



*Statement on the contents of the first section of Part IV of the  
Final Report of the Presidential Advisory Panel on Land Reform and  
Agriculture, dated 4 May 2019*

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In this statement, the “HISTORICAL CONTEXT” section of the report, which is titled “HISTORICAL CONTEXT: The Conquest of the land of the African people by Europeans in South Africa”, will be referred to as the *Final Report*.

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## Acronyms used in this statement

<b>CBO</b>	Community-based organisation
<b>OFS</b>	Orange Free State
<b>ORS</b>	Orange River Sovereignty
<b>SANAC</b>	South African Native Affairs Commission
<b>UK</b>	United Kingdom of Great Britain and Northern Ireland
<b>VOC</b>	Vereenigde Oost-Indische Compagnie (English: <i>United Dutch East India Company</i> )
<b>ZAR</b>	Zuid-Afrikaansche Republiek



## Introduction

In a land audit report that was published by the Department of Rural Development and Land Reform in November 2017, it is stated that there are a total of 121 924 881 hectares of land in the country. Of that, 114 223 276 hectares are registered at the Deeds Office, while the rest is unregistered trust state land in the Eastern Cape and Limpopo. The land audit also found that individuals owned 39%, trusts 31%, companies 25%, community-based organisations (CBOs) 4% and co-ownership 1% of the registered land. The same individuals owned most of these companies, trusts and CBOs. Of the registered land 111 025 515 hectares (or about 97%) was regarded as farms and agricultural holdings, and 3 197 760 hectares (or 3%) as urban areas. The land audit found that people who are regarded as white<sup>1</sup> owned 26 663 144 hectares (or 72%) of the total of 37 031 283 hectares of the land regarded as farms and agricultural holdings owned by individual landowners; followed by 5 371 383 hectares (or 15%) owned by Coloureds; 2 031 701 hectares (or 5%) owned by Indians; 1 314 874 (or 4%) owned by Africans; and 4% owned by others. The authors of the *Land Audit Report* recommended that the injunction of the Constitution – that South Africa belongs to all – had to be translated into a lived experience for the majority of South African citizens, i.e. that land had to be vested as the common property of the people of South Africa as a whole.<sup>2</sup>

At its 54th National Conference in December 2017, the ruling ANC adopted a policy that land should be expropriated without compensation. Subsequent statements by ANC leaders made it clear that what was meant was the expropriation of white farmers. Thus Cyril Ramaphosa, the newly elected ANC President, said early in 2018 that the taking of land owned by white farmers should increase food production:<sup>3</sup>

South Africa could turn into the ultimate paradise if the implementation of the policy of expropriation of land without compensation leads to higher food production.

Deputy President David Mabuza threatened white farmers with a “violent takeover” should they not volunteer some of their land.<sup>4</sup> In February 2018 the South African Parliament adopted a motion that a process had to be started to amend section 25 (the property right clause) of the South African Constitution to allow for the expropriation of land without compensation. The motion specifically stated that expropriation should take place in recognition of what was called “the original sin of land dispossession” and should ensure “that the land is returned to those from whom it was taken under colonialism and apartheid ...”<sup>5</sup> During the debate on the motion,

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<sup>1</sup> Since there is no population registration act, the classification of people according to race depends on perceptions rather than legal foundations.

<sup>2</sup> Department of Rural Development and Land Reform. 2017. *Land Audit Report*. P.2. Available at [https://www.gov.za/sites/default/files/gcis\\_document/201802/landauditreport13feb2018.pdf](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf). Accessed on 7 April 2021.

<sup>3</sup> Network24. 2018. *Taking land should increase food production – Ramaphosa*. News24, 7 January. Available at <https://www.news24.com/news24/SouthAfrica/News/taking-land-will-turn-sa-into-the-garden-of-eden-ramaphosa-20180107>. Accessed on 18 August 2021.

<sup>4</sup> Ndaba, B. 2018. *Mabuza appeals to white farmers to share their land*. IOL, 7 April. Available at [https://www.iol.co.za/news/politics/mabuza-appeals-to-white-farmers-to-share-their-land-14299969?utm\\_source=facebook&utm\\_medium=social&fbclid=IwAR2f5rSEp\\_wPnKfFFdrPihVtyAUhpjiiH9YlfamoshKAHdOhzrFZS YaYb\\_Y](https://www.iol.co.za/news/politics/mabuza-appeals-to-white-farmers-to-share-their-land-14299969?utm_source=facebook&utm_medium=social&fbclid=IwAR2f5rSEp_wPnKfFFdrPihVtyAUhpjiiH9YlfamoshKAHdOhzrFZS YaYb_Y). Accessed on 18 August 2021.

<sup>5</sup> Politicsweb. 2018. *NA adopts EFF motion, amended by ANC, on EWC*. 27 February. Available at <https://www.politicsweb.co.za/documents/na-adopts-eff-motion-amended-by-anc-on-ewc>. Accessed on 7 April 2021.

the leader of the EFF, Julius Malema, who originally introduced the motion, made the following comment about the history of South Africa:<sup>6</sup>

Van Riebeeck, a first descendent [sic] of the Dutch to arrive in the Cape would later lead a full-blown colonial genocide, antiblack land dispossession criminal project [...]

President Cyril Ramaphosa appointed the Presidential Advisory Panel on Land Reform and Agriculture in September 2018 to provide independent advice to the Inter-Ministerial Committee on Land Reform.<sup>7</sup> The Panel submitted its *Final Report* to the President on May 2019. Part four of the *Final Report* is titled “The Context and the first section of this part Historical Context”. This statement only contains comments on this section of the *Final Report*.

When reading the “HISTORICAL CONTEXT” section of the *Final Report*, one soon gains the impression that it was written in a hasty and careless manner. It is indeed in the form of a rough draft rather than a properly finalised document. One also gains the impression that the authors of this section of the *Final Report* intended to keep it as brief as possible and avoided discussing any contentious historical issue in any detail. As a result, the *Final Report* 1) contains no recognition of the complexities involved in the interaction between human communities, 2) often fails to provide any proof to back up statements, and 3) contains assumptions rather than factual statements on many contentious issues. A number of reasons can be advanced for these assertions:

1. Numerous factual errors were made, which will be indicated in the detailed comment which follows on this introduction.
2. In some cases, the justification for specific statements included in the *Final Report* is provided in the form of references to the sources of information, as one would expect to find in a report of this importance. However, in the vast majority of cases, starting in the very first paragraph, questionable statements are made without any references to indicate the source used by the authors of the *Final Report*.
3. The authors of the *Final Report* are often inaccurate and also inconsistent in their use of terminology. Thus, the *Final Report* sometimes refers to the United Kingdom (UK) as *Great Britain* or *Britain* (which is acceptable practice in professional writing), but then at times, the name *England* is used when writing about the UK. England is only a part (similar to a province) of the United Kingdom of Great Britain and Ireland, which was formed in 1707, and is currently officially called the United Kingdom of Great Britain and Northern Ireland.
4. After explaining the origins of the present-day Afrikaners in a rather haphazard way in the second paragraph of the *Final Report*, the authors of the *Final Report* nevertheless often use the term *Europeans* when writing about the Boers/Afrikaners. This creates the impression that the Boers/Afrikaners were/are foreigners, even though the vast majority of them had by the end of the 19th century been living in South Africa for ten or more generations. At its worst, the use of the term *Europeans* when writing about Boers/Afrikaners can be regarded as an intentional distortion of historical reality.

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<sup>6</sup> Politicsweb. 2018. *Full transcript of the debate on EFF's motion on EWC*. Available at <https://www.politicsweb.co.za/documents/full-transcript-of-debate-on-effs-motion-on-ewc>. Accessed on 7 April 2021.

<sup>7</sup> Advisory Panel on Land Reform and Agriculture. 2019. *Final report of the Presidential Advisory Panel on Land Reform and Agriculture*, p. iii, Available at [https://www.gov.za/sites/default/files/gcis\\_document/201907/panelreportlandreform\\_o.pdf](https://www.gov.za/sites/default/files/gcis_document/201907/panelreportlandreform_o.pdf). Accessed on 7 April 2021.

5. The authors of the *Final Report* are sometimes lured into making gross generalisations when they are carried away by their own poetical language. Thus, they allege that Africans in the Free State were after 1854 “driven out of their arable agricultural and pastoral lands ... to the barren, broken, hilly and mountainous areas”. Similar statements, which are also flagrant generalisations, are made about the Eastern Cape, where the *Final Report* states that “Africans were driven into the barren, mimosa-ridden and hilly areas ...” and about Natal in 1846, where the land set aside for the Zulu people was, according to the *Final Report*, “impoverished, mountainous, barren, hilly and mimosa-ridden.” Parts of the areas into which some indigenous communities were allegedly thus driven certainly were hilly and rocky, but other parts included some of the best agricultural land in South Africa. Comment will be made on these statements in the detailed analysis of the *Final Report*, which follows this introduction.
6. The authors of the *Final Report* are not consistent in their use of measurements and use outdated and foreign concepts rather than metric measurements, which have been the standard in South Africa for the past 50 years. Thus, they report in one paragraph that “2 000 000 acres of land [was] set aside for the Zulu people” and in the next paragraph that “700 sq. miles” was ceded to the Boers. Very few South Africans have any idea about the surface area that is covered by an acre or by a square mile. One would have expected the size of territories to have been given in either hectares or square kilometres.
7. It is often claimed in the field of historical writing that the objectives of the author(s) of a historical report can be gauged more accurately by taking note of what they exclude from their report than by taking note of what they actually attempt to prove. The authors of the *Final Report* seem to be so intent on showing how “Europeans” confiscated the whole of South Africa from the “Africans” that they fail to concede numerous developments in the history of land possession in South Africa in which no “Europeans” participated or were more than marginally involved. For example, they fail to mention the invasion of the lands of the San and the Khoikhoi in the eastern half of present-day South Africa by communities who spoke Bantu languages and who occupied this area from about 800 AD; they fail to mention the *Difaqane*, which resulted in the death and displacement of tens of thousands of indigenous South Africans; they fail to mention disasters such as the smallpox epidemics of especially the 18th century, that completely wiped out some groups of Khoikhoi and drastically reduced the number of others; they fail to mention the Xhosa Cattle Killing of 1857 and the impact those tragedies had on land possession; they fail to give credit to the Amakhosi and the iziNduna for the numerous instances when they gained freedom of movement by using their diplomatic skills to play off contending sections of the white or “European” populations against each other; they fail to mention instances where land was transferred from “African” to what they call “European” ownership through negotiation; and they fail to mention the numerous instances when sections of the “African” community supported the “Europeans” against their fellow “Africans” who were threatening their territorial sovereignty. Explanations for the exclusion of these events or developments can be that the authors of the *Final Report* are not aware of this information, that they refuse to believe that these events actually occurred, or – more likely – that these historical occurrences contradict their interpretation of the historical past and must therefore be ignored. There is also no mention of slaves among the predecessors of Afrikaners. Neither is there any mention of Indian South Africans.
8. The authors of the *Final Report* tend to fall into the trap of using the villain/victim narrative in their rendition of South African history. Their choice of headings creates the impression that

South Africa was shaped by two groups only: one evil and European or of European descent; the other the victim and African. The following headings in the *Final Report* are examples of this oversimplification of a complex history:

- “Conquest of the land of the African people by Europeans”
- “Confiscation of African land in the Orange Free State”
- “European invasion of kwaXhosa territory”
- “Boer/Voortrekker invasion of the Zulu Kingdom”
- “British invasion of the Zulu Kingdom”.

The selection of words that are used in headings leaves one with the impression that the aim was not to find and present the truth, but rather to create stereotypes on the basis of race, and to promote a very specific narrative of villains and victims – to justify a predetermined outcome.

## Detailed comment on the first part of the historical context section of the *Final report*, titled “Timelines of land dispossession”

### First paragraph

It is stated in the first paragraph that

[t]he first land to be confiscated by the Europeans in South Africa was part of what later became known as the Western Cape. In 1652, Jan van Riebeeck of the Dutch East India Company arrived in the Cape of Good Hope (Cape Town) to establish a ‘refreshment station’ that provided fresh produce to the ships sailing from the Netherlands to India. In 1655, the Dutch decided to turn the refreshment station into a fully-fledged colony and this resulted in wars of land dispossession. On invading the Cape peninsula, the Dutch waged war with the Khoi and San under the leadership of their Amakhosi, Gonnema and Klaas. Despite their fearless resistance, the Khoi and San were defeated.

There is no reference to the sources used by the authors of the *Final Report* for the above statements, of which a number are contentious. Furthermore, the paragraph reflects the selective use of history in an attempt to prove a point. It is correct that the first piece of land in South Africa that was occupied by people from Europe was in the present Western Cape in 1652 at Table Bay at the foot of Table Mountain. What must also be recognised is that all land in South Africa that was occupied by modern humans was occupied by migrants and the descendants of migrants – meaning people from **outside** South Africa. Giliomee and Mbenga<sup>8</sup> point out that

everyone in South Africa is descended from a migrant [...] Around 2 000 years ago, major changes in lifestyle and economy took place when several waves of immigrants moved in the direction of southern Africa. Former hunter-gatherers in Botswana adopted domesticated sheep and cattle from the Iron Age people of West and Central Africa. These new herders, the Khoikhoi, migrated southwards to the western and southern Cape coast about 2 000 years ago. At roughly the same time, the first Iron Age Bantu-speaking people settled south of the Limpopo and moved rapidly into the eastern half of the country [...] Except in the driest and most inhospitable regions, this farming community gradually replaced the ancient hunting and gathering lifestyle that had persisted for more than a million years.

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<sup>8</sup> Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town: Tafelberg, p. viii.



Giliomee and Mbenga also point out that the ancestors of all present human beings initially lived in Africa. Roughly 80 000 years ago a small number of those Africans emigrated from the continent. The peopling of the present-day Near East, India, Indonesia, Australia, Japan, Europe, the Americas and Oceania followed. Much later still – in 1652 – a scattering of the descendants of people who had migrated from Africa to Europe 80 000 years earlier, migrated back to Africa and settled at Table Bay.<sup>9</sup>

The *Final Report* is correct in stating that the first land in present-day South Africa to be occupied by Europeans was part of what later became known as the Western Cape, and that Jan van Riebeeck, an official of the United Dutch East India Company (in Dutch the *Vereenigde Oost-Indische Compagnie* or VOC), was involved in this. It is widely known that the Portuguese were the first European mariners who reached the southern point of Africa, but they were never interested in establishing a permanent settlement anywhere on the coast of present-day South Africa. Jan van Riebeeck arrived in Table Bay in 1652 with specific instructions from the VOC on what he could and could not do. The historian De Villiers explains:<sup>10</sup>

The orders from the Council of Seventeen [the directors of the VOC] were clear: Only a small area was to be developed as a refreshment post for the visiting vessels of the VOC [...] Van Riebeeck was instructed to build a fort [...] but preferably peace was to be maintained with the indigenous people and visitors from other countries. The Company's main purpose was that the refreshment post should not only limit expenses, but at the same time be profitable to the VOC.

There is no indication in archival material of the time or in any other source or scholarly history book that Van Riebeeck negotiated with any local community or concluded a treaty with any local leader before beginning with the task of establishing a refreshment station in Table Bay, which included the laying out of gardens. However, the historian Godée Molsbergen relates that the specific site for the fort was chosen on the basis that it would not intrude onto a piece of land that was already occupied by a local community. The precise spot for the fort was determined with the assistance of two members of a local Khoikhoi community.<sup>11</sup>

In the third sentence of the first paragraph of the *Final Report*, it is stated that

[i]n 1655, the Dutch decided to turn the refreshment station into a fully-fledged colony and this resulted in wars of land dispossession.

No clarity is provided on who the Dutch were who made the decision: The political council that commanded the trading post in Table Bay and of which Van Riebeeck was at that time the chairperson, the Dutch government, or the VOC to whom the Dutch government had in 1602 granted a charter which gave it virtually sovereign control over all its trading posts from the Cape of Good Hope east to the Straits of Magellan? No evidence exists to link any of those three institutions to such a decision and no mention of such a decision is made in any scholarly history text. Indeed, as pointed out by Oakes:<sup>12</sup>

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<sup>9</sup> Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town: Tafelberg, p. viii.

<sup>10</sup> De Villiers, J. 2014. The Dutch era at the Cape, 1652–1806. In Pretorius, F. (Ed.). *A history of South Africa from the distant past to the present day*. Pretoria: Protea Book House, p. 43.

<sup>11</sup> Godée Molsbergen, E.C. 1968. *Jan van Riebeeck en sy tyd*. Pretoria: J.L. van Schaik, p. 81.

<sup>12</sup> Oakes, D. (Ed.) 1992. *Reader's Digest illustrated history of South Africa – The real story*. Second edition. Cape Town: The Reader's Digest Association Limited, p. 36.

[Van Riebeeck] had strict instructions to preserve peace with the indigenous people, as well as with foreigners who might also establish their own outposts at the bay... From this it appears that the intention was not to lay claim to the land, but merely to utilise it for the provision of fresh food.”

In the second part of the sentence the opinion is expressed that the decision of 1655 resulted in wars of land dispossession. Since the alleged decision was never taken, it is impossible to accept that it led to wars of land dispossession. That sentence can therefore be disregarded.

It is stated in the fourth sentence of the first paragraph that

[o]n invading the Cape peninsula, the Dutch waged war with the Khoi and San under the leadership of their Amakhosi, Gonnema and Klaas.

It is again not clear who the Dutch were whom the authors of the *Final Report* have in mind. The word *invasion* is of Latin origin and points to the entry of a hostile army into a country.<sup>13</sup> There is no indication in any historical document or scholarly history book that a Dutch army had ever invaded the Cape Peninsula. It is quite true that there were a few skirmishes between some of the Khoikhoi communities and soldiers of the VOC, supported by the so-called free burghers, in the Table Bay area in 1659–1660, again in 1673–1677 somewhat further inland. Oakes refer to these conflicts as the First and Second Dutch-Khoikhoi Wars or Khoikhoi Wars of Liberation.<sup>14</sup> These conflicts had negligible results and resulted in only a handful of casualties. It would probably have been more correct to state in the *Final Report* that the process of dispossession of the Khoikhoi in the present-day Western Cape began when the VOC released nine of its employees from its service in 1657 and allowed them to farm as free burghers on land that had belonged to Khoikhoi.

As for the San, they were – as a result of the slow spread of the free burghers into the interior of the present Western Cape and of their own hunting way of life – involved from about 1688 almost continually in a struggle with those free burghers. There is no mention of this struggle in the *Final Report*. De Villiers points out that in this struggle the Khoikhoi and the free-burgher stock farmers were often natural allies in skirmishes against the San, who, armed with their deadly poisoned arrows, desperately attempted to protect their hunting areas from increasing penetration by livestock farmers. As the free burghers stock farmers became trekboers in the course of the 17<sup>th</sup> century, burgher commandos were on a number of occasions sent out against San communities who were accused of stealing livestock.<sup>15</sup>

The use of the word *Amakhosi* for leaders of the Khoikhoi and San is somewhat jarring, since it is a word of Nguni origin which is *inter alia* used to denote traditional leaders in KwaZulu-Natal. In the 17<sup>th</sup> century, it would have been quite unknown to the indigenous communities of the present-day Western Cape. Doman, who was the leader of the Goringhaiqua Khoikhoi community and who led the resistance to the VOC settlement in 1659–1660, is not mentioned in the *Final Report*.<sup>16</sup> As for Gonnema and Klaas, who are mentioned in the *Final Report*: Gonnema was a

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<sup>13</sup> Thompson, D. (ed.). 1995. *The Concise Oxford Dictionary of Current English*. Ninth ed. Oxford: Clarendon Press, p. 716.

<sup>14</sup> Oakes, D. (Ed.). 1992. *Reader's Digest illustrated history of South Africa – The real story*. Second edition. Cape Town: The Reader's Digest Association Limited, p. 40.

<sup>15</sup> De Villiers, J. 2014. The Dutch era at the Cape, 1652–1806. In Pretorius, F. (Ed.). *A history of South Africa from the distant past to the present day*. Pretoria: Protea Book House, pp. 44, 49, 52–53.

<sup>16</sup> See:

- Visser, D. 2016. Beveiliging van die Kaap teen binnelandse bedreigings. In De Wet, C., Visagie, J & Hatting, L. (Eds.). *Die VOC aan die Kaap, 1652–1795*. Pretoria: Protea Boekhuis, pp. 209–214.
- Oakes, D. (Ed.). 1992. *Reader's Digest illustrated history of South Africa – The real story*. Second edition. Cape Town: The Reader's Digest Association Limited, p. 39.

leader of the Cochoqua, one of at least four Khoikhoi communities who lived in the vicinity of the Cape Peninsula in the second half of the 17<sup>th</sup> century, and was the principal Khoikhoi leader in the war of 1673–1677. Two Khoikhoi men named Klaas and who hailed from that period are mentioned in scholarly history books. The first was, Claas Das, a member (not leader) of the Goringhaicona community. The second was the Chainouqua captain Klaas, who actually supported the VOC in the war of 1673–1677 by collecting information on Gonnema’s movements and by contributing 250 warriors to the total VOC force of 500 men, of whom only 100 were white and who attacked and decisively defeated Gonnema’s Cochoqua in 1674.<sup>17</sup>

The last sentence of the first paragraph reads: “Despite their fearless resistance, the Khoi and San were defeated.” That certainly is historically correct, but it is not added in the *Final Report* that the ultimate defeat was sealed by the fact that many Khoikhoi **supported** rather than resisted the VOC. It is neither noted that it was the dreaded smallpox rather than wars that decimated most of the Khoi.<sup>18</sup>

## Second paragraph

It is stated in the second paragraph that

Great Britain took the Cape of Good Hope by force from the Dutch in 1795. The British ‘returned’ the Cape to the Dutch between 1803 and 1806, only to reoccupy and take permanent administrative control of the Cape after the signing of the Anglo-Dutch Treaty of 1814. The first official British immigrants or ‘settlers’ arrived in Table Bay in March 1820. The British interests in South African can be narrowed down to mineral resources in general, but four main ones, gold, diamonds, platinum and coal in particular. The discovery of minerals strengthened British interest and drove the British agenda in this country in the 19<sup>th</sup> century – to the extent of waging wars against descendants of fellow Europeans, namely the Dutch who became an autonomous group known as Boers (with no real ties with the Netherlands). The present-day Afrikaners include former French Huguenots and the Boers.

No direct mention is made in this paragraph of the land issue, which is the crux of the *Final Report*. However, historical background – which is relevant in the restitution debate – is provided. The first two sentences summarise more or less correctly the events surrounding the British takeover of the Cape of Good Hope, first from the VOC in 1795 and later from the Batavian Republic in 1806. The third sentence creates confusion. It reads: “The first official British immigrants or ‘settlers’ arrived in Table Bay in March 1820.” This is strictly speaking true, since a number of the ships on which the settlers were transported to the Cape did drop anchor in Table Bay in March 1820, but only the party leaders from some of those ships were allowed to disembark and promptly re-embarked again for the final part of their ocean voyage to Algoa Bay (Port Elizabeth), where everyone disembarked from April 1820 onwards.<sup>19</sup>

In the fourth sentence of the paragraph, the statement is made that

[t]he British interests in South Africa can be narrowed down to mineral resources in general, but four main ones gold, diamonds, platinum and coal in particular.

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<sup>17</sup> De Villiers, J. 2014. The Dutch era at the Cape, 1652–1806. In Pretorius, F. (Ed.). *A history of South Africa from the distant past to the present day*. Pretoria: Protea Book House, p. 44.

<sup>18</sup> South African History Online. N.d. *Smallpox epidemic strikes at the Cape*. Available at <https://www.sahistory.org.za/dated-event/smallpox-epidemic-strikes-cape>. Accessed on 20 April 2021.

<sup>19</sup> Butler, G. (Ed.). 1974. *The 1820 Settlers. An illustrated commentary*. Cape Town: Human & Rousseau, pp. 95–99.

This is simply not true. Minerals played only a minor role – if any at all – in the initial British interest in South Africa at the end of the 18<sup>th</sup> and first half of the 19<sup>th</sup> century. The British decision of 1795 to occupy the Cape by force was taken in the midst of the Revolutionary Wars in Europe. It was driven by the British need to secure its access to the markets in the East, especially in India, where British interests had grown vastly in the last quarter of the 18<sup>th</sup> century. It was essential for British strategic interests to ensure that the Cape would not fall into French hands. This was still the case when Britain reoccupied the Cape in 1806. No major discoveries of minerals had been made in South Africa at that time. The strategic position of the Cape on the sea route between Europe and the East was the determining factor in the British decision to occupy and keep hold of it.<sup>20</sup> It is certainly true that the rich deposits of diamonds and gold that were discovered in South Africa in the last third of the 19<sup>th</sup> century had a powerful impact on British policies towards the sub-continent at that time. However, coal was of minor importance and platinum of no importance at all to British politicians.

It is stated in the fifth and sixth sentences of the paragraph that

[t]he discovery of minerals strengthened British interest and drove the British agenda in this country in the 19th century – to the extent of waging wars against descendants of fellow Europeans, namely the Dutch who became an autonomous group known as Boers (with no real ties with the Netherlands). The present day Afrikaners include former French Huguenots and the Boers.

Comment was made above on the first part of the fifth sentence: Since the important discoveries were only made in the last third of the 19<sup>th</sup> century, the British agenda in South Africa was only driven by those discoveries from the last third of the century. The military conflicts between the British and the Boers – to copy the terminology used in the *Final Report* – began before the last third of the century, when clashes occurred in *inter alia* the present-day KwaZulu-Natal in 1842 and the Free State in 1848. As for the explanation of the origins of the present-day Afrikaners: It is correct that they are descendants of the Dutch and of the French Huguenots, but that is only part of the reality. About 40% of their ancestors were Dutch, more than 30% were German, less than 10% were French and about 7% of Afrikaner families have a non-European foremother, of whom many were slaves from Africa, South Asia or Madagascar.<sup>21</sup> Some of the ancestors of the present-day Afrikaners in especially the 19th century were known as and called themselves Boers, while others, especially in the Cape, already preferred to be called Afrikaners, as used in the name of one of their political organisations, the Afrikanerbond (English: *League of Afrikaners*). The *Final Report* correctly states that the Boers had no real ties with the Netherlands; neither did the Cape Afrikaners have ties with that country. They were no longer in any way Europeans.

## **A: The Sand River Convention**

**Under the heading “A: THE SAND RIVER CONVENTION”, the next section of the *Final Report* states:**

In the Transvaal, consisting today of the whole of Limpopo, North-West, Gauteng and part of the Mpumalanga provinces, the African land was confiscated by the Boers through invasion and the

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<sup>20</sup> See:

- Walker, E.A. 1941. *A history of South Africa*. Second edition. London: Longmans, Green and Co., p. 125.
- Davenport, T.R.H. 1987. *South Africa. A modern history*. Third edition. Johannesburg: Macmillan South Africa, p. 42.

<sup>21</sup> Giliomee, H. 2003. *The Afrikaners. Biography of a People*. Cape Town: Tafelberg, p. 18.

establishment of the so-called Zuid Afrikanse [sic] Republiek (ZAR) from 1852 onwards. In that year, England signed the Sand River Convention with the Boers which stipulated that all African land north of the Lekwa/Igwa (Vaal) River belonged to the Boers. All Africans, including their Amakhosi and iziNduna were subjected to the strict supervision of the Native and Native Sub-Commissioners in terms of Law no.4 of 1885. The convention therefore had the effect of automatically turning Africans (Natives) into tenants and labour tenants on land that they had lived on for many generations. The letting of land to Africans in the Transvaal was further prohibited by the Squatter's [sic] Act no. 11 of 1887, although there was insufficient land to dump surplus Natives who had been forcibly removed from the now European farms. After the Boers of the ZAR were defeated by England in the Anglo-Boer War of 1899-1902, the Transvaal Republic became the Transvaal Colony of England represented by a British governor. The laws applying in the Cape and Natal British Colonies were enforced in the Transvaal Colony and the traditional leaders were recognised in the locations/native reserves only.”

It is chronologically confusing that developments north of the Vaal River in the 19<sup>th</sup> century are discussed before the events in the 19<sup>th</sup> century Cape Colony and Natal, which preceded the events in the Transvaal. The first sentence is similarly somewhat confusing and incorrect. The Transvaal of the 19<sup>th</sup> century included the whole of the present Limpopo, Gauteng and Mpumalanga provinces, as well as part of the present North-West province – not, as stated on the *Final Report*, the whole of Limpopo, North-West, Gauteng and part of the Mpumalanga provinces. The Transvaal of the 19<sup>th</sup> century furthermore included part of the present KwaZulu-Natal province. The Zuid-Afrikaansche Republiek (ZAR) was established in 1857 – not in 1852. The name of the republic is misspelled in the *Final Report*. The statement that the Boers invaded and confiscated African land from 1852 onwards is also incorrect – there were already a number of Boer settlements and towns in the Transvaal by the beginning of 1852, including in the Potchefstroom-Klerksdorp area, the Magaliesberg Mountains area from the Apies River in the east to Rustenburg in the west, the Suikerbosch Rand area where Heidelberg was later on established, the Lydenburg area and the Soutpansberg area. These settlements were established on land which the Voortrekkers of the Great Trek – a group of early Afrikaners about whom more will be written later on in this statement – occupied after defeating and expelling the Khumalo Ndebele of Mzilikazi from this area. In 1836 Mzilikazi's warriors carried out two unprovoked attacks on the Voortrekkers during the early phase of the Great Trek. After defeating and expelling them, the Voortrekkers claimed the land which Mzilikazi abandoned. It should be noted that the Voortrekkers were in their campaigns against the Khumalo Ndebele assisted by among others the Rolong of Kgosi Moroka, who had earlier been driven from the lands of his forefathers by Mzilikazi. In addition, the Boers negotiated treaties in terms of which they gained access to land with a number of leaders of indigenous communities in the Transvaal area, including King Mswati of the Swazi and King Sekwati of the Pedi.<sup>22</sup> There is no mention in the *Final Report* of these events and developments.

In the second sentence of the paragraph, it is stated that in 1852

England signed the Sand River Convention with the Boers which stipulated that all African land north of the Lekwa/Igwa (Vaal) River belonged to the Boers.

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<sup>22</sup> Van der Merwe, P.J. 1986. Die Matebeles en die Voortrekkers. *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis* 49(2). Pretoria: Government Printer.



This sentence contains two blunders. In the first place, it was of course representatives of the British government who signed the Sand River Convention, in addition to the signatories on the Boer side. Secondly, there was no clause in this convention in which ownership of land north of the Vaal River is mentioned and certainly none in which it was “stipulated that all African land north of the Lekwa/Igwa (Vaal) River belonged to the Boers”.<sup>23</sup>

In the third sentence of this section the *Final Report* jumps to 1885:

All Africans, including their Amakhosi and iziNduna were subjected to the strict supervision of the Native and Native Sub-Commissioners in terms of Law no.4 of 1885.

The first law of the ZAR (Transvaal) to make provision for the appointment of Native Commissioners and Sub-Commissioners was Act 3 of 1876 and not Law 4 of 1885. The objective of Act 3 of 1876 was to create a sound framework for the administration of indigenous communities (called Native communities at that time) within the republic. It is indeed correct that the leaders of these communities were subjected to supervision of the commissioners and sub-commissioners. The leaders of communities who lived in semi-autonomous conditions on the frontiers of the ZAR regarded the appointment of commissioners with apprehension, since they regarded their activities as infringements in what they regarded as their land.<sup>24</sup>

It is stated in the fourth sentence of the paragraph that

[t]he convention therefore had the effect of automatically turning Africans (Natives) into tenants and labour tenants on land that they had lived on for many generations.

This is a generalisation. It is indeed true that members of indigenous communities north of the Vaal River in the course of time became labour tenants, but this certainly did not happen automatically after the signing of the Sand River Convention. Most of the indigenous communities north of the Vaal River – such as the Venda in the north, the Pedi in the north-east and the Hananwa in the north-west – initially remained autonomous and were only incorporated into the ZAR towards the end of the 19<sup>th</sup> century.<sup>25</sup>

The fifth sentence of the paragraph reads:

The letting of land to Africans in the Transvaal was further prohibited by the Squatter’s [sic] Act no. 11 of 1887, although there was insufficient land to dump surplus Natives who had been forcibly removed from the now European farms.

The *Final Report* makes no mention of the establishment of so-called native reserves in the Transvaal, many of which were situated in the traditional settlement areas of the indigenous communities. Act 11 of 1887 was promulgated to regulate the squatting of Africans on farms owned by white people to ensure that those Africans who became squatters would not be exploited by the white farm owners. No more than five families were allowed to “squat” on one farm.<sup>26</sup> There were indeed farms that belonged to Europeans, but the vast majority of farms

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<sup>23</sup> Text of the Sand River Convention in: Eybers, G.W. (Ed.). 1918. *Select constitutional documents illustrating South African history 1795–1910*. London: George Routledge & Sons Limited, pp. 358–359.

<sup>24</sup> Bergh, J.S. 1998. Konflik tussen blank en swart in die 19de eeu. In J.S. Bergh (Ed.). *Geskiedenisatlas van Suid-Afrika. Die vier noordelike provinsies*. Pretoria: J.L. van Schaik, p. 171.

<sup>25</sup> *Ibid.*, pp. 178–179, 201–202 and 210–211.

<sup>26</sup> Changuion, L. & Steenkamp, B. 2011. *Omstrede land. Die historiese ontwikkeling van die Suid-Afrikaanse grondvraagstuk, 1652–2011*. Pretoria: Protea Boekhuis, p. 94.

outside the reserves belonged to burghers (citizens) of the ZAR, of whom the vast majority were Afrikaners/Boers who had no ties with Europe and were certainly not Europeans.

The last two sentences of the paragraph read:

After the Boers of the ZAR were defeated by England in the Anglo-Boer War of 1899-1902, the Transvaal Republic became the Transvaal Colony of England represented by a British governor. The laws applying in the Cape and Natal British Colonies were enforced in the Transvaal Colony and the traditional leaders were recognised in the locations/native reserves only.

This again is a sentence that contains inexcusable blunders. The Boers of the ZAR were defeated by the military forces of the British Empire – and not merely by England. The Transvaal Republic became the Transvaal Colony of Great Britain and not a colony of England, which had no colonies at the time. Third, the laws applying in the Cape and Natal British Colonies were not enforced in the Transvaal Colony, since the latter had its own corpus of laws and regulations.

## **B: The confiscation of African land in the Orange Free State in 1854**

**Under the heading “B: THE CONFISCATION OF AFRICAN LAND IN THE ORANGE FREE STATE IN 1854”, the next section of the *Final Report* states:**

England signed the Bloemfontein Convention with the Boers on 23 February 1854. According to this convention all the African land north of the Orange river except that under Adam Kok of the Griquas, was granted to the Boers. Consequently, the Africans were driven out of their arable agricultural and pastoral lands by force of arms and driven to the barren, broken, hilly and mountainous areas. Those who lived on the so-called “European farms” became tenants and labour tenants. The baSotho under King Moshoeshoe I, who lived in what became known as the Orange Free State Republic, were driven into the barren mountains after bloody wars of resistance, where they were later placed under the so-called British Protectorate. Two African locations were created after the Anglo-Boer War, namely at the impoverished Thaba Nchu and stony, hilly and mountainous Witsieshoek. The Republic of the Orange Free State Squatters Law was strictly enforced to restrict the number of Africans on the so-called European Farms. After the Anglo-Boer War, the Orange Free State Republic became known as the Orange River Colony under the British governor.

This paragraph contains numerous blunders and, in many respects, a false overview of the past reality. It neglects to refer to any hostilities before the Republic of the Orange Free State (OFS) was established in 1854 and therefore creates the impression that all conflicts in this area – the present Free State province of South Africa – occurred after the OFS was established. This was, as will be indicated in the analysis which now follows, certainly not the case.

It was of course Great Britain – not England – that signed the Bloemfontein Convention in 1854 with representatives of the Boers/Afrikaners and other “white” inhabitants of the Orange River Sovereignty (ORS), as the area under British rule between the Gariep/Orange River in the south and the Vaal River in the north was called from 1848. The ORS was called the OFS from 1854 to 1902. It is stated in clause 2 of the Convention<sup>27</sup> that

[t]he British Government has no alliance whatever with any native Chiefs or tribes to the northward of the Orange River, with the exception of the Griqua Chief, Captain Adam Kok [...]

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<sup>27</sup> Text of the Sand River Convention in: Eybers, G.W. (Ed.). 1918. *Select constitutional documents illustrating South African history 1795–1910*. London: George Routledge & Sons Limited, pp. 358–359

However, this provision did not protect the ownership of Griqua land. On the contrary, it was stated in the Convention that the British government intended to remove all restrictions that prevented Griquas from selling their land, since Chief Adam Kok himself had concurred in and sanctioned the same.<sup>28</sup> It is not mentioned in the *Final Report* that the Griqua sold virtually all their land to white farmers, of which the large majority were Boers and former Voortrekkers.

The third sentence of the paragraph consists of a rather vague generalisation. It reads:

Consequently, the Africans were driven out of their arable agricultural and pastoral lands by force of arms and driven to the barren, broken, hilly and mountainous areas.

It is not indicated what the location is of these “barren, broken, hilly and mountainous areas” which are presumably unsuitable for “arable agricultural and pastoral” purposes, since large parts of the present Lesotho certainly is suitable for such purposes, and the Thaba Nchu area is located on prime agricultural land. It is neither stated when this occurred and by whom “the Africans” were driven out of their lands by force of arms. The *Final Report* presumably accuses Europeans or the Boers of having been the culprits, but that would take neither the history of the first half of the 19<sup>th</sup> century nor other possible guilty parties into account. The historian Leonard Thompson wrote in *The Oxford History of South Africa* about events in this area in those years:<sup>29</sup>

When Moshweshwe [Moshoeshoe] learned that the British were going to withdraw [from the area between the Orange River and the Vaal River], he prepared for the struggle which he foresaw with his Afrikaner neighbours by delivering the coup de grâce to Sekonyela’s Tlokwa and their Kora and Griqua allies, who had been a thorn in his flesh so long as they had been encouraged by the Sovereignty Government. He drove them from their strongholds and dispersed them, with the result that virtually all the southern Sotho who remained in the Caledon river area came directly or indirectly under his control, with the exception of Moroka’s Rolong at Thaba Nchu.

With reference to members of indigenous communities in the OFS, it is alleged in the fourth sentence of the paragraph that

[t]hose who lived on the so-called “European farms” became tenants and labour tenants.

Very few Europeans owned farms in the OFS. The majority of the members of indigenous communities in the OFS who lived on farms that belonged to citizens of that Republic – who were mostly Boers/Afrikaners – became regular farm workers.

A number of vague and contentious statements are made in the fifth sentence:

The baSotho under King Moshoeshoe I, who lived in what became known as the Orange Free State Republic, were driven into the barren mountains after bloody wars of resistance, where they were later placed under the so-called British Protectorate.

King Moshoeshoe’s career is well documented in scholarly history books, which all agree on detail that differs from especially the first statement in this sentence. To summarise:<sup>30</sup> Moshoeshoe was born in about 1786 in the north of the present-day Kingdom of Lesotho as the son of a minor chief of the Mokoteli, a Tswana community. In around 1822 he and his followers

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<sup>28</sup> Text of the Bloemfontein Convention in: Eybers, G.W. (Ed.). 1918. *Select constitutional documents illustrating South African history 1795–1910*. London: George Routledge & Sons Limited, pp. 282–285.

<sup>29</sup> Thompson, L. 1969. Co-operation and conflict: the High Veld. In Wilson, M. & Thompson, L. (Eds.) *The Oxford History of South Africa – South Africa to 1870*. Oxford: Clarendon Press, p. 422.

<sup>30</sup> Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town: Tafelberg, pp 132–134, 144–145, 153–154.

moved to the nearby Butha-Buthe, a flat-topped mountain in the north of present-day Lesotho for better defence. They soon became embroiled in the *Difaqane* and soon took part in raiding activities themselves. At the same time, he provided sanctuary to victims of the *Difaqane* and, by using a combination of force and diplomacy, began building up his paramountcy over the Sotho communities in that area. A few years later they relocated to another flat-topped mountain in the present-day Lesotho, namely Thaba Bosiu. Within a few years, he was the undisputed ruler of a territory stretching from the Caledon River in the east to Thaba Nchu, which was indeed later on within the OFS. Remnants of broken communities as well as previously independent chiefdoms – such as the Phuting and the Ramokhele – joined Moshoeshoe for the security and economic stability which he could offer. However, it was expected of the satellite chiefs to contribute to the protection and stability of his emerging kingdom. In 1833 he even invited missionaries of the Paris Evangelical Mission Society to settle in his kingdom close to Thaba Bosiu. The trekboers and from 1836 the Voortrekkers who ventured north of the Orange River remained at peace with Moshoeshoe. In 1843 the Governor of the Cape Colony signed a treaty with Moshoeshoe in terms of which the latter agreed to help preserve peace and security. In 1849 Moshoeshoe even signed an agreement with the British authorities in the then Orange River Sovereignty to accept the Warden line as boundary. This resulted in Moshoeshoe losing some of his kingdom's land. When the British later signed the Bloemfontein Convention with the Boers and the Republic of the OFS emerged, the Warden line became its eastern boundary. Since the border was not acceptable and Moshoeshoe kept claiming parts of the OFS, a series of three wars between the Sotho and that Republic followed. In the second of these wars, which took place in 1865–1866, the OFS was aided by the Rolong of Kgosi Moroka, because the Rolong believed the Free Staters would help them gain access to more land. The Sotho were eventually defeated and the ageing Moshoeshoe was forced to sign the Treaty of Thaba Bosiu, in terms of which the size of his kingdom was further reduced to what is today Lesotho. The Sotho subsequently resumed the war, but in 1868 Moshoeshoe was forced to seek British protection and his kingdom became a British protectorate.

The point is that, contrary to the allegation in the *Final Report*, Moshoeshoe elected to establish the heart of his kingdom in the mountains. He was not driven there after bloody wars of resistance against the British and the OFS: These forces were not yet active in that area when he established his strongholds at Butha-Buthe and at Thaba Bosiu.

In the last part of the fifth sentence, the “victim” narrative is again adopted with reference to the Basotho, with the allegation that they “were later placed under the so-called British Protectorate.” The historic reality is that Moshoeshoe himself requested the British government to declare the lands of the Basotho a protectorate, thus gaining the British Empire as an ally against the OFS. In the long run, this strategic move by the Sotho King guaranteed their possession of a country of their own – namely Lesotho – which they still possess after the demise of both the OFS and the British Empire.<sup>31</sup>

According to the sixth sentence

[t]wo African locations were created after the Anglo-Boer War, namely at the impoverished Thaba Nchu and stony, hilly and mountainous Witsieshoek.

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<sup>31</sup> Grenfell Williams, J. 1959. *Moshesh. The man and the mountain*. London: Oxford University Press, p. 145.

These areas were both inhabited by respectively the Rolong of Kgosi Moroka and the Tlokwa of Kgosi Sekonyela before the Great Trek began in 1835. Those communities found refuge there at the time of the *Difaqane*. However, Sekonyela found a rival in Moshoeshe of the Sotho. The tension between them remained unresolved for two decades and resulted in continuous raids and counter-raids. In 1853 it culminated in Moshoeshe launching a crushing and decisive attack against the Tlokwa – an attack which, according to historian Paul Maylam, virtually destroyed the independent Tlokwa chiefdom. Most of the Tlokwa subsequently joined Moshoeshe.<sup>32</sup> After the establishment of the OFS in 1854, the OFS government treated Moroka as a friendly and independent chief. The Sotho chief Paulus Mopeli was on his own allowed to become a subject of the OFS and to occupy the uninhabited section of Witsieshoek. The government of the OFS ended the independent status of Thaba Nchu in 1884, but it remained a so-called native area up to the end of the republican period. Even though reduced in size, both Thaba Nchu and Witsieshoek indeed remained so-called native locations, as this sentence correctly indicates.<sup>33</sup>

In the seventh sentence of the paragraph, the *Final Report* states:

The Republic of the Orange Free State Squatters Law was strictly enforced to restrict the number of Africans on the so-called European Farms.

This sentence is followed by a footnote reference to pp 126–127 of T.R.H. Davenport’s book *South Africa – A modern history*.<sup>34</sup> However, there is no mention of either the OFS or of the Squatters Law on these pages of Davenport’s book. The statement in the sentence is questionable. According to the historian Colin Bundy:<sup>35</sup>

Anti-squatting laws and other legislation designed to promote the flow of labour were enacted year after year (especially 7-1866, 2-1871, Masters and Servants Law of 1873, 7-1881, 11-1883) [in the OFS], yet the same years saw considerable settlement by African peasants on government and private lands. Anti-squatting measures remained dead letters as long as collection of tribute from African peasants remained the easiest means of appropriating surplus [...]

The final sentence of the paragraph is factually correct.

## **C: The European invasion of KwaXhosa territory (Eastern Cape) 1778–1878**

**Under the heading “C: THE EUROPEAN INVASION OF KWAXHOSA TERRITORY (EASTERN CAPE) 1778-1878”, the next section of the *Final Report* states:**

The African land kwaXhosa was invaded by Europeans from 1778 onwards. Prof TRH Davenport describes how European invaders used military tactics to defeat the Xhosa people who were descendants of King Mnguni kaNtu in that 100 years of invasion. The Africans were eventually defeated, mainly through the British tactics of divide-and-conquer, and their arable agricultural and pastoral land divided among European farmers. The Africans were driven into the barren mimosa-

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<sup>32</sup> Maylam, P. 1986. *A history of the African People of South Africa: from the Early Iron Age to the 1970s*. Cape Town: David Philip, pp. 57 & 111.

<sup>33</sup> See:

- Eloff, C.C. 1980. *Oos-Vrystaatse Grensgordel: 'n Streekhistoriese voorstudie en bronneverkenning*. Pretoria: Raad vir Geesteswetenskaplike Navorsing, pp. 28–29;
- Changuion, L. & Steenkamp, B. 2011. *Omstrede Land. Die historiese ontwikkeling van die Suid-Afrikaanse grondvraagstuk, 1652–2011*. Pretoria: Protea Boekhuis, pp. 58, 60 & 201.

<sup>34</sup> Davenport, T.H.D. 1987. *South Africa – A modern history*. Third edition. Johannesburg: Macmillan South Africa.

<sup>35</sup> Bundy, C. 1979. *The rise and fall of the South African peasantry*. London: Heinemann, p. 204.



ridden and hilly areas where they were placed in Native Reserves under Amakhosi and iziNduna. All the land around Port St. Johns also ended up being usurped by the British from the amaMpondo.

This paragraph contains such a superficial summary of a complicated history that it hardly deserves commentary. The authors of the *Final Report* again refer to Davenport's book (see footnote 34), but they fail to appreciate his main argument that numerous factors must be considered in any explanation of the course of events in this part of South Africa. The paragraph of Davenport's book which the authors refer to states the following, which those authors of the *Final Report* ignored:<sup>36</sup>

The saga of the Cape eastern frontier was a story of rivalry, conflict and peaceful contact which lasted from the earliest encounters between the southern Nguni in the eighteenth century to the incorporation of Pondoland in the Cape Colony in 1894. Nine wars were fought between 1778 and 1878. Far more than any other frontier, it was one on which policies were thought out and deliberately applied. The blockhouse system and the military village; the buffer strip, the frontier of no outlets and the trading pass; the trade fair, mission station, hospital and school; the spoor law, the treaty system, the government agent, the magistrate – all these were tied in various combinations, in a bid to maintain order and peaceful coexistence at the meeting point of two disparate but competing cultures. Policies were debated, not only at the chief's great place and in Cape Town, but also in London, where permission had to be given before the Colonial borders could be extended. Extension followed a complex double process, with the authority of the Governor (from 1846 the High Commissioner) exercised through Colonial magistrates, frequently preceding annexation to the Colony proper. On the black side of the frontier, as on the white, power was not monolithic but divided. If this made for weakness in the individual chieftdom, it also ensured that conquest would be piecemeal and take much longer to achieve.

It is certainly true that the whole area of the present Eastern Cape that was inhabited by the Xhosa people before 1778 was annexed in the course of the next century and became part of the Cape Colony. However, the generalisation that the "arable agricultural and pastoral land [of the Xhosa people] were divided among European farmers" is not historically tenable. The largest part of this area, namely the Transkei area, including vast areas of "arable agricultural and pastoral land", remained in possession of Xhosa farmers, even though their leaders had lost their political independence. Moreover, very few European farmers occupied any Xhosa lands – the area south of the Kei River, including the so-called Suurveld (the area between the Sundays and Great Fish Rivers),<sup>37</sup> was occupied by colonial farmers. The colonial authorities forced the Xhosa communities of this area into reserves, which in time did become more or less barren as a result of overpopulation, overgrazing and the absence of proper economic development.

It should be noted that the author Davenport had made a mistake in the paragraph quoted above, and the *Final Report* consequently made the same error. The first of the nine wars between the Xhosa people and the white people of the Cape Colony began in 1779.<sup>38</sup> The *Final Report* moreover ignores the experiences of some of the Eastern Cape communities who were not amaXhosa. These include the Khoikhoi communities, *inter alia* that of the Kat River settlement, and the Griqua who settled in the so-called "no-man's-land" territory between Mpondoland and colonial Natal.

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<sup>36</sup> Davenport, T.R.H. 1987. *South Africa – A modern history*. Third edition. Johannesburg: Macmillan South Africa, pp. 126–127.

<sup>37</sup> Böeseken, A.J. 1948. *Geskiedenis-atlas vir Suid-Afrika*. Kaapstad: Nasionale Pers Beperk, pp. 56–57.

<sup>38</sup> Visser, D. 2016. Beveiliging van die Kaap teen binnelandse bedreigings. In De Wet, C. (Ed.). *Die VOC aan die Kaap, 1652–1795*. Pretoria: Protea Boekhuis, pp. 223–224.

## D: The Boer/Voortrekker invasion of the Zulu Kingdom

Under the heading “D: THE BOER/VOORTREKKER INVASION OF THE ZULU KINGDOM”, the first paragraph of the next section of the *Final Report* states:

The first invasion of KwaZulu Kingdom was by the Boers under the leadership of Piet Retief and assisted by the British settlers who were the first Europeans given residential sites by King Shaka eSibubulungu (Port Natal) in 1824. The invasion took place at kwaNobamba (Weenen) in November 1837. The army of King Dingane (1830 – 1840) resisted the Boer invasion, but were repulsed at eNcome (Bloedrivier) on 16 December 1838. Following this war, the Boers confiscated the whole Zulu Kingdom south of the Thukela to the Mzimvubu Rivers. Thus, the Zulu Kingdom came to be divided into two parts, with the Boers establishing the so-called Republic of Natalia with its capital kwaMachibisa which had formerly been under the rule of Princess Machibisa. She was the sister of Prince Madzikana Zulu. Machibisa was renamed to ‘Pietermaritzburg’ after Piet Retief and Gerrit Maritz – two Boer leaders in 1838-1842.

The first part of the paragraph discusses the so-called Boer invasion of the KwaZulu Kingdom in 1837–1838. It is an undisputed historical fact that a large percentage of the Voortrekkers, eventually numbering a few thousand, began trekking across the Drakensberg Mountains into the present KwaZulu-Natal province in November 1837. These Voortrekkers initially established temporary camps in the area to the west of present-day Weenen (kwaNobamba), which did not exist at that time and was only founded as a town by the Voortrekkers a few years later. To call this migration an *invasion* of the KwaZulu Kingdom amounts to a distortion of the historical reality. The area occupied by the Voortrekkers was not part of the Zulu Kingdom that had been established by King Shaka. According to the historian Leonard Thompson, Shaka’s authority extended from the Pongola River in the north to the Tukela in the south, and from the Buffalo River to the sea.<sup>39</sup> He furthermore explains that

[t]he inhabitants of Natal, south of the Tukela River, who had been divided among a large number of small chiefdoms, began to be disorganized on the early years of Shaka’s reign. [...] By 1824 most of the country between the Tukela and the Mzimkhulu, the Drakensberg and the sea, was devastated. The cattle had been removed, the grain destroyed. Thousands of people had been killed; others had fled further south; and others had been absorbed into the Zulu nation. [...] [Only] a few thousand Nguni maintained some sort of existence in areas sheltered by mountains or bush.

The *Final Report* correctly states that Piet Retief was at that time the leader of the Voortrekkers. However, the authors of the *Final Report* do not mention the negotiations between Dingane and Retief, which culminated on 4 February 1838 in a treaty<sup>40</sup> in terms of which the Zulu King gave to Retief and his countrymen as their everlasting property

the place called Port Natal, together with all the land annexed, that is to say from Dogela [Tukela] to the Omsoboebobo [Mzimvubu] River westward and from the Sea to the North, as far as the land may be useful and in my possession.

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<sup>39</sup> Thompson, L. 1969. Co-operation and conflict: The Zulu Kingdom and Natal. In Wilson, M. & Thompson, L. (Eds.). *The Oxford history of South Africa – South Africa to 1870*. Oxford: Clarendon Press, p. 344.

<sup>40</sup> See:

- Thompson, L. 1969. Co-operation and conflict: the Zulu Kingdom and Natal. In Wilson, M. & Thompson, L. (Eds.). *The Oxford history of South Africa – South Africa to 1870*. Oxford: Clarendon Press, p. 344.
- Text of the Retief-Dingane Treaty in: Eybers, G.W. (Ed.). 1918. *Select constitutional documents illustrating South African history 1795–1910*. London: George Routledge & Sons Limited, pp. 148–149.

Some writers refuse to accept that Dingane put his mark to such a treaty. They and others point out that the Zulu king was not permitted to alienate land, since, as the historian Maphalala explains:<sup>41</sup>

The land did not belong to the king but was regarded as the sacred heritage from uMvelinqangi, i.e. God. It was always indivisible.

However, there is no doubt that King Dingane concluded such a treaty with Retief. The missionary Francis Owen, who was an eyewitness when Dingane put his mark to it, wrote about the ceremony in his diary.<sup>42</sup> He had no reason to lie about it. Moreover, neither the founder of the Zulu Kingdom, King Shaka, nor Dingane, hesitated in respectively 1824 and 1835 to grant residential rights to the British traders at Port Natal, which was situated in the centre of the present-day harbour city Durban, and was in 1838 within the area given to Retief and his Voortrekkers.<sup>43</sup> The *Final Report* mentions the grant of 1824. It should also be recognised that those two Zulu Kings were – if it is accepted that they were not permitted to alienate land – acting within their rights in their agreements with both the British at Port Natal and with the Voortrekkers, since the territory south of the Thukela River fell outside the land of the ancestors of the Zulu people and also outside the Zulu Kingdom. To allege that the Voortrekkers invaded the Zulu Kingdom, as is done in the heading and first few sentences of this section of the *Final Report*, is therefore a distortion of historical reality.

There is no mention in the *Final Report* of the brutal way in which Retief and about 100 of his men (servants included) were killed on Dingane's orders while they were on a diplomatic mission to Mgungundhlovu, the capital of the Zulu Kingdom. The only encounter mentioned in the *Final Report* is the Battle of Blood River (eNcome), where the Zulu forces were repulsed by the Voortrekkers. It is then alleged, in the first part of the fourth sentence of this paragraph of the *Final Report*, that the "Boers" after repulsing Dingane's forces "confiscated the whole Zulu Kingdom south of the Thukela to the Mzimvubu Rivers". This was no confiscation: The occupation of that territory was carried out in terms of the treaty of 4 February 1838 between Dingane and the Voortrekkers. No mention is made of the palace revolt which subsequently took place in the Zulu Kingdom, when Mpande, with the active support of the Voortrekkers, overthrew Dingane, who was soon afterwards killed by a group of Swazi warriors, who were traditional enemies of the Zulu people.<sup>44</sup>

It is alleged in the last three sentences of the paragraph that Pietermaritzburg, which was established in 1839 by the Voortrekkers (called Boers in the *Final Report*) as the capital of their Republic of Natalia, was founded on a site called kwaMachibisa, which had formerly been under the rule of Princess Machibisa. It is not clear who Princess Machibisa was, since no source reference indicating this is provided in the *Final Report*. There is at present a village called KwaMachibisa in the vicinity of KwaDukuza in KwaZulu-Natal, but this is more than 100 kilometres away from Pietermaritzburg. In Zulu the word *chibisa* means "to chase away" or "to banish". One explanation

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<sup>41</sup> Maphalala, J.S.H. 1997. *Prince Shingana Kampande and white supremacy 1838–1911*. Paper presented at the University of Natal, Pietermaritzburg, History Workshop, 3–4 April, p. 5. Available at <http://www.princeafricazulu.org/news/wp-content/uploads/2010/06/hrh-prince-shingana-kampande.pdf>. Accessed on 18 August 2021.

<sup>42</sup> Owen, F. 1926. *The diary of the Rev. Francis Owen, M.A. missionary with Dingaan in 1837–38. Together with extracts from the writings of the interpreters in Zulu, Messrs Hulley and Kirkman. Edited by Sir Geo E. Cory*. Cape Town: The Van Riebeeck Society, p. 108.

<sup>43</sup> Laband, J. 1995. *Rope of sand – The rise and fall of the Zulu Kingdom in the nineteenth century*. Johannesburg: Jonathan Ball, p. 32.

<sup>44</sup> Thompson, L. 1969. Co-operation and conflict: the Zulu Kingdom and Natal. In Wilson, M. & Thompson, L. (Eds.). *The Oxford history of South Africa – South Africa to 1870*. Oxford: Clarendon Press, pp. 362–363.

is that this place name refers to the princess of Chief Dlaba, who was evicted by King Shaka.<sup>45</sup> In the *Final Report* it is stated that Princess Machibisa was the sister of Prince Madzikana Zulu. He could not be precisely identified either. The only Madzikane ka Zulu (not Madzilana Zulu) that could be identified was – according to Wikipedia – the founder and a king of the Bhaca people of the present-day Eastern Cape. There is no mention in his family of a Princess Machibisa.<sup>46</sup> The Madzikane Ka Zulu Memorial Hospital in Mount Frere is probably named after him.<sup>47</sup> There is a Machibisa Street in the Edendale suburb of Pietermaritzburg. One source suggests that it was named after Princess Machibisa of the Zondi Royal House, who was married to a white man named Mabulala.<sup>48</sup> The historian Maphalala also states, with vague reference to “well-known tradition in the Zulu Royal House”, that Machibisa was renamed Pietermaritzburg, without providing any further detail.<sup>49</sup> However, in a book by M.S.T. Buthelezi<sup>50</sup> it is stated that it was Edendale that was originally named Machibisa after a Zondi chief’s daughter, Machibisa, and that it

got that name because the area was so suitable for cattle farming that the chief had many cattle. Machibisa refers to the abundance of cattle in the area.

What is clear from this analysis is that the claim in the *Final Report* that Pietermaritzburg was “founded on a site called kwaMachibisa which had formerly been under the rule of Princess Machibisa” is not based on any solid evidence and can therefore not be accepted. The statement in the last sentence of this paragraph of the *Final Report* that Pietermaritzburg was named after Piet Retief and Gerrit Maritz – “two Boer leaders in 1838–1842” – is not correct either: Both Retief and Maritz died in 1838.

#### **In the second paragraph of “Section D of the *Final Report*”, it is stated that**

In 1846, the Land Boundary Commission of Lt. Governor Martin West was established and tasked with assisting the Secretary of Native Affairs, Theophilus Shepstone (1845-1877) to allocate land to the Zulu people. The 2 000 000 acres of land set aside for the Zulu people by this commission was impoverished, mountainous, barren, hilly and mimosa-ridden. The Zulu people were subsequently ordered to leave their private lands (their former arable fertile grazing lands) and the neighbourhood of towns, where no squatting was allowed. These orders were given in 1846. The land tenure of the Zulu people in Natal was first limited to locations under Amakhosi, controlled by European magistrates and under the Secretary of Native Affairs. Secondly, Zulu tenure was limited to living on the so-called ‘European private lands’ as tenants, mostly giving labour in lieu of rent.

The information given in this paragraph is more or less historically correct but contains factual errors and generalisations. A period of more than three years lapsed between the British takeover of Natal from the Voortrekkers in 1842 to the arrival of Martin West as the first Lieutenant-Governor of the British sub-colony Natal at the end of 1845. In that period, thousands of Zulu people and members of other black communities migrated to and settled in the former

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<sup>45</sup> Raper, P.E., Möller, L.A. & Du Plessis, L.T. 2020. *Plekname van Suider-Afrika*. Pretoria: Protea Boekhuis, p. 385.

<sup>46</sup> *Madzikane*. Available at <https://en.wikipedia.org/wiki/Madzikane>. Accessed on 22 January 2021.

<sup>47</sup> *Madzikane Ka Zulu Memorial Hospital*. Available at <https://www.medpages.info/sf/index.php?page=organisation&orgcode=111826>. Accessed on 22 January 2021.

<sup>48</sup> *Curious Adventure Tourism Portfolios*. Available at <https://www.zulu.org.za/places-to-go/pietermaritzburg-and-midlands/curious-adventures-tourism-portfolios-P47483>. Accessed on 22 January 2021.

<sup>49</sup> Maphalala, J.S.H. 1997. *Prince Shingana Kampande and white supremacy 1838–1911*. Paper presented at the University of Natal, Pietermaritzburg, History Workshop, 3-4 April, p. 4. Available at <http://www.princeafricazulu.org/news/wp-content/uploads/2010/06/hrh-prince-shingana-kampande.pdf>. Accessed on 18 August 2021.

<sup>50</sup> Buthelezi, M.S.T. 2004. *African nurse pioneers in KwaZulu/Natal – 1920–2000*. Bloomington: Trafford Publishing, n.p.

Voortrekker republic, while many Voortrekkers left the area again. According to the historian Leonard Thompson,<sup>51</sup>

Natal had a population of about 100 000 Africans and 3 000 Afrikaners [when West arrived]. [...] The Africans were scattered throughout the territory, their social and political cohesion pulverized by the events of the last three decades.

Henry Cloete, who had served as the British administrator of Natal before West's arrival,

had done virtually nothing to place African land-holding on a legal basis, beyond recommending that several areas should be set aside for their use. In March 1846 West appointed a Commission to give effect to this advice.

Theophilus Shepstone, the "Diplomatic Agent of the Native Tribes", was a member of and the driving force within this commission, which "defined the sites of four or five 'locations' (i.e. areas to be reserved for Africans) and several 'mission reserves'", but was disbanded in 1848 before it had completed its work. "Nevertheless, it laid the foundations of the [Natal] land system [...]" By the 1860s about 800 000 hectares of the 5 000 000 hectares of land in Natal had been allotted to Africans. Thompson writes that<sup>52</sup>

[m]ost of the locations (as they continued to be called) were immediately south of the Thukela river, but there were also locations south of Durban, west of Pietermaritzburg, and beneath the Drakensberg. The land varied in quality and included a great deal that was rocky and unsuited to cultivation. [...] The Commission also recommended that each of the locations should be supervised by a Resident Agent with assistants, and a police force of white officers and African other ranks.

Theophilus Shepstone, who was Diplomatic Agent in Natal from 1845 to 1853 and Secretary for Native Affairs from 1853 to 1875, was in charge of the general administration of Natal's black population. He believed that features of pre-colonial life should be maintained in the 'locations'. Consequently, designated chiefs and indunas were given the authority to settle issues relating to 'Native Law'. According to Giliomee and Mbenga,<sup>53</sup>

Shepstone's system was remarkably successful in retaining peace and security in Natal, and simultaneously provided a steady flow of workers onto white farms and elsewhere. [...] But it had flaws. For example, many Africans had no hereditary allegiances, and as they moved away from the locations, they shed what allegiances they might have had [...] An important aspect of the Shepstone system was its use elsewhere, in other districts and states in South Africa, especially Zululand, Griqualand West and the Transvaal [...] It was the Shepstone model more than any other that paved the way for the segregationist regimes of the twentieth century [...]

The *Final Report* fails to mention the arrival of Indian indentured labourers in Natal in this period – a development which further complicated the issue of land ownership in South Africa.<sup>54</sup>

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<sup>51</sup> Thompson, L. 1969. Co-operation and conflict: The Zulu Kingdom and Natal. In Wilson, M. & Thompson, L. (Eds.) *The Oxford history of South Africa – South Africa to 1870*. Oxford: Clarendon Press, pp. 373–375.

<sup>52</sup> *Ibid.*

<sup>53</sup> Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town: Tafelberg, p. 148.

<sup>54</sup> Pachai, B. 1971. *The international aspects of the South African Indian question 1860–1971*. Cape Town: C. Struik, especially chapter one.



## E. The British invasion of the Zulu Kingdom North of the Thukela and Mzinyathi Rivers – 1879

Under the heading “E. THE BRITISH INVASION OF THE ZULU KINGDOM NORTH OF THE THUKELA AND MZINYATHI RIVERS – 1879”, the next section of the *Final Report* states:

The Zulu Kingdom under King Cetshwayo was the only independent African country remaining in South Africa when it was invaded by the British on 22 January 1879. Although the Zulu warriors bravely defended their kingdom, wiping out the entire British army at eSandlwana, they were eventually defeated when the British army burnt down their capital at oNdini on 4 July 1879. King Cetshwayo was captured at eNcome on 31 August 1879 and incarcerated at the Cape Castle and on the Oude Molen farm. In 1887, England signed a convention with the Boers, ceding the whole Zulu territory, later known as the New Republic or the Vryheid district, which was 700 sq. miles, to the Boers. This was the best agricultural and pastoral land in the Zulu Kingdom. The rest of what was remaining of the Zulu Kingdom was annexed by England in the same year by Zululand proclamation No 2 of 1887. The Boers were also allowed by England to confiscate all the land of eMakhosini near Babanango, the sacred burial site for most of the Zulu kings, to be turned into farms of the Boers. The Boers were also allowed to occupy most of the fertile arable land along the Mhlathuze river in what became known as Proviso B.

There are a number of incorrect statements and distortions of historical reality in this paragraph. The statement in the first sentence that the Zulu Kingdom under King Cetshwayo was the only independent African country remaining in South Africa when it was invaded in January 1879, is simply not true. The Venda community of the Soutpansberg area in the north of the present Limpopo province was also still independent at that time, as was the Lobedu of the rain queen Modjadji and the Pedi of Sekhukhune.<sup>55</sup> It is also stated in the first sentence that the British invasion of the Zulu Kingdom began on 22 January 1879, but it actually began nine days earlier, at daybreak on 11 January. The first part of the second sentence the *Final Report* praises the Zulu warriors for bravely defending their kingdom, but the claim that they wiped out “the entire British army at eSandlwana” is a massive exaggeration. The British forces that invaded the Zulu Kingdom in January 1879 consisted of three columns. Only one section of the central column was involved in the famous battle that took place on 22 January. They did suffer a massive defeat. Indeed, 1 250 men of the central column (almost one-third of their strength) were wiped out, since the Zulu, as was their custom, took no prisoners in the battle. However, the entire British army was not wiped out. On the contrary, as is pointed out in the *Final Report*, the British forces subsequently defeated the Zulu warriors. The final battle took place at Ulundi on 4 July 1879 and the invaders destroyed Cetshwayo’s capital oNdini on the same day. Cetshwayo himself became a British prisoner of war, was exiled to the Cape Colony and was incarcerated on the Farm Oude Molen – not Moulén as stated in the *Final Report*. He even visited Britain, where he met Queen Victoria in 1882. By the time he returned to Zululand in 1883, he was only king in name of a broken kingdom.<sup>56</sup> He died late in 1883.

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<sup>55</sup> See:

- Grobler, J. 2014. State formation and strife, 1850–1900. In Pretorius, F. (ed.). *A history of South Africa from the distant past to the present day*. Pretoria: Protea Boekhuis, pp. 164–165 & 167–168;
- Delius, P. 1983. *The land belongs to us. The Pedi polity, the Boers and the British in the nineteenth-century Transvaal*. London: Heinemann, pp. 181–246.

<sup>56</sup> Laband, J. 1995. *Rope of Sand. The Rise and Fall of the Zulu Kingdom in the Nineteenth Century*. Johannesburg: Jonathan Ball, pp. 219–227, 310–322; 331, 343–353; Van Zyl, M.C. 1968. Cetshwayo. In De Kock, W.J. (chief ed.). *Suid-Afrikaanse Biografiese Woordeboek Deel I*. Pretoria: Raad vir Geesteswetenskaplike Navorsing, pp. 167–168.

The second part of the paragraph also contains factual errors and inaccuracies. It was the Usuthu, as the followers of the late King Cetshwayo and of his son Dinuzulu kaCetshwayo were called, who had in 1883 already reached an agreement with the Boers to assist them against the onslaughts of Zibhebhu and Hanu. The outcome was that the combined forces of Dinuzulu and the Boers who assisted him were victorious in battle over their enemies, thus rescuing the Zulu monarchy. The Boers who assisted him proclaimed Dinuzulu as the King of the Zulu in 1884 and the Usuthu recognised him as such. However, they were forced to pay an exorbitant price for their victory. Dinuzulu agreed to grant the Boers more than a million hectares of land as compensation for their assistance to him. The Boers then established this territory as the New Republic. The New Republic was incorporated into the ZAR as the Vryheid district in 1888. It certainly contained some of the choicest grazing lands as well as the emaKhosini valley, the sacred heart of the Zulu Kingdom itself, which meant that the graves of Dinuzulu's royal ancestors were now officially on Boer farms. The *Final Report* correctly states that what was remaining of the Zululand was annexed by Great Britain (not by England) in 1887. The Boers were forced, however, in exchange for British recognition of the boundaries of the New Republic, to cede the territory known as Proviso B to Zululand, but the Boer owners of farms in this area were allowed to retain ownership at a nominal quit rent.<sup>57</sup>

## F. The Zululand Lands Delimitation Commission 1902–1904

**Under the heading “F. THE ZULULAND LANDS DELIMITATION COMMISSION 1902-1904”, the first paragraph of the next section of the *Final Report* states:**

The Zulu Kingdom north of the Thukela and Mzinyathi rivers was according to J L Masson, the surveyor-general 10 000 to 11 000 sq. miles. Before the establishment of the Zululand Lands Delimitation Commission of 1902-1904 under the chairmanship of Charles Saunders, the British in the former Kingdom of KwaZulu, north of the Thukela and Mzinyathi rivers besides occupying Proviso B, lived in the townships of eShowe and at Nondweni which was presumed to be a goldfield. The rest of the former Zulu Kingdom was under King Dinuzulu, Amakhosi and iziNduna. The British wanted Zululand to be opened up for British occupation similar to the demarcation of native reserves in Natal during the Land Boundary Commission of 1846. Charles Saunders told the commission that the land of the Zulu people would be cut smaller by his commission on demarcating Zulu Reserves, thus giving arable lands to the British (Europeans). He was nicknamed Mashiqela (a person who disrespects proper procedures) by the Zulu people because of his forceful manner of removing them from their ancestral lands. The report of this commission resulted in the establishment of 22 Zululand Reserves on dry unproductive land, for the sole occupation of the Zulu people.

This rather confusing paragraph does little to contribute to the debate on land ownership in South Africa. In the first sentence, the measurement *sq. miles* is outdated, while no indication is given of the time when the “Zulu Kingdom north of the Thukela and Mzinyathi rivier” had the size that is mentioned. It neither gives any indication when Masson was the Surveyor-General and of which area he was the Surveyor-General. In the second sentence, mention is made of the British in the “former Kingdom of KwaZulu, north of the Thukela and Mzinyathi rivers”, without any indication who these British persons were (Traders? Farmers? Missionaries? Miners?). In the fifth sentence, mention is made of Saunders' evidence to “the commission”, without explaining

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<sup>57</sup> Laband, J. 1995. *Rope of sand. The rise and fall of the Zulu Kingdom in the nineteenth century*. Johannesburg: Jonathan Ball, pp. 370–377.

before which commission he gave this evidence. A footnote does indicate that it was probably to the South African Native Affairs Commission (SANAC) of 1903–1905, but this Commission – which had a significant impact on the land policies of South African governments in the 20<sup>th</sup> century – is not even mentioned anywhere else in the *Final Report*. The mention of Saunders’ nickname is of course totally out of place in a serious document. The reference to “dry, unproductive land” in the last sentence of the paragraph reflects a supposition rather than factual information. The historian John Laband provides clarity on the issues addressed in this paragraph:<sup>58</sup>

[Initially,] no white settlement had been permitted in the British Colony of Zululand, except for a limited number of mission stations and stores. But [...] the British government had conceded at the time of the territory’s incorporation into Natal [which took place in 1897] that the new Province of Zululand would eventually be thrown open to white farmers. [...] [Consequently] on 1 August 1902, the Zululand Lands Delimitation Commission was set up to demarcate ‘sufficient land’ for ‘native locations’, and to set aside the rest for grants to whites. The Imperial Commissioner was Brigadier-General Sir John Dartnell [...] [who was replaced by R.H. Beachcroft in 1904]; the Colonial Commissioner was [...] C.J.R. [Charles] Saunders, now Chief Magistrate and Civil Commissioner for the Province of Zululand. In going about their task, the commissioners [...] were consciously ‘actuated by a desire to exclude from the Reserves, which were to be inalienable, as much land as [they] conscientiously could’. [...] The consequence was that in the Commission’s final report, submitted on 18 October 1904, 1 057 467 hectares of Zululand (or 40.2 per cent of its total area) were set aside for white purchase and occupation, and 1 573 047 were left for black reserves. [...] Those Zulu who found themselves living on land set aside to be transformed into white privately owned sugar and wattle plantations and who could not be accommodated as workers on these farms were reduced to the status of squatters on lands their forebears had sometimes held since the time of Shaka and before and were made subject to summary eviction to the Reserves.

**In the second paragraph of Section F of the *Final Report*, it is stated that**

[t]he Second Anglo-Boer War (Oct 1899 – May 1902) resulted in victory for the British against the Boers and led to the formation of the Union of South Africa in 1910. The union, which consisted of the Cape, Natal, Transvaal and Orange Free State colonies, was a unitary state under the British crown and under dominion of the local white minority. The British and the Boers united for the sake of their survival and to face in a united manner what they, years later, called the Swart Gevaar (African danger). In 1912, the Union Parliament introduced the Draft Native Settlement Bill. The Secretary for Native Affairs called upon all magistrates in the Union of South Africa in Circular No.4 to submit estimates of the number of ‘squatters’ and ‘servant’ who were to be evicted when the Draft Native Settlement Bill of 1912 became law on 30 June 1913. The Natives Act of June 30 1913 was the cornerstone of territorial segregation in South Africa. This Act prohibited all Africans from purchasing land already usurped by Europeans. Furthermore, it gave European farmers the right to eject Africans from land on which they had been living for generations.

In the first three sentences of the paragraph, the Unification of South Africa is discussed. The Union, formed in 1910, consisted of four provinces, not colonies. The short and sweet assumption that the British and the Boers united for the sake of their survival against the “Swart Gevaar” again reflects a selective approach to historical reality. The “Swart Gevaar” (*Black Peril* would be the correct translation, and not *African danger*, since it had nothing to do with Africa as a concept) notion surfaced during the political campaigns that preceded the general parliamentary elections of 1929 and was used to warn white voters against the threat of miscegenation and

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<sup>58</sup> Laband, J. 1995. *Rope of sand. The rise and fall of the Zulu Kingdom in the nineteenth century*. Johannesburg: Jonathan Ball, pp.pp. 437–438.

white “degeneration” in unsegregated South African cities.<sup>59</sup> The architects of the Union certainly did consider the value of a united stand on the “race question”, but for men like Jan Smuts, who was the driving force in the unification process, the racial issue in relation to conciliation between Afrikaans- and English-speaking white South Africans, and the potential economic and strategic advantages of such unification, were even more important factors at that time.<sup>60</sup>

The topic in the latter part of the paragraph is the Natives Land Act (No 27 of 1913), on which a few superficial comments are made. This Act had its roots in the report of the inter-colonial SANAC of 1903–1905, often called the Lagden Commission after its Chairman, Sir Godfrey Lagden. Indeed, as pointed out by Oakes,<sup>61</sup>

the bulk of the commission’s recommendations revolved around ways of creating separate, different worlds for the black and white communities of the country.

Wide-ranging recommendations were made on the division of land according to white and black territories. They specifically pointed out that the “traditional homelands” of the indigenous communities should be protected by legislation against further white encroachment. However, the commissioners did not want to give those communities “too much” land, since that could hinder the provision of black labour for the mines. The SANAC report became the blueprint for the course taken by the segregation policy in South Africa in many ways. A number of its recommendations were embodied in the Natives Land Act, which was passed in Parliament in 1913. In terms of this Act, existing reserves, mission reserves, traditional tribal lands and some farms that were in private or tribal possession were identified for black people’s exclusive possession.

Black people were not allowed to buy land outside these demarcated areas unless specific permission to do so was granted by the Governor-General. A schedule to the Act declared which land was to be regarded as “native areas”. These scheduled areas comprised a total of 8,9 million hectares or less than 8% of the Union’s land area. The Act furthermore defined the nature of black land tenancy, but this was not applied uniformly in all the provinces of the Union. It meant in practice that in the Free State black sharecropping would immediately become illegal and the number of black tenants on farms would be severely restricted.<sup>62</sup> The *Final Report* is certainly correct in stating that black Africans were in terms of this Act ejected from land on which they had been living for generations, as documented by among others the authors Richard Msimang and Sol Plaatje,<sup>63</sup> but fails to provide more precise details.

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<sup>59</sup> Worden, N. 1994. *The making of modern South Africa: Conquest, segregation and apartheid*. Oxford: Blackwell, p. 77.

<sup>60</sup> Steyn, R. 2015. *Jan Smuts, unafraid of greatness*. Johannesburg: Jonathan Ball Publishers, p. 52.

<sup>61</sup> Oakes, D. (Ed.). 1992. *Reader’s Digest illustrated history of South Africa – The real story*. Second edition. Cape Town: The Reader’s Digest Association Limited, p. 313.

<sup>62</sup> See:

- Scher, D.M. 2014. Post-war race relations, 1902–1948. In Pretorius, F. (Ed.). *A history of South Africa from the distant past to the present day*. Pretoria: Protea Boekhuis, p. 271.
- Oakes, D. (Ed.). 1992. *Reader’s Digest illustrated history of South Africa – The real story*. Second edition. Cape Town: The Reader’s Digest Association Limited, p. 313.
- Giliomee, H. & Mbenga, B. 2007. *New history of South Africa*. Cape Town: Tafelberg, p. 233.

<sup>63</sup> See:

- Msimang, R.W. 1996. *Natives Land Act 1913. Specific cases of evictions and hardships, etc*. Cape Town: Friends of the South African Library.
- Plaatje, S.T. 1982. *Native life in South Africa before and since the European War and the Boer rebellion*. Johannesburg: Ravan Press edition, pp. 78–99.

## G. Conclusion

**Under the heading “G. CONCLUSION”, the first paragraph of the next section of the *Final Report* states:**

The above summary has attempted to show how European nations (Britain and the Netherlands) invaded and confiscated African land. It should be remembered that the European nations did not buy the land. The land was subsequently distributed to European settlers as private farms without any payment by the beneficiaries. Ungqingetshe esibhekene nawo (The stalemate facing us) on claiming the indigenous African land is the fact that on the confiscation of African land, the Europeans erased most evidence which Africans seek to use to prove lawful customary ownership of their ancestral lands. Graves and residential sites of Africans on some European farms were deliberately destroyed to wipe out evidence in many cases.

The statement in the first sentence is partly incorrect: the Netherlands (or Dutch) nation never invaded any part of South Africa and never confiscated land on this continent. Britain, on the other hand, did invade and occupy parts of South Africa, including ancestral lands of indigenous communities. It is true that the British did not buy the land which they occupied from the indigenous communities. The vague statement that the land was subsequently distributed to European settlers as private farms without any payment by the beneficiaries is at best partly correct. The *Final Report* does not indicate who the agency was that distributed the land to European settlers, but it could only have been the British authorities. The VOC (not the Dutch nation) also made land grants to settlers, called free burghers, and later to the trekboers. Those free burghers and trekboers who occupied land were in most areas, such as the Cape Colony, forced to pay some sort of land tax to the authorities. The Voortrekkers and subsequently the Boers did in a number of cases enter into land transactions with indigenous communities, who granted land to them in exchange for payment in the form of cattle or for services rendered. Examples include the treaties between the Voortrekkers and the Zulu Kings Dingane and Mpande, the land transaction between the Voortrekkers and Kgosi Makwana, and the Boers and King Dinuzulu.<sup>64</sup> Boers who participated in the establishment of the Voortrekker and the Boer Republics were then granted farms in those areas.

The accusation is then made that

the Europeans erased most evidence which Africans seek to use to prove lawful customary ownership of their ancestral lands. Graves and residential sites of Africans on some European farms were deliberately destroyed to wipe out evidence in many cases.

This clumsy distortion of historical reality deserves nothing but rejection. The mere fact that no examples of actions of this kind are mentioned in the *Final Report*, indicates that the authors of the accusation have no knowledge of any specific case where this is supposed to have happened. The use of the word *European* in the accusation is moreover again problematic and begs the question: which Europeans? Facts is that numerous sites on privately owned farms that bear witness to indigenous societies who previously lived there, including the remains of graves and

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<sup>64</sup> Van der Merwe, P.J. 1986. *Die Matebeles en die Voortrekkers*. *Argiefjaarboek vir Suid-Afrikaanse Geskiedenis* 49(2). Pretoria: Government Printer, pp. 271–275.

residential sites, have been deliberately preserved by the white owners of these farms. Examples include:<sup>65</sup>

- the Matjies River Cave near Knysna and the Cape St Blaize Cave at Mossel Bay in the Western Cape;
- the rock engravings in Cave 1 on the farm Kalkoenkraal near Aliwal North and the Klasies River Caves Complex on the farms Geelhoutboom and Sandpunt, Humansdorp district, Eastern Cape;
- the Wonderwerk Cave on the farm Wonderwerk near Kuruman and the Old Steccarite Mine on the farm Gatkoppies near Postmasburg in the Northern Cape;
- the graves of Zulu kings Zulu (Nkosinkulu), Phunga, Mageba, Ndaba, Jama, Senzangakhona and Dinuzulu on the farms Heelgoed, Welgekozen, Pandasgraf en Koningsdal in the Emakhosini Valley and the Mgoduyanuka ruins on the farm Zuurlager, Bergville district, in KwaZulu-Natal;
- a cave with prehistoric paintings on the farm Schaapplaats, in the Bethlehem district, and the remains of an early Sotho settlement on the farm Sedan, Lindley district, in the Free State;
- the archaeological site in the Melville Koppies Nature Reserve, Johannesburg, and the Klip River Quarry, a Stone Age site on the farm Klipplaatsdrift near Vereeniging in Gauteng;
- prehistoric stone ruins on the farm Blaauwboschkraal, near Belfast, the stone hut village, presumably inhabited by a Kgatla community earlier than the 19<sup>th</sup> century, on the farm Tafelkop, near Ermelo and the ancient, ruined walls at Mapoch's Caves near Roosenekal in Mpumalanga;
- the archaeological site on the farm Hartbeespoort, near Broederstroom, and the rock engravings on the farm Bosworth, previously known as Doornhoek 24, near Klerksdorp in Northwest; and
- the Mapungubwe site on the farm Greefswald (which is at present part of the Mapungubwe National Park) and the ruins of an ancient village on the farm Verdun, both in Limpopo.

It is quite true that in some cases farmers, road builders, vandals and even local authorities destroy historical and archaeological sites, but this is mostly done out of ignorance about the value of those sites.

**In the second paragraph of Section G of the *Final Report*, it is stated that**

The ancestors of Africans who were evicted from their lands could neither read nor write. Therefore, it is very difficult for their descendants to prove that they ever lived on the so-called "European farms". There is, however abundant proof that the Europeans invaded and confiscated the land of the African people from 1652 onwards; a process which was comprehensively concluded with the annexation of KwaZulu, the last independent African State, through the promulgation of the Zulu Annexation Act of 1897.

The first sentence of this paragraph consists of a generalisation which can be interpreted as an insult to the many black South Africans who could read and write by the time many of the

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<sup>65</sup> See:

- Oberholster, J.J. 1972. *The historical monuments of South Africa*. Cape Town: National Monuments Council, pp. 129, 200, 224, 272, 292, 293, 326 & 332.
- Richardson, D. 2001. *Historic sites of South Africa*. Cape Town: Struik Publishers, pp. 8, 29, 61, 63, 113–114, 123, 167, 182, 197, 215, 217, 252, 253, 260, 263 & 264.

“evictions” mentioned in the *Final Report* took place. Examples of such educated Africans are the minister and missionary Tiyo Soga (1829–1871), the newspaper editor John Tengo Jabavu (1859–1921) and the teacher and politician Sefako Mapogo Makgatho (1861–1951).<sup>66</sup> The writer and politician Solomon Tshekisho Plaatje (1876–1932) actually wrote extensively about the land issue and about evictions after the passing of the Natives Land Act of 1913 in his book *Native Life in South Africa before and since the European war and the Boer rebellion* (see footnote 62).<sup>67</sup> In the second sentence, the incorrect statement that Zululand was the last “independent African State” is repeated.

**In the third paragraph of Section G of the *Final Report*, it is stated that**

[t]he Natives Land Act of 1913 merely legitimised the dispossession that happened during the colonial era and acted as a catalyst for massive forced removals of Africans from the European ‘private farms’. Therefore, the restoration of land to its aboriginal owners must be speeded up and not complicated by placing obstacles in the way.

In the first sentence of this paragraph, the statement is made that the Natives Land Act acted as a catalyst for large-scale forced removals, but no indication is given of the alleged magnitude of these forced removals. As it stands, the sentence reflects an assumption rather than precise information that one would have expected in an official report. The last sentence reflects the opinion of the authors of the *Final Report* and can be disregarded, since it is based on the rather superficial and often questionable findings in this document as a whole.

## Conclusion

The numerous errors in and general lack of trustworthiness of the “HISTORICAL CONTEXT” section of the *Final Report* – which is meant to serve as historical justification for the proposal to expropriate property without compensation – places the whole *Final Report* of the Advisory Panel on Land Reform and Agriculture under suspicion. Even more noticeable are the blatant attempts made by the authors of the *Final Report* to portray white South Africans as Europeans – in other words as foreigners who by definition have no right to land in Africa. This not only reflects a barely-disguised xenophobic attitude, but is a contravention of the South African Constitution, which echoes in its preamble the first statement in the Freedom Charter of 1955 that South Africa belongs to all who live in it – black and white.<sup>68</sup>

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<sup>66</sup> See:

- Soga, T. 1983. *The journal and selected writings of the Reverend Tiyo Soga*. Edited by D. Williams. Cape Town: A.A. Balkema.
- Grobler, J. 1988. *A decisive clash? A short history of Black protest politics in South Africa, 1875–1976*. Pretoria: Acacia, pp. 177 & 187–188.

<sup>67</sup> Willan, B. 1984. *Sol Plaatje – A biography*. Johannesburg: Ravan Press.

<sup>68</sup> See:

- Suttner, R. & Cronin, J. 1986. *30 years of the Freedom Charter*. Johannesburg: Ravan Press, pp. 132–133.