

We did not give our land away, and what has not been given by the owner, cannot be taken by another person.

**HENDRIK WITBOOI**  
Nama chief and activist



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**DE LILLE ON LAND TRANSFER PROCESSES**

PUBLIC Works and Infrastructure Minister Patricia de Lille says there is a proper process and procedures to be completed before land parcels that were meant for the province can be transferred.

REFORM

# ‘Our lives are inseparable from the land’ – Ngcukaitobi

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HUMAN rights lawyer, political activist and author Advocate Tembeka Ngcukaitobi has released his second book *Land Matters*, which explores South Africa’s failed land reforms and the road ahead.

While unpacking land redistribution, restitution and tenure reform, Ngcukaitobi reflected on the significance of land.

“The land has always mattered. It mattered under colonialism, it mattered under apartheid, and it continues to matter today. Our lives are inseparable from the land,” he said.

Ngcukaitobi said this book was a natural progression from his first, *The Land is Ours*.

“The topic of land reform was coming back into public consciousness when I published my first book in 2018.”

He found that in the last three years, it became clear that readers appreciated the historical context of his first book, but wanted to know, “where to from here?”

Through *Land Matters*, Ngcukaitobi wants the book to serve as a reminder of how “the path that has been written by the government has temporarily diverted from the historical mission that was promised in the Constitution”.

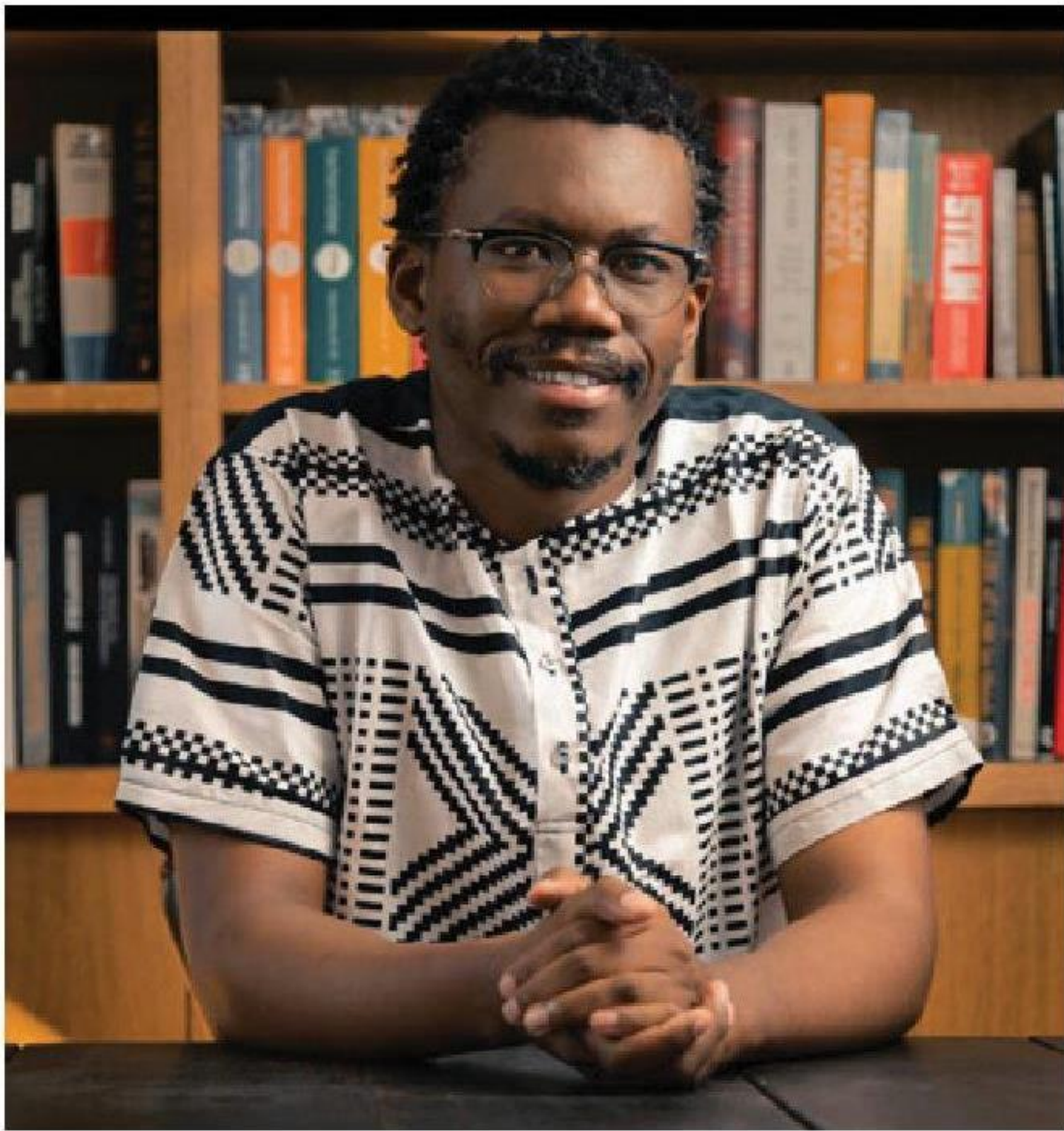
He said: “If we are to achieve the goals in the Constitution, we need to return to that path.”

Ngcukaitobi believes that one of the biggest errors in land reforms is the government’s failure to settle the existing land claims from December 1998. In many cases, they know who the claimants are and they know which land they should be receiving and this, he said, should be expedited immediately.

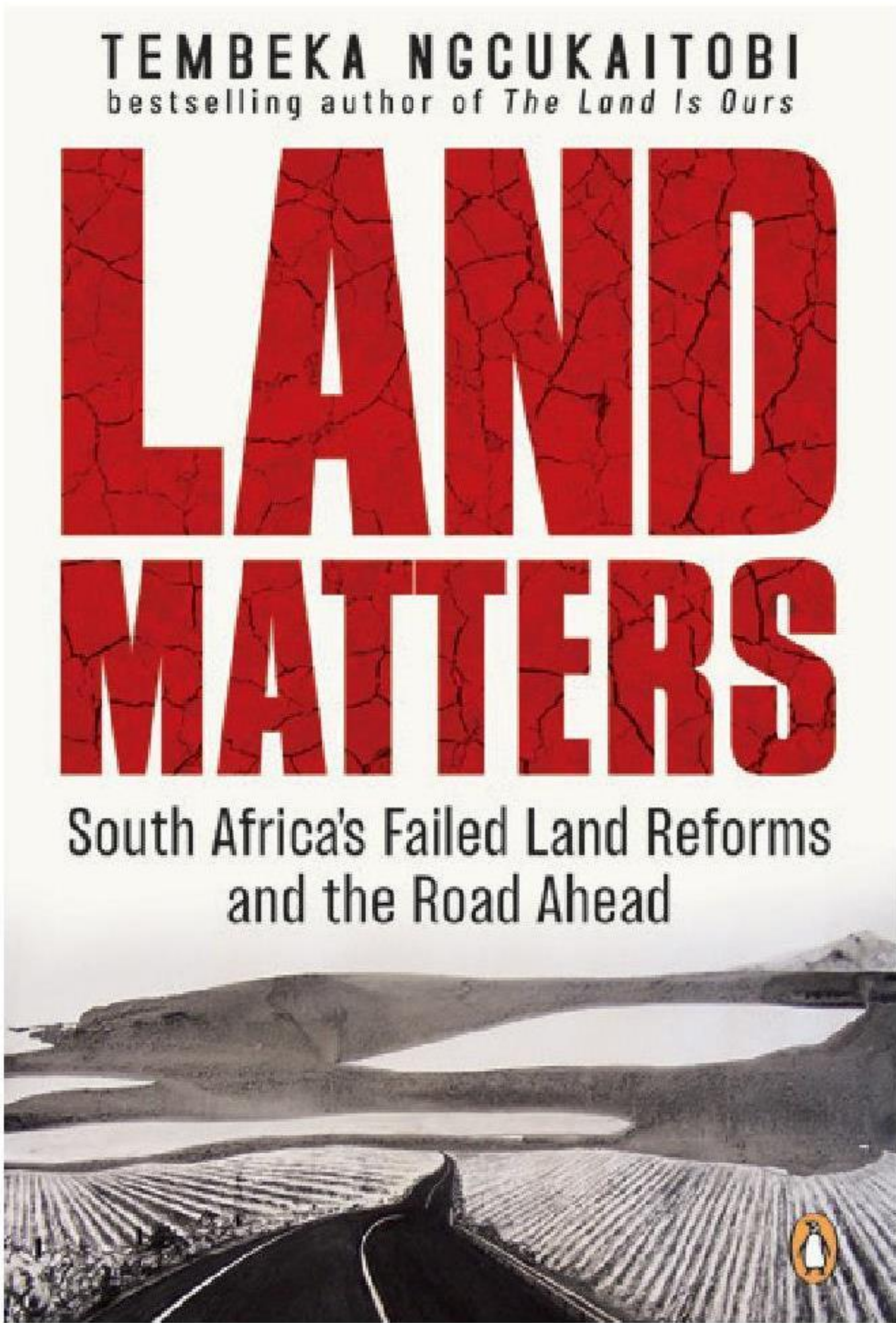
The second mistake he believes is that the government has made is to see land restitution as an “end-all” to the land reform problems that we face.

“Land is not going to be resolved through a restitution programme as this only entitles you to dispossessed land if you can prove that your forebears were dispossessed,” he added.

He further deduces that many



ADVOCATE Tembeka Ngcukaitobi is passionate about land reform and delves further into in his new book. | SUPPLIED



South African citizens cannot prove their claims and this results in “land hunger” and land injustice.

“The policy of the government that focuses on the minority of people who can prove their claim, is inconsistent with South Africa’s reality.”

Building on this, Ngcukaitobi argued for a policy shift in one of the chapters in his book, supporting the theme that land ought to be allocated based on need.

He said: “We need a policy shift that recognises that the land reform crisis that we face, is not one of history.



A GROUP of protesters pitch tents opposite the Cape Peninsula University of Technology in District Six. The group who call themselves Social Liberals for Backyard Dwellers includes families from Hanover Park, Manenberg, Lotus River, Grassy Park and Mitchells Plain. | ARMAND HOUGH African News Agency (ANA)

Although it is produced by history, it is a crisis of today, because there are too many people who have no land.”

He believes that there are many lessons that South Africa can learn from other countries.

The first lesson from South America is that nationalisation as a form of redress is not the answer. “It has shown us to avoid concentration of authority, economic power and political power in the state.”

The second lesson that can be learnt from Zimbabwe and Namibia is that “any land reform approach needs to be anchored in the rule of law”.

He added: “Experience in the world has shown that in systems where there is no functional rule of law, the beneficiaries of that state of chaos are people with guns and money. We need the

law to protect the poor.”

Ngcukaitobi further enforces this lesson by explaining the importance of us needing our country, before needing the land.

“If we destroy the rule of law, we destroy the country. This is the most enduring lesson for South Africa.”

Additionally, expropriation without compensation is a prime topic in the discussion regarding land reform in our country. In the book, Ngcukaitobi expresses that although expropriation is permitted by our Constitution, the problem was that it had not been used for land reform and distribution.

“One of the advantages is that this is a judicially controlled process. If South Africa wishes to engage in a faster process of land reform, it needs to actively and efficiently make use of

the power of expropriation,” he said.

Regarding a choice between land and financial compensation, Ngcukaitobi believes that it is an impossible decision to put to people.

“Many people have claimed their money and are now back asking for RDP houses. We cannot ask people to make choices between land and money when the reality is that they need both.”

As he reflected on growing up in the former Transkei, he remembered landlessness being “embedded in his being” his family were surrounded by large white-owned farms.

“We all grow up with individual stories of dispossession, but the writing of this book has allowed me to try and make sense of my own life and my own country.”