We state at the outset that Every Nation South Africa (ENSA) believes in the different God ordained roles of the State and the Church.

The Church’s role - Challenge people to change their hearts, so that they act with love and brotherly kindness towards each other – sharing, loving, building so that there would be no lack amongst any. Also, to influence and challenge governments by being a key voice on which the State can rely on to establish laws that are based on sound Biblical/Godly principles that will establish justice / liberty / freedom and prosperity for all the people of South Africa.

The State’s Role - Establish clear laws; and execute them effectively and efficiently and to govern the way that all people will act and behave for the benefit of the mutual good i.e. imposed to bring about change from the top down.


**Introduction:**

My name is Simon Lerefolo, I am an engineer by training and currently a pastor at Every Nation church in Johannesburg. My colleague, Gareth Stead and I are here representing Every Nation Southern Africa, formerly known as His People, Gareth is based here in Cape Town. Every Nation is in 50 cities and towns in South Africa and 78 nations globally. We also have campus ministries in most of the tertiary intuitions in South Africa, this means we also represent the young people of South Africa.

Just over ten years my family and I received land through land restitution and for that we are grateful to our government for making it possible. Our land is between Potchefstroom and Klerksdorp. It is a land where my father, grand-parents and great-grandparents grew up. Our clan name is Barolong Bo Modiboa. The approach we took with this land was to build a relationship with the farmers, while entering into an agreement for a 99 year lease. Our rational was that the land is vast and there were parts of the land that were not used and lying dormant.

My uncle left his job and together with many of our unemployed family, relatives and clan members moved back to the land and started farming. The progress has been very slow and this is mainly because of lack of adequate support. The main reason I share this story to indicate that there is a different way especially when we choose work together and land can be restored and redistributed, but without the necessary support it can go to waste.

Chair - as a church body we feel called to speak into the affairs of the nation. The church has a prophetic voice and a prophetic role to play in the nation, therefore we appreciate the opportunity to make this presentation today. We have had a consultation process with our constituencies and have deliberated on the Biblical view of land ownership and land reform.

The Bible is not without examples of landowners on land that was biblically used for agricultural purposes. It is acceptable to God for individuals to buy and own property,
as long as they remember who allowed them such a privilege. The Bible encourages the principles of ownership and stewardship of land by individuals and households.

**Title deeds should be in the hands of as many people.** This gives people access to capital with the ability to borrow against the land or sell it outright. More importantly however, scripture encourages willingness to share the benefits of such ownership with others.

**Decentralisation of ownership and stewardship** to individuals and communities rather than tribal authorities and the State as direct owners leads to the prosperity of many rather than just the enrichment of just the few or just those in authority.

We believe that the Bible provides the following principles that help us in our approach:

1. Love - acting with honour and respect towards one another.
2. Justice – where someone has lost or had something stolen it should be returned or an acceptable restitution should be made.
3. Fairness – restitution should be made in a way that does not unfairly prejudice a single person or group but should be carried by the original perpetrator or group of perpetrators.

**Chair the essence of our presentation is that we do not see a need in amending the constitution in its present form as it already provides for land expropriation without compensation.**

**The case for Land Reform – Moving Forward**

We would like to take this opportunity to present to you and the committee the following recommendations as per our written submission:

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1. cf Deu 8:12,17,18; Jer 29:4-7
2. cf Gen 1:26-28; Gen 2:15
3. cf Lev 26:52-56
4. cf 1 Cor 13
1. **Section 25 of the Constitution:** It is our view as ENSA that the Constitution in its present form is not lacking nor is it an impediment to land reform. Section 25 does not protect property it merely protects an owner against arbitrary deprivation of property. Deprivation that is not arbitrary is therefore permissible. The Government’s power to expropriate does not depend on the willingness of the buyer. It merely requires that the compensation be just and equitable. South Africa should therefore abandon the idea of a market driven approach to land reform. It is clear that a “willing buyer-willing seller” principle will in many cases hamper proper land reform.

2. **Preference for peaceful voluntary resolution of the land disputes:** This approach of alternative dispute resolution encourages voluntary, peaceful resolution of a dispute in a way that results in win-win outcomes for both sides, leaving parties with a relationship to maintain thereafter.

   Whereas in litigation, each party is concerned with its rights to win and cares the least about a relationship with the other side. In our view the opportunity to establish an institution like the Commission for Conciliation and Mediation (CCMA) in labour disputes, should have also been established for land restitution cases. (Chair – we are proposing alternative dispute resolution, instead of litigation - litigation by its very nature is adversarial, hostile, and results in win-lose outcomes. We as a church we are also willing to help and play a role in mediation and conciliation processes)

3. **Mechanisms for success:** Ensuring that land reform policy is made user friendly so as to cater for simple, clear, unambiguous, quick solutions will go a long way in bringing redress. In addition, administrative functions (run by competent and ethical administrators) should be better managed to ensure efficiency and better productivity. A system would also need to be put in place to ensure that beneficiaries are properly identified and processed.

4. **Voluntary surrender of land:** Land owners who willingly surrender their land, or better still surrender their land and take young black land developers under their guidance to develop that land, should be lauded and thanked as they demonstrated a love and commitment to their fellow citizens. (There has been
some great reports of farmers giving away portions of their land to farm workers for example David Potter and his wife Elaine, are giving land away – transferring title deeds to 22 houses and they built on a 4 hectare site, taken from Sunday Times, 2nd Sept 2018. Also, the President recently indicated that government land should the first to be targeted for redistribution, especial in urban areas.)

5. Alternatives to land: Whereas hitherto it has not been the case, compensation need not be limited to the currency of “land only”. Other forms of compensation could be considered and negotiated. As previously stated, the land issue may not necessarily be about the land for most South Africans, it may come down to what constitutes proper economic justice for all. Also, the Freedom Charter states that “The land shall be shared among those who work it”. Therefore, those who would prefer not to return to the land and work the land, they could be compensated by other means.

6. Lessons learnt elsewhere: South Africa has also operated in isolation in dealing with our land challenges. Lessons can be learnt from the experiences in other African countries as well as from our own experiences. Attached as Appendix B are some of the lessons taken from Africa including lessons that could be learnt from our past (Tanzania, Kenya, Ethiopia).

7. Funding: Government could give consideration to the establishment of a National Land Reform Fund, where all South Africans would contribute financially, to be administered through a public-private partnership programme which would also go a long way in bridging the gap of mistrust between Government and the private sector. The fund could be two-pronged, on the one hand, have a Land Acquisition Arm, and on the other hand, an Operational Revolving Loan Fund. An African success story that we could draw from is the One Acre Fund in Kenya.

The One Acre Fund started with 38 farmers in Kenya in 2006, and within a period of 12 years, is now operating in Burundi, Rwanda, Uganda, DRC, Tanzania, and Malawi, having reached 600,000 farmers participating in its
revolving fund, aiming to reach one million farmers by 2020. They estimate that one farmer is able to feed five family members, a million farmers will extricate five million people out of grinding and abject poverty by 2020.

Conclusion

In summary therefore, as ENSA, our position is as follows:

a. Our view on land reform is informed by the biblical principles of justice, reconciliation, stewardship, restitution, restoration and Love (honour and respect)\(^5\);

b. We maintain emphatically and unequivocally that changing section 25 of the Constitution to expropriate without compensation is not necessary or helpful;

c. The Constitution in its present form allows for just and equitable compensation which need not be market related compensation. We are of the view that a market related approach to compensation and many cases is not the answer either;

d. Alternate methods of land reform should also be considered such as for example the current Expropriation Bill;

e. Drawing from experiences elsewhere in Africa and the world could prove beneficial to the process of restitution, redistribution and tenure;

f. Above all else, pursuing models that promote peace, harmony, and social cohesion is the biblical way. Also, maintaining food security and economic growth. We make ourselves available to assist in this process of conciliation and mediation.

\(^5\) For further detail, see Appendix C