

An outstanding contribution to the study of land restitution

Cherryl Walker, *Landmarked: Land Claims and Land Restitution in South Africa*

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Cherryl Walker's insightful and authoritative monograph, in part a reworking of material published over the course of the last eight years, explores and assesses the work of South Africa's land restitution programme since its formal inception in the early 1990s. A central project ties together a range of well-informed and superbly articulated critiques of restitution, that is, the "unstable authority" and meaning of land in national politics and local contexts.

One of the central pillars of the democratic compromise, the Commission on Restitution of Land Rights, arose out of a broad-based movement for land that emerged in the context of struggles in the countryside during the 1980s and early 1990s. At the fore of this movement were land-rights NGOs, within which the author herself was a prominent figure. The distinctive insights gained from Walker's experiences, first as a land activist with the Association for Rural Advancement (AFRA) and the Surplus People Project (SPP), and later as the Regional Land Claims Commissioner for KwaZulu-Natal from 1995 to 2000, infuse this account with a unique combination of local detail, institutional understanding and academic perspective.

A central proposition to which Walker repeatedly returns, is the “master narrative” of loss and restoration. This commonly underpins the story told of South Africa’s historical and inherited “land question”, appearing in official and unofficial projects of memorialisation, government-speak, policy discourses and academic literature. It is a narrative, writes Walker, that has two central themes, “the trauma of deep, dislocating loss of land in the past, and the promise of restorative justice through the return of that land in the future” (p 34). Drawing on a particularly problematic rendition of history, the “master narrative” resonates as a “political fable” called on at times to legitimate government policies, and simultaneously gives shape to individual and group narratives of dispossession that are a central feature of the tapestry of social memory and meaning in South Africa. Whilst certainly not untruthful, the “master narrative” obscures, simplifies and excludes. The book examines how this is so, and with what consequences.

The features and implications of the “master narrative” are laid out in the opening two chapters of the book, which provide a theoretical and contextual basis for a selection of case studies and testimonial interludes. The latter part of Chapter 2 sets out the political terrain on which the restitution architecture was founded in the 1990s, both in recognition of its inadequacies and as a prelude to explorations of the programme’s trajectories in local contexts and at national level. Contrasting cases (Chapters 3 to 5) illuminate some of the crucial departures from the “narrative of loss and restoration” and the local complexities of restitution: convolutions of class, gender, locality and moment. Corresponding excerpts from testimonies by individuals involved in the restitution process are suggestive of the intensity of personal experiences of dispossession, of diverse emotional and social meanings attached to place and locality, and of the rich, dynamic and mediated nature of the memories on which the restitution process rests so heavily. The effect of this layering is a careful balance between academic distance and sensitive engagement, no easy feat in the discussion of an issue as emotive and politically-charged as land in South Africa. This balance is one of *Landmarked*’s most striking achievements.

The first case study (Chapter 3) relates to the restitution of land at Cremin, one of the many “black spots” condemned to removal from “white” Natal in the years after 1960. This case was a symbolic milestone; the first case of land restoration in KwaZulu-Natal, and one of the cases of removal that became prominent in the land struggles of the early 1990s, from which foment the restitution agenda emerged. Central to the Cremin case, are issues of class and uneven land rights. The historical subtext of its successful claim – a united cohort of claimants, and their relatively preferential access to political networks and educational opportunities – is not unique, sharing a set of circumstances with some of the other so-called “black spot” removal cases under threat in Natal and elsewhere in the same period, yet the history of tenancy which predominated in the decades before removal from Cremin in 1978, and which drew hostility from farmers and the state, has played out in a crucially ambiguous fashion in the reconstruction of Cremin. The particular path pursued in the Cremin case with regard to tenancy has differed in comparison to similar cases elsewhere in South Africa. Whereas in some cases of restoration, tenants have joined landowners on the restored land,¹³ in Cremin the leadership has opposed the reintroduction of tenancy relationships. Changing constructions of community and

13 See, for example, D James, *Gaining Ground? : “rights” and “property” in South African land reform* (Routledge-Cavendish, Abingdon, 2007), pp 105-129

identity, and particularly the dynamics of the fissures between landowners and tenants in the process of this claim for land, are examined in this chapter.

Continuing within a theme of constructing community, Chapter 4 takes up a very different case. This is the claim to land on the Eastern Shores of Lake St Lucia, an area of former “reserve” land, by the Bhangazi people in the 1980s and 1990s. Over a period of 30 years, some 1 200 households were removed from the area to make way for commercial forestry, a military base, and in the name of conservation. From the late 1970s to the late 1990s, shifting discourses of conservation and conceptions of the “public interest”, and the changing political environment, shaped (and in turn was shaped by) the ways in which, and by whom, the Bhangazi claim was composed and articulated. This chapter traces the history of competing claims on land in the area – which later came to include mining interests – over this period and in the years of the Commission since 1994. It follows the difficult job of the Commission in defining a group of claimants who had been removed from their homes and land, the fraught environment within which this took place, and the settlement compromise – one more complex and limited than restoration, but far from a failure. In this chapter particularly, Walker’s receptivity to perceptions of locality, the sensory experience of place, and the significance of personal attachment to land is conveyed.

Walker employs the third and final case study, above and beyond its particular dynamics, to explore the crucial issue of urban claims to land that have, despite the rural origins of the agenda, dominated the restitution process. Developments since the forced removal of the residents of Cato Manor/Umkhumbane in the 1960s engendered multiple claims made upon that land in the period of restitution; since the land invasions of the late 1980s, shack dwellers have joined former landowners and tenants in staking claims to a place in the city. In the face of the competing visions of claimants and local development schemes, the Commission resorted to “restitution in default”. According to Walker “the programme suffered from the insularity behind its original conceptualisation” (p 169), by which she means that in dealing with a claim that was neither monolithic nor rural, the programme proved unable to adapt and deal creatively with the particularities of the urban situation. The political marginalisation of land claimants as a result of this process, as claimants were to make do with financial compensation, has aggravated ethnic divisions in the city.

Chapter 7 skilfully treads a path through the complex web of official statistics on land reform and restitution to argue for a more measured assessment of the achievements and failures of, and limitations upon, the restitution programme. A crucial critique raised in this closing section is the consistent underestimation of urban issues in discourses and debates on land reform. For Walker, this is “misplaced agrarianisation”, a preoccupation with the redistribution of white farmland as a national project, obscuring South Africa’s historical system of reserves, or Bantustans, which are at the heart of its enduring post-apartheid legacy. Joining other recent critiques,¹⁴ Walker calls for renewed attention to the urban aspects of the “land issue” and the structural constraints on land reform, invoking influential contributions by Colin Murray which grounded processes of dispossession firmly in the context of the apartheid state’s attempts to deal with economic and agrarian change by “displacing”

14 For instance, contributions by Henry Bernstein and Ben Cousins in L. Ntsebeza and R. Hall (eds), *The Land Question in South Africa: the challenge of transformation and redistribution* (HSRC Press, Cape Town, 2007)

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urbanization to “resettlement” sites in the Bantustans.¹⁵ These dimensions to South Africa’s “land issue” have been overshadowed in recent decades by the localised emphasis of land restitution cases, and the overtly political removals from “black spots” that were so prevalent in the 1980s. Despite astute observation of these issues, outside the discussion specific to the urban case study of Cato Manor/Umkhumbane they are, regrettably, not significantly developed. This is perhaps a minor grievance.

The inclusion of an authorial testimonial, which sits amongst other accounts by land claimants and mediators, explores the sensory experience of landscape in another dimension. The short autobiographical chapter, “A personal journey” (Chapter 6), explores memories of childhood and personal life course to invoke a sense of human attachment to place that is complex and unstable but, nevertheless, shapes and orders the past and present. This enriches the narrative of the book in ways unusual for an academic study. It places academic analysis itself in a location of personal time and place, to communicate in a sophisticated way a grounded empathy with the author’s subjects of study.

Drawing on a career of academic research, activism and government office, and integrating her own and others’ personal reflections, Cheryl Walker has written an outstanding book. Incisive and rigorous, eloquent and sensitive, *Landmarked* is a work of major accomplishment.

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