

Article

Relocating restitution

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This paper presents a *trompeP* of thoughts and experiences collected from nearly five years of trying to turn a broad constitutional commitment into a workable programme of government. It has not been an easy five years and I do not think the Commission (the Commission on Restitution of Land Rights) has done very well when measured against both the expectations and the need — though I think the Commission has done fairly well when measured against the constraints and the obstacles. I do not want to launch into an in-depth analysis of the fractured (and fractious) components of what is blandly termed 'delivery'. Rather, I try to approach that task by critiquing some of the underlying assumptions that have shaped this politically prominent but persistently under-resourced programme of government.

I have grouped my presentation as follows:

- first, a brief look at the master narrative that informs the restitution programme;
- then, a look at some of the individual stories and histories that get told under the protective umbrella of that overarching story;
- next, I look at a number of complications that the master narrative fails to accommodate;
- finally, I make some comments on the pragmatics of government and conclude by beginning to think what an alternative foundational story would look like and how we might begin to write this.

1

There are many reasons for the Commission's poor showing these past five years. In the context of this workshop, I thought a useful place to start would be to think about the master narrative that informs the project of restitution in this country.

These are some of the key elements of this story:

- as a result of the colonial wars of dispossession and the land policies of successive white supremacist governments, 87 per cent of the land came to be owned by 15 per cent of the population - by whites;
- before that time, once upon a time, people lived in peace and harmony with their neighbours, with nature, with the ancestors;
- under apartheid some 3.5 million people were forcibly removed from their homes and dumped in relocation camps, closer settlements and apartheid townships;
- these relocation areas were deliberately located on the periphery, away from the centres of power and wealth;
- people suffered enormously in the removals - families and communities were destroyed, lives were lost, economic potential squandered;
- compensation received by those removed was minimal or non-existent;
- all this was done in order to maintain white supremacy and/or advance capital accumulation in the hands of a white ruling class.

That is a brief synopsis of a narrative of dispossession with which we are all familiar. It is a story of which I have had some small part in the telling, and I remain proud of that work. The narrative is compelling in its dramatic authenticity and authoritative in its moral and political power. As a political fable it worked extremely well in mobilising opposition to apartheid, both at home and abroad. It is engraved in the annals of our liberation struggle. Many of its terms and images - forced removals, dumping grounds, toilets in the veld - have been absorbed into a general political vocabulary.

2

For the many thousands of victims who are still alive today, the master narrative continues to resonate in a way that demands our attention and our respect. It organises and controls countless individual stories. Memories of place, of what was lost, the identities that percolate through those memories, the politics of place - these themes are constantly manifested in all the claim forms, letters and supplications stacked in their thousands in brown government folders in the Commission's registry.

The Commission works with living memory all the time. Sometimes it is very specific, with an immediacy that is startling among all the stock phrases with which most claimants present their stories for official

recognition and validation: 'When we had to leave Umkhumbane I lost my sewing machine and my cat for which I was not compensated'.

Yet more often it is a very limited stock of phrases, drawn from a collectivised memory, that is presented. The phrases, scripted elsewhere, have become part of the standard repertoire of those reporting their dispossession. Second-language users of English describe what happened to them with well-worn conventions: 'We were forcibly removed', 'Before we were removed, we lived in happiness and peace', 'We received peanuts for compensation', 'We are starving'.

These sentences appear over and over again. Generally they are sincere - this is how people know how to say what they experienced, or believe is what is expected, what will work with officialdom. But sometimes they are used with a level of opportunism and cynicism that can be quite shocking to the custodians of the master narrative. For example, we had a case of two different people both claiming separately as grandsons of an original landowner who had lost his land in Cato Manor in Durban when it was expropriated under the Group Areas Act. Both claims were independently processed until quite far along in the system. When my office eventually discovered that there were two files relating to the same historic property and act of dispossession, we thought the claimants must be brothers or cousins. But when we double-checked, it turned out that neither knew the other. Thus at least one of them was not a descendant, and after further enquiry we were able to work out which one it was and reject his claim. Yet to read that person's claim form was to read an apparently personal and particular story of loss and of hurt. It did not differ in language, content or impact from hundreds of other, genuine accounts.

The most sympathetic reading of this case would be that the fraudster was actually misled by the collective story. He knew his community had suffered, he presumed that his family must have been part of that story, he came upon the title deed in the name of someone who could have been his grandfather, he felt the injustices done to his family in the past - so he acted, to make good a promise that liberation held out for him.

My point here is that this claimant had ready access to a story that was already written for him. And we, the readers processing his claim form, had no inclination to disbelieve him until confronted with a blatant contradiction. His story rang true because we knew it to be true - we recognised and validated the script for him. And, after all, who am I to question claimants' memory of suffering or challenge the master narrative? Though in fact

some people did lose land because of the greed or stupidity or gullibility of family members, some people within dispossessed communities did profit out of the removals, sometimes there were better facilities where people were resettled, some people did get market value for what was expropriated, and some people made quite a successful enterprise out of their relocation.

The master narrative also informs many unsuccessful claims that are not fraudulent. One of the claims I rejected as not in compliance with the Act was by a young man whose grandfather used to own land in the Inanda district outside Durban, land that he had bought before 1913. The bits and pieces in the claimant's file suggest that in the early years of the century his was a prosperous and prominent family in the district. The grandfather married twice. His first wife, to whom he was married by Christian rites, died when he was already elderly, leaving him to look after a clutch of children. Very soon thereafter he married again, this time a young girl from Harrismith, who bore him more children, including the father of our claimant. Within a few years of his second marriage the old man died. He left a will in terms of which his property in Inanda went to the children of his first marriage; some additional land at Willowvale, near Pietermaritzburg, was sold by the executor of his estate to defray various debts. The young widow got nothing. Piecing together the snippets of information assembled by the claimant to present his case, it seems she first went home to Harrismith, then, perhaps financially desperate, returned a few years later to Durban to claim from her in-laws and step-children a share of the land that she perhaps believed, perhaps hoped, might be hers.

Sixty years later her grandson turned this family saga into a claim against the state in terms of the Restitution Act. He was convinced that this story was covered by the master narrative of forced removals under the apartheid government. Nothing we said could dissuade him otherwise. He bombarded us with copies of the original will and of the distribution account of the executor of his grandfather's estate - documents that showed clearly that this was not a racial dispossession as defined in the law, but which he insisted proved the validity of his claim, because his grandfather's name and his grandfather's former property were mentioned on the same page. When we still said no, he complained to the President and to the Minister, whose offices sent us several 'ministerial enquiries' to clarify the situation on their behalf. Even those letters failed to dent the claimant's conviction. Once his grandfather had owned land in Inanda. The documents proved that. His family no longer owned that land. The documents

proved that too. Between his grandfather's time and his time lay the apartheid era. Therefore he must have a claim.

3

Underpinning many accounts of family histories are equally fascinating renditions of the larger political history that historians and sociologists read and write about. The earliest date for when the original dispossession of land could have taken place in order to qualify for restitution has been set by our lawmakers as June 19, 1913 (the promulgation of the Natives Land Act). However, many rural claims are saturated with references to the nineteenth century which simply do not accept or understand this boundary. It is not so much that these claimants believe that we should be dealing with the dispossessions of the colonial past. It is rather that many of them do not place the colonial period in a distant, previously experienced but now concluded past - they present historical personalities and events almost as if they are still alive, operating in some sort of meta-present. In these popular histories, historical figures such as Shaka, Shepstone, Lindley, Cetshwayo and Colenso are active and meaningful contemporary reference points.

At times the evidence can be woven together into the most exhilarating collage, in which time and causality are completely subordinated to the requirements of the claimant's personal, current quest. For instance, one admittedly extreme response to Question 9 of the official claim form, which asks for 'any other information you would like to bring to the Commission's attention', has this to offer:

In 1499 Vasco da Gama arrived and also Badalomiu Daiys. In 1652 Jan van Riebeeck arrived & Paul Kruger Francis George Farewell, Henry Francis Fynn and Settler Party conference with Shaka, Somsewu Benjamin D'Urban & Philip van de Londense.

One imagines the claimant sitting with a battered high school textbook, preparing his answer. In response to Question 2.3, 'Was any land allocated as compensation?' (which follows on from questions about the year and the department involved in the dispossession), the claimant reports:

Yes. During the wars. Napier line of 1843, 1845 appointment of chiefs, the Warden line of 1849 1850 Shepstone appointed of white magistrates. 1858 area added in 1st Treaty of Ali wal North for Nkayishane's war... [and the list continues].

The bland overview of school history combines with more intimate accounts drawn from an oral tradition. In response to Question 5, 'Do you know

about any other family member that might have an interest or claim on the land?' the answer is, again, yes, elaborated as follows:

Shaka was the leader of wars & NgozaSennzagaxhoma was the leader of choir, Langalibalele was the Induna of Nkayishane, Matiwane, Mpande, Dingane & Sigonyela.

Often the master narrative is called upon to authorise competing histories about the same piece of land. One of the most fiercely contested claims in KwaZulu-Natal, with many 'interested parties' trying to shape the outcome, was that on the Eastern Shores of Lake St Lucia (Bhangazi). Originally two claim forms were lodged for this land, one by a patriarch who regarded himself as indisputably the rightful heir of the traditional leader who had ruled the people living on these lands in the early twentieth century (when it was already state land), and the other by the nearby Tribal Authority, which claimed the area had 'always' been under its jurisdiction. Both sides referred to the same historical characters to justify the merits of their claims - Lokotwayo, Somkhele - but the role, significance and appropriate location in the historical hierarchy assigned to these figures were very different. Here two competing stories of the past mobilise the same themes sanctioned by the master narrative (dispossession, historical rights, tradition) to legitimise two competing agendas for the present.

Another case where history is being reviewed, relived and re-assembled, involves a particularly bitter fight over a claim by the people of the Macambini Tribal Authority to the so-called Dunn land, at Mangete on the North Coast. This land is a remnant of the once extensive fiefdom that Cetshwayo awarded to John Dunn. Dunn's legitimate descendants fought bitterly for much of the twentieth century to get freehold title to a portion of the land which was scheduled as a 'native reserve' in 1913. Eventually they succeeded, by virtue of being deemed 'civilised' by the old Natal provincial government and classified 'coloured' under apartheid. Unfortunately there were other people living on Dunn's land who were not classified as civilised or coloured - some of them of, course, cousins of the Dunns. The securing of the Dunns' rights in the late 1970s was thus accompanied by the eviction of many non-Dunns. The painful irony is that, 20 years later, democracy has brought not tenure security but tenure attrition for the Dunns. Nineteen ninety four saw a private invasion of Dunn land by people who believed that the passage of the Restitution Act entitled them to return without any further formalities to what they claimed to be theirs.

Today Mangete is a tense and troubled place, with neither side willing to talk to the other or recognise some merit in how each perceives the past. The rights and wrongs of this complex history, that both sides insist is very simple, are recapitulated as the Commission searches for solutions to bridge an enormous chasm in understanding about the purpose and promise of restitution.

What is also striking about these restitution histories is how parochial they tend to be. The historical figures and public themes of the master narrative serve very local agendas and perspectives. There is little sense of a broader public interest, of membership in a wider community - of being a citizen in a national state which has responsibilities and objectives that transcend the immediate concerns of the claimant. This is understandable: the wider community never has, and still does not, offer the poor and the marginalised tangible rewards for identifying with it. Yet the issue of the public interest is, I believe, one of the themes that a new foundational story will need to develop. Without some degree of understanding, or at least acceptance, that the resolution of one's claim is part of a broad commitment to societal reconstruction, land restitution will struggle to satisfy the demands placed on it and to settle the debts of the past.

4

My intention in retelling these stories is not simply to entertain. They are part of the Commission's caseload and the issues they throw up have to be resolved if restitution is to succeed as substantive redress. As noted, they derive legitimacy from the master narrative, but they also begin to reveal the limitations of that account in explaining what was lost and, even more important, suggesting how our society can best 'do' redress.

As political fable the master narrative works very well, but as a basis for a programme of government the simple story of forced removals is increasingly problematic. The problem is not that its constituent elements are not (broadly speaking) true. The problem is that the narrative is too simple. The elements it assembles are incomplete. It does not tell the full story or enough of the story to explicate a satisfactory resolution of the plot. For instance, it does not recognise competition among the dispossessed as a possible motif - yet, as already noted, this has a major impact on the settlement process and outcome. It also presents forced removals as a story on its own, instead of an important chapter in a much larger story of dispossession. Restitution distinguishes between, on the one hand, those who both had land rights to lose and lost them through state (not private)

action after June 1913, and, on the other hand, those who lost land rights as a result of private actions (eg farmer-initiated evictions), or by 1913 had no land rights to lose, or hold only tenuous rights in the impoverished reserves. The former qualify for restitution as a right; the latter may or may not qualify for various redistribution or tenure reform projects run by the Department of Land Affairs.

Even more problematic, the story stops at the point of dispossession and does not go beyond that moment to consider carefully and dispassionately what has happened to communities and to the land in subsequent years. Nor does it relate the project of restitution to all the other programmes of social development that the government wishes to run, nor reconcile it with other constitutional commitments, to property, socio-economic development and equality.

As a guide to practical action it can be dangerous. The story of forced removals leads to a narrative of restitution that is based on the equally simple idea of reversal. The task is simply to turn those elements of dispossession in the past around - put ownership of land in the hands of the majority', restore those who were uprooted to the land from which they were torn, reconcile those who lost with those who gained. Underpinning it is the naive hope that by attending to this, society will also overturn suffering, alienation, poverty, ignorance and conflict.

The reality is far more complicated. In the first place, the constitutional commitment to restitution was forged during the protracted multi-party negotiations that led to the Interim Constitution and the first democratic elections. It was a synthesis of two competing political imperatives - atonement for the forced removals of the past that had, through the struggle against apartheid* come to be emblematic of the evils of that regime, and compromise with the ruling class on property rights, for economic and political stability. The human rights message remains strong - those who lost land rights after 1913 as a result of the racial laws and practices of past state structures have a right to restitution, conceived, in the first instance, as restoration of those rights and only thereafter as 'equitable redress' (principally alternative land or financial compensation). Section 2(1) of the Restitution of Land Rights Act states quite unequivocally that, provided he/she has met the various criteria of eligibility (including lodging a claim by December 31, 1998), 'a person shall be *entitled* to restitution of a right in land ...' (emphasis added). At the same time, the restitution programme also tries to reassure current property owners by, inter alia, establishing a

Land Claims Court to which all interested parties have right of access, ruling out summary state acquisition of land and providing for compensation for current owners, plus factoring in an undefined notion of 'feasibility' when restoration of land is under consideration.

The synthesis aims to strike a judicious balance. On paper it achieves that admirably. In practice, however, keeping the balance requires that all parties commit to the underlying assumptions about the centrality of redress and, far more difficult, that all parties are willing to wait for the lengthy process of investigation, verification, negotiation and referral (to court or, in terms of recent developments, to the Minister of Land Affairs) to take its course. Unfortunately, few parties see why re-engineering the social engineering of the past should be such a complicated and lengthy process. Claimants think, contrary to what the historical state files actually show, that their original dispossession was planned and carried out with ruthless speed - surely a government that is now on their side should be able to match that imagined efficiency and summarily return what they regard as theirs? Local government and private developers grow increasingly antagonistic towards claims that appear to threaten the viability of non-restitution projects they have planned on land subject to claim. Restitution is untidy; it does not fit neatly within the official discourse of successful development in terms of the efficient management of budget and project cycles. Private landowners, likewise, grow edgy at the uncertainty and delays as well as threats from impatient, often hostile claimants.

But there are other complications, which do not stem directly from the 'historic compromise' that shaped the terms of our democracy. After, in some cases, 30 years many formerly relocated people no longer want to be restored to the land from which they were previously removed. Many of the original community members are dead - many who are still alive feel settled in the once despised dumping ground. An example of this is the small mission community of Nazareth, near Dundee, where the choice between fighting for land restoration or for financial compensation took on an interesting gender dynamic. The Lutheran mission community of Nazareth was removed in 1968 to the Limehill resettlement area. Their story exemplifies the pain and disorganisation of the broader policy - those familiar with the history of 'black spot removals' will recall how particularly brutal conditions in the dumping grounds of Limehill in the late 1960s were. People died. They lost homes, possessions, community and family networks. As part of the state's project of political control through spatial

control, the people of Nazareth found themselves under an imposed *inkosi* or chief they did not want or know, in an area destined for bantustan independence.

But equally, 30 years later, the survivors have adapted. They have built homes and gardens and a community hall at Rockcliff, the farm bought by the former South African Development Trust for their relocation. Many of those originally removed have died and are buried not at Nazareth but at Rockcliff. Children, who are now adults, have been born in the new place who do not know Nazareth. And, since the early 1990s, the local authorities have begun to bring a modicum of services to the area (at ruinous cost, thanks to the legacy of grand apartheid) - there are post boxes, a high school, water. None of these amenities exists at the former mission station; only a charming, community-built church and a primary school that now serves the neighbouring farms.

These were not things the Commission thought about when it first started investigating the claim. It was received as one for restoration. I had meetings to discuss the claim in the mission church and was moved by its simple charm, by what I read into that building as a symbol of what was destroyed by apartheid, what could be rebuilt by democracy. But, as the claim proceeded, there were murmurings amongst the claimants against the committee representing them, which finally took shape in a letter from a well-established legal firm in Ladysmith. This accused the Commission of prejudicing their clients, most of whom were women, by ignoring them. Their clients did not want to suffer a further relocation, a further struggle to rebuild houses and community from scratch - the women knew who would perform much of the actual labour. So the Commission suspended all assumptions, called a community meeting, assured people the government could and would work with different choices, spent a lot of time fighting against a dangerous tendency towards party-political labelling of those different choices - the restorationists were identified as ANC, the non-restorationists as Inkatha - and eventually reached a settlement that accommodated both groups. Fifty-five families took financial compensation; a small minority opted to continue negotiations with the current landowners to obtain partial restoration.²

Another complication is that our society is increasingly consumerist. In even the remotest rural areas, television beguiles. People have many more needs (actual or perceived) now compared to 30 years ago; less and less of what they need is met by the rural economy. Thus when given a concrete

choice between cash and land, many people begin to reconsider their priorities. Their claim form may speak of restoration, but as the negotiations advance and people come to understand better the limits of what government will provide, cash may become an increasingly attractive option.

It is often here that tensions within communities and within families begin to manifest themselves as people respond to the options from their particular social location, as in Nazareth. Often the leadership has the strongest desire to return to their former land — because of their age, their gender, their limited economic opportunities, their political aspirations. Their followers, particularly the younger members of the community, may be less committed but also publicly less vocal. This was demonstrated in a poll conducted among the claimants to the Eastern Shores of Lake St Lucia. The chairman of the claimant committee passionately wanted to return to the land, to re-root himself and his community in the land of their ancestors and recreate a pastoral life. For 25 years he organised his life around this single-minded campaign - it nearly cost him his life.³ But although many in the community accorded him respect, most of them came to hold a different orientation to the claim. When the Commission finally posed the question in a secret ballot at the end of 1998, only nine out of some 300 potential beneficiaries chose restoration.

Far from always promoting reconciliation, restitution may fuel new, or reopen old, conflicts. The pervasive threat of conflict was brought home to me very sharply at a recent meeting I held with a representative of the Agricultural Union who chairs the land, labour and security committee - they have put all these issues under a single committee because in their view they are inseparable. He spoke of millions of rands of damage to sugar cane, of vigilante groups among farmers, of threats, of gunshots and border patrols, which he attributed to the destabilisation caused by unresolved land claims. However, the contestation is not just between white commercial farmers and black land-hungry peasants. It may also involve black landowners and claimants, as the Mangete story illustrates. Equally destructive is the conflict over land within and between claimant communities. In many claims there is fierce contestation about who represents the claimants and who will control the proceeds of the settlement, whether land or cash. Restitution also sparks conflict within families, where brothers and sisters squabble and cheat about who the rightful claimants are and how the settlement should be allocated to the second and third generation. As good sociologists and political analysts this should not

surprise us, but it is not something that is anticipated by the simple script of restitution.

On the side of government there are also many countervailing considerations. Government is moved by the master narrative - it is its story and the story of many of its constituents. But increasingly government is finding itself committed to other developmental priorities and other constituencies. Its populist political agenda and its liberal macro-economic framework propose very different priorities for social spending. Does it really make sense for government to replicate the amenities already at Rockcliff on the empty farmland of Nazareth, for a handful of families? This was not a question that was asked when the restitution legislation was first drafted.

Yet if, as many now contend, it does not make sense, what does this say about the restitution project? That people should not be encouraged to go back to their former land or that restitution should be dropped as a programme of government (except it is in the Constitution)? Is financial compensation actually a better route to follow from a developmental perspective? Government worries that people will 'waste' cash payments on non-durable consumer goods, or drink, or hire purchase agreements that may get them into further financial difficulty. Are these paternalistic projections or real concerns for a cash-strapped government committed to social development? And what of the commitment to transforming South Africa's racially distorted pattern of land ownership through land reform?

If restoration does make sense - who will see that it is done?' Government' is an abstraction that obscures the multitude of departments and nodes of power that constitute political rule in practice. The Commission has no budget for, nor expertise in, building schools, laying on water, bringing in electricity to the scattered lands from which people were once moved. The former regime once called these places 'badly situated', and from a planning and developmental point of view, many of them remain exactly that today. The Restitution Act speaks only of restoration or other forms of redress. It does not spell out any responsibilities for local or provincial government departments to make the land that is restored developmental priorities. Should restitution determine developmental priorities? Increasingly local government is saying it should not.

The Commission deals in bureaucratic methods of compensating for land. I noted earlier that the state does not know how to compensate for a cat that was lost 30 years ago. What is it worth? It is not a value that the

government knows how, or wants, to compute. Could I justify my time or that of my staff on - from one point of view - such a whimsical project, even though I know that the attempt might go quite a long way towards healing some of the wounds that cat's owner carries within her. The state also does not know how to streamline the land administration processes it does deem relevant, to make restoration of land quicker and more effective. These difficulties came home to me most forcibly with regard to the restoration to its former owners of vacant, state-owned land at a place called Kameelkop, near Wasbank. It seems it will take perhaps two years to perform all the tasks required to achieve simply the transfer of this land from the state to the claimants, tasks which straddle the Departments of Land Affairs, Public Works and State Expenditure. This is apart from what is involved in getting bulk water and sewerage to the area. This claim, I may add, is one of the most straightforward, involving undeveloped state-owned land, formerly owned in freehold by individuals, most of whom have been traced. The tragedy is that while officials struggle to align all the requirements, people who are not the rightful claimants are poised to invade and before the transfer of land is in place, there will be a new layer of land rights requiring negotiation.

In thinking about developmental priorities, the issue of a sliding scale of dispossession also begins to complicate simple truths. Can one say that the 'relatively well off did not suffer grievous loss, dispossession, pain? I think not, but there are many charged with responsibility for implementing urban redevelopment plans who seem to suggest that this is the case. The redevelopment of Cato Manor in Durban has, in my view, been marred by the stereotypes of some officials, who felt that they could ignore the former landowners in their plans because they were Indian and rich. This is another parochial reading of the master narrative; the history is uninformed. One of the few areas in Durban where African people owned land in freehold was in Cato Manor, in Chateau and Good Hope Estates, and once these landowners were expropriated, there was no land market they could enter. Many Indian people who lost land under the Group Areas Act also fell out of the property market as a result. The first claim settled in Cato Manor was that of a frail, elderly widow, Mrs Moodley, who could never afford to buy a replacement property after she was expropriated in the 1960s.

This is apart from consideration of the social and psychological damage suffered by the victims of forced removals. There are claimants who argue that the Restitution Act's direction that the Commission should prioritise

those who lost the most, refers, in the first instance, to those who lost properties of the greatest value. Clearly this is not what our legislators had in mind. Yet the Act does not diminish the entitlement to restitution by considerations of current income or the degree of financial loss in the past. This is consistent with the human rights orientation of the restitution programme, which understands that the losses suffered cannot be measured in material terms alone. However, how to calculate the 'just and equitable' compensation prescribed in law, especially when it is not possible to restore the original land, is no simple task, and government is rightly alarmed at the budgetary projections based on current policy. Mrs Moodley was awarded a sum of R.64,000 for the home she lost. Assuming an average payout of R50,000, the cost of compensation for the former landowners of Cato Manor alone would be some R50,000,000. For the 6000 landowner claimants in Durban, it would be R300,000,000.

Yet because the simple story of restitution is a founding myth in our new democracy, it is very difficult to ask these questions as a matter of public debate. It is relatively easy for government to talk fiscal discipline and developmental priorities in offices in Pretoria and Cape Town, less easy to repeat those same words in community halls, to implacably expectant people, many of them elderly and careworn, who have travelled long distances to hear when their land claim will be settled. The narrative still grips us in its power. I continue to be moved (as I should be) by all those individual stories that lie, layer upon layer, in those brown files stacked in the Commission registry. But might there be better ways to give expression to that emotion?

5

The semantics of land is certainly a challenging topic. We should be excited by ideas and broad theory and metaphor. But more important, it seems to me, is the practice of land. This includes the way the power relations that determine who has land and how it is used are operationalised, the ecological consequences of the uses to which land is put, as well as the way in which land is administered and zoned. What we must deal with are not simply discourses about land but the practice of land in a historical context of massive dispossession linked to incomplete proletarianisation. (Had land dispossession been accompanied by a more complete process of proletarianisation, the politics, the meaning, the narratives, even the memory of land would be very different in South Africa today.)

The real challenge in Mangete, Cato Manor and St Lucia is not, ultimately, to develop more sophisticated readings of these claims as stories, but to craft concrete and implementable interventions around tenure, boundaries, representivity, infrastructure and relationships with neighbours. It is not enough just to appreciate the fascinating and multi-layered complexity of the claimants' stories, though this has its place, nor to advance a simple inversion of the historical land dispensation that the master narrative has codified. Land claims are not just about memory of previous dispossession. They are about resources and who controls them today. People's memories and reconstructed stories are rooted in powerfully present conditions and expectations. In cases such as the Eastern Shores of Lake St Lucia, where the resources are potentially enormously valuable, many external groups tried to use the claims and their attendant stories in pursuit of titanium mining, conservation, eco-tourism development and the consolidation of traditionalist local government. In this very politicised environment, the responsibility of the Commission is to be both principled in its reading of the claim and the Act, and practical in its interventions. There is a terrible responsibility to get 'it' right, quickly.

One of the questions I would like to pose is how to link the research agenda of academics to a practical politics of land reform. How can intellectual work contribute not just to understanding, but to fixing, current problems? Memory, power, the politics of place, identity are all themes that are relevant to a seriously engaged politics of land reform and to understanding the constraints and challenges enmeshed in that. But to be useful as analytical concepts, they have to be grounded, linked to actual places and projects, and not remain abstractions, floating like balloons over exotic landscapes.

I once said at a meeting that in the Commission there is no time to think. Government must find time to think, academics must find time to link their thinking to what is being done, is to be done. I am referring here to more than highly instrumentalist policy research. One way is creating more fora where academics and practitioners get together to speak to, and learn from, each other.

6

In conclusion - should we then abandon the whole project of restitution? I do not think we can afford to. If the programme is abandoned as too expensive, too difficult, too ineffectual, the problem of those deeply

contested social relations, conflictual histories, competing needs and parochial visions will not go away. We do, however, need to rethink what we can do and how quickly we can do it. We need to find a way of engaging serious public debate about the limits of what government can achieve and people can expect. I also think we need to situate what restitution is doing more firmly in a broader and better coordinated programme not simply of land reform but social development.

I am also not saying that we disown foundational myths altogether. Precisely because of our fractured and conflictual social reality, I think society needs some larger, organising narratives that can help contain tensions and win more time for reconstruction. Rather, I think we should be looking at how to reformulate the master narrative as part of that public debate about what we, as a society, must set right from the past. History did not give us the luxury of working out what we could afford before we entered into a constitutional contract with those who lost their land in the past. How do we now recast restitution in the light of what we have learned in the past five years? Additional elements of a revisionist master narrative would, I think, include notions of citizenship, of plurality, of limited choices and public interest, but without abandoning the central themes of redress, of justice with reconciliation.

The master narrative valorises the past. What we need now is a narrative that orients us more successfully to the future.

Notes

1. *Trommel* is the Afrikaans term used to describe the silver-painted government trunks in which stationery supplies come, like some mysterious cargo, from the central stores in Pretoria to outlying government offices like mine.
2. Indicative of the complexity of land transactions, while the 55 have been paid out, the 11 'restorationists' are still locked in negotiations.
3. In 1996 he was forced to flee his house, because it was located in the area controlled by the Tribal Authority which had launched a counter claim to his, and take refuge in a makeshift shelter far to the north, near Mbazwana.