research, theory of social construction of life quality at macro levels was used (Parrott, 1997). This is a framework that addresses the social construction of life quality at country level, and that goes beyond objective 'welfare' (Gough, 2004, p. 34; Bevan, 2009, p. 13). The social construction of life quality at macro level is further defined as income security, health and education, relative and subjective aspects of life quality. This theory suggests that members of ideal-type formal welfare regimes can reasonably expect to meet their security and human development needs *via* participation in national or international markets and/or through state finance, services and regulations (Gough, 2004, p. 34). They have economic and social rights and opportunities of a formal kind that can be upheld in law (Bevan, 2006). One of the underlying perspectives of this theoretical framework informed the researcher the way in which development policies, programmes and projects are designed and implemented in this study.

### **3.7 Data collection**

Data was collected from Bishops' offices, diocesan land reform coordinators, Church Land Programme Office (in Kwazulu-Natal) and SACBC land reform desk (Pretoria) to explain the purpose of the research and the format of the research. The discussion on document analysis was employed as well as the means of data collection to support the research process and to give relevant archival information.

The following research methods were used in the collection of data: review of relevant documents (Creswell, 2014, p.190). Documents relevant and applicable to the research questions were also examined. Documents included for review originated from:

- Government documents
- State policy/laws

- Church documents, alongside other relevant sources that effectively tackled the research problem
- Archives
- Secondary data, minutes of meetings, academic journals and newspapers articles

Citing Caulley (1982, p. 28), Owen (2013, p. 11) asserts that “though documents analysis is routinely carried out in programme evaluation, its full potential is rarely tapped” and the resources and “literature on the subject of document analysis is very meagre.” In its most rudimentary form it is “analysis of documents to gather facts” (Owen, 2013, p. 11). However, gathering of facts through document analysis is not an easy endeavour. Citing Caulley 1982, p. 19) Owen (2013, p. 12) warns that “the facts of history and evaluation never come to us ‘pure’, since they do not and cannot exist in a pure form; they are always refracted through the mind of the recorder” especially since the facts we find in documents “have been selected by the recorder.”

According to Creswell (2014), the advantages of the documents analysis is that it enables a researcher to obtain the language and words of participants. It can also be accessed at a time convenient to researcher an unobtrusive source of information. Document analysis can represent data to which to which participants have given attention. As written evidence, it saves a researcher the time and expense of transcribing.

On the other hand, Creswell (2014, p. 191) further explains that the limitations of document analysis are that not all people equally articulate and perspective. There may be protected information unavailable to public or private access. It also requires the researcher to search out the information in hard-to find places. Document analysis further requires transcribing or optically scanning for computer entries and materials may be incomplete. The documents may not be authentic or accurate.

### **3.8 Data analysis**

Bloomberg and Volpe (2012, p. 15) define data analysis as the development of a process and framework for analysing large volumes of data, which normally accompanies qualitative research. Content analysis is a procedure that involves categorising data into organised segments and giving each segment an appropriate

theme (Hancock, 2002, p. 17). Qualitative document analysis, (Wesley 2010, p. 5) relies upon their readers to assess the broader applicability of the lessons drawn from their findings. The values that the Qualitative document analysis impart may add meaning in the context of the study and depending upon its purpose (Simons, 2009: 25-26). More so, the question of whether the results of a qualitative document analysis can be extended to another context must be answered by the student (researcher) seeking to make the transfer (Wesley, 2010, p. 5). The qualitative data was analysed through processes of a case study in order to categorise and make sense of the data as well as to generate categories in line with the objectives of the study.

These documents however, because of their uniqueness to provide required information, (Kvale, 1996, p. 298) enabled me to study the research question at any time and for as long as I wish and ask any kind of question I could think of, without the limitation and considerations that are evident in research contexts.

In gathering data I also made use of triangulation. Triangulation is the process of strengthening the findings obtained from a qualitative inquiry by cross-checking information (Payne & Payne, 2004). A researcher who argues that his or her findings are derived from many different kinds of people across many different situations will be more convincing than another researcher whose conclusions are based on observations of one person in one setting (Potter, 1996). Therefore, triangulation was also used in bringing together different sources of information from different sources I could make a powerful argument that the interpretation makes more sense (Creswell, 2014, p. 186).

In addition, I triangulated the data by examining multiple sources of evidence. Simons (2009: 25) suggests that it is always worthwhile when beginning a study to consider what documents already exist which may be relevant to my case. The fundamental objective of document analysis in this paper was to assist the researcher to suggest what could be helpful to address the South African land tenure, redistribution, restitution system in relation to the Church owned land reform programme. From this context, document analysis was designed to engage with people, organisations, and interests and was aimed to inform human services, public policy, and other local, national, and international decision makers (Simons, 2009, p. 25). For this reason, triangulating data I attempted to provide 'a confluence of evidence that breeds

credibility' (Eisner, 1991, p. 291). By examining information collected through different methods, I corroborated findings across data sets and assisted me to reduce the impact of potential biases that could exist in a single study (Patton, 1990). Thus triangulation helped me guard against the accusation that a study's findings are simply an artefact of a single method, a single source, or a single investigator's bias (Patton, 1990)

The limitations of qualitative research methods are often criticised for their concern with the particular at the expense of the general and for being ambiguous. The leaps are not always fully reported, or they arise from a process of constant interactions between theory, data and relevant literature that is not written up for other author's to replicate (Whitfield, 1998, p. 57). Despite these limitations, the investigation benefited from the flexibility of the research methods.

### **3.9 Secondary data**

Secondary data analysis deals with data gathered by researchers, public institutions or government authorities (Sarantakos, 2005). Secondary data provided the research with documented information that could otherwise be put on other documents and could be used to check on the viability of information that has been collected. These documents, however, because of their uniqueness to provide required information, enabled me to study the research question at any time and for as long as I wished and asked any kind of question I could think of, without the limitation and considerations that are evident in research context (Kvale, 1996, p. 298).

Moreover, secondary data consists of relevant literature and policy documents, journals, newspapers, magazines, thesis and dissertations relevant to the area of study. Hence, secondary data from reports, manuscripts, testimonies, newspaper articles, bulletins and Legislation in the Public Service were obtained regarding the Catholic land ownership and Land Reform Programme (LRP) in this study. This information was vital in providing some background to the case and data for comparison purpose. This research carried out a comprehensive desk study of recent publications on Catholic Church land ownership and the Land Reform Programme in South Africa. Church documents, government documents and policies referring to the

land reform programme were also consulted. It should be noted that the subject under study falls within the broad study of the South Africa crisis and a lot has been written. It should be noted that for every qualitative study it is important to gather background data and to understand the historical context. The knowledge of the history and context surrounding a specific setting comes from the review of documents. In general, documents are any preserved recording of a person's thoughts, actions or creation (Potter, 1996). Documents were examined to investigate patterns and trends. The review of documents is an unobtrusive method rich in portraying the values and beliefs of participants setting. However, the use of documents should entail a specialised analytic approach called content analysis and this research benefited from the use of this approach.

It is never safe to take published statistics at their face value without knowing their meaning and limitations. Rather, it is always necessary to criticise arguments that can be based on them. Thus, the data collected by some other person should not be fully depended as they might have short-comings. Thus, it becomes necessary to find out the inconsistencies, probable errors and omissions in the data. This necessitates the scrutiny of secondary data because it is just possible that the data might be inaccurate, inadequate or even unsuitable for the purposes of investigation.

### **3.10 Ethical considerations**

Due to the nature of the investigation, the focus of the study was on the content of the selected documents. The study of this project did not at any stage directly involve human participants and this study was carried out in strict accordance with the conditions for which it received exemption and the policy on Research Ethics of UNISA.

### **3.11 Trustworthiness of the data**

For the purpose of the study, I gauged the quality of the data gathering process by focusing on the credibility, dependability, transferability and confirmability (Wesley, 2010, p.5). Data from my study's review was analysed and interpreted through these optional definitions. Credibility assisted me to see how far I am to be believed. Was I an eye-witness, or learned something second hand? Did I also set down an accurate, or mistaken, or deliberately self-serving version of events (Payne & Payne, 2004, p.4)?

In that manner, the credibility of the document hinged on the truth and accuracy of its reference and widely represented the phenomena I was investigating (Wharton, 2006, p.3).

To demonstrate the effectiveness of the quality of the data gathering process: dependability was determined to describe the precision of the research. This captures the belief that, provided the research is conducted in a transparent manner, readers may access the accuracy of the findings by asking, “would I have reached the same general conclusions, given the opportunity to read the same set of documents under similar conditions?” an affirmative answer would confirm the dependability of the analysis states Wesley (2010). Transferability was employed to reflect the reluctance to accept the inter-subjectivity of the interpretations. I maintained a rich description of the data collection process including confirmability (Wesley, 2010). This allowed me to ensure that my conclusions are drawn from the study are confirmable if the inferences drawn are traceable to data contained in the documents, themselves, and if the preponderance of evidence corroborates those findings (Wesley, 2010). Therefore, “achieving trustworthiness of the analysis, the quality of the data gathering is explicit as to the process of the findings and can be verified” (Wesley, 2010, p.6).

### **3.12 Summary**

This chapter described the qualitative research study methods used during my investigation. A case study was used as a research method within the qualitative research area and document analysis of the data collecting method was used. The data reflected document analysis of Catholic Church land ownership and involved South African the land reform programme since 1994 – 2014. I discussed the methods of data collection and review of relevant documents. The theoretical framework of the study provided a lens for interpretations of all data as well as strategies used to ensure the ethical standards, credibility, transferability, dependability and confirmability of the study. Chapter four focuses on Catholic land ownership and its relationship the with land reform programme in South Africa. The below discussion will focus on the results of both the SACBC and the LRP Department agreement on the audit and the development of policy, as well as the various expectations from within the diocese.



## Chapter 4

### Diocesan land ownership

#### 4.1 Introduction

The previous chapter described the research design and the methodology of the study. The current chapter focuses on the land occupied by respective dioceses. The present chapter will also dwell much deeper on the main focal point of the research. That is: how has the Catholic Church used its land in the past 20 years of democracy. The process of the inventory was also viewed. Therefore, how the Church land ownership has been handled by the eight respective dioceses is discussed in this chapter. The Church as a community of believers is closely concerned about what is happening to its land, because land is a crucial part of the lives of people. The study shows that the participation of the Church may contribute with sustainable development activity and could serve as an anchor for a land reform programme. The researched documents served as evidence to this statement. To avoid disorder, the discussion in this chapter is accordingly arranged as per alphabetical sequence of these dioceses.

There could be a necessary historical background to all of these dioceses but the evidence thereof has not been easy to find because of incomplete material. Due to the nature of the research (Documentary analysis) it was also not easy to get the 2014 status of some farms owned by the church. Therefore the documents used from some dioceses and from the land audit could not provide sufficient information regarding the historical background and the latest status of 2014. Some information was protected and unavailable for public or private access. Some documents that I received from the report were not accurate enough to elaborate more on my investigation.

##### 4.1.1 The Diocese of Bethlehem

A little is known about Church owned farms in the diocese of Bethlehem. However, in contrast to the wealth of information which exists on the general history of the Catholic Church in the diocese of Bethlehem, there is hardly any research material about diocesan farms and land ownership. One of the few primary sources which exist on the Bethlehem diocese is a book written by Brain, *“Patience Our Daily Bread”* (1996).

However, Brain's material, though well documented, is written from a missionary point of view. Although Brain refers briefly in his work when dioceses were established, he nevertheless fails to make a critical study of the social and economic factors at play in the life of the community. It is very important to note that the former Sheridan farm, which was not the only farm-owned by the diocese of Bethlehem during this period, is the least known Church owned farm by the Catholic Church since 1995. The Diocese of Bethlehem based in the Free State province has a difficult history of grappling with the challenges of land ownership as a Diocese.

Molisadihe, (1998) attests that its publicised initiative during the 1980's of dealing with the questions of land ownership, use and management of the property at Sheridan Farm did not result in a resolution that was acceptable to all parties concerned. Molisadihe (1998, p.29) states that in August 1995, the church decided to sell the farm because the project of the cultivation of the soil, raising of livestock, planting of maize, wheat, asparagus, dry beans, husbandry of dairy cattle and merino sheep was running at a loss, with cash flow problems.

The farm was sold in October 1995 by the Roman Catholic Church, placing the workers and their families in a precarious situation which led the new owner issuing eviction notices to the ex-farm-workers, and ordered his new workers to occupy the houses of the ex-farm-workers employed by the Church (Molisadihe, 1998). This led the ex-farm-workers to an unemployed situation. The Church decided to abandon the ex-farm workers without giving them their employment benefits. Since they were told to leave the farm, they left it and had no place to stay. The report by Modisalihe (1998) indicated that there were families of twenty-three (approximately 173 people) farm workers and their families affected by the eviction.

According to Molisalihe's report (1998, p. 30), during November 1995, the Free State Rural Committee (FSRUC), a land service non-profit NGO affiliated to the National Land Committee, was then invited by the Provincial Director of the Department of Land Affairs to address the issue of the evictions of these ex-farm workers and to engage in efforts to identify and secure suitable land for their settlement. The FSRUC firmly believed that the Diocese of Bethlehem had a moral obligation to the ex-farm workers on Sheridan, and that this obligation had not disappeared when the diocese sold the

farm. The FSRUC also felt that the Diocese of Bethlehem failed to adhere to the basic principles in the sale of the farm Sheridan.

Molisalihe (1998) further states that the Bishop of the diocese did not agree with the analysis of the FSRUC, stating that it had failed to take into account a number of important factors, including the following: the fact that the Diocese had pioneered the co-operative venture known as the Sheridan Association for the benefit of the workers on the farm; Sheridan had served for years as a haven for more than 200 people who had fled the harsh pass laws of the apartheid regime; that the Department of Land Affairs had taken more than twelve months to respond to the gracious offer by the Diocese of Bethlehem to let them take over Sheridan in order to further pursue the aims of the Sheridan Association; that the decision to sell Sheridan had only been taken when it became apparent that the Department was unable to facilitate its transfer to the workers with 'the urgency which the situation on the farm called for'; that the former facilitator of the Sheridan Association, after he had left to take up a post with the Provincial Department of Land Affairs in Bloemfontein, had inexplicably not been given responsibility by the Department to handle the Sheridan transfer; and that, as a result of 'the sudden power vacuum on the farm', at the critical moment, large-scale theft and burglary had broken out on Sheridan, 'diminishing its already dwindling assets.' The Bishop also stated that the sale of Sheridan had been 'turned into a political agenda', confusing the residents on the farm and leading many of them to 'leave in peace'. The Bishop did not accept that the few families that had remained on Sheridan could be called a 'community', and rejected in strong terms the 'insinuation' that the Diocese had failed to fulfil its moral obligation with regard to Sheridan. Rejecting any obligation to contribute financially to the resettlement of the Sheridan farm workers and their families, he did say that the Diocese might consider making *ex gratia* payment, but only after all of the households still remaining from the old Sheridan dispensation had been moved. In November 1996, the former Sheridan farm workers accessed alternative land but un-empowered to utilise their skills properly, having shown that they lack initiative to engage in self-development.

Concurring with Molisalihe I also believe that the Church could have given a fundamental and meaningful role in the lives of those former workers and families by employing its resources in the alleviation of poverty.

### **4.1.2 Diocesan rural development support programme**

One of the new developments in the 1990s concerned mission land and the uses to which it was put. Although the Catholic Church itself was not a major landowner in the Free State, in the Bethlehem diocese, which covered nearly 35 000 sq.km, there were vast tracts of Church owned agricultural land, a few industries and a little in the way of rural development (Brain, 1996: 274). The Rural Development Support Programme (RDSP) of the Bethlehem diocese was set up in 1991 in an attempt to provide opportunities for rural blacks, and especially the women whose task was to identify and network the under-utilised resources, and to harness them for the progress of the Catholic community, helping them to understand and play an active role in the process of development (Brain, 1996). The unfavourable economic situation brought some of the men back from the cities where they had left their jobs, which created a high rate of unemployment. The Rural Development Support Programme aimed to help people to help themselves (Brain, 1996: 276).

Consequently, the Diocese was taken to participate in the process of the audit and identified two particular properties that could be further investigated. These two properties are Osfontein and Oom Japie, and will be briefly reported below.

### **4.1.3 Osfontein farm**

The property as Osfontein actually consists of two adjacent subdivisions of land, namely: Osfontein and Artois. The total extent of these two subdivisions is 177 hectares. On one portion of the property the Diocese has established a training centre and runs its programme known as the Bethlehem Basic Training Project (BBTP), with the aim to (SACBC Land Audit Report, 2004, p.7):

- Enable the community to respond to its needs by offering quality, affordable and accessible training.
- Promote entrepreneurship and the idea of 'self-help.'
- Provide opportunities for the exchange of information, expertise and skills.

In working towards these aims, the project offers the following training programmes:

- Basic home building.
- A plumbing course.
- A welding course.
- Home based care for HIV/AIDS sufferers.
- Land utilisation skills.

There has been no community settled at Osfontein and a portion of the property has been leased to a neighbouring white farmer. At the plenary meeting of 1999 the Diocese of Bethlehem expressed its willingness to make the land available for the purpose of poverty eradication. The audit process began to identify group members who were interested in having access to the land for production purposes. This was done in consultation with the local church and the relevant government departments (Department of Agriculture and Department of Land Affairs). This proved to be a difficult and lengthy process for the Diocese. The Audit Report (2004) attests that unfortunately, in the midst of this process, the Diocese decided to sell the property to the current lessee (the white farmer) and the land was no longer available for the audit process. The Diocese has only retained a portion of land around the training centre and this continued to be available to support the training activities conducted at the centre. This action of the Diocese was taken with little consultation, and has raised fundamental questions concerning the Diocese's commitment to make its land available for poverty eradication initiatives.

It is not clear how this step taken by the Diocese fits within the overall vision of the Southern African Catholic Bishops Conference (SACBC) to utilise its land to support processes of radical economic transformation and poverty eradication. The action made by the diocese also raised a question regarding the church not setting an example of transparency. However, this is a similar case to the Sheridan farm where the Diocese felt that the level of interaction or consultation by the Department was poor and was failing to meet their agreement. Consequently, during the process of the inventory, the audit process was terminated at Osfontein Farm, and the BBTP continues to offer its training courses based at the remainder of the property.

#### **4.1.4 Oom Japie farm**

The property of Oom Japie Farm is 152 hectares. A small group of sisters have utilised a portion of the property and are based adjacent to the school on the property. The rest of the property has been fallow for several years and is available for utilisation. This implies that the farm land has not been used for growing crops, especially in order that the quality of the land will improve. The reason behind that was that most people at that farm did not have farming skills. At the plenary session of the SACBC of January 1999, the Diocese of Bethlehem expressed its willingness to make this property available for the purpose of the audit. To this end, a process was initiated to identify potential beneficiaries who were committed to use the land appropriately.

Through discussion with the Free State Department of Agriculture states the SACBC Land Desk (2004, p. 8) a group was identified from the neighbouring town who expressed their interest in utilising the land for agricultural purposes (SACBC Land Desk, 2004). Several consultations were held between these groups which included the resident Sisters, the Free State Department of Agriculture, the Free State Department of Land Affairs, and the Diocese. However, little agreement was reached on the final option for tenure, land use and management of the property (SACBC Land Audit Report 2004). It was recognised that a critical area of concern was the fact that the group members did not have previous experience of agricultural activities at a commercial scale, and in addition, that they would continue to be based in town and travel to Oom Japie Farm to work on the land. According to the SACBC audit Report (2004), it was adjudged by the Diocesan agencies that this would most likely not be a viable or satisfactory resolution. Hence it was decided to offer this particular group access to a smaller property adjacent to the town in which they resided where they could focus on vegetable production for sale in the local market and region<sup>26</sup> (SACBC Audit Report, 2004).

For the property of Oom Japie Farm, it was then proposed that the neighbouring farmers and farm workers be approached to explore the option of providing the land for use and settlement by some of the farm workers. This would be done with the

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<sup>26</sup> With the help of recent documents, it is reported that the outcome of the project on vegetable production has been successful and it has created jobs for families who are committed to it (Justice and Peace, 2012). Most people who are working on this project are not members of the RCC.

support and advice of the local farmers, and the tenure options to ensure security of tenure for the farm workers would be explored with the workers themselves. In 2003 (Oom Japie Community Meeting Report 2006) the diocese decided that this option had to be taken forward by the Diocese itself making use of its own internal capacity (i.e. the Social Academy and NAHA). The report of Oom Japie Community Meeting (2006) states that these Diocesan agencies became extensively involved in the audit process and have provided leadership when the appointed agency was not able to provide the services required.

In 2005, the land was handed over to the community by the Diocese since it was under the name of the diocese and it was split into two portions: one for the use of the Sisters and the other for a group of emerging farmers (Oom Japie Community Meeting Report, 2006). The Sisters who are based adjacent to the school use the land of Oom Japie for animal and vegetable production.

## **4.2 Land reform audit progress (Bloemfontein)**

### **4.2.1 Assissi mission – Ladybrand**

The Assissi Mission is situated about 150 km from Bloemfontein. The area of Assissi Mission is divided as follows: the first section is the Mission itself, which consists of the church building, initial formation of the Sisters, house of the elderly Sisters, Pastoral work, teaching facilities and Regina Pacis Centre.

During the Plenary Meeting of the SACBC in 1999, the Archdiocese of Bloemfontein also expressed its willingness to participate in the process of the audit. That is why I also included it in the research to investigate whether progress took place after a report of the SACBC Audit (2004), initial discussions was held with the Archdiocese and options explored to take the audit process forward. However accordingly, there was no substantial work that has been carried out for the Archdiocese. Several properties were identified that showed agricultural potential and initial discussions were held with the Archdiocese concerning availability and future use. It has been the Archdiocese's opinion that as the properties were located in a commercial farming area, and that there were no black households associated with the properties, either in recent history or currently, it would be exceptionally difficult and complex to see the relocation of households to these properties. This is a very problematic situation for people to move

there because one cannot just move to a place without ties to one's family history especially if these people have no required skills and resources available to support initiatives on the land. According to the SACBC Land Desk (2012), there is no agricultural activity on that land and therefore, the land remains fallow. In some cases the Archdiocese decided to sell some of the church properties<sup>27</sup> that were used for agricultural activities and schooling, while for others they would consider other options as they arose. It was the intention for the audit that this Archdiocese would form a part of a later stage of the process.

The SACBC Land Desk (2012) states that after the final audit report of 2004, several consultations were held between the Archdiocese, which included the resident Sisters, the Free State Department of Agriculture, the Free State Department of Land Affairs, and the Diocese. However, little agreement was reached on the final options for tenure, land use and management of the property (SACBC Land Audit Report 2004). It was recognised that a critical area of concern was the fact that the group members did not have previous experience of agricultural activity on a commercial scale, and in addition, that they would continue to be based in town and travel to Oom Japie Farm to work on the land. According to the SACBC audit Report (2004), it was adjudged by the Diocesan agencies that this would most likely not be a viable or satisfactory resolution.

### **4.3 The Diocese of Dundee**

With failed development initiatives in the 1970's and 1980's<sup>28</sup>, the Diocese undertook a fresh initiative in the 1990's to ensure security of tenure for communities residing on Diocesan land and explore development options for these areas. The audit process focused on the two larger properties within the Diocese, namely: Maria Ratschitz and St. Joseph's.

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<sup>27</sup> According to the SACBC Land Audit Report (2004), there was no fixed number of the church properties that were sold and those 'other options' were also not specified by the Archdiocese.

<sup>28</sup> An important aim of the agricultural order of Trappist's was to create productive agricultural communities of African converts - to stimulate the emergence of independent agricultural farmers. They taught the dignity of labour and the principles of sound farming. They also instructed the young men in the skills of wagon building, wheelwright's work, blacksmithing, wine making and cooperage, building, carpentry and shoemaking.



### 4.3.1 Maria Ratschitz

The property of Maria Ratschitz is 3 200 hectares, located in north-western Kwazulu-Natal at the base of the Hlathikhulu mountain. The mission farm is divided into three sections. The first section is the Mission itself, which consists of the church building, school facilities, an AIDS hospice, as well as accommodation and facilities for religious sisters. The second section of the mission farm is a residential area with more than 180 families settled in the village known as Kwathelaphi, a name that derives from the years of agricultural prosperity during the 1960's and 1970's. From 1965 – 1975 there was a brief respite in the form of the Church Agricultural Project (CAP). Neil Alcock, an accomplished stock farmer, observed that many potentially productive mission farms were lying fallow. His observation was that if these farms could be rehabilitated, the people would be fed and their status would be changed from "squatter" to *bone fide* farm labourer, thus lessening the threat of forced eviction. However, this project also met with disaster due to external circumstances as well as internal conflicts<sup>29</sup>. The failure of the CAP split the community, segments of which were alienated from the Church.

The third section of the property is the grazing land leased by the Diocese to a nearby white farmer. From this leased land the Diocese is generating an income. The property was originally acquired by the Trappist brothers<sup>30</sup> from a Boer settler in 1885, with the intention to create a productive agricultural community of African converts and to stimulate the emergence of an African peasantry. They were to do this by:

- Providing instruction on agriculture to their converts;
- Providing small plots of land to their trainees, which will provide an opportunity for black farmers to acquire ownership of property.

However, these intentions were never realised as various forces frustrated this vision. This included the following (SACBC Land Audit Report, 2004):

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In 1967 the government informed the Maria Ratschitz tenants that they would be removed in 1968 to a black area. With no resident priest the buildings fell into disuse and slowly deteriorated retrieved from [http://www.tourdundee.co.za/80\\_km\\_radius.html](http://www.tourdundee.co.za/80_km_radius.html).

<sup>30</sup> The Trappist missionaries are known as being an agricultural 'Order'.

- The legislation of 1913 and 1936 that prohibited the ownership of land by black people.
- The disapproval of the Bishop of these intentions, and the proposed selling price being too high for the majority of community members.
- The first and second world wars, which led to the German brothers having to leave the area and no one to take their work forward.
- The focus of the church on their religious activities<sup>31</sup>, to the neglect of land allocation and development; development attempts by the Diocese that created further mistrust between the community and the Diocese<sup>32</sup>, and left a divided community that is suspicious of any initiatives by the Diocese.
- The impact of forced removals on the community caused by political changes after 1991, leading to a torn community at Maria Ratschitz and displaced members at relocation areas.

By 1990's before even the audit was processed in 2000, Bishop Michael Vincent Paschal Rowland had reached the decision that the portion of land on which the community was settled should be donated to the community so that they can take forward their own development initiatives. This amounted to approximately 40% of the total area of the property. The remainder of the property was to be used by the local church or leased out to farmers in order to ensure an income for the Diocese. There was ambivalence within the community regarding this offer from the Bishop, with some members feeling that they should accept the offer, while others are of the opinion that the whole property should be donated to the community. The Department of Land Affairs was involved in the process of negotiation, but by the time of the audit process in 2000 of the SACBC the land had still not been transferred to the residents. Even in 2014, the land was still not transferred to the community and was still owned by the Church.

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<sup>31</sup> Personally, I think it is worthwhile for the Church to focus on their religious activities because the Church is not running a charity organization. Nonetheless, the Church can provide assistance for some skillful training programmes to their members. It is not the responsibility of the Church to provide jobs for their members.

<sup>32</sup> The development attempts that created mistrust between the community and the diocese were caused by the restoration of the buildings such as an Aids hospice, a retirement home for nuns, a retreat and a remarkable site. The community felt that the church is becoming selfish by accumulating money for itself instead of developing the community.

The outcome of the discussions that took place in 2000 was that the Land Claims Commission had to purchase the whole property from the Diocese, excluding the section utilised for church related activities. This provided an additional area for the settlement of families to Maria Ratschitz. The Department of Land Affairs also promised to make grants available for the current residents of Maria Ratschitz that intended to utilise for the provision of an infrastructure<sup>33</sup> in the area, and the initiation or extension of appropriate land use.

A concern for the developments at Maria Ratschitz has been the deeply divided nature of the resident communities as a result of its fractured history and acrimonious relationship with the church (SACBC Audit Report, 2004). The aim of the Trappist was to create productive agricultural communities of African converts - to stimulate the emergence of independent agricultural farmers. Added to this, is the challenge of additional families being settled in the area and their integration into the life of the community. It has thus been proposed through the audit that outside support is provided by the Church<sup>34</sup> for the community's formation and healing. This involves the restoring of relationships within the community as well as between the community and the Diocese.

#### **4.3.2 St. Joseph's**

The property at St. Joseph's was originally acquired by the Trappist brothers in similar circumstances to the acquisition of Maria Ratschitz. The property is approximately 1690 hectares in extent, and is located in the Ladysmith area of Kwazulu-Natal. The Trappist brothers pursued their vision of providing training in agricultural activities, and providing opportunities for the establishment of a black peasantry. Similar to Maria Ratschitz, this vision was never realised, but St. Joseph's does not have the history of conflict and forced removals so pervasive at Maria Ratschitz. The primary aim of the Trappist was to create productive agricultural communities of African converts - to stimulate the emergence of independent agricultural farmers. Subsequent to the departure of the Trappist brothers during 1950s, the Oblates of Mary Immaculate

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<sup>33</sup> Unfortunately the specific infrastructure was not labeled by the Department of Land Affairs. This idea was only mentioned in the audit report.

<sup>34</sup> It was not stipulated and presented in the decision how long will the support be provided to the community. The decision taken was that the Diocese is the one that is going to fund the process.

(OMI) have managed the property, followed by the Franciscan Order (FO) who are the current managers.

During the 1940's and 50's the farm lost a lot of its manpower in the form of migrant labour to the cities. The land was steadily degraded and the mission was in serious financial trouble. Between 1965 and 1975 there was a brief respite in the form of the Church Agricultural Project (CAP). Many potentially productive mission farms were lying fallow. This project also met with disaster due to external circumstances as well as internal conflicts. The failure of the CAP split the community, segments of which were alienated from the Church.

The property consists of an area set aside for church facilities, including a crèche and accommodation for religious sisters, as well as a significant portion that is currently settled by approximately 60 households. A further portion of the property was leased to a white farmer who has used the land primarily for grazing purposes (SACBC Audit Report, 2004). Over the course of its history, the property has been used for both cattle and crop production, both by the Mission and the community. This appears to be an amicable relationship being enjoyed between the community and the church representatives because both the Church and the community are experiencing meaningful development.

After 1994, a key development on the property has been the construction of a major road through the property, and the location of a tollgate on the property itself. This was initiated by the local government. This led to the relocation of some families away from the affected area to another section of the property. This has had understandably a negative impact on the lives of these families. Most people felt that the government should have compensated them.

At the commencement of the audit in 1999, the Bishop made it clear that he was willing to see the property transferred to the community itself. He made it clear that he would sell the property and not donate it to the community. This decision had arisen out of his experience with the Department of Land Affairs and the attempted donation of Maria Ratschitz (SACBC Audit Report, 2004). His insistence on selling the property had disappointed the Department of Land Affairs who were of the opinion that the church should donate its land to the residing community (SACBC Audit Report, 2004).

Consequently, the Department of Land Affairs was willing to adopt St. Joseph's as a project and allocate a budget for the initiative. Through the process of the audit in the year 2000, the Bishop agreed that since the property at Maria Ratschitz will be purchased by the LCC, the Diocese can afford to donate the property at St. Joseph's to the community. This has opened the way for the Department of Land Affairs to be involved. St. Joseph's has now been accepted as a project.

Further obstacles have been encountered in this initiative in that the Department of Land Affairs insisted that the project must be dealt with under the framework of the LRAD programme. The problem was that the government frequently lacked the capacity needed to implement land reform programmes fairly, consistently, and in ways that leave land reform beneficiaries better off in the long run.

Another encountered obstacle was that some LRAD projects are being slowed down by inexperienced officials. This implied that the agricultural potential of the land must be assessed for its viability, and appropriate land use activities agreed upon with the community. The complication has been that the community's own reality and expectations, has adjudged that the agricultural land available is of insufficient quality to ensure a viable initiative on the land. This further complication was under discussion, with both the community and the Diocese committed to see the transfer of ownership take place. It also wanted to see appropriate sustainable land use initiated and sustained.

#### **4.4. The Diocese of Keimoes–Upington**

According to the SACBC Land Audit Report (2004), the new bishop who was appointed on 5 July 2000 and consecrated on the 14<sup>th</sup> October 2000 at Upington was especially interested in the Diocese being part of the audit initiative of the SACBC,<sup>35</sup> because he was aware of the various properties held by the Diocese and the need to develop an appropriate strategy to deal with them. On the basis of the inventory of

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<sup>35</sup> The audit initiatives of the SACBC were mentioned in the background of the study, and they were listed as follows: to compile an inventory of all land owned by the Catholic Church in South Africa; to conduct an audit of significant properties within five dioceses of the SACBC, so that options for the use of this land can be identified and to develop appropriate policies for the use of the land through dialogue between the stakeholders concerned.

SACBC property and the Diocese's own awareness of the properties they held, the Diocese identified the following significant properties for the purposes of the audit:

- Two agricultural communities being Pella and Onseepkans.
- Three residential communities being Augrabies: consisting of Noudonsies and Assumpta, McTaggart's Camp and Blaauwskop.

A brief description of each of these communities is discussed below.

#### **4.4.1. Pella**

Pella is a settlement situated about 160km north-east of Springbok, on the way to Upington. It was originally home of the San, with white colonial settlers moving up the West Coast and arriving at Pella in 1776. In 1812, Christian Albrecht of the London Mission Society (LMS) is recorded as having given the settlement the name of Pella, a refuge he found in running away from the Khoi chief, Jager Afrikaner. Some years later, the LMS missionaries deserted the settlement because of the harsh weather conditions. The first record of a Roman Catholic missionary coming to Pella is in 1878, with the arrival of Father Godelle of the Society of Holy Ghost. This Catholic presence was consolidated in 1882 with the arrival of Father Simon, who is regarded as the founder of the Roman Catholic Mission Station at Pella.

According to the SACBC Audit Report (2004), at Pella, the Diocese owns two pieces of land. One property is the agricultural land along the Orange River that was on lease to a commercial farmer in 2004. This property, title deed number T23167/1984<sup>36</sup>, is 8.8482ha in extent. It was divided into four equal allotments, all of which are leased to the commercial farmers. The second property, title deed number T23167/1984, is the property on which the Mission Station is located. The extent of this erf is 13.4851 ha. The Mission Station comprises the following:

- The Cathedral
- The School
- The Bishop Simon Conference Centre and
- Residence for the mission staff.

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<sup>36</sup> Unfortunately the SACBC Audit Report of 2004 did not provide names for the title deeds.

Regarding the enlightenment of the SACBC Land Audit Report (2004), the land along the Orange River had originally been acquired to serve the community, with the community having access to the property for their livelihoods. However, this practice was very dependent on the permission of the resident priest and presiding bishop, leaving the community's access to the land very uncertain (SACBC Land Audit Report 2004). According to the report of the Land Audit (SACBC, 2004), this left great uncertainty and much dissatisfaction within the community, who had always felt a deep connection to the land, and desired to have secure access to and ultimately ownership of the land. Through the process of the audit negotiation held between the Diocese in 2001, the farmer concerned and the working group of Pella, various options were explored. It was confirmed that the lease was effective until the end of April 2006, which placed constraints on the options open to the Diocese and the community. The following options were considered (SACBC Land Audit Report 2004):

- A joint venture between the farmer, the Diocese and the community.
- The farmer allowing the community access to half or a portion of the leased land, with a comparable reduction in the lease amount.
- Allow the current lease to terminate in 2006, and explore options beyond the current lease.

Unfortunately, the farmer was not amenable to any co-operative arrangement with the community and Diocese, and it was decided that any further exploration of options for the community's use of the land will need to be delayed until the time of the termination of the lease agreement (i.e. 2006).

There are well established date palms on the property with an effective irrigation system available, with an additional area available for further development. The community and the Diocese then began to explore the possibility of making use of a portion of the Mission station, with the intention of establishing some productive use of the land that can then be expanded to include the land adjacent to the Orange River once the lease on this land has expired. Through a series of negotiations it was proposed in 2004 that the community could have access to the date plantation on the Mission station that in the past had been very productive, but with recent neglect had ceased production. It was neglected because the community was no longer interested

in agricultural activities due to underdeveloped skills in agriculture and farming (SACBC Land Audit Report, 2004). Another reason is that in the summer the average temperature is about 40°C and there may be no rain for years on end.

According to the SACBC (2004), one area of concern was the particular variety of date plant in the plantation, since the larger share of the international market had shifted towards a variant of date not currently grown in the plantation. It was proposed that the current plants be maintained primarily for the local market, and that further development would prioritise the variant in demand in the international market. It was also proposed that the community and Diocese draw on the expertise of a well-established date plantation and company in the vicinity that was prepared to offer advice and support for the new initiative. This was to be formalised by the local working committee and the local priest in consultation with the Bishop. Unfortunately, the land was not transferred to the people. Rather, in 2011 the agricultural land was leased to a commercial farmer with the hope that he could create jobs for some members of the community.

#### **4.4.2. Onseepkans**

Onseepkans is a community of approximately 4000 people situated 60 km north of Pofadder on the border with Namibia. The Khoi name of Onseepkans is reported to have meant the drinking place for cattle and is translated literally from Afrikaans, meaning (an) opportunity to rinse (off soap). According to the SACBC Audit report (2004), the community members of Onseepkans recall that the land yielded great crops of peas, bananas, navel oranges, wheat, grapes and melons, but the area is now struggling with a high percentage of unemployment and poverty. It was such a flourishing farming set up, controlled by white farmers, that the Catholic Church established a Mission station on the Orange River. Over the years, the Catholic Church has built a school, church and living quarters for the priests and the nuns living at the Mission station.

The property at Onseepkans consists of a residential area, agricultural land and the Mission station itself. The residential area has merged with the more general residential area of the larger community, so that it is not immediately obvious where



the boundaries of the Diocesan property are in relation to the residential area. It is only the title deeds that will verify these boundaries.

The agricultural land at Onseepkans is 16 hectares and is situated along the banks of the Orange River. The property is divided into four allotments of 4 hectares each, with each allotment being irrigated by a system of canals being fed from the Orange. This system was established by the Irrigation Board (IB) and is still functional today. This land was available to community members for subsistence farming, and many of the older members of the community remember with pride the time they were able to till the land and produce food to feed their families. This access to the land was dependent on the approval of the local priest and the Bishop at the time. However, more recently, this fertile agricultural land has been leased by the Diocese to white commercial farmers, in order to provide financial support for the local parish. Currently, agricultural land is lying fallow and the Diocese is prepared to make the land available for the community's use and eventual ownership. During 2005 many of the small irrigation farms (plots) were sold to emerging farmers from the local community as part of the Land Reform programme. Unfortunately none of these emerging farming groups made a success of their farming. This was due to a number of reasons, such as a lack of experience, the small size of the plots, the lack of production capital, the sharp increases in production input costs, and many more (SACBC Audit Report, 2004).

Through the process of the audit that was conducted in 2000, various options were explored with the community leadership structure that had been established, to ensure that community members benefited from the availability of the land. The following options were considered:

- A commercial farmer could hire the land and create jobs for some members of the community;
- Individuals of the community could hire the land for farming purposes and create jobs for the community;
- Groups within the community could hire portions of the land for farming and create jobs for the community; and
- A combination of all three options could also be a possibility.

In all these options, the Diocese would remain the title owner of the land. It was hoped that through the process implemented, the people of the community interested in farming would take over management and ownership of the land.

In 2001, the above options were considered by the community leadership, and their clear intention was to initiate a project consisting of members of the community who are interested in farming the land. This group would then provide the management of the initiative and ensure the appropriate and sustainable use of the land. Such a group was formed in 2001 and held a meeting to determine the options for use of the land, exploring a mix of household food production and some income generating crops.

Significant interest was expressed by private companies to have access to the land for agricultural activity (SACBC Audit Report, 2004). These companies have been prepared to provide all the input required as well as employ and train community members, essentially establishing them as small growers to provide produce for the company. They have sought to secure a lease of at least twenty-five years (2005-2030). These companies are already established in the vicinity and are well known to members of the community, with some members being employed by the company at other locations. This has provided an attractive option for the Diocese and the community, particularly given the lack of experience within the community, the uncertainty over level of skills, as well as the lack of financial resources within the community and Diocese.

However, there are also significant constraints in such an option. Such a lease to a company would effectively delay indefinitely the transfer of ownership of the property to the community. This can happen unless the community becomes part of the company. Furthermore, it appears that the crops being proposed by the companies concerned (cotton and paprika) would most likely be produced from genetically modified seeds, a position that the Diocese is not prepared to accept without very careful investigation. Leasing the land to a company would also limit the amount of land available for household food production, which would undermine a priority of the community and the Diocese. The focus on production for the international market would leave the small growers and community vulnerable to the forces of such a market and the implications of trade agreements and protocols, contexts that the small growers have no influence over, leaving them at very high levels of risk. Apart from

agricultural activity, Onseepkans has no other economical way of income, and a huge percentage of the population depends on social grants from the government to survive.

The outcome of deliberations has been that the Diocese will make a portion of its land available for the group from the community to explore the production of food for household production. This was made during the audit process of 2001. In addition, the group together with the Diocese will explore the option of securing the support of a commercial enterprise, either neighbouring farmers or private companies operating in the region, to provide accompaniment for the group from the community as they seek to produce for the market and secure livelihoods for their families. These negotiations were ongoing at the time of the completion of the process of the audit in 2004.

#### **4.4.3. Residential properties**

During the course of the audit it became apparent that a common approach could be adopted to the various properties within the Diocese that were utilised primarily for residential purpose. The Diocese has essentially three properties that are primarily for residential purposes, namely: Augrabies, Blaauwskop and McTaggart's Camp. The concerns of the Diocese at Augrabies are focused on two areas. The first being the Mission Station of Noudonsies and the second being the church and school site at the nearby Assumpta. Besides the facilities for the church's use at these sites (i.e. church building, offices, accommodation for mission personnel and guests) there are houses that were built by the Diocese in the 1970's to provide accommodation that was required for teachers at the local school. These houses, five at Noudonsies and three at Assumpta are still rented out by the Diocese mainly to teachers, although other professionals are also currently tenants. The developments around these properties are described collectively below (SACBC Audit Report, 2004).

#### **4.4.4. Assumpta**

The houses at Assumpta are surrounded by a later residential development and can be easily fully integrated into the broader community of Assumpta. There is little scope for additional development of houses on this property. The property at Noudonsies lends itself to substantial development, particularly in housing. It lies in close proximity to the residential community of a neighbouring farm, and a collaborative venture

between the Mission (Diocese), the neighbouring farmer and the municipality to develop a larger residential settlement on both the properties would be a very effective utilisation of the land concerned (SACBC Audit Report, 2004). The agricultural sector is still the main economic sector which made the biggest contribution to the economy of the Assumpta community in up until 2014. The Agriculture sector is also a major employer, providing formal employment. It is also the sector with the largest potential for economic growth in that area. The commercial farmers especially are also becoming more prevalent in the area.

#### **4.4.5. Blaauwskop**

At Blaauwskop, there are seventeen residences already established on the property, besides the church building, the hall and the school facilities. Currently the diocese provides some services such as electricity and water to some of the residences, with limited capacity to extend these services on its own. This area has the potential to develop into a local economic hub, as it is already providing a space for public transport and local shops. It appears that a neighbouring farmer is prepared to make additional land available for further residential development, and this could be supplemented with adjacent municipal land to provide additional housing in the area.

After the final audit report of 2004, the Blaauwskop was still challenged with a lack of land ownership, lack of farming land / commonage. It is also faced with poverty and unemployment, lack of youth development and social issues contributing thereto Local Economic Development. According to the Siyanda District Municipality (2012/13-2017) report there is still a lack of proper housing at Blaauwskop.

#### **4.4.6. McTaggart's CAMP**

At McTaggart's Camp, the Diocese received a donation of 12 hectares in the 1960's from one of the farmers with the intention to provide accommodation for a number of families of farmworkers from the area. During the audit process that was carried out in 2002, it was discovered that there were seventeen houses on the property, in addition to the church buildings and school facilities. There was also a one hectare plot available to the community for agricultural use which helps them to sustain their livelihoods (SACBC Audit Report, 2004). There are additional houses on the property

adjacent to the Diocesan property, and there is potential for further residential development in the area.

#### **4.4.7. Critical concern for the Diocese**

A critical concern in the area regarding housing is the lack of housing provision and availability for farm workers and their families (SACBC Audit Report, 2004). The properties in the region are predominantly owned by white farmers, who provide accommodation of varying quality on their properties for their farm workers. Once the farm worker is no longer able to work for the farmer because of age or is retrenched, or seeks to work in some other sector, they are required to leave the accommodation provided on the farmer's property, with no other housing being available in the area. This is of critical concern for the Diocese, and one of their intentions regarding their residential properties is to ensure that the rights of residents within the area to decent housing is protected. It is expected that with the Diocese making their land available, this will stimulate the municipalities concerned to secure additional land and ensure suitable and adequate housing is provided.

For the three residential properties of the Diocese, a total of 42 housing units are involved, with the potential of further units being established through the course of further developments. The decision of the Diocese has been to transfer ownership of the land and the top structure immediately after the submission of the audit report in 2004, where applicable, to the present tenants at no cost. All subsequent expenses incurred will be for the prospective owner's expense. It is envisaged that a similar process will be followed in each of the residential properties:

- The Diocese will provide a Deed of Donation to each of the communities, stipulating its intention to give the tenants ownership of the land at no gain to itself.
- The whole of the property, as registered in the name of the Diocese, will then be surveyed for each of the individual properties to secure an erf number.
- The Diocese will then apply to have the property rezoned from mission land to residential land; the land could then be registered into the names of the tenants as the new owners.

In 2002 the State expressed its interest to assist this process of land reform within the Diocese. Through the Housing Department, the tenants will be able to apply for a subsidy, which stands at twenty thousand rand (R20.000) (SACBC Audit Report, 2004). This grant can be used to cover the cost of the transfer and any other upgrading process decided upon by the residents. Through the process of the audit, the Diocese has secured the services of a development company who will facilitate the ongoing negotiations between the residents, the Diocese and the local municipalities, and ensure further provision of housing in this area. The local municipality decided that they will avail land and infrastructure for emerging farmers. They will also provide skills capacity building of emerging farmers, i.e. stock farming, financial management (Siyanda District Municipality, 2012/2013-2017).

#### **4.5. The Diocese of Kokstad**

At the plenary meeting of the Southern African Catholic Bishops Conference of January 1999, the Diocese of Kokstad also expressed its willingness to participate in the process of the audit from the outset (SACBC Audit Report, 2004). Initial discussions were held with the Diocese and options explored to take the audit process forward. However, for this diocese no substantial work has been carried out. For this Diocese, there was only one significant property identified, and this property already had a school established on it with a significant portion of the property being utilised to produce food for the boarding establishment at the school. The Diocese has been in consultation with the provincial office of the Department of Land Affairs, making them aware that the property could be made available for land reform purposes if there was a community from the vicinity that were in need of land. The response from the Department of Land Affairs indicated that there is a significant amount of land available in this area and that the Department is involved in processes for making this land available to communities in the region. The recommendation from the Department was for the Diocese to continue to use the property as a resource for the school<sup>37</sup> and

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<sup>37</sup> According to the project report of the Diocese of Dundee (2015), there has been successful training provided on a small scale in rural parts of the Eastern Cape whereby people are taught vegetable gardening for both subsistence and market purposes. The trainers trained people in small villages and schools in vegetable garden farming and marketing. The intention was that those trained will assist with the training of fellow communities. Several rural schools have also been assisted in forming vegetable gardens.

maintain the ownership as at present. Thus, it was decided that there be no further intervention through the process of the audit.

The manner in which the decision was made by the Department of Land Affairs was inappropriate because how can it be that people are living in shacks or on pavements and shouting for 'land' but according to the government and this study, there are large areas of land available but people do not want that land? This is really confusing. For African people, land is not just meant for human occupation. Rather, people rely on land from its resources which entails mineral, water and food. Therefore, the use of land encompasses the entire existence of humanity for their sustainability.

Another passionate aspect of land is that, it can also be used for agricultural purposes by African people. The majority of African people depend on what land produces. That is why they regard Agriculture as another source of living. Henceforth, by working on land job opportunities may emerge. It is in this regard that the sustainable economy of the people depends upon the sustainability of the agricultural activities. Land has been used from time immemorial to promote economic growth and human development. Most communities live and earn their living out of tilling the land as farmers. Particularly in South Africa, agriculture is the mainstay of economic activity for the majority of people. Hence, lack of land prevents poor communities from participating in the mainstream economy.

One cannot discuss the above mentioned important perception of land without referring to the ancestral aspect of land. It is fundamental to understand the spiritual relationship between the African people and land. Nkosi (1999) describes land as a birth-right of every African indigenous person, it has a communal dimension whereby all members of the community are expected to share its resources, especially in the rural areas, under some form of traditional authority. Traditional authority from an African point of view is very central and important because, despite the fact that it is a uniting force, the community leader is seen as a steward with divine authority over land. Our belief that land is a gift from God and from our ancestors has not left us. We continue to see ourselves as stewards of God's resources, especially of communally owned land. Even though land ownership has been men's domain, it is interesting that many women, with support from our constitution, are beginning to access or acquire land in spite of traditional prejudices. Nkosi (1999) further explains that the sacredness

of land in Africa is further linked to the fact that our ancestors are buried in it. Without land, we would not have a home for a dead body. That is why we kneel barefooted next to the grave when we want to communicate anything to our ancestors, showing a lot of respect for the land on which they lie (Nkosi, 1999).

## **4.6. Mariannhill**

### **4.6.1 Background to Mariannhill Mission land(s)**

Dating back to the 19<sup>th</sup> century (1882), the 'Trappist Brothers'<sup>38</sup> acquired the first farm near Pinetown and later inland up to Underberg in the west and Sea Park in the south of Durban. When the Diocese of Mariannhill was established in the 1920s, most mission farms were transferred to it, and that is why Mariannhill diocese ended up with over 6000 ha of land by 1994.

Prior to 1994, most 'brothers' who were skilled in agriculture had died due to old age in particular, and most of the farms were either lying fallow or settled with communities. Due to political situation after 1991 some people settled back on Church land, recounting the history of forced removals which resulted in people other than Catholic converts seeking refuge on Church land. There were four commercial farms owned by the Diocese of Mariannhill that were under long term lease contracts in 1994. They were Reichenau near Underberg, which was leased to a dairy farmer, Sacred Heart–Mnsinsini, Maristella and Himmelberg all in the South Coast, under sugar cane. Sacred Heart has since 1991 been transferred to another owner, following a successful land restitution claim by the community.

Before 1998, communities of church owned land at Mariannhill opened negotiations with the diocese of Mariannhill with the idea of taking transfer of the land that they

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<sup>38</sup> The Trappist was founded by Abbot Francis Pfanner in 1879. This Congregation of the Missionaries of Mariannhill (CMM) also known as the Missionaries of Mariannhill was an international religious missionary community of both brothers and priests. Rooted in the Gospel and their tradition, they were committed to the Church's mission of evangelisation *Ad Gentes*. They were contemplatives in action. They placed great emphasis on, community life, spirituality and a strong sense of mission. These three were the foundation and source of strength for their ministry. The Trappist's considered not only their local community but also their worldwide Congregation as a family in which they shared their lives, their talents and their resources. A community firmly grounded in prayer and work was the centre of missionary radiation.



occupied and used for residential purposes and agricultural activities. The diocese of Mariannhill Land Reform Programme (DOM LRP) openly and willingly agreed to provide facilitation support in those negotiations.

From 1998, the Diocese of Mariannhill developed a land redistribution and agricultural support programme through which it made eight farms available for redistribution to various communities using government's land reform processes, and at the same time, instituted an agricultural support programme<sup>39</sup> using agricultural experts seconded by a German based development funding agency, Misereor. Since the commencement of the audit process after 1999, that programme managed to transfer almost half of the 6 000 ha of land owned by the diocese to communities<sup>40</sup>, and enhanced the capacity and skills of many Church land beneficiaries in agriculture and animal husbandry.

Supporting the above testimony, Letty *et al* (2002) point out that in 1998, the Diocese RDP had also started supporting cropping activities (vegetables, dry land crops) at St Bernard's and later also in other areas. Later in 2002, the process reached the point where residents needed to create legal entities to take the transfer of land (Wolfgang Bayer, Rauri Alcock, Fana Dladla, Peter Gilles, Mphephethi Masondo, Philani Mkhize, Ephraim Mtshali, Lihle Ntombela, (2003). DOM LRP was concerned that the resulting arrangements should work for residents after transfer, as well as meet technical and legal requirements. The Legal Entry Assessment Project (LEAP) developed a theoretical framework to understand performance in Communal Property Institutions (CPIs) and practical tools for fieldwork. DOM LRP and LEAP agreed to co-operate on legal entity establishment.

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<sup>39</sup> The participatory appraisal was organized in order to identify the following objective: promoters to work with field workers; historical background of agriculture and the picture of the village. Part of the training workshops were on contour building which were built and vetiver was planted. The workshop also facilitated the communities on how to use natural pest control.

<sup>40</sup> The community of Makholweni, Mphithini and khalweni was addressed about the transfer process and the following issues were discussed: 'Lab our Tenant claim'; the person who claimed the other portion of donated land and the issue of the chief. Those who claimed to be under Lab our Tenant were asked to discuss it. The community decided to choose the Communal Title which was explained to them and how to handle it. Those who claimed to be under Lab or Tenant decided to cancel the claim because they felt that they needed portions of land where they can have agricultural activities that will sustain their livelihoods.

Between August 13 and September 10, 2003 a study was carried out by Wolfgang Bayer, Rauri Alcock, Fana Dladla, Peter Gilles, Mphephethi Masondo, Philani Mkhize, Ephraim Mtshali and Lihle Ntombela on livestock keeping practices within project farms of the Rural Development Project (RDP) of the Diocese of Mariannhill and of MRDP (Mdukatshani Rural Development Project). According to this study, the external consultant indicated that emphasis was given to (Wolfgang Bayer, Rauri Alcock, Fana Dladla, Peter Gilles, Mphephethi Masondo, Philani Mkhize, Ephraim Mtshali and Lihle Ntombela, 2003):

- What people in the project area are presently doing with livestock.
- The reasons why they keep livestock and which types.
- What productivity is achieved.
- Constraints on livestock production.
- Marketing, conflicts etc.
- Exploring possible measures of technical and organisational support and investment.

The study was supported by Misereor and carried out in collaboration between an external consultant<sup>41</sup> and the project teams. These two projects had been working on land reform, trying to hand back to black communities either church held land or former commercial farms. Advice on how to manage land, crops and possibly animals was deemed necessary. The various eight farms are discussed below under the different Church Land(s) transferred to the people.

The church farms that are within Mariannhill itself will be discussed in the following topic. It will then followed by a brief report of those eight farms that were transferred to the people. The diocese of Mariannhill Land Reform Desk felt that Church land should be transferred to the people and for the people. The following farms were transferred to the people.

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<sup>41</sup>The external consultant were the following: Consultant, Rohnsweg 56, D-37085 Göttingen, and Germany 2. Mdukatshani Rural Development Project 3. Rural Development Project, Mariannhill Diocese.

#### **4.6.2. Zeekoiegat / Mariannahill farm(s)**

This farm(s) was established between 1882 and 1920 as Church property (Mariannahill Land Desk Report, 2017). These farms were also owned by individual African plot holders. There were several farms that were under Mariannahill farm. Namely: Mpola, Tshelimnyama, St. Wendolin's, Mariannridge, Dassenhoek, Nazareth, Mariannahillpark and Emmaus (Westmead / Pinetown). These farms were handed over to the people in 1996, where each household (of maximum ten members) got title deeds. Some households informed Mariannahill Land Desk that they needed to check their documentation as title deed holders since when they got their sites the land still belonged to the Church. Each of the areas are plus minus 30.000 hectares of residential land (Diocese of Mariannahill, 2017).

#### **4.6.3 Reihnau farm**

The Reihnau farm was established in 1886 as part of the Church owned property. It was transferred to the Community in 1998 and the area about 3km away from the Church (Emakholweni) is now under a CPA in terms of Section 4 of Extension of Security of Tenure Act no. 62, 1997 (SACBC Audit Report, 2004). The Community were granted a fund to start-up generating income from their farming. Their main farming is focused more on vegetables and cattle farming. Between 2012 and 2013 there were negotiations taking place between the Church and Amadlelo Agri. The company Amadlelo Agri wanted to establish a dairy on land, owned by the Church. The environmental impact assessment processes took place and the three stakeholders are meeting to discuss how to finance a R40 000 feasibility study. The capital expenditure estimate for the envisaged 1 100-cow dairy is R34 million. The Amadlelo farmers' network, together with Fort Hare University's dairy training facility, hope to train twenty people for the project (Mariannahill Land Desk, 2017). The project provided jobs in an area where most people are unemployed. The sustainable skilled jobs were provided during that period, and unskilled work associated with the dairy's development.

It was reported by the Amadlelo Agri that Government support did not materialise despite Amadlelo Agri's many successes, which were recognised with awards for innovation and sustainability at the Impumelelo Awards Ceremony in Cape Town. The Amadlelo Agri feels that the local municipality has come on board, but it's just moral

support at the moment (Christie, 2016). This implies that the local government is not motivated to give the necessary support such as training skills and financial support to this project.

#### **4.6.4 Kevelaer farm**

According to the report of Mariannhill Land Desk (2017), Kevelaer<sup>42</sup> farm became part of the Church owned property in 1888. Kevelaer is situated near the village of Donnybrook which lies alongside the road leading from Ixopo to Drakensberg. This Mission founded by Abbot Francis Pfanner of Mariannhill. He called this place after a town in Northern Germany. The land was also transferred to the people in 2003 and the rest of land was bought by a farmer in 2004 for grazing of cattle and other farming purposes (Mariannhill Land Desk, 2017).

#### **4.6.5 Assisi farm**

The land of Assisi farm, title deed no. T19291/90 was transferred to Zimele CPA (04/0684/A) in 2004 by the Diocese. This was to fulfil the willingness to undergo the audit process and to transfer the land to the community. This land has 54272 h/a in extent (Diocese of Mariannhill, 2017). The people there were trained in 2003 by the diocese of Mariannhill Land Desk in poultry farming, vegetable production and cattle grazing.

#### **4.6.6 Mariatrost / St. Faiths farm**

The land in Mariatrost was transferred to Qhakaza CPA. Its title deed is T19291/90 and 18 families were trained in vegetable production and were boosted by a grant from the Rural Development of not less than R900.000. This land has a capacity of 155750 h/a in its width and length and only 27661 h/a, was transferred to the said CPA ON 01-04-2005. The report by Mariannhill land desk (2017) indicates that at Mariatrost the Agricultural practices in the form of traditional farming are evident and forms the subsistence livelihood of the producers with very little of the surplus traded.

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<sup>42</sup> Kevelaer, which had been a known place of pilgrimage since 1642. A benefactor from Kevelaer in Germany wished the new station to be called this. It was the custom of the founder Abbot to call his new foundations in Africa after famous places of pilgrimage in honour of 'our Lady' scattered all over Europe.

Community gardens are very vulnerable to failure especially the ones that are not irrigated. These activities are considered as the basis for future expansion of commercial agriculture.

#### **4.6.7 Mariathal farm**

The Mariathal farm became part of the land owned by the Church 1887. This farm was 1 240 ha before it was transferred to the people in 2000. About 20 h/a land was transferred to the people and they were awarded with title deeds of which the department of Housing initiated a Development Plan (DP) in the year 2000 with a view of building better housing for the people. A contract was entered into by the diocese of Mariannhill and the people. The agreement that was taken between the community and the Diocese was that some portion of the land will be donated to the community and the other portion will remain to the Church. The community whose homesteads were allocated, gained control over their land and practice Agriculture (Diocese of Mariannhill, 2017).

#### **4.6.8. Lourdes farm**

Lourdes farm was established in 1888 as Catholic property. It had originally been approximately 10 000 hectares in extent. Over the decades the diocese lost ownership of the majority of the property to the state, and the diocese now owns 1000 hectares. The property of Lourdes is situated in the province of the Eastern Cape, close to the town of Creighton just outside the jurisdiction of the Kwazulu-Natal province. This mission land was allocated to a new diocese in 1954 when Umzimkulu Diocese became independent from the diocese of Mariannhill. It has similar status as Mariathal.

In 2004, this property was included in the process of the audit as the diocese requested specific advice concerning the options such as agricultural activities for the development of this property. A section of this property was quite densely settled, and during the audit process in 2004, the diocese surveyed residential sites ready for transfer to the resident families. However, this transfer did not take place and there was uncertainty as to the intention of the diocese regarding these sites. After the audit of 2004 until 2014, it was reported that there has been a process of the diocese consulting with the community at Lourdes to explore their options and preferences for the ownership and use of the land in question, as well as investigating the agricultural

potential of the land (Mariannahill Land Desk, 2017). In 2006, a portion of land was leased to the community. The communities whose homesteads were allocated upon plus/minus 30.000 h/a, of land gained control over their land and practice agriculture. They are more focused on tree planting, animal husbandry and vegetable growing. Mariannahill Land Desk (2017).

#### **4.6.9 Centocow farm**

Centocow was founded a Catholic property in 1888, when Abbot Francis Pfanner purchased a small farm on the western bank of the Umzimkulu River in the Creighton district. The Abbot named the station after the famous Polish 'Shrine of our Lady of Czentochowa'. The word was simplified into Centocow. In 1888 a Polish princess gave Mariannahill a donation to buy land and with this money the mission was bought by Abbot Francis and Developed (Mariannahill Land Desk 2017). Centocow also has a similar history as Lourdes farm and Mariathal. The missionaries developed Centocow into a flourishing land. The Trappist 'brother' cared for the farm, did the carpentry, blacksmith work and made the bricks for building operations. They laid out vineyards, forests and orchards. They taught the communities how to lay out and keep good orchard. According to the history of Mariannahill (Mariannahill Land Desk 2017) it was reported that the Trappist (Cistercian Order from Germany) gave people permission to occupy their land provided they would be converted or civilised into their Catholic Church. This was a way to get more Catholic members. That is why by the end of 1920 Centocow had fourteen outstations and over 4300 baptised Catholics. Even in 2014, no land has been transferred to communities. It is still under Centocow. The status of Centocow<sup>43</sup> is that it has become a place of pilgrimage, where members of the solidarity meet regularly to draw spiritual nourishment. The income that is generated from this is ploughed back into the running of the mission (Mariannahill Land Desk, 2017).

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<sup>43</sup>The Sacred Heart of Church at Centocow is one of the finest of all Trappist Churches. Its lofty tower in Italian style is a masterpiece in itself. The rosette stained glass window in the apse portrays, under the protective mantle of 'our Lady', many personalities connected with the foundation of Mariannahill and its missions. Mention must be made of a devoted priest (Fr. Apollinaris Schwamberger) who served as a teacher, doctor and builder. He was encouraged by Dr Walker to build the hospital in 1936. He died on 28 April 1936 before the completion of the hospital.

## **4.7. The Diocese of Umzimkulu**

According to (SACBC Land Audit Desk, 2004) the Diocese of Umzimkulu had no bishop for a long period of time, and it came under the jurisdiction of the Archdiocese of Durban from the 1<sup>st</sup> August 1994 and was administered by Cardinal Napier until a new bishop (Bishop Stanislaw Jan Dziuba) was appointed on 31<sup>st</sup> December 2008. Through the process of the inventory the Cardinal has identified two specific properties that require further exploration through the intervention of the audit. The two properties are Coniston and Lourdes, and a brief description is given below.

### **4.7.1. Coniston**

This property known as Coniston (St. Aldalbero) is 116 hectares and is adjacent to state owned land that is used communally. There are also private white owned farms in close proximity. Before the audit process took place in 2000 the land was being used for agricultural activities by both brothers and sisters who were interested and skilled in farming. However, with the departure of the religious personnel<sup>44</sup> the land has not been extensively used because the communities lack competent skills to continue the agricultural activities.

In 2001 the Diocese leased the property to a private company who has used the land for forestry purposes. However, this lease expired in 2004 and the company no longer operates on the land. An unfortunate consequence of the forestry activity is the presence of tree stumps that remain in the ground after the forestry company had removed the trees it required. This has hindered further agricultural activity on large portions of the land, and they needed to be removed to cater for the growth of the community's interest in the use of the land.

An important task of the audit initiative was to identify and consolidate a group of people from neighbourhood farms interested in having access to the land, since there was no resident community on the property. This task was conducted together with the local parish council and has led to the establishment of the Zamintuthuko use of the land. A portion of the property was identified where the initial activities could commence. The Association received some training and support in organic agriculture

from the Farmers Support Group<sup>45</sup> (FSG) based at the University of Kwazulu-Natal, and they have planted and harvested two crops with the produce being utilised mainly for household consumption. The UKZN realised that it is increasingly recognised that land can be managed most sustainably through involving local communities. There has been great enthusiasm around this initiative, small though it is as former fallow land has become productive and is directly benefiting households in the area. As a consequence of the productive use of the land, there were challenges from the Local Parish Council (LPC) as to who should benefit from and control such as initiative. This has been a difficult challenge to deal with as the local priest and the Cardinal are supportive of the initiatives of the Zamintuthuko Association (ZA).

This initiative has not been based on the Diocese's preparedness to donate or transfer the property to the community, but has rather focused on the productive use of the land for the benefit of families in the area. This has meant that the progress has not been dependent on the decisions and processes of the Department of Land Affairs, and has allowed the Association much more control of processes. However, the question of tenure could not be ignored and the Association needed to formalise their verbal agreements with the local parish and the Cardinal.

#### **4.7.2. Lourdes**

The property of Lourdes is situated in the province of the Eastern Cape, close to the town of Greighton just outside the jurisdiction of the Kwazulu-Natal Province. This property was included in the latter stages of the process of the audit as the Diocese

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<sup>45</sup>FSG was established in 1985 in the Department of Plant Pathology of the, then, University of Natal, with the aim of making relevant scientific knowledge available to smallholder farmers. It now conducts action research to address issues pertinent to resource-constrained farmers. It also provides training, advice and project support in sustainable farming (including agriecology), nature conservation, strengthening local institutions, and enterprise development. Training is provided for development practitioners and students in participatory approaches to research and extension. Community members and other partner service providers, including government extension staff and scientists participate in designing and implementation of projects.

The FSG is conscious of the challenge to alleviate food insecurity and poverty in the previously disadvantaged smallholder farming sector in South Africa, with a major focus on women and the youth. Most communal areas in South Africa face severe land degradation, unemployment, low income, and high prevalence of HIV/AIDS and its associated impact on livelihoods. Most of these challenges are rooted in the legacy of the apartheid era when agricultural production and food self-sufficiency were systematically undermined in favour of formal employment. The smallholder farming system has many facets – human, financial, social, natural, physical, etc. – that interact and need to be considered in devising any interventions. The appropriate methods for addressing these challenges in a South African context are only beginning to emerge now in the development community.



requested specific advice concerning the options for the development of this property. This property had originally been approximately 10 000 hectares, with a number of churches established in different parts of the property. Over the decades, the Diocese has lost ownership of the majority of the property to the state, and the Diocese now owns 1000 hectares. A section of this property is quite densely settled, and over the years the Diocese has surveyed residential sites ready for transfer to the resident families. However, this transfer has never taken place and there was uncertainty as to the intentions of the Diocese regarding these sites. After the audit of 2004 until 2014, it was reported that there has been a process of the diocese consulting with the community at Lourdes to explore their options and preferences for the ownership and use of the land in question, as well as investigating the agricultural potential of the land (Mariannahill Land Desk, 2017). In 2006, a portion of land was leased to the community. The communities whose homesteads were allocated upon plus/minus 30.000 h/a, of land gained control over their land and practice agriculture. They are more focused on tree planting, animal husbandry and vegetable growing. Mariannahill Land Desk (2017).

#### **4.7.3. Challenges facing Coniston and Lourdes**

The particular challenge that has arisen concerning Coniston in relation to a request to make a portion of the land available for forestry. The portion that has been identified is fairly steep terrain and is in close proximity to an already existing forestry initiative that is owned by a large community in the area. The community group, some of whom live on the property at Lourdes established themselves as a Communal Property Association (CPA) and have secured grants from the office of Eastern Cape Department of Land Affairs for the purpose of engaging in agricultural production. With the provision of these grants the CPA has been able to secure a lease over a portion of state owned land that has been planted with trees. They have appointed a manager to ensure the effective functioning of this initiative, and needed additional land to expand their operations. Thus, they have approached the Diocese and requested that a portion of the property at Lourdes be sold to the CPA for further development. The Diocese was cautious in its discussions with the representatives of the CPA and have questioned the appropriateness of forestry as a strategy to improve the livelihoods of the community of Lourdes. The process of the audit continued by consulting with the community at Lourdes to explore their options and preferences for the ownership and

use of the land in question, as well as investigating the agricultural potential of the land (SACBC Audit Report, 2004).

#### **4.8. Diocesan land reform programme (Witbank)**

According to the limited nature of the literature on the subject of the diocese of Witbank only three properties were identified that had potential to support poverty reduction initiatives. The fundamental course that limited documented report of the diocese was identified to be the lack of proper administration in the Diocese. The properties that were identified for audit were Bongani, Luckau and Mashabela (SACBC Land Audit, 2004). According to the SACBC Land Audit Report (2004), these three properties were selected due to the nature of the willingness to undergo the proposed inventory at the plenary meeting of January 1999.

##### **4.8.1. The process of the inventory**

According to the inventory report compiled by the Department of Justice and Peace (2004) three properties were identified within the Diocese of Witbank, that had the potential to support a radical economic transformation and poverty eradication initiative. These properties were, Bongani farm, Luckau farm and Mashabela farm. These properties were then further investigated for the audit. The Diocesan administration was very supportive of the process of the audit, with their earlier attempts at dealing with the land issue being frustrated by the delays of the Department of Land Affairs as well as opposition encountered from the traditional authorities. This happened 2011 - 2012 when the traditional authorities fervently did not recognise the ownership of the land by the Church. A new Bishop took office during the course of the audit, which gave significant support and impetus to the discussions concerning the land. The Diocesan Justice and Peace structure had been committed to the initiative, and remained a vital presence for the ongoing monitoring to ensure that some movement was maintained in the resolution of the issues identified for each of the properties. The Nkuzi Development Association<sup>46</sup> (NDA) was appointed to

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<sup>46</sup> Nkuzi is a non-profit section 21 company (97 20743/08) providing a range of support services to historically-disadvantaged communities wishing to improve their rights and access to land. Nkuzi started operating early in 1997 and now has 18 full time staff working throughout the Limpopo Province, northern parts of Mpumalanga Province and with farm residents in Gauteng Province. The work of Nkuzi is guided by the organisational vision. Disadvantaged women and men are organised and empowered to assert their rights and are creating their own sustainable and improving livelihoods. This based on

facilitate the process of the audit, and work with both the communities and the Diocese to reach some commitments for the ongoing development with the communities concerned. A brief overview for each of the properties is presented below.

#### **4.8.2. Bongani farm**

This property of 90 hectares is situated in the Mpumalanga province, within a high rainfall area. The soil appears to be suitable for crop production, and there is a dam and boreholes available for use.

In 1994 the Diocese of Witbank gave permission to a group of small-scale farmers called Buyelani Majabula Agricultural Association (BMAA) to use the property. From a membership of 30, the group was reduced to three by 1998, as the Department of Land Affairs made other land available for use and members left the group (SACBC Land Audit Report, 2004). Another 24 additional members were added to Majabula in 1998 in order to access sufficient Settlement and Land Acquisition Grants (SLAG) from DLA to purchase the property from the Diocese.

It has become apparent through discussions with DLA that the shift from SLAG to Land Restitution for Agricultural Development (LRAD) has caused some confusion within

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the fundamentals of access to sufficient land, secure tenure, the provision of basic services and integrated local economic development. Realisation of this vision is sought through the mission and goals that Nkuzi has set and which are applied across all of the organisation's programmes: Landless People are empowered to drive a land reform process which shifts power relations so that the poor, rural and landless access and utilise land equitably and effectively. Farm residents worked with are informed of their land and related rights and are assisted to exercise those rights. An improved level of debate among key stakeholders on pro-poor agrarian reform strategies and their implementation. Quality legal and paralegal support available to enable the poor and landless people to exercise their land and other human rights. Nkuzi has sufficient resources, effectively managed and implement proper monitoring mechanisms. Nkuzi remains focused on four main programme areas that are implemented and outlined here. These are Land Reform Implementation, Farm Dweller, Research and Policy, and Legal Services. The Land Reform Implementation programme has small projects such as Community Organising and Training and Sustainable Livelihoods Promotion and Support. Research and Policy has a sub project Area Land Reform Initiative which is exploring new ways of addressing landlessness in the country. These are all supported by Administration and Finance which forms a fifth area of work. In rendering services Nkuzi's approach is to give advice and support to land reform projects and farm residents; dissemination of information regarding land rights and land reform issues; organising training and ongoing education to build capacity within land reform projects; carrying out research and advocacy work related to land reform policy issues; providing legal services where needed; and providing land use and agricultural advice and support that is environmentally sensitive to those who receive the land. The beneficiaries of Nkuzi projects are the socially and economically marginalised people of rural communities in Limpopo and Gauteng Provinces, more particularly women, peasants, farm dwellers and the landless. Some of the client communities that Nkuzi has assisted have through this assistance gained land and/or secure tenure, while the majority of Nkuzi clients remain landless and with insecure tenure (Nkuzi Development Association, 2007).

DLA concerning this project. Initially, DLA required a large number of beneficiaries in order to secure sufficient grants in order to purchase the property. However, with the introduction of LRAD, the Department has needed to drastically reduce the number of applicants in order for the project to be regarded as “viable” within the Department’s commitment to a commercial agriculture model. This has led to very little movement with this project process and highlights the inappropriateness of the DLA’s package for the redistribution of land.

During the course of the audit, there have been discussions with other parties who have access to the land, and the following issues have emerged from these discussions:

- A hospital is based on the property that falls under the jurisdiction of the Department of Health. There were no indications that additional land was required for the hospital.
- A sewing school operates on the property, providing training for unemployed women and youth. This school was initiated in the 1980’s, with a hope that it will expand into a multi-purpose community centre. There may possibly be additional land required for this development.
- The Diocese has lodged a restitution claim for the portion of the land on which the mission buildings and the sister’s home is located. This land was taken by the state at the time of taking ownership of the hospital. It was recommended that this issue be dealt with as a tenure reform case as it did not meet the criteria of a restitution claim<sup>47</sup>. A person shall be entitled to restitution of a right in land if (see the criteria in the footnote).

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<sup>47</sup> Entitlement to restitution (1) A person shall be entitled to restitution of a right in land if - (a) he or she is a person dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices ; or (b) it is a deceased estate dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; or (c) he or she is the direct descendant of a person referred to in paragraph (a) who has died without lodging a claim and has no ascendant who - (i) is a direct descendant of a person referred to in paragraph (a); and (ii) has lodged a claim for the restitution of a right in land; or (d) it is a community or part of a community dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; and (e) the claim for such restitution is lodged not later than 31 December 1998. (2) No person shall be entitled to restitution of a right in land if - (a) just and equitable compensation as contemplated in section 25(3) of the Constitution; or (b) any other consideration which is just and equitable, calculated at the time of any dispossession of such right, was received in respect of such dispossession. (3) If a natural person dies after lodging a claim but before the claim is finalized and (a) leaves a will by which the right or equitable redress claimed has been disposed of, the executor of the deceased estate, in his or her capacity as the representative of the estate, alone or, failing the executor, the heirs of the deceased alone; or (b)

The property of Bongani has been accepted as a project by DLA, although there has been very little progress in development. This needs to be monitored and support provided to the beneficiary group.

### **4.8.3. Luckau farm**

The farm Luckau is 113 hectares and is situated in the Limpopo province. A number of groups have access to this property, with four main land use types. The first main use is for church purposes. This includes:

- Pastoral centre
- Priests house
- Sisters house
- Educational purposes

The St. Paul's School was established in 1969, and is currently a public school on private land. There is an agreement between the Diocese and the Department of Education for such an arrangement, and an amicable relationship exists. The school is jointly managed by the school and the church.

The second main use is for residential purposes with fourteen families having purchased a portion of the property from the Diocese in 1999. At the time there was difficulty in securing title deeds for this portion, which led to conflict within the group of fourteen families as to how best to take the process forward. The audit process has worked at resolving this conflict, and an additional resource. During the process of inventory facilitated by the Justice and Peace Department (2004), it was noted that the Manthole Community Authority (MCA) which is a body established by local communities to help in facilitating the development process in those communities, has been involved in securing the title deeds through dialogue with the Department of Land Affairs. The process was conducted in 2000 and it was concluded that the land should remain in the hands of the Church and the property is still under the Catholic Church.

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does not leave a will contemplated in paragraph (a), the direct descendants alone, may be substituted as claimant or claimants. (4) If there is more than one direct descendant who have lodged claims for and are entitled to restitution, the right or equitable redress in question shall be divided not according to the number of individuals but by lines of succession. (S. 2 amended by s. 2 of Act 78/96 and substituted by s. 3 of Act 63/97 and s. 2 of Act 18/99).

The third main use of the property is for small plot gardening. This is carried out by the Thusanang Gardening Project (TGP), consisting of fifteen women. The project was initiated by the Diocese in 1984 in order to train local women to use the land for agricultural purposes and to produce food for their families. Nkuzi has been in discussion with the DLA in order to secure LRAD and ensure they have adequate land for their activities. Since the audit of 2000 to 2014, Thusanang has been in-cooperated with various churches, local associations and individuals who provide support to children and their families who are battling with poverty-related issues. Vegetable gardening workshops are held and continuous support and motivation is offered by Nkuzi for the development of home food gardens.

The fourth main use of the property is for a milling co-operative that was initiated by the Diocese in 1988. The Diocese later trained local people to operate the mill, and subsequently has leased the mill to local users. It emerged that since the audit, there have been attempts to purchase the mill and the adjacent land by the co-operative using grants from Department of Land Affairs. The co-operative has leased the mill to a private company and was able to use the income to pay the lease to the Diocese. At the moment the Church is still taking care of the four main Church centres which were mentioned earlier (Pastoral centre, Priests house, Sisters house, Educational purposes).

During the course of the audit, various conflicts and misunderstanding between the various users of the property were dealt with, and this led to greater clarity regarding the nature of the various group's access to the land.

#### **4.8.4. Mashabela farm**

This property is 374 hectares in extent and is situated in the Limpopo province. Progress in the audit process for this property had been particularly difficult and frustrating because of the presence and interest of the tribal authority in this property. The tribal authority claimed that Mashabela farm was culturally inherited from their forefathers and therefore, the cultural heritage resources<sup>48</sup> belong to them

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<sup>48</sup> The broad generic term Cultural Heritage Resources refers to any physical and spiritual property associated with past and present human use or occupation of the environment, cultural and history. The term includes sites, structures, places, natural features and material of paleontological, archeological, historical, aesthetic, scientific, architectural, religious, symbolic or traditional importance

(policyresearch.limpopo.gov.za). A restitution claim on this property was lodged by the tribal authority, but this claim was judged by the Commission to be invalid because the element required to establish a claim was proved to be untrue (SACBC Land Audit Report, 2004). However, the judgement did not stop the tribal authority from giving permission for families to illegally settle on Diocesan land. The tribal authority also prevented Nkuzi from being active in the area, expressing his interest to see the title transferred to the tribal authority, and not have discussions with community members whom he asserts have no rights to the land. That was an area of ongoing conflict. At the moment there is a communal project that has broiler houses, an abattoir and delivery truck which is helping the Mashabela beneficiaries. Between 2012 and 2013 this project was identified as smallholder producers and is supported by the LRAD for sustainability.

#### **4.9. Conclusion**

This chapter focused on the research findings and interpretation of the investigation conducted within the Catholic land ownership, church land audit in relation to land reform programme in South Africa. The chapter also elaborated on how the farms that are owned by the dioceses are being used. In addition, this chapter looked at the audit initiatives, the process of the inventory and its obstacles towards the betterment of livelihoods of the communities involved. Some diocese's audit initiative plan succeeded. Some audit results indicate that for some dioceses no substantial work was carried out. The results indicate that a consequence of the process of doing inventories and audits of Church owned land is to place particular dilemmas or challenge experiences at the local level into the purview of the larger Church. In this context, and bearing in mind the principles articulated at the start of these processes (principles of poverty eradications, development, and social transformation), ongoing sales of significant pieces of land during the audit process were noted with deep concern. However, the audit report shows that the plan for the audit did not go accordingly for some reasons:

- Lack of competent co-operation from the state department (i.e. they did not fulfil their agreement made between them, the communities and the Church).

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to specific individuals or groups, traditional systems of cultural practice, beliefs or social interactions (Udo, 2008, p.4).

- Some dioceses felt that the government department (e.g. Department of Land Affairs) failed them. Hence they lost interest in the audit process along the way.
- Other communities did not have sufficient development skills to sustain their livelihood after the Trappist's left the farms.

Another aspect we discovered is that the commitment of decision makers to the land reform programme can be helpful for reform Policies. Loss of a sense of community and further destruction of moral fibre in our society raises more questions than answers about land and African spirituality. There is also a growing tendency towards greed and commercialisation of land that is gradually destroying the sense of 'community serving humanity' which is the basis of our spirituality. There is also the feeling of hopelessness among the victims of landlessness that poses a challenge to the Church and to society. Since land is life, there is no life for many. What is needed is a concerted effort by government to solve land struggles in a competent manner.

To conclude, all of these disappointments and concerns forced the Church to shift the 'gear' of church land ownership to another direction. After the final audit report of 2004, the Church decided to focus more on giving development training skills in agricultural activities and animal husbandry to rural communities in particular. Such training skills are facilitated by accredited church organisations such as CCS, Sekelwe Centre for Social Reflection, Justice and Peace, Mariannahill land Desk and Misereor from Germany. The uncertainty of the land reform programme in the first decade of democracy gave the church an opportunity to evaluate the land reform programme and to develop another version of land ownership. Hence in 2012 the church also reflected on the use of the land the significance of utilising the land. The next chapter offers the audit findings and analysis. The Roman Catholic Church intervention has been effective in empowering the beneficiaries by providing training skills development to them.



## Chapter 5

### The SACBC audit process

#### 5.1 Introduction

This chapter focuses on the audit process and interpretation of the investigation with regard to the Catholic land ownership that was conducted by the SACBC. This initiative was a sign of commitment to action that was made by the church in the Rustenburg Declaration in 1990 towards restitution. After the Rustenburg Declaration, each denomination was mandated to conduct the audit process which assisted the SACBC to realise the need to work towards a new economic order in which the needs of the poor can be adequately addressed. However, the process was not only meant to assist the Church for inventory purposes. Rather, it was also an attempt to assist relevant government departments as well as the community associated with a particular significant property.

According to the SACBC Land Desk, the audit process did not start immediately after the Rustenburg Declaration. Between 1990 and 1995, the SACBC had to find ways to create a Land Desk Office that will be in charge for Catholic Church Land ownership and the audit process. After the discussion, all the people present were assigned to go back to their respective dioceses to start the required process of the audit. The agreement was made and each diocese was expected to hand in their final report in 2004 (SACBC Land Audit Report, 2004)

In order to take the initiative forward, the SACBC mandated the Department of Justice and Peace of the SACBC to take responsibility for this project, and secured financial resources for the project from Misereor<sup>49</sup>. The Department of Justice and Peace

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<sup>49</sup> Misereor is a Catholic development and funding agency in Germany. Misereor supports the weakest members of society: the poor, the sick, the hungry and the disadvantaged. It is of no importance whether those in need of help are men or women, what religious beliefs they hold or where they come from. To love one's neighbour is a basic attitude of Christian life, and Misereor's vocation is to translate this attitude into concrete action; the poor are our sisters and brothers, who have a right to a life of dignity. MISEREOR supports them in realising this. The organisation does not pursue any ends other than the promotion of development. The mandate given to Misereor by the German Bishops rules out the promotion of pastoral or missionary measures. 'Misereor super turbam – I have compassion on the crowd' (Mk 8.2). These words of Jesus contained in the Bible gave the organisation its name. Compassion for people in need has remained the defining underlying motivation and characteristic of

appointed the Church Land Programme to implement the project. Therefore, this section will provide a report on this initiative, and will provide an overview of the findings of the audit process and identifying possible strategies for the further development of the Southern African Catholic Bishops Conference's commitment to ensure the just and sustainable use of its land in the current South African context. Before the audit process was commenced, the SACBC prepared a discussion among themselves.

### **5.1.2 Preparatory discussions with Dioceses**

In 1999 at the plenary meeting of the SACBC held in Durban, the decision was made that there will need to be initial discussions with each diocese in order to clarify the

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MISEREOR's activities to this day. The development projects supported by Misereor are as diverse as the causes and faces of poverty. They all have one thing in common, though. They all focus on the whole human person. As well as satisfying basic needs such as food security, they also help ensure that human rights are upheld and the way is paved for the people concerned to live in dignity. Misereor's ideal would be a world in which all human beings are able to participate in shaping their communities, in which cultural diversity is recognised and promoted, and in which equality is a reality. All these are overarching goals that are, among others, pursued in project planning. Misereor is convinced that poor and disadvantaged people too possess the strength to substantially improve their lives. Where the poor are able to put their talents, knowledge and capabilities to good use, they themselves become the engine of change and development. Many of them then discover for the first time that they have not been dealt an immutable fate for all time. Projects supported by Misereor therefore strengthen the self-initiative of the poor, and encourage them to articulate their interests and needs – not as supplicants, but as people who know their rights and obligations. Support of this kind at the same time helps the poor avoid becoming dependent on foreign aid. When a new MISEREOR-supported project is launched this does not mean that development experts from Europe travel to the region in question with what are supposed to be the right solutions in their luggage. MISEREOR prefers to rely entirely on its local partners: Church-based institutions, non-governmental organisations, social movements and research institutes with which the agency cooperates closely, and in some cases has done so for decades. Together with the beneficiaries, the partners involved help shape local development processes and implement the projects. They receive support from Misereor in the form of advice, expertise and funds. Misereor is not only a donor, but also a learner, a partner in dialogue and a companion in solidarity. This creates a process of permanent exchange characterised by trust, an ability to express and deal with constructive criticism, and a willingness to learn. This is how Misereor, together with its partners, responds to constantly changing challenges. Misereor uses the funds available to it responsibly, economically and efficiently, and regularly accounts to the individual and public donors providing it with the money. A multistage monitoring system guarantees that the stewardship of funds remains transparent both within and outside of the organization. Misereor has set both itself and its partner organizations clear rules. All areas of work are regularly and consistently monitored. Internal guidelines for staff members and line managers contribute to ensuring that any forms of abuse or corruption are prevented. The requirement of maximum transparency also includes the regular publication of data on the source and use of funds. Furthermore, the effectiveness of the development work performed in the projects supported by Misereor is also reviewed by external consultants, and documented every year in a public evaluation report.

nature of the audit and the development of policy, as well as the various expectations from within the diocese. These discussions were needed to ensure the commitment of the bishop, and identify the key role players, and structures within each particular region, as well to ensure that community groups were included in the process. For instance: Diocesan Pastoral Councils, Laity Councils, and Religious Congregations active in the diocese (SACBC Land Audit, 2004, p. 4). As a result of the preparatory work in each diocese there will be (SACBC Land Audit Report, 2004, p. 4):

- Support for the envisaged process from all stakeholders.
- A structure (Working Group) in place that will take responsibility for this process within the Diocese.
- Clarity concerning plans, timeframes, accountability and reporting mechanisms

After the discussion, all the people present were assigned to go back to their respective dioceses to start the required process of the audit. The agreement was made and each diocese was expected to hand in their final report in 2004.

### **5.1.3 The inventory of the SACBC land audit**

This section briefly recalls information that has been collected in the process of the inventory prior to the commencement of the Southern African Catholic Bishops Conference land audit. According to SACBC Justice and Peace Land Desk, this information has been printed in previous reports, but it will be included in this section for ease of reference.

The inventory collected basic information on all property owned by the twenty-six Catholic dioceses in South Africa. This inventory contains the following information (SACBC Land Audit Report, 2004):

- Name and plot number of each property.
- Details of name of ownership.
- The extent of the property.
- The location of the property (in most cases).
- Present use of the property.
- Diocesan decision-making structures of relevance for the property.

This collection of information concerning each property has made it possible for a description and initial analysis to be made of all landholdings at a Diocesan level, as well as at a denominational level. The results below are representatives of the findings of the audit<sup>50</sup>.

#### **5.1.4. The Church land programme inventory results (SACBC audit report, 2004)**

The inventory has given the following results:

Table 5.1 Landholdings results

Number of Dioceses	Total number of Properties	Number of Properties with extent known	Total Extent (Hectors)
26	1829	1713	20403.6237

A breakdown of these figures presents an interesting scenario in which the overwhelming majority of Catholic properties are less than one hectare in size and are used primarily for local parish buildings or other ecclesial functions. A relative number of forty-eight properties are larger than one hundred hectares yet these properties constitute 82% of the total area of land owned by the Catholic Church. It is therefore, these larger properties that are of interest for the more detailed audit of the church's properties. The table below presents the breakdown figures.

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<sup>50</sup> I would like to acknowledge and thank the SACBC Land Desk for permission to use their work in my research.

Table 5.2 Property inventory results

Range (in Hectors)	Number of Properties	Extent of Land	Percentage
> 100	48	16725.3558	82%
> 10 < 100	82	2615.3127	13%
> 1 < 10	213	714.059	4%
< 1	1370	318.4592	2%
	1317	20403.1867	100%

It has also emerged from the inventory that not all dioceses own properties larger than hundred hectors, and that there are a few dioceses that are significant landowners. This is an important indication that the land that was owned by some diocese was not designated for agricultural or farming purpose in order to employ the community for poverty eradication. The table below presents an analysis of those Dioceses that own properties larger than hundred hectors, and how many of these large properties fall within their region.

Table 5.3 Properties larger than 100 hectors

Dioceses with Properties > 100 Ha	Number of Properties	Extent in (Ha)
Diocese of Mariannhill	24	6124.59
Diocese of Dundee	5	5132.93
Diocese of Witbank	5	1313.58

Diocese of Umzimkulu	4	592.75
Archdiocese of Bloemfontein	3	1494.55
Diocese of Louis Trichardt	2	1120.71
Diocese of Bethlehem	2	280.92
Diocese of Port Elizabeth	1	457.97
Diocese of Kokstad	1	207.36
	48	16725.36

From the above identified Dioceses, initially, seven dioceses volunteered for the audit of their properties. The Diocese of Mariannhill volunteered later in the same year. That is a reason why it has been included as part of the research. All of the eight dioceses are the ones that have been investigated in the research. They are as follows (including Mariannhill Diocese) (SACBC Land Audit Report, 2004):

- Diocese of Dundee
- Diocese of Witbank
- Diocese of Umzimkulu
- Diocese of Bloemfontein
- Diocese of Kokstad
- Diocese of Bethlehem
- Diocese of Keimoes-Upington

### **5.1.5. The audit process**

In implementing the audit process of the various Dioceses, an attempt was made to ensure some consistency in approach. A framework for the audit process was adopted, and in each Diocese the specifics were then developed to work toward a

common goal. This framework is presented here for clarity with the intention of the audit. It was intended that through dialogue with the various stakeholders (diocesan leadership and members, communities to be affected, and government departments), the audit would ensure that more complete information will be collected about (SACBC Land Audit Report, 2004):

- The community
- The Diocesan information and policy
- The land
- Regional dynamics
- Resources available and required

Where possible, the project made use of affiliates of the National Land Committee to conduct these audits in the five dioceses. In the Diocese of Witbank, the audit was conducted by the Nkuzi Development Association, while in the Diocese of Keimoes-Upington the Surplus People Project (SPP) facilitated the audit process. In the Diocese of Free State, the Free State Rural Development Agency (FSRDA) was contracted to conduct the audit. Unfortunately, this agency was not able to complete the task required because of the incompetency and insufficient service delivery of the FSRDA officials. The Social Academy and NAHA of the Diocese of Free State were requested to facilitate the outstanding processes. In both the Diocese of Dundee and the Diocese of Umzimkulu the Church Land Programme was responsible for the implementation of the audit process (Mariannahill Land Desk, 2016).

More detail of each of the categories identified in the framework for the audit is provided in the description below. The description is presented as it was agreed to at the outset of the audit process, and so reflects the commitment to the intended process, and not simply a record of past events (SACBC Land Audit Report, 2004).

#### **5.1.5.1. Community**

Using participatory methodologies, the agency conducting the audit was mandated to interact with the community associated with a particular significant property in order to (SACBC Land Audit Report, 2004).

- Ensure that a representative leadership structure was either already present or established, and seek to strengthen this leadership structure through the process of the audit.
- Obtain and provide adequate and appropriate information for community groups. This included learning of the community's history, and the nature of their rights to the land. An understanding also needed to be developed of the community's intentions regarding the land.
- Explore all options and references for the tenure, use, and management of land.

The option was also needed to consider the possibility of the community entering into partnerships with appropriate bodies for the development of the land. It was reported that a key consideration was in what way land contributes to the livelihood of the community concerned (SACBC Land Audit Report, 2004).

#### **5.1.5.2. Diocesan information and policy**

For each participating diocese the audit was to clarify the following (SACBC Land Audit Report, 2004):

- The needs and intentions of the diocese regarding each property. These were particularly significant if the dioceses gave rise to any limitations for the options for future arrangements and use of the land. This was also necessary to explore whether these needs could be met in other ways, or more efficiently, that would not impose limitations on the various options.
- The diocesan decision-making structures for the properties concerned.

#### **5.1.5.3 Land**

The agency conducting the audit for each diocese was to ensure that the following information was collected for each significant property (SACBC Land Audit Report, 2004):

- The use of the land, both in the past, and currently. This information could be found from a mapping exercise with the community, and will lead to a detailed map being developed.



- Restrictions on the land in question, and relevant details. For example: leases, claims and zoning.
- Potential use of the land, including its agricultural potential. Information was also required on water availability, where appropriate.
- The management systems for the land, and the option for the continued management of the land. There will need to be clarity on any possible implications for proposed tenure arrangements.

#### **5.1.5.4. Regional dynamics**

The audit was to give consideration to the dynamics within each region that will impact on the possible tenure arrangements, the use and management of each property. This includes the Regional Council or local government structure, as well as the regional functioning of various government department including the Department of Land Affairs and Department of Agriculture. In some contexts, consideration had to be given to the role and expectations of traditional leadership (SACBC Land Audit Report, 2004).

#### **5.1.5.5. Resources available and required**

According to the SACBC audit report, the church envisages that in exploring a range of options for the further tenure, use and management of each property, the audit intended to identify the resources required for the various options, including financial and human resources. Consideration was given as to the possible sources for these, and recommendations were made concerning possible options. These resources could be located within the community, the diocese, the broader church, private or public agencies. It was intended that on the basis of this information and in dialogue with the stakeholders, various options for the use and ownership of the properties in question could be identified, and initial plans developed (SACBC Land Audit Report, 2004).

### **5.2. The audit analysis**

The experience of implementing the audit of SACBC owned land has generated important insights, challenges and learning. Some of the most important issues are briefly highlighted below. They are simply a record of past events, but are also at the

heart of the continuing developmental agenda for church owned land in the South African context.

Information gathering exercises like the inventory and audit processes are quite clearly prior to and distinct from the actual implementation of developmental processes on the ground. However, they inevitably raise discussion and expectations about the future use of land. The experience thus far shows that implementing agents such as the CLP and other role players get pressured prematurely into implementing the first ideas that emerge. This is almost certainly not advisable. The audit phase should generate information and a kick-start debate about a range of options. Once these have been identified, role players should be enabled to carefully consider those options, and the trade-offs between them, before choices are made that will in turn enable implementation to proceed.

In the section of developmental options, a wide range of decisions must be made. Currently those decisions are not guided by a framework policy reflecting the values and intensions of the SACBC. Many such decisions are invariably complex and they demand discernment and wisdom. Also, particular development choices may raise broader ethical issues. For example, it appeared that land at the Diocese of Keimoes-Upington may be suitable for producing paprika for an export market. This has raised key ethical questions such as (SACBC Land Audit Report, 2004):

- Does export-oriented commercial mono-culture fit the vision of developmental use of Church owned land?
- Will Church owned land be used for the propagation of genetically modified produce?

The use and control of pieces of land owned by the Church cannot be divorced from issues concerning the use and control of land in the broader South African context.

One issue that has confirmed this insight already in the audit of SACBC land concerns the role and powers of traditional authorities. SACBC owned land at Witbank, for example, is adjacent to land controlled by a traditional leader, who exercises *de facto* control over the church owned land. The resultant impasse is proving profoundly difficult to resolve and it has had a decisive impact on future options for the land in question.

Another dynamic that confirms the inter-relation between church-owned land and the broader land context is the role of government bodies and policies. For example, it has become clear that some of the relevant government agencies are under pressure to spend their budget and add hectares to their performance record. Accordingly, church leadership has been approached directly by the Commission on the Restitution of Land Rights (CRLR) with offers of money to buy church owned land. On the one hand, this may offer genuine opportunities, but in fact it is more likely to place role players under inappropriate pressure to make quick and ultimately unsustainable deals.

Other examples reveal the debilitating degree of policy incoherence between and even within government departments. One particular example is worth noting in this regard. After investing a significant amount of time, resources and pressure, the Diocese of Mariannhill convinced the Department of Land Affairs to allocate land reform grants to beneficiaries, even though the land was being donated by the Church and therefore had no purchase price. The grants could then be pooled into a development fund for the beneficiaries. Although this would seem the logical and value-adding route to follow where Church land is being donated and where beneficiaries are using options within government's land reform package. The DLA have subsequently refused to repeat the deal insisting that such grants are to assist in the provision of land only, and not for development purposes (SACBC Land Audit Report, 2004).

The audit project drew on the services of land rights organisations where these seemed better located in terms of geographic location. In fact, this has turned out to be a weak link in the project implementation. Not least because NPOs outside the Church do not have a good grasp of Church dynamics. This would seem to reinforce a more general observation that capacity for developmental work on the land needs to be substantially developed within the Church sector.

Social processes around land and development are almost inevitably complex and all too often characterised by conflict. This is the experience of development practitioners generally and has proved no less true of church owned land. It emerged that these difficulties may sometimes prompt selling off other pieces of land in order to avoid these difficulties. For example, the ongoing difficulties regarding land at Maria Ratschitz over the past decade apparently helped motivate the sale of St. Joseph's in the Diocese of Dundee. At one level, this is perfectly understandable, especially given

that the owners and administrators of church owned land are not sufficiently guided by church policy nor supported by in-house (or at least relevant and accessible) developmental capacity in these matters. But again, bearing in mind the underlying motivation of the Land Initiative (LI), the sale of church land now could well represent an abdication of responsibility and the loss of significant opportunity (SACBC Land Audit Report, 2004).

### **5.2.1. Development and training**

The training initiative for a way-forward started at Oetting farm in Kwazulu-Natal. The SACBC Justice and Peace Office was part of the facilitation of the training. Oetting is a farm of about 260 hectares, half of which is settled and used by the community. There are ten households on the farm. For this community the training focused mainly on permaculture<sup>51</sup>. The process of facilitating this training started with the question, what is a household. This gave the trainees an opportunity to define in their own terms, what they regarded as a household. The elements of what they defined were further interrogated. For instance, they had to list the food types they consumed, where they sourced them etc. This discussion led to the communities identifying the types of foods they could produce for themselves. This is then what they were trained on. The training was 30 % theory and 70% practical. Trainees were highly motivated and were ready to go and apply the new learnings. As part of the facilitation, the SACBC Justice and Peace Office mandated the community volunteer to send updates on a monthly basis regarding the application of lessons in people homestead gardens<sup>52</sup> (Mariannahill Land Desk, 2016).

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<sup>51</sup> Permaculture is defined as a system of agricultural and social design principles centered on simulating or directly utilizing the patterns and features observed in natural ecosystems. The Permaculture garden is a lot more than an organic garden. Intelligent design uses free, sustainable energies and resources. It is energy-wise and collaborative to minimize the impact of a site on the surrounding environment. A good design has great potential. It can connect neighbours. The word *permaculture* originally referred to "permanent agriculture", but was expanded to stand also for "permanent culture", as it was understood that social aspects were integral to a truly sustainable system as inspired by Masanobu Fukuoka's natural farming philosophy.

<sup>52</sup> The Justice and Peace Commission is on a drive to promote sustainable living through entrepreneurship among small scale producers on Church land. Towards the end of July and the beginning of August 2015, it held a series of trainings in this regard. One such training took place at Luckau in Witbank Diocese on the 27<sup>th</sup> July 2015. A sizeable portion (±60 hectares) of the Luckau farm is in the process of being transferred to the 13 families that currently reside thereon. The community is using this land mainly for residential purposes currently. The plan is to unlock the community's potential to use the rest of the space for agricultural purposes. The training focused on developing skills to propagate and manage peach trees, and basic market research methodologies. It was an exciting training, with concrete outcomes. Some of those outcomes included the commitment by the trainees

### **5.3 Conclusion**

The results from the above analysis show the social action arm of the Southern African Catholic Bishop's Conference in restoring livelihoods and paving the way for sustainable development goals. The findings indicate that there is an urgent need for implementing the country's sustainable development goals. In addition, the positive function of the Church in the LRP shows that the church is committed to bringing the phenomenon to the attention of relevant government departments as well as the community associated with a particular significant property. Furthermore, the involvement of the church would also help deepen the understanding on the issues involved and would enable the society to take actions based on an informed position.

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to establish a nursery, and orchards around their households. It was agreed that the process of starting a nursery was to commence in December 2015, with the collection and planting of seeds in containers. Further training, which will be more intensive will be provided at different appropriate intervals. For instance the training on grafting will take place when the seedlings are a year old.

## Chapter 6

### Conclusion and recommendation

#### 6.1 Introduction

The focus of this chapter is to develop a holistic summary of reflection in each discussed chapter of the case study investigated. I shall integrate this reflection by co-operating each chapter with the topic of the case study. This chapter is vital because its content gives an overall summary of what has been investigated and discussed in the research. It is also a guide-tool or instrument for future research. The summary is presented as follows:

#### 6.2 Summary of the literature review

The assessment of the literature review revealed that the intervention and strategic partnership for empowering beneficiaries can become effective in the land reform programme. It emerged that with the transfer of skills development, there are serious technical problems for the beneficiaries. The literature review also examined the socio-economic impact of the land reform in areas such as livelihood development and upliftment of beneficiaries. Some results showed a significant development in socio-economic well-being of beneficiaries after implementing some training programmes in skills development. This means that the land reform programme in some areas has made some advancement towards achieving its intended objectives. However, this does not justify the general dis-satisfying progress of the land reform programme.

The contribution of the literature review also analysed whether the land reform programme has positively contributed to the socio-economic well-being of the beneficiaries. While farming activities play a positive role in socio-economic development, more attention should be given to farm activities, especially those that are integrated into the smallholder agricultural structure. Therefore, there is a need to develop various kinds of strategies to ensure that programmes reach their intended goals. An emphasis in land reform should not only be on people occupying land, but it should also address the issue of job creation as a condition for receiving land reform assistance on the part of the beneficiaries.

If the engagement of farm activities is conducted appropriately, then productive results are born. This requires a high standard of development skills from the beneficiaries and it is associated with an increase in production and productivity. Therefore, it is of paramount necessity to make sure that a strategic intervention and co-ordination are transferred. Hence the criteria for sound partnership needs to be revisited and reviewed. A sound partnership can be made between the state and the church, because the church is devoted to the land reform programme objectives. This can be helpful to ensure effective skills transfer in the land reform programme.

On the one other hand, the preceding chapters have made it possible and on the other hand, impossible to understand that land ownership is a gift from God, to be equitably shared for the benefit of all humanity where life is lived and celebrated, it is the place that gives life and identity. This indicates clearly that a lack of clearly defined and circumscribed land rights is intrinsically linked to poverty and conflict. It is clear that without a different way to use land both for production and to protect human life, will be difficult, if not impossible, to meet some of the goals created by the church in its church land ownership reflection. This explanation assisted the researcher to review the documents regarding the Land Reform Programme and Catholic Church land ownership in South Africa. The following insight and reflection was regarded as fundamental to assisting the researcher to accomplish his investigation on Catholic Church land ownership since post 1994 – 2014.

Today the distribution of land is a major problem particularly in South Africa. That is why the church is finding itself making a contribution to the process of the Land Reform Programme. The greatest contribution that the church is making is a theological reflection on land reform and the use of it. It is through this reflection that the church can contribute practical strategies for the stewardship of the land. The church land ownership has been identified in relation to social, political and economic debate. According to the literature review, land reform is a tool of conflict resolution as proved by many scholars who have researched land reform.

Although it seems that the concept of church land ownership is easily understandable, we have seen some scholars who do not accept these concepts. Tsele and Butler (1998) reject the idea that the church owns land. For them it is well known that the

church did not bring with them the resources to buy the land, yet within a few years of their arrival they were already owners of large tracts of land (Tsele & Butler, 1998). They consider church land ownership as an embarrassing fact.

When comparing the debate of Tsele and Butler with that of the above mentioned scholars one finds that Tsele and Butler (1998) raise intriguing questions. Ultimately, it is this view of the debate that offers us the concept of theology in church land ownership. This is where Saayman (1995) suggests the concept of *Missio Dei* (the Mission of God) towards a contextual theology of land. He explained it as (see chapter 1):

- Mission emanates from the heart of Godself.
- Theology of land has to emphasise that the land belongs to our Creator-God. Therefore, the African theology of land demands a soul-searching review of the concept of land ownership and has to lead to a fundamental reformulation of the concept of land.
- The issue of land ownership in post-1994 South Africa cannot simply be settled on the basis of a thorough scrutiny of the legal dimension. In the light of *Missio Dei* the moral and ethical justice dimension is equally important which invites all South Africans including the church to accept the precondition for forgiveness and restoration of restitution.
- In the debate of the land and in the light of *Missio Dei*, the missionary responsibility of the Christian community is to erect signs of God's reign, God's commonwealth or encompassing wellbeing.

The discussion was also compared with the mission concept of the use of land by the Evangelical Lutheran Church. It was discovered through other research that the Evangelical Lutheran Church concept on land ownership and bringing justice to South Africa was similar to other Christian denominations, including the Catholic Church in this context.

The final conclusion is that the basic concept about church land ownership was key to understanding more elaborated concepts in answering the research question. As we look back in the history of land ownership we find that the basic was human stewardship. As alluded by the Report of the SAATC (1995), human stewardship of land requires that it be utilised for the common good and in such a way that it is not



itself destroyed and individuals should be free to utilise the land they own only within the general framework of the common good and the preservation of the environment. In a report prepared by the National Land Committee in 1997, it was also specified that the quality of church owned land in South Africa is of a sufficient high standard that it could make a significant contribution to the livelihoods of rural communities (Philpott & Zondi, 1998). However, how this land is used may not be of benefit to the concerned beneficiaries, hence it requires further investigation.

### **6.3 Summary of the data analysis**

The aim of the study was to investigate the Catholic Church land ownership in South Africa in two decades of democracy (1994 – 2014). The study sought to contribute to the research on church land ownership and its sustained involvement on the land reform programme by investigating eight dioceses in Southern Africa, in particular, Catholic Church land ownership in South Africa since the post-apartheid epoch.

Prior to the current study, there was a lack of information for describing the sustained involvement of Catholic Church regarding its relationship with LRP. Researchers particularly in South Africa have not studied the involvement of the Catholic Church on LRP or acknowledged the importance of a sustained church involvement in livelihood sustainability. The study addressed the issues of how the Catholic Church has used its land since 1994 – 2014 by identifying the motives, challenges, and strategies to sustain its involvement in the lives of various communities, particularly poor communities. This was carried out by investigating how the Catholic Church has been using its land in two decades of democracy; investigating the Catholic vision for land reform and its theological criteria.

The historical research design worked well for examining the participation of the Catholic Church on LRP. It also helped me to be aware of the challenges, motivations, and strategies encountered through its involvement in LRP. As “witness in a trial” (Lundy, 2013), the historical research method further helped me describe how to judge the validity of historical data (Lange, 2013). Furthermore, this design assisted in searching, exploring, summarising, and reporting past information and events using primary and secondary sources to gain an understanding of events, issues and policies (Kalaian, 2008). Its significance allowed me to conceptualise the relationship

between past and present, and to assess the importance of a specifically historical understanding of social phenomena (L'etrange, 2003).

The use of pragmatism as a research paradigm emerged by accepting both singular and multiple realities in the world, setting itself towards solving practical problems in the real world (Feilzer, 2010). To support the investigation, the research approach such as a qualitative method was employed to conduct a thorough investigation. The theory of social construction of life quality at macro levels was also applied in the study. The purpose of this theory was to address the social construction of life quality at country level, and that goes beyond objective 'welfare'.

Documents relevant and applicable to the research questions were also examined. In gathering data I also made use of triangulation which is 'the process of strengthening the findings obtained from a qualitative inquiry by cross-checking information' (Payne and Payne, 2004). Secondary data was also consulted which provided the research with documented information that assisted in checking the viability of information that was collected.

#### **6.4 Synthesis of the research findings**

According to the study, we discovered that South Africa's land reform programme is based on both equity and economic growth, and consists of three pillars: *land restitution*, *land redistribution* and *tenure reform*. The interest of government's early vision of land reform emphasised its multiple objectives: addressing dispossession and injustice; creating a more equitable distribution of land; reducing poverty and assisting economic growth; providing security of tenure; establishing sound land administration; and contributing to national reconciliation. This indicates that one cannot talk about land without its historical background. Hence we can conclude that getting land reform right is fundamental to the broader project of healing South Africa, and that the poor will have to be the focus in this healing process because of the past history of land dispossession.

The findings also reveal that, to a certain extent the land reform programme has not met its initial goals for a number of reasons and the local governments have fallen short in fulfilling their constitutionally mandated role of providing basic services and technical support needed to make restitution and redistributed land productive. In

addition, land reform beneficiaries often have insufficient access to credit, equipment and technical assistance, and only a small percentage of the land is under irrigation. Hence, land reform is considered to be a contested terrain with unresolved historical grievance. There is an urgent call to resolve such terrain. There was a call also made by the WCARRD in 1997 for transformation of rural life. The call stressed that rural life must be pursued by policies which allowed growth to be reached in an equitable way, through redistribution of the economic and political power and people's participation. In their observation, some scholars discovered that land use is arguably one of the most pervasive socio-economic forces affecting economic systems and human well-being. Hence there is a lot of debate and arguments regarding this issue because it has the potential to improve the sustainable development of livelihoods and guarantee social stability. However, despite this tremendous input, twenty years into the transition to democracy the underlying problems of landlessness and insecure land rights remain largely unresolved.

Since 1994 the land reform programme has undergone many changes and received a lot of criticisms from the academic arena. Many different mechanisms have been put on the table, discussed and left useless. We discovered pieces of legislation that were passed after 1994 to facilitate land reform in South Africa and they were put on the table thus (see chapter 1):

- *A Green Paper on Land Policy of 1996.*
- The White Paper on Land Policy of 1997.
- Security Tenure Act of 1997.
- LRAD of 1999.
- CLARA of 2004.
- *DRDLR of 2009.*
- CRDP of 2009.
- *A Green Paper on Land Reform of 2011.*
- The State Land Lease and Disposal Policy (SLLDP) of 2013.
- The Recapitalisation and Development Policy Programme (Recap) of 2014.

A summary of the outcome of land reform that the government achieved since 1994 to 2014 was elaborated as well. Some of the summary showed that in the first five

years of land reform progress was slow and most targets were not met. It was in this regard that Chief and advocate Phathekile Holomisa invited the Church, NPOs like NLC, and all other bodies concerned about the deteriorating condition of the African majority. He called them to identify the rural leaders and rural communities, and to work closely with them for the development of programmes which will stem the mounting tide of poverty. In rural areas, most farms transferred through the restitution programme failed. Commercial farming faced difficulties in yielding benefits for all. Many such projects collapsed owing to conflicts over power and decision-making.

Ten years after democracy, policies on land reform were amended. It was identified by Lahiff (2007) that the most important policy change that came from this process of policy review was the introduction of the Proactive Land Acquisition Strategy (PLAS). At around the same time that PLAS was introduced the Land and Agrarian Reform Project (LARP) was drawn up and then introduced a year later. This programme promoted further orientation towards capital intensive and skills requiring.

After 2009 a new direction was a Comprehensive Rural Development Programme aimed at creating 'vibrant and sustainable rural communities'. Then in 2012 President Zuma announced that government would pursue the just and equitable principle for compensation, as set out in the Constitution instead of the 'willing buyer, willing seller' principle, which forces the state to pay more for land than the actual value.

The study confirmed that a wide range of land reform issues emerged concerning the challenges of sustainable development and understanding decision-making in LRP. It is highlighted that land reform is a primary issue for the communities, South African government, and therefore, needs a competent implementation of an evaluative strategy, this is important. The community needs to be empowered to manage their affairs and the project on their own, and they need to be empowered to utilise their inherent skills properly, having shown that they lack initiative to engage in self-development.

There was also a critical assessment that came from the Church regarding LRP. The assessment was summarised in eight points and it indicated the need to unlock the capacities of the land reform programme such that it may contribute to sustainable development. While a Policy Framework was published in the course of 2013 dealing

with agricultural landholdings, the issue has not been resolved yet. Drawing from the case study of the Land Reform Programme, it was established that in practice, the major problems are experienced within government departments concerning assisting and processing the development of livelihoods. One of the most important elements of the land reform policy is the reference to resettlement and farm land. It was due to some of these unresolved movements that the church saw the need to step in.

While a Policy Framework was published in the course of 2013 dealing with agricultural landholdings, the issue has not yet been resolved. Drawing from the case study of the Land Reform Programme, it was established that in practice, the major problems are experienced within government departments concerning assisting and processing the development of livelihoods. One of the most important elements of the land reform policy is the reference to resettlement and farm land.

Although I discussed the conceptual framework regarding church land ownership which was addressed by other scholars/writers, our central focus was the understanding of the Catholic Church land ownership and its use. The Catholic Church offered reflection on land access, proper usage and thereby developing a vision for land reform which it hopes will assist the process of bringing land justice to South Africa. It offered this by giving a brief review of key biblical themes and principals that provide the moral and theological basis for a Christian perspective on land matters. The church brought theological points which were raised by the Vatican II Council, and they were enhanced in the Social Teaching of the church. Hence it is stated that the Southern African Catholic Bishop's Conference extended its reflection on land revealed in Sacred Scriptures and in documents of the tradition of the church. Those theological reflections were discussed by Philpott (2004) as follows:

- Land is a gift from God, to be equitably shared for the benefit of all humanity.
- Land is the 'locus of life', the place where life is lived and celebrated, the place that gives life and identity.
- There is a critical social function of land. 'Ownership' of land is never absolute because this social function of land is paramount.
- We must acknowledge the propensity for commodification, accumulation and profit, leading to the exclusion of the poor and the denial of their rights in land. Our interventions must be to work against this and ensure redress.

- The Jubilee tradition affirms the redistributive nature of God's commitment to the poor, seeking to ensure just and equitable access to land and resources.
- Human work on the land should express the dignity of human labour and the joy of participation and co-operation because it is a privilege to be co-creators with God in the unfolding story of creation.
- It is judged as contrary to God's will where our working of the land strips the earth of fertility and robs future generations of its benefits.

All these complement the defence and promotion of the human person, the culture of encounter, and the unity of peoples, where the church encourages ways of renewing and transforming the whole of humanity. The church stands at the side of all who work to defend each person's right to live with dignity, by exercising the right to contribute to the development of the country. This process includes the need to assist the country with theological reflection. This demonstrates that solidarity, co-operation, interdependence and the equitable distribution of the earth's goods are essential for more decisive efforts, especially in rural areas to eliminate those imbalances which lead people, individually or collectively, to abandon their own natural and cultural environment.

The church also reflected on seven theological basis for land reform which are explained as:

- Liberation is a process.
- The land belongs to God and is given into the care of all God's people.
- Care for the gift of land is an opportunity for sharing and not a licence for domination.
- Concentration of land in the hands of the rich and powerful while many are without is a scandal.
- Private property is subordinated to the universal destination of goods.
- Respect for the community property of indigenous populations.
- Redistribution and re-allocation of land is not enough.

The church also drafted and adopted a policy framework for the utilisation of church land in the eradication of poverty which reads thus:

- Land is a God-given resource that can be utilised towards the eradication of poverty.
- The recommendation to initiate an audit to church land was accepted by the Church Leaders Forum.
- Churches can take the lead in utilising and distributing land in such a way as to contribute towards the eradication of poverty.
- The moral leadership of the church has the capacity to benefit the entire nation.
- A multitude of the poor people, many of whom are themselves members of churches, are poised and looking to the church for help – help that will alleviate their situation of impoverishment and restore their relationship with the life-giving soil of Africa.

As reflected by Zondi and Philpott, (1998) we can conclude that church owned land is of significance because of:

- The starting point is that the church is a landowner.
- The second point to make is that there are people living on church owned land communities who for generations have been tenants, or in other uncertain relations with the landowner, while also being members of the very same church who is the landowner.
- It is generally held that the quality of church owned land is of a sufficiently high standard that it could make a significant contribution to the livelihoods of rural communities.
- The land owned by the church is potentially a significant resource base for the church to play a meaningful role in the development of rural areas.
- The extent and nature of church owned land allows for the possibility of developing a range of models for land reform in general for our country.
- Given the history of land dispossession of black people in South Africa, there is the need to redress this injustice and to change the balance of white ownership of land. This needs to be done in the context of the strengthening of black people's rights and access to land, and the development of effective models of ownership, management and use of this important resource.

- Unlike any other private land owner, the church has an ethical obligation to deal with its land in a morally responsible manner, seeking to do the “right thing” for the broader society but with a particular concern for the poor and marginalised.

The study shows that the Catholic Church’s main concern is supporting the right to own property and affirming its social aim and the reasonable usage of it. The Social Teaching of the church on land teaches that land is a gift from God and it has to be shared equally. This implies that all humanity is entitled to land. We also see in the *Gaudium et Spes* the Pope the issue on the universal destination of Goods (*Gaudium et Spes*, paragraph 69).

The main focus of the study was to investigate the Catholic Church land ownership and how it has used it during the period of 1994 – 2014. The investigation contributed towards a thorough reflection on whether the church ownership of land in sustainable development activities contributes to an effective land reform approach through major strength that lies in the biblical view of land. Equally, the land reform programme can achieve its desired social, economic and political objectives if the land acquisition exercise is strategically planned. Therefore, the Land Reform Programme needs to be forcefully addressed to ensure effective and radical change in South Africa. Hence the church emphasises the social purpose of owning land or private property.

- One can recall the statement made by Pope Benedict XVI on the economic crises of 2008-2009 that affected Southern Africa. The crises invited Pope Benedict XVI to treat the issue and the ethics of economics in the context of human development in greater detail. The Pope observed that, “what is missing in the human development is a network of economic institutions capable of addressing the primary needs and necessities ensuing from food crisis” (*Caritas in Veritate*, 2009: paragraph 27). According to Pope Benedict XVI, “God has given Africa important natural resources.” Hence as stewardship, all men and women should ensure that land is used for the well-being of all humanity. Hence the resources on land are not meant for human exploitation. Rather, land must be utilised without maltreating it.



The challenge to implement appropriate strategies in a land reform programme is still a major problem for the government to alleviate poverty in South Africa. There are still challenges of resources and technical expertise, the politicisation of the land issue and most importantly, the nuances of the land issue are not well theorised. It is the government's task to reduce poverty and promote social integration. The government also has the task to develop and monitor the implementation of social policy that both creates an enabling environment for and leads to a reduction in poverty, and to ensure the provision of a social protection service for all people who live in South Africa's land. The issue of land use is critical to the future generations of South Africa. Hence the SACBC sees the need to intervene in the Land Reform Programme. Thus emphasising the speeding up of land reform, the SACBC (2012, p.v) wrote, (SACBC, 2012, p. v):

*“The Church is saddened at the lack of meaningful progress in enabling those who are impoverished to assert their right to own land..., the Church is saddened that even the minority that have benefited from various land reform programme 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.”*

The above statement is an indication that the Catholic Church sees land reform as one of the focuses to meet the growing demand of service by South Africans, because it is an important aspect of social and economic transformation as a means both of redressing past injustices and of alleviating the problem of poverty (SACBC, 2012). The SACBC further echoed that:

“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 distribution our own available 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 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.”

Land reform can improve employment opportunities when proper measures are taken. For a successful land reform can yield economic development through corporation. Therefore, the involvement of other people's full participation in land reform can affirm

interdependence and unity of all humanity. Hence the Church speaks of principle of solidarity; principle of subsidiarity; principle of common good and justice as four basic principles for social life. In other words, the implementation of land reform should be human centred. The challenge of land reform is to realise land reform as a gift from God. Therefore, to alienate people from land is a serious threat to their existence and identity. Thus land should benefit everyone including future generations. When speaking of land, one must not exclude its impact on human spiritual life, economic aspect and political influence.

As a point of departure, the land reform programme, combining asset redistribution with enhancement of tenure has an important role in improving the long term prospects of employment and income generation in the rural economy. Over time, agricultural development associated with land reform will play a key role in improving the distribution of income and economic activity. Thus, sustained growth requires a transformation towards a competitive outward oriented economy. It therefore makes one to conclude that the criteria that government implemented was based on the South African laws which makes it differ from the church's point of view. On the other hand, the Catholic Church also presented its view on land by giving its theological reflection which is derived from a biblical stand point.

I noted that the eight dioceses were specifically picked among 26 dioceses by the researcher for specific reasons. The first reason is that they were included in the audit of the Church's property. The second reason is that they were significant landowners. In addition to these reasons, the information required was accessible even though it was not easy to access in some of the dioceses among those eight. Most of them were supportive about sharing the information for academic purpose.

The first objective was to investigate the status of the Catholic land ownership since 1994-2014. The research revealed that some of the church land that had been transferred has either remained fallow or been used for activity that has not been profitable for the communities (see chapter 5). Another revelation was that in most dioceses, most priests are not actively participating in the church land programme. This is an indication pointing to a lack of interest in the needy community by certain priests and it portrays a bad image.

The second objective was to investigate how the Catholic Church has effectively been using its land during the period of 20 years of democracy. An outstanding event that speaks for the public role of the Southern African Catholic Bishops Conference is that it embarked itself on several programmes to uplift the historically disadvantaged communities. Some programmes are directly linked to the efforts of the SACBC towards LRP such as, agricultural production, residential houses, permaculture, training programmes, cropping activities and for economic transformation of the communities' livelihoods. Especially since 1994, the SACBC has consistently campaigned against poverty and for policy and governance transformation towards defined social development objectives with regard to the land reform programme. This campaign is very important because for poverty reduction, land plays a role in the issues of justice. It was noted that the church is faced with challenges that need to be structured in a way that enable it to respond positively to LRP. The structure of LRP needs to be able to define the church's role clearly to a broader vision of a truly liberated South Africa. The importance of the relationship between the church and LRP can bring adequate yearly progress. The results revealed that the involvement of the Catholic Church was significant in improving the livelihoods of the land reform beneficiaries.

## **6.5 Conclusions**

This research was premised on the Catholic Church land ownership and how it uses it in the eradication of poverty since 1994-2014. Its fore-inclusion gives rise to the concept of Land Reform Programme as one of the pillars in the development and the promotion of a good governance agenda. Unemployment has risen rapidly over the past two decades of democracy and the majority of all South Africans live in poverty. Central to the Land Reform Programme is the intervention of the church in economic affairs. It is based on the principle of the distribution and use of the land that 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. According to Pienaar (2014) land reformation can be understood more accurately at every stage of its pillars, (restitution, redistribution and tenure), government leaders can begin to approach the issue of land reform and transformation more effectively. Hence, urgent reform should be undertaken without delay.

The findings show that the land reform question in South Africa has been dominated by policy and legal and jurisprudential developments informed by the hegemonic market economy private property value systems and thinking (Gutto & Lesiba, 2011, p.15). This system, in my own view, brings imbalances in the division of land ownership and the policies giving rise to and sustaining them are the source of vicious hindrance to economic growth and advancement. The review of the literature also revealed that the main purpose of the Catholic Church owning land was to create a productive agricultural community of African converts and to stimulate the emergence of an African peasantry. This was achieved by giving instructions on agriculture and selling small plots to the converts which would give them an opportunity to acquire ownership of property. This was practised by other denominations such as the Evangelical Lutheran Church in South Africa. What do we learn from this? We learn that this concept tells us about the meaning of land and our responsibilities to it. It also suggests how people should share land among themselves. This concept was further reflected by the SAATC. Their reflection discloses that human stewardship of land requires that it be utilised for the common good and in such a way that it is not itself destroyed and individuals should be free to utilise the land they own only within the general framework of the common good and the preservation of the environment. Since 1994 many scholars such as Philpott, Zondi, Maluleke, Saayman, Ntsoe, von Fintel Mngxitama, Gillan and others have made the most influential contribution towards the Church land ownership discussion.

Further discussions demonstrate that land ownership poses challenges in South Africa and in the world of democracy today more than ever before. Today, after the twentieth anniversary of the Constitution, the whole issue of the land reform programme can still be revised. It is time to discuss how much the Land Reform Programme has helped the country and its communities to progress, and what it leaves future generations to deal with. The community cannot have land without working on it. Therefore, land and work co-operate all the time. Thus land is considered as a fundamental right for all humanity. When people have access to land, their dignity is respected and they are able to sustain their lives and they should be able to work on their land.

It has also been realised that emerging black farmers need start-up capital, mentoring and training and local farmer support in terms of acquiring seed, livestock, etc. and

accessing markets. Agri co-ops often fail because of conflict and lack of knowledge in finance and marketing. Most young people have no interest in farming and “land” is just an ideal; it does not create jobs or give them a steady income. Hence I believe that the issue of land redistribution is about much more than just ownership.

While the Catholic Church intended willingly to go for the audit, it became apparent that due to some circumstances from the relevant departments, some Dioceses gave up on the process. However, the Catholic Church conveyed its Theological reflection through Justice and Peace in South Africa. The foundation of theological reflection of the SACBC was informed by Scripture, Encyclical letters, and the social teaching of the church.

This Theological reflection assisted the SACBC to model their view on the use and utilisation of land in South Africa. This is seen in the programme that the church created to assist the communities in their livelihood development. The SACBC categorises its theological reflection as follows (see chapter 1):

- Liberation is a process.
- The land belongs to God and is given into the care of all God’s people
- Care for the gift of land is an opportunity for sharing and not a licence for Domination.
- Concentration of land in the hands of the rich and powerful while many are without is a scandal.
- Private property is subordinated to the universal destination of goods.
- Respect for the community property of indigenous populations.
- Redistribution and re-allocation of land is not enough.

The main contribution of the study was to analyse Catholic land ownership in South Africa and how it has used it since 1994-2014. The findings above have demonstrated that the Catholic Church, particularly eight dioceses have made some progress towards improving the socio-economic status of land reform beneficiaries, particularly in terms of, workshops and skills development training, although much still needs to be done to ensure the programmes achieve their intended objectives.

## **6.6 Limitations of the study**

The effective purpose of choosing only eight dioceses was to make the research manageable, and they were of a sufficient portion to provide accurate results. I used the SACBC Land Audit Report and Mariannhill Land Desk Report as core resources to gather information (see chapter 4 and 5). The investigation was limited to those dioceses because all of them expressed their willingness to undertake the proposed land audit process (see chapter 5). All of the eight dioceses were willing to commit themselves to what was proposed at the Rustenburg Declaration of 1990 (see chapter 1). Both core sources that I used were providing me with the amount of information that was required to make the research legitimate and authentic.

The following are some of the major challenges that the Catholic Church land ownership is faced with:

- Lack of archival history pertaining to removals and dispossessions in rural areas.
- There was a lack of historical background in some dioceses.
- There are also a small amount of academic records regarding the Catholic Church land ownership in South Africa.

## **6.7 Recommendations**

In the preceding chapters, a wide range of issues have emerged concerning the relationship between the Catholic Church and Land Reform Programme in South Africa since 1994-2014. Today, land still remains an authentic gift of economic aspirations. However farm areas devoted to agriculture have been decreasing due to land conversion. The basic problem is that the emerging farmers set up from outside of the church do not have the ability to buy their own land. The Comprehensive Agrarian Reform Programme was implemented to address this problem of landlessness through redistribution of land. Now that two decades of democracy have ended, there should be incentives for the young generation to acquire agricultural land, given that they have the capacity to till them. It is required that proper financial assistance specifically for land acquisition for new farmers should be considered by the government. The reality of this matter is that the government is planning to give proper assistance by giving land to people without them having to pay for it. Although

this is beyond the scope of my investigation, I suppose this is a step in the right direction although it is nearly 24 years into democracy.

Another problem is the decreasing number of people engaged in agriculture (see chapter 1). Farming as a profession that has become less attractive to young and educated people. Most young South Africans do not like to go into agriculture because of the level of difficulty and the supposedly low income being associated with it. Knowledge in agriculture through education can make farming appealing and encourage the young generation to go into farming. Higher farm productivity, hence, better income will stop people from associating farm-life with poverty. In the light of this, I propose that all Catholic Church dioceses in South Africa engage fully with the government to ensure that the obstacles to progress are swiftly addressed. Chief among these, and for the purpose of enabling a holistic conversation in response, is the nexus between the Church and LRP. In this regard, I recommend engagement between the biblical model and LRP as of vital importance to enhance the debate around land reform (see Chapter 2). In other words, the recommendation serves to encourage the church to continue to serve in its ministerial calling. A further bearing in mind is the underlying motivation of the Land Initiative (LI), that forsaking church land could well represent an abdication of responsibility and the loss of significant opportunities.

Unfortunately, the nature of the study, that is, 'document analyse' did not allow me to analyse the impact of the Catholic Church, as a whole, using complete documented records. Some dioceses have not exposed their records publically which became a serious challenge for accessing information relevant to the study. Therefore, there is still a need for a future study to be undertaken to expand this investigation by other students. It will also be a good idea for students and academics to make a follow-up on this issue by writing articles.

## **6.8 Suggestions for further research**

I have long been concerned with questions surrounding church land ownership and the land reformation programme in South Africa. The key question of interest was how the Catholic Church has been using its land after twenty years of democracy. This question is related to the Church's theological understanding and reflection on land access and proper usage of land which will assist the process of bringing land justice

to South Africa. I have often considered how important the role of the church and intergovernmental implementation, and collaboration is in order to ensure that the land reform programme is well shaped. Hence, the land reform programme can be considered as one of the social areas that needs a major policy revision. This can bring sound and internalised knowledge of poverty eradication in South Africa. Therefore, continued research regarding these matters is essential, there should be suggestions for further study because the study focused only on eight dioceses.

Most of the report findings show that after 2006 most dioceses were no longer interested in transferring their land(s). One of the reasons was lack of commitment by the 'competent' state departments which led the church to develop some reflections on the Land Reform Programme in 2012. This incompetency by the government also led the church to commit itself in another area of pastoral activity by giving some agricultural training to the communities. Which means that the church saw it 'time-wasting' to forever wait for government to respond to the needs of transferring the title deeds.

In consideration of the progress that has been made with the process of the audit, as well as the limitations that have been identified, it had become apparent that some follow up is required to ensure the continuity of the initiative. In consultation with the Dioceses involved, it is clear that there is strong support for the promotion of an appropriate development process for communities associated with church owned land. Such processes would include an approach such as the sustainable livelihoods approach which could enable the translating of principles of solidarity<sup>53</sup>,

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<sup>53</sup> Solidarity "is a firm and persevering determination to commit oneself to the common good; that is to say, to the good of all and of each individual, because human beings are all really responsible for all". Solidarity means being ready to see our brothers and sisters as other person another self and to regard acts of injustice done to oneself. Solidarity is not a passage feeling of distress at the suffering of others. Solidarity is a commitment to stand side by side with those who are without shelter and means of livelihood, to do what one can do to rectify situations of grave injustice, and to promote the common good. Solidarity extends beyond our own ethnic group political party or even affiliation to every individual citizen and every community with which we share this country and its wealth. Solidarity extends to everyone who we recognise as fellow human beings. The exercise of solidarity within a society is valid when its members recognise each other as persons, and as children of God.

The Common Good is described as "the sum total of social conditions which allow people, either groups or as individuals, to reach their fulfilment more fully and more easily". The common good requires the participation of the members in the common endeavour. The contribution of individual members of society to the common good occurs both on the personal and public level. This participation is most evident in a democratic society where citizens may be involved in the political life of their land.



subsidiarity<sup>54</sup> and dignity<sup>55</sup> of the human person into a developmental process of the land. The core principles of a sustainable livelihoods approach would be that it is:

- People centred
- Holistic
- Dynamic
- Building on strengths and not needs
- promoting macro-micro links
- sustainability

Land reform in South Africa has been effectively subordinated to an economic development model that will not ultimately transform land and agriculture along biblical and ethical lines (Philpott, 2004). To develop and adopt more explicit policies for the use and ownership of land I therefore, advice the state to use the church as a ‘vehicle’ to succeed the programme of land reform. This can be done by allowing the Church to render training or workshops through understanding the theology of land. The church can also assist the government to have a clear understanding of the principle of solidarity, subsidiarity, common good and justice by rendering workshops for the respective departments of land reform.

It is necessary therefore to suggest that this study needs to be carried further to compare the current information with the ‘new gear’ that the church exercises in the community engagement projects and their outcomes. The issue of land expropriation without compensation has now been highlighted, therefore the suggestion is that further studies are carried out. This will enable the church and researchers to deepen their reflection on this topic. This study may further be explored to engage the

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<sup>54</sup> The principle of subsidiarity refers to passing powers downwards from the top to the grassroots, or as close to the grassroots as possible. The principle implies a preference for local over central decision –making. Central authority should support local authors the efforts and only undertake those tasks of local bodies cannot achieve.

<sup>55</sup> The Catholic Church proclaims that human life is sacred and that the dignity of the human person is the foundation of a moral vision for society. Respect for human dignity proceeds by way of respect for the principle that “everyone should look upon his/her neighbour as ‘another self’, above all bearing in mind his/her life and the means necessary for living it with dignity. The duty of making oneself a neighbour to others and actively serving them becomes even more urgent when it involves the disadvantaged, in whatever areas this may be.

reflections of other academics who might be interested in the topic. Since there are not many records from the Catholic Church regarding this area of investigation, the Catholic Church may also be interested in promoting the research further particularly in the academic world. As alluded above, there are also some areas in this study that need special attention and further reflection. Therefore, this study may increase awareness, services, and policies to create a deeper involvement of the church.

## **6.9. Summary**

The starting point of the study highlighted the Freedom Charter policy. As a point of reminder, the policy sets out in the charter included a demand for a multi-racial, democratically elected government, equal opportunities, the nationalisation of banks, mines, and heavy industries, and a redistribution of land (see chapter 1). Looking at these views, one could say that the aim of the Freedom Charter of 1955 is a calling for equality, freedom and justice for all South African citizens including the Church.

The aim of the study was to investigate the Catholic Church land ownership and how it has used its land in two decades of democracy (1994–2014). This investigation assisted us to see the gap between the government and the Catholic Church on LRP. The gap needs to be filled in order to improve the lives of beneficiaries as well as all other South Africans.

This study aimed at opening the debate on land reform and exploring issues important for land reform policy makers and practitioners to consider. Land reform is posed as a primarily issue of human rights but that land rights are often undermined. Different approaches to land reform were examined to understand options for implementing land reform. In addition, the promotion of sustainable livelihoods, through multiple livelihood strategies, offers some security for beneficiaries for land reform.

According to Kirk (1999), from a Christian perspective the reality, causes, and resolution of poverty are from the call for relationships of justice between individuals, communities and nations. O'Neil & Black (2006) bring a successful statement when they argue that the overriding notion of justice should be recognised on right relationship among people. Hence the notion of justice helps us to determine one's due. In advancing the issue of justice, the CCC paragraph 1928 (2001) states that society ensures social justice when it provides the conditions that allow associations

or individuals to obtain what is their due, according to their nature and their vocation. Therefore, to practice justice is possible if each person is prepared to treat others as they would expect to be treated by them. In other words, respects for human person proceeds by way of respect for the principle that “everyone should look upon his/her neighbour (without any exception) as ‘another self,’ above all bearing in mind his/her life and the means necessary for living it with dignity” (CCC, 2001: paragraph 1932).

On emphasising the need for authentic land reform, such reform should, however, be implemented in a manner that ensures land is used on a sustainably productive basis. This will, however, ensure that individuals and families are able to participate in productive economic activities and a secure standard of living. In other words, in so far as land reform does contribute, the main aims have not been achieved.

There is evidence from a number of studies, however, that the period after land transfer is the most critical because the success of land reform is not only measured by the number of hectares redistributed but also by the use that is made of the land acquired. It is clear that failures in the land reform programmes are not only the outcome of a lack of poor strategic planning and implementation. Seemingly, it is understandable that the interest of the government in the land reform programme is now limited and not informed by a vision of fundamental transformation that perhaps may secure land access as the foundation for dignified, meaningful, and sustainable livelihoods for the people.

With regard to specific results of the research on church land ownership, I found it intriguing how some dioceses engage with the land reform programme, especially their willingness to participate in the process of the audit. The cooperativeness and co-ordination of all the dioceses may be very encouraging for government bodies to take seriously the issue of life security and economic development in South Africa.

It is impossible to predict what will happen with the SACBC projects. These are projects in which the potential of the farms does not appear to be matched by the potential of the groups, but it is still certainly possible that the projects could become successful. At this point in time, all that one can say is that the projects are at a juncture where they could go either way. The size of the groups, and the fact that some members’ homes are at a distance from the farms, are the greatest sources of risk.

However, even supposing the projects move ahead in the short-term, what are their medium-term prospects? This is also impossible to predict, but arguably there are three main scenarios:

- Production and profits are not fully sustained, and none of the members benefit in the longer term.
- Production and profits are increased to a higher level, but only a minority of members with more continuous involvement derive meaningful benefits; or
- iii) production and profits are raised and sustained significantly, benefiting most or all of the members. One can almost rule out option.
- On the grounds that too many things have to go right consistently for it to happen.

Scenario (ii) is thus in a sense the best-case plausible outcome. If this is so (and at this point it is more for the sake of argument than out of some clear-cut conviction). Then one might argue that the projects might have been planned differently. The main alternative would have been to assist smaller groups acquire manageable properties.

In order to find solutions to this crisis, it is a good call for the Church to engage with the government at a local, provincial and national level in order to hold them accountable to their constitutional obligations (see chapter 1). This can be done by preserving the priority of land redistribution, land restitution and security of tenure of land, and should be treated with the urgency that they deserve. Pienaar (2004) elaborates the constitutional obligations thus: (see chapter 1).

- *Redistribution* refers to the transfer of land to recipients who were not necessarily original owners, but were nonetheless dispossessed of land under apartheid law. It also aims to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes the urban and rural poor, labour tenants, farm workers and new entrants to agriculture.
- *Land restitution* refers to the transfer of land back to original owners or their descendants. It covers cases of forced removals that took place after 1913. This is being dealt with by a *Land Claims Court and Commission* established under the *Restitution of Land Rights Act 22 of 1994*.

- *Land tenure* reform is led by a vision of flexible tenure regime that legally secures the rights of people occupying and using land, balancing these rights equitably against rights of owners. The intention is to improve tenure security for all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure.

As the country advances towards the third decade of democracy the sentiment is that the constitution is an obstacle to meaningful economic transformation. The call for a land summit from various sectors needs to be taken seriously by government (see chapter 1 and 6). The provisions in the constitution, if properly implemented and enforced, have the capacity to change the lives of the majority of South Africans. If the government doesn't act, then civil society actors and key institutions including the Church should consider interventions that may force its hand. The ability of the constitution to change the lives of the majority of South Africans is particularly true if enforcement involves a broad spectrum of societal actors. This includes government, the corporate community and civil society, the media and the various professions, the trade union movement and religious bodies. Failure to do so can only result in further anger and disillusionment by the people of South Africa. It's not the constitution's failure to deliver authentic economic transformation, but a lacklustre government that has forgotten its promises, that was first adopted in the Freedom Charter (see the *Abstract*) and then again in the constitution.

The background to the study shows that after the transfer of land, land reform beneficiaries are confronted by numerous challenges such as poor infrastructure on farms, group tensions, and access to affordable inputs and lack of support from official agencies. These and other challenges ultimately hamper beneficiaries from making effective use of land. The study also shows that inappropriate planning and lack of post-settlement support are critical weaknesses in South Africa's land reform programme. Inadequate and inappropriate planning, and lack of meaningful consultation with beneficiaries, gives rise to negative community dynamics, a lack of institutional support and uncoordinated service delivery. This absence of post-settlement support impacts negatively on land use and on the livelihoods of intended beneficiaries. The findings of this study point to the need for the state to rethink its strategy on post-settlement support and the involvement of a range of institutions,

especially the Church, in the post-settlement stage of land reform. The impact of LRAD projects on beneficiaries is more difficult to discern, because the projects and training that were discussed in the study are not necessarily characteristic of LRAD overall. The projects are initiatives of the Catholic Church.

From the results of the research, one can conclude that it is necessary that land is utilised to improve day-to-day human life rather than becoming a foundation of unnecessary conflict. There is a need for a desk within the offices of the SACBC that would have the capacity to continue to provoke, support and monitor the ongoing initiatives of the Dioceses regarding their land and its appropriate ownership, use and management. A desk which will maintain a relationship with the Department of Justice and Peace as well as the Development and Welfare Agency (DWA) within the SACBC. A task team giving direction and support to such a desk could include the Social Academy of the Diocese of Bethlehem in the Free State (see chapter 2), and the Church Land Programme in addition to the departments within the SACBC (see chapter 1). There can also be a promotion of dialogue between the various Dioceses and communities that are involved in initiatives concerning their land and what it entails for that land.

Land reform is a key aspect of social and economic development in South Africa, both as a way of redressing past injustices and addressing the problem of poverty in the country, especially in rural areas. Evidence however, shows that a large number of land reform beneficiaries have not been able to meaningfully use their land due to inadequate nature of the post-settlement support provided. Therefore, when justice is done to both land and humanity, poverty would be alleviated and the wellbeing of human race would also be improved. It is also necessary that at times the intervention of the 'devil's advocate' is invited for the smooth-running of special responsibilities given to people. Therefore, in this context, the Church can take up this role because the disadvantages of current model of LRP from the Church's point of view is that most land might remain dormant.

In conclusion, this chapter reviewed the summary of the study. The chapter re-examined the objectives that guided this study and summarised the major findings related to each objective. Conclusions drawn from the findings and recommendations

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## List of tables

List of Statistics Report for each Diocese

Table 2.1: Vicariate Apostolic of Bethlehem/Diocese of Bethlehem Statistics

Year	Catholics	Total Population	Percent Catholic	Source
1950	10.141	260.000	3.9%	ap 1951
1957	15.773	347.000	4.5%	ap 1960
1970	33.860	430.800	7.9%	ap 1971
1980	62.712	491.000	12.8%	ap 1981
1990	59.775	617.000	9.7%	ap 1991
1999	67.858	780.000	8.7%	ap 2000
2000	77.254	790.000	9.8%	ap 2001
2001	71.303	843.000	8.5%	ap 2002
2002	71.912	895.792	8.0%	ap 2003
2003	73.371	915.650	8.0%	ap 2004
2004	75.566	935.912	8.1%	ap 2005
2006	77.600	946.000	8.2%	ap 2007
2012	77.000	1.003.000	7.7%	ap 2013

Source: SACBC Land Desk

Table 2.2: Statistics of the Bloemfontein Archdiocese

Year	Catholics	Total Population	Percent Catholics	Source
1959	29.922	361.583	8.3%	ap1960
1970	45.107	400.000	11.3%	ap1971

Source: SACBC Land Desk

The next diagram represents the statistical report of the Archdiocese of Bloemfontein from 1990 – 2015.

Statistical report of the Archdiocese of Bloemfontein continues

Table 2.3: Bloemfontein Archdiocese' statistics

Year	Catholics	Total Population	Percentage Catholic
1990	98.537	986.351	10.0%
1997	104.171	1.003.191	10.4%
2000	100.918	1.071.537	9.4%
2001	103.138	1.095.111	9.4%
2002	106.142	116.082	91.4%
2003	112.706	123.047	91.6%
2004	113.833	123.185	92.4%
2006	116.700	1.425.000	8.2%
2012	103.600	1.464.000	7.1%
2015	120.000	761.000	15.8%

Source: SACBC Land Desk

Table 2.4: Prefecture Apostolic of Volksrust / Diocese of Dundee

Year	Catholics	Total Population	Percent Catholics	Source
1970	28.000	500.000	5.6%	ap1971
1980	53.5000	1.028.000	5.2%	ap1981
1990	61.600	1.282.600	4.8%	ap1991
1999	75.291	1.467.579	5.1%	ap2000
2000	73.061	1.504.482	4.9%	ap2001
2001	74.274	1.510.150	4.9%	ap2002
2002	78.725	1.687.160	4.7%	ap2003
2003	75.146	1.681.715	4.5%	ap2004
2004	75.375	1.711.715	4.4%	ap2005
2006	83.421	1.688.000	4.9%	ap2007

Source: SACBC Land Desk

Table 2.5: Statistics of the Vicariate Apostolic Kokstad / diocese of Kokstad

Year	Catholics	Total Population	Percent Catholic	Source
1950	15.073	370.000	4.1%	
1970	39.467	500.000	7.9%	
1980	44.372	925.000	4.8%	
1990	48.740	1.009.840	4.8%	
1999	66.781	1.293.000	5.2%	
2000	66.000	1.200.000	5.5%	
2001	68.100	1.300.000	5.2%	
2002	71.393	1.300.000	5.5%	
2003	71.500	1.300.000	5.5%	
2004	72.000	1.300.000	5.5%	
2006	72.401	1.710.000	4.4%	
2013	88.200	1.847.000	4.8%	

Source: SACBC Land Desk

Table 2.6: Statistics of Keimoes, Vicariate Apostolic of Keimoes and Keimoes-Upington.

Year	Catholics	Total Population	Percent Catholics	Source
1950	15.913	105.725	15.1%	ap1951
1970	31.751			ap1971
1980	42.867	363.067	11.8%	ap1981
1990	54.869	605.030	9.1%	ap1991
1999	68.638	317.343	21.6%	ap2000
2000	69.633	318.288	21.9%	ap2001
2001	71.172	322.172	22.1%	ap2002
2002	53.464	325.437	16.4%	ap2003
2003	52.178	325.437	16.0%	ap2004
2004	60.501	331.984	18.2%	ap2005
2006	62.200	336.000	18.5%	ap2007
2013	69.764	387.582	18.0%	ap2014

Source: SACBC Land Desk

Table 2.7: Vicariate Apostolic of Mariannhill / diocese of Mariannhill Statistics

Year	Catholics	Total Population	Percent Catholic	Source
1949	114.174	500.000	22.8%	ap1951
1970	191.820	500.000	38.4%	ap1971
1980	258.960	875.000	29.6%	ap1981
1990	306.300	1.156.000	26.5%	ap1991
1999	284.500	1.390.000	20.5%	ap2000
2000	264.900	1.420.000	18.7%	ap2001
2001	270.200	1.450.000	18.6%	ap2002
2003	281.600	1.791.600	15.7%	ap2004
2004	284.400	1.819.400	15.6%	ap2005
2013	215.000	2.520.100	8.5%	ap2014

Source: SACBC Land Desk



Table 2.8: Statistics of the diocese of Umzimkulu

Year	Catholics	Total Population	Percent Catholics	Source
1969	50.149	192.478	26.1%	ap1971
1973	50.300	133.400	37.7%	ap1981
1990	75.747	214.000	35.4%	ap1991
1999	132.000	1.540.200	8.6%	ap2000
2000	122.610	945.890	13.0%	ap2001
2001	130.820	993.185	13.2%	ap2002
2002	130.820	1.890.000	6.8%	ap2003
2003	141.014	1890.000	7.5%	ap2004
2004	141.363	1.894.680	7.5%	ap2005
2010	156.000	2.097.000	7.4%	ap2011
2014	162.200	2.180.000	7.4%	ap2015

Source: SACBC Land Desk

Table 2.9: Vicariate Apostolic of Lydenburg/Diocese of Lydenburg/Diocese of Lydenburg-Witbank and Diocese of Witbank.

Year	Catholics	Total Population	Percent Catholics	Source
1950	7.650.00	795.000	1.0%	ap1951
1970	30.500	1.060.000	2.9%	ap1971
1980	77.000	1.310.000	5.9%	ap1981
1990	156.500	2.300.000	6.8%	ap1991
1999	105.000	2.585.000	4.1%	ap2000
2000	105.000	2.642.000	4.0%	ap2001
2001	105.000	2.461.000	4.3%	ap2002
2002	105.000	2.461.000	4.3%	ap2003
2003	105.000	2.461.000	4.3%	ap2004
2004	103.278	2.528.000	4.1%	ap2005
2010	106.900	2.674.000	4.0%	ap2011
2014	111.500	2.783.000	4.0%	ap2015

Source: SACBC Land Desk

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