

**Church of the Province of Southern Africa**

**CPSA and LAND :**

**CONSULTATIVE CONFERENCE**

**23-24 June 2004**

**St. Peter's Lodge, Johannesburg**

**Chaired and convened by:**

**Bishop Rubin Phillip**

**Sponsored and facilitated by:**

**Church Land Programme**

**Documented by:**

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## **1. Introduction by Bishop Rubin Phillip**

The issues related to land reform, redistribution, and usage in Southern Africa remain critical challenges for the Church in this region. The ‘fast-track’ land redistribution programme in Zimbabwe over the past few years has once more highlighted the fact that, if left unattended, the land issue will unravel and unwind with devastating consequences to both people and the land itself. The colonial legacy has left a pattern of unequal and unsustainable land distribution and usage across Southern Africa which is reflected in land tenure patterns in this region where vast tracts of arable land remain in the hands of a few large commercial farmers, while the masses of subsistence farmers and tenants still occupy land which is arid, overgrazed, and eroded. The governments in most of the countries in Southern Africa have developed land reform programmes to address these imbalances, but limitations both in terms of available funding and political will have resulted in these patterns remaining largely unchanged in the post-independence era (despite a change in the racial make-up of the commercial farmers in some countries). One of the most glaring inequalities in many countries remains that of excluding women from access and ownership of land, despite the fact that it is mostly women who till and work the land.

Over and against these unjust patterns of land distribution, the Church is summoned by Christ to speak a ‘discerning word’ to those in authority based on the biblical perspective that ‘the earth is the Lord’s and the fullness thereof.’ This asserts that all we seek to do in, with, and to the earth, must be done out of the recognition that this is God’s earth. This means that ‘all human life, and all living things, including the earth and its bounty, is a gift from God and is to be cherished, respected, and enjoyed by all, and any right to private property must be circumscribed by this recognition of God’s fundamental ownership of all things. Every human owner must therefore recognise the “social mortgage” on property, meaning that property should be stewarded for the good not just of the owner, but for the good of others’.

With this understanding, *‘we cannot, be party to any process or system that treats life or the earth as a commodity, nor anything that denies that all the people of the earth hold ownership of the resources of the earth in common under God.’* In terms of land usage, the biblical view is one that supports sustainable livelihoods for the poor and marginalised in our society, as opposed to the pursuit of profit from land by large scale agri-business which strips the earth of its fertility and robs future generations of its benefits. Based on this understanding, *‘we cannot support the dominant vision of sustainable development that undermines both the earth and the poor. Our commitment is to sustainable communities that live and develop by caring for, nurturing and sustaining the people of the earth and the earth which belongs to God, and which God has given us for our sustenance. This is a vision that has sustained the people of God for centuries in many and diverse circumstances. It is a vision that grows out of obedience to the God of Life’* (quoted from SACC Environmental Justice Unit publication which was produced for the World Summit on Sustainable Development in Johannesburg in 2002).

Graham Philpott from the Church Land Programme summarises the key elements and principles of a theological perspective on land as follows:

- Land is a gift from God, to be equitably shared for the benefit of all humanity.
- Land is the ‘locus of life’, the place where life is lived and celebrated, the place that gives life and identity. There is a critical social function of land.
- ‘Ownership’ of land is never absolute because this social function of land is paramount.
- We must acknowledge the propensity for commodification, accumulation and profit, leading to the exclusion of the poor and the denial of their rights in land. Our interventions must be to work against this and ensure redress.
- The Jubilee tradition affirms the redistributive nature of God’s commitment to the poor, seeking to ensure just and equitable access to land and resources.
- Human work on the land should express the dignity of human labour and the joy of participation and cooperation because it is a privilege to be co-creators with God in the unfolding story of creation.
- It is judged as contrary to God’s will where our working of the land strips the earth of fertility and robs future generations of its benefits.

*(Land in South Africa – Discussion Document for SA Churches – CLP Report, 2004:9)*

Based on this brief theological perspective, the CPSA must seek ways to develop its own land to enhance the creation of sustainable livelihoods for communities, and continue to advocate on behalf of the poor and marginalised (especially women) in our Dioceses, to see land equitably distributed and developed as a sign of the coming reign of God (where the dominant vision is that of ‘*Shalom*’ – a time of well being, peace, justice and right relations between people and creation). This process begins with the Church identifying what land it currently owns and occupies by conducting a land audit, and then seeking to develop and transform this land in keeping with the above principles and values.

This consultative conference seeks to provide an opportunity for the CPSA Dioceses outside of South Africa to discuss the issues pertaining to land in their regions with a view to developing holistic strategies to transform the prevailing patterns of land tenure and usage through the development of strategic partnerships with other stakeholders. This report covers the background and proceedings at this conference.

## **2. Background**

A consultative conference on land issues was convened for the Dioceses of Angola, Namibia, Lesotho, Swaziland, Lebombo, and Niassa of the CPSA (i.e. the non-South African dioceses) in Johannesburg on the 23 and 24 June 2004. This consultation was convened and chaired by Bishop Rubin Phillip of the Diocese of Natal, who is the Liaison Bishop for Land in the CPSA, and was sponsored and facilitated by the Church Land Programme (CLP), an independent non-profit organisation working with Churches on land issues, based in Pietermaritzburg.

This consultation was initially scheduled to take place in Maputo in Mozambique, but was relocated to St. Peter's Lodge in Johannesburg due to the lack of a suitable venue and accommodation in Maputo as a result of the African Caribbean Summit which was taking place at the same time. Invitations to this consultation were sent to the Diocesan Bishops of each of the above Dioceses who were requested to nominate an additional clergy person and specialist on land issues from their Diocese to attend the consultation – see *Appendix 1*. Unfortunately, the Bishops of Niassa, Angola and Lebombo, were unable to attend the consultation for unavoidable reasons, but sent the representatives in their place. The proposed programme and framework for presentations was forwarded to each Diocese prior to the consultation and each Diocese was requested to prepare a presentation on land issues as they relate to the Church and the broader society in their regions – see *Appendix 2*.

After consultation with the representatives from the Dioceses of Angola and Mozambique (i.e. Niassa and Lebombo), it was agreed that the services of a Portuguese interpreter be secured to assist with translation at the consultation. The services of Mr Eloi Estanguerio were duly employed to assist with interpretation during the consultation. The consultation took place over two days, commencing after breakfast on June 23 and finishing with lunch on June 24, 2004.

### **3. Opening Remarks**

The conference was opened with a prayer by Bishop Rubin Phillip who welcomed all the delegates to what he termed a 'historic gathering' of representatives from the Dioceses of Angola, Namibia, Lesotho, Swaziland, Lebombo, and Niassa to discuss the issues of land in their respective regions. He expressed regret that the Bishops of Niassa, Lebombo and Angola were unable to attend the consultation, and encouraged all the delegates present to participate as fully as possible in the dialogue and discussions on land issues.

Bishop Rubin explained the background and purpose of the consultation as follows:

A resolution on land had been passed at Provincial Synod in Bloemfontein a few years ago which committed the CPSA to a number of key actions on land issues. These included :

- Establishing an inventory of all the land owned by each Diocese of the CPSA;
- Assessing how this land was being used; and
- Developing strategies for land use in consultation with the different Dioceses to ensure that land owned by the Church was used and distributed in a way which would contribute to the process of social transformation in our communities.

The CLP had been approached to assist with this process for the dioceses within South Africa, and a Land Summit convened in Durban in 2002 to consult on the issue of Church land in South Africa. As the Liaison Bishop on Land issues, Bishop Rubin had felt it would be important to follow-up this summit, with a consultation on

land issues for the non-South African dioceses to look at the critical issues related to Church land in each Diocese, and to look at ways to develop and use this land for the mutual benefit of these Dioceses and their surrounding communities.

Clarity was sought on whether the conference would also deal with issues related to immovable property on Church land which was of greater value than the land itself (Swaziland), and with the process of legalising ownership of land already in the hands of the Church (Angola). In response, Bishop Rubin replied that the specific focus of the consultation was to be on land, but explained that issues related to Church land within each Diocese would also be dealt with during the course of the consultation, and strategies developed to respond to the specifics of each Diocese.

Bishop Rubin then proceeded to introduce Graham Philpott, Thulani Ndlazi, and David Ntseng from the Church Land Programme in Pietermaritzburg who were thanked for their sponsorship of the conference, and for their valuable assistance rendered in the process of conducting land audits and offering advice on land matters to the CPSA in South Africa over the past few years. Graham Philpott was then asked to take on the facilitation of the conference.

#### **4. Introductions**

Graham explained that the CLP was an independent NGO based in Pietermaritzburg which meant that it retained an independence from both the government and any particular Church denomination. It worked with a number of different denominations in South Africa such as the CPSA, Methodist, Lutheran, Congregational, and Catholic Churches on matters related to the transformation of land in their denominations. The CLP adopted the approach of looking at how the Church could use its land as a ministry which contributed to poverty eradication and how land as a gift from God could be used to transform society. The staff of CLP had undertaken theological training and their primary concern was around land and justice issues. In terms of their funding, the CLP raised funds from donors who were targeted for their involvement with land issues such as the Lutherans, Catholics, and Anglican Mission Societies. However, the CLP earned twenty five per cent of their income through contract work to ensure the sustainability of their programmes. Besides focusing on Church land, the CLP also sought to assist the Church to understand its role in assisting other role-players by giving voice to its prophetic witness around land issues. The CLP also worked ecumenically with a number of Councils of Churches on land issues.

The two key aspects of this conference were:

- To develop strategies to deal with our own land; and
- How to give voice to our prophetic witness on land issues in the Southern African region as the CPSA.

Delegates were then asked to interview someone from another Diocese to establish some interesting details about their life and to establish what their expectations were

for the conference and to report this back to the group – see *Appendix 3* for report-back and list of attendees.

## **5. Programme review and methodology**

Graham reviewed the programme for the conference and explained that the aim of the conference was to create an environment for delegates to share their perceptions and experiences related to land, and to reflect theologically and strategically on the issues around land in each Diocese. Each diocese would have the opportunity to share on the critical issues related to land in their region, using the methodology of theological reflection based on the three steps of seeing, judging, and acting. This was described as follows:

- Seeing – what is the context related to land issues in each Diocese i.e. the socio-political, economic, and historical context of land.
- Judging – analysis of why things are like they are, what the common trends are in Southern Africa, and what our Church and biblical tradition says about land distribution and usage.
- Acting – what should be done at both the level of each Diocese and the CPSA to respond to the issues raised through the process of analysis.

In listening to the presentations of each Diocese, delegates were divided into four thematic groups and asked to pay particular attention to the issues related to each of the following themes during the course of the presentations:

- Tenure - issues related to the ownership and access to land within each Diocese.
- Land use – issues related to how Church land is been used in the context of each Diocese.
- Challenges – issues related to the particular challenges facing each Diocese related to land access and usage.
- Responses – issues related to the particular responses by each Diocese to the above challenges.

## **6. Presentations on Land Issues by Dioceses**

Each Diocese was given the opportunity to make a presentation based on the framework forwarded to them on the issues pertaining to land (both Church land and general land policy ) within their regions. These were made as follows:

### **A. Diocese of Swaziland**

#### Background:

Swaziland is a small country with a population of one million people. It is homogenous society with the majority of people living in the rural areas. There are two official languages – Seswati and English. The country is headed by the King and the government is headed administratively by the Prime Minister who is

appointed by the King. There are no official political parties but representatives are elected to the parliament by their *tenkundla* (area). Land is a critical issue in Swaziland as agriculture is the main earner of revenue i.e. sugar and timber.

Land Policy:

Swaziland has a dual system with regard to land tenure i.e. Swazi National Land, which is under the control of the *amakhosi*, and Freehold Land, which is titled land.

- Swazi National Land (SNL) is held by the King in trust for the nation, and the chief's act as administrators of the land on behalf of the King. However, it is also possible to have titled land in the communal areas. Families are allocated a portion of land to raise crops based on subsistence farming and cannot be taxed for revenue earned on this land. In the lowveld area cotton is produced on SNL which is allocated by the chiefs and is not limited in terms of size.

Women are not entitled to receive land or attend tribal meetings in Swaziland. This discriminatory treatment is problematic but an opportunity has been provided for women to access land in terms of the new Constitution (but there are prerequisites). This land cannot be used for collateral and those allocated land need to exercise caution in developing this land as the chiefs have the right to evict without compensation. This land remains the property of the family in perpetuity provided the land is used productively, and the majority of churches of the Diocese of Swaziland are on SNL.

- Title-deed land – At the time that Swaziland gained independence in 1968 most land was in the hands of white farmers. A campaign was launched to raise money to buy-back the land and land was bought back, but most was kept by the government and royal family. This policy has led to an elite group owning large tracts of land while the majority of people are still living in very crowded and impoverished conditions on communal land.

Foreigners can gain access to land in Swaziland through the Land Speculation Board which assists ex-pats in acquiring land. Finally, there is also land called

- Crown Land – is another type of land holding in Swaziland. This land is owned/held by the Government but is not accessible by 'commoners', and is for the exclusive use of the Royal Family.

Challenges for the Church:

The challenges for the Church posed by this land policy are numerous and include the following issues:

- Land rights for women – the Swaziland Council of churches has a gender desk and is raising the issue of access to land for women through a variety of fora.
- Land usage – there is a need to equip people with agricultural skills to enable them to use the land more productively



- Constitutional process – this is a vital process to lay down the rights of marginalised groups such as women.

Diocese of Swaziland:

The Diocese has a Trust Board to administer immovable property. The Church is subjected to the Rating Act in terms of buildings on titled land, and has involved estate agents to assist with the collection of rental from Church property. The Diocese has established an inventory on land, and has received a report from the auditors on buildings on Church land who have recommended that buildings be removed from the control of the Trust Board and placed under the control of the Mothers' Union. Challenges posed by legislation relate to the confirming with the Deeds Office (where title deeds are kept) to ensure that all documents are under Diocese of Swaziland (as some still appear under the Diocese of Zululand), and deciding on the value of Church land for administrative purposes.

Questions posed in response to presentation:

- What percentage of the income of the Diocese is generated from rental from properties owned by the Diocese? – Approximately 60% of income of the Diocese comes from rental income from properties.
- Has the Diocese embarked on an inventory of land? Yes, this was some time ago.
- In terms of succession rights, what happens when the wife of a deceased husband also passes away? The children can inherit the land. However, in the case of the husband passing away, the wife must have a male child to qualify to own the land.

**B. Diocese of Lesotho**

Background:

Lesotho is a land-locked country of 30 000 s/km with population of about two million people. It is a very mountainous area which makes access to remote parts of the country extremely difficult. There are two official languages in Lesotho – Sesotho and English.

Land Policy:

There are two types of land in Lesotho - urban and rural. In the rural areas, land is held in Trust for the Basothu by the King and is allocated by the chiefs as representatives of the King. People are allocated a site to build their house and another to grow crops, and this land is owned in perpetuity by the family (although no formal deeds are issued). In the urban areas, land is not bought (as it belongs to the Basothu people), but must be applied for. New legislation on land tenure stipulates that people can occupy the land allocated to them for ninety years upon application for a lease. People apply for a lease (90 year) and once this has been granted, they can apply for a loan from the bank based on this lease agreement provided it has been approved by the Ministry of Consent. If consent has not been granted by this Ministry, this will not be upheld.

Women are considered minors in Lesotho and have no access to land, if they are not married. However, when the husband of a woman dies, she is allocated his land. To acquire land, people need to have been born Basotho and or have lived in Lesotho for at least five years, and must show qualities of having become a Basothu. Land is owned by a lease tenure system and not by title deed in Lesotho.

Land use:

When an applicant applies for land in terms of the land tenure system, he must explain what he intends to use the land for. Once a person has been allocated land, he is required to develop it in accordance with his application, or the government may re-allocate it to someone else. Poor people are catered for through the lease system by been allocated land which is exempt from taxation provided that no part of the land is sub-let to another person.

Challenges:

The land policy and geography of Lesotho pose the following challenges for the Diocese and people of the country:

- The terrain of the country poses great challenges for the Diocese and there are some areas/parishes which are only accessible by horse-back.
- The Highlands Water Scheme has assisted in building of roads through certain parts of the country but it was questionable who these roads benefited most.
- The Church faced difficulties related to the development of its own property due to a lack of funding and lack of capacity. Parishes comprised very poor congregants and the Diocese did not have sufficient funds to develop its land and where it had been developed, it was not well maintained.

Bishop Tsubella ended his presentation with an appeal for advice and resources to respond to these challenges.

The following questions/comments were posed in response to this presentation:

- Does the Church own or lease the land it has been allocated? The Church owns this land but pays reduced rates.
- Does the ninety year lease system apply to urban or rural areas? The urban areas – land in the rural areas belongs to chiefs and is allocated to people as determined.
- Can land be used as security in the rural areas? Yes, but this must have a lease which can be applied for.
- The Diocese was experiencing problems from communities surrounding Church-owned land where people were occupying Church land and putting up their own structures as a result of the Church failing to use this land productively.
- Bishop Rubin made reference to the Springvale farm which was owned by the Diocese of Natal where a decision has been taken to make this land available to the surrounding community for settlement. However, the Diocese had also retained a small piece of land which it was seeking to develop holistically with

the help of strategic partners as a demonstration of its commitment to transformation.

- Bishop Joseph explained that people faced an on-going struggle for survival in Lesotho due to the high levels of poverty which prevented people from buying seed or being able to plough their land which created a vicious cycle of poverty.
- Is there any commercial/economic use of land in Lesotho, and can foreigners own land in Lesotho? Apart from small enterprises by Chinese business people, there is very little commercial activity, and most farming is subsistence in nature. Foreigners must have a Basothu partner to operate in Lesotho.
- Can banking institutions and the Church own land in Lesotho? Foreign banks cannot own land, but Basothu banks can. Churches are allocated land and are able get a ninety year lease
- What happens if a person from the rural area defaults on their payment of a loan based on a lease agreement? Such loans are usually granted to buy machinery, and the bank will repossess these assets.
- Are women able to access land in urban areas? Married women are not able to access land, but single women are.
- Do women have access to land in other Dioceses? Yes, women and men are entitled to own land in Namibia, Mozambique and Angola.
- If a woman gets divorced does she assume the status of a single woman to access land? Culturally, there is no divorce, but there are ways to achieve this.

### **C. Diocese of Namibia**

#### Background:

Namibia is two-thirds of the land mass of South Africa with a population of only 2,5 million people. Most of this land is made up of the Namib desert which is named after the Namib people and means 'shield'. The Germans accessed Namibia through South Africa and displaced the indigenous people from the prize agricultural land. White-owned land became known as the 'police zone' and no black person was permitted to own land in this area, and were required to occupy the native areas which were overgrazed and overpopulated. Land was allocated by chiefs in these areas and women were not allowed to own land. In terms of its economy, Namibia is rich in minerals and fishing along its seaboard. However, people living in the homelands survived on subsistence farming.

#### Land Policy:

Since independence in 1990, the legislation concerning land ownership has changed and land now belongs to the State unless it is privately owned. The State is permitted to sell or lease land to whomever it wants, and owners of land are required to buy it from the State.

There are two categories of land in Namibia i.e. State land (which may be leased or occupied), and Communal land (land that belongs to the State who acts as a

trustee on behalf of communities who are allocated land). The Land Act of 2002 provides for Land Boards in each of the thirteen regions of Namibia which comprise chiefs and traditional authorities who are tasked with allocating land in the communal areas. The Communal Land Reform Act provides for two forms of land rights i.e. Customary land rights which are related to the allocation of land approved by the Land Boards, and leasehold rights which provide for a ninety-nine year lease which children have the right of succession to upon the death of their parents. An important change to the land legislation is that women now have equal access to land in Namibia for the life-time of the occupier. Once the occupier dies, land must be allocated to the remaining spouse. If the remaining spouse does not accept it, then the land must be allocated to the children, and if they refuse it, the chief may reallocate it to someone else. Permission to occupy (PTO's) will soon be replaced by leasehold agreements.

Agricultural land is no longer restricted to one race group (i.e. the people who obtained it by force from the indigenous population), and the programme of land resettlement and rehabilitation is to spend R 50 million per annum to acquire land for redistribution. The Constitution of Namibia does not allow anyone to acquire land by force and the policy is based on 'willing seller, willing buyer' system and the government must be granted the first offer on land that is put up for sale. The government may expropriate land on basis of 'public interest' but must pay a fair and just price for this land. Recently some farms have been served notices of expropriation.

Church land :

Most of the Church's land is in urban areas and the new towns which have sprung up where property can be acquired. This land is the property of CPSA and the land and title deeds are transferred to the CPSA under trusteeship of Diocesan Trust. In the communal areas, the Church has PTO's and is currently doing an inventory of their land in order to approach the chiefs to confirm this.

Challenges :

The historic imbalances in land ownership and distribution posed the following challenges for the Diocese of Namibia:

- The eviction of farm workers by White farmers was creating tension and the government is threatening to expropriate their land.
- Large land owners have been fencing off their property and excluding the poor from grazing and other rights which was also causing tension in certain areas.
- Parliamentarians were also land owners and were responsible for similar practices and the Council of Churches was highlighting these issues, but was experiencing difficulties in making progress due to the vested interests.

The following questions/comments were posed in response to this presentation :

- An observation was made based on the map displaying land ownership/usage which reflected that most of the arable land was still in the hands of white commercial farmers which the government was trying to acquire through the ‘willing buyer, willing seller’ system. This raised the question, as to where the people who are poor live in Namibia. In response Bishop Shihala stated that unequal land distribution was the problem facing the people and Church in Namibia as poor people re squeezed into small, barren areas e.g. north of Windhoek where there are terrible squatter settlements.
- Are Zimbabwean style land grabs supported by the government? No, but the government has been forced to move into area of expropriation of land from white farmers and some people were asking why the government was paying for its own land, but private ownership of property was strongly upheld in the Constitution and would have to be changed to allow this.
- Do churches pay rates on their land? Only one, in the north of the country.
- Does the Diocese have land from which you are generating income? Had one farm which became a liability, and own land in the north where we are trying to work with the San people to teach them agricultural skills. This was however, proving difficult as there was a need for on-going supervision and mentoring of these people.

#### **D. Dioceses of Niassa and Lebombo (Mozambique)**

The presentations for the Dioceses of Niassa and Libombos were presented together due to the common trends and challenges facing both of these Dioceses, and were divided into three sections.

##### Background

The Portuguese came to Mozambique five hundred years ago and the indigenous people lost all their land through colonial occupation. From 1965 Mozambicans commenced ‘fighting for their land’ (in the words of President Samora Machel) and gained independence in 1975. After independence the indigenous people regained their land but a protracted ‘civil war’ followed . However, we were able to regain our hard-won independence and Bishop Sengulane played a vital role in the mediation process between the warring parties. Once we gained our land, the Church started a process of dialogue on land, and Church leaders engaged in dialogue and discussion on the issue of a new land and forestry law through consultations across the country.

##### Land Policy

The land law in Mozambique is a progressive one by which men and women have equal access to land. There are three ways of gaining access to land in terms of this law:

- Through customary law – people have the right to occupation of land in communal areas without documents. Documents can be obtained and a

delimitation process requested if required by the landowner, but documents are not required by law.

- Good faith – if a person lives in particular place for more than ten years, he/she is entitled to that land and does not need any documents.
- People from outside Mozambique – may acquire land for development in Mozambique through a process of consultation with communities and local authorities. This process involves meeting with the local authority to discuss the land development proposal, which in turn are required to talk to the local community to determine if there are any claims on this land. The local community must be consulted and an agreement signed which is taken to the government in order for a title to be issued.

All three of these systems are equal and the land remains in the occupation of the community in perpetuity. However, if a title-deed is issued, then a fifty year lease is granted which can be renewed but a plan on land usage must be produced which is monitored by government who may reclaim it if not utilised correctly. Despite the lack of titles, the land laws provides for the poor in a non-discriminatory way which is a very good aspect of the land law which is available in all local dialects i.e. land law.

#### Challenges:

Challenges posed by this land policy for the Church are as follows:

- The issue of privatisation of land remains a challenge as the only benefit derived from this is to obtain a loan from the bank, and if titles are sold, then in ten years time communities will be asking the government to buy back its own land.
- The Church needs to constantly keep the interests of the poor people who comprise 80% of the population living in the rural areas in mind when responding to policies on land ownership and usage.
- The Church also needs to help facilitate negotiations on behalf of the poor communities to ensure that their interests are effectively presented to all stakeholders.

#### Diocese of Niassa

The Diocese of Niassa covers all of the north and part of the south of Mozambique which is a vast area incorporating four provinces. The Church is primarily involved in agriculture, health care and education. Land belongs to the government in Mozambique, and the Diocese is currently involved in an experimental project with forestry on land occupied by the Church (which is still being considered on a theoretical basis). A proposal needs to be put to the government to acquire this land for a timber project, and if this is successful, it will be the first time that the Church in Mozambique manages a piece of land to develop it into a commercially viable entity.

Any person, whether male or female, has the right of access to land for agricultural, living or building purposes in Mozambique which is one of the

positive aspects of land policy in Mozambique. Challenges posed by the large size and socio-economic conditions of people living in this vast area, relate to the lack of infrastructure, resources and capacity to develop land acquired by the Church.

Diocese of Lebombo

Mozambique was a republic in political terms, and the Diocese of Lebombo comprised the following provinces:

The Diocese comprised five ecclesiastical districts and Portuguese was the official language but there are also nine other regional languages. The Church was currently actively involved in health care, education and agriculture. The Church did not have any property under its control at present, but there was some collaboration between the Dioceses of Lebombo, Niassa and the Church in Sweden in progress related to land usage and negotiations were currently underway between the parties prior to approaching the government with a proposal.

The following questions/comments were posed in response to this presentation:

- Can the Church or anyone else ‘sell’ land in Mozambique? No, as all land belongs to the government, but you are able to sell what you established on the land.
- Under the ‘good faith’ system, who establishes whether a person has been living on the land for ten years, and why this period? Neighbours and other members of the local community verify this, and the period of ten years was specified because of the war in Mozambique which displaced large numbers of people who moved around a lot, and it was felt that after ten years,
- How does the Church acquire land? If an institution like the Church wants a piece of land, it must go through a process of consultation to acquire a piece of land to build a church and most churches do not have any documents showing ownership of land.
- Who do Zimbabwean investors speak to when they arrive? There are both Zimbabweans and South African investors in Mozambique. Zimbabwean farmers asked for 5000 hectares to start agricultural programmes but communities rejected this, and they then went directly to the government with their proposals and specifications to engage in commercial agriculture and then entered into negotiations with local communities.
- What happened to the land owned by the Portuguese after independence? All land was nationalised and very few Portuguese people remained in the country.
- Is the Church opposed to foreign investment in Mozambique.? No, but we want to ensure that proper consultation takes place, and the Church and NGO’s have a critical role to play in ensuring that this process is followed.
- Must foreign investors still be required to have a Mozambican partner to invest in Mozambique? No, it is no longer compulsory to have a partnership with a Mozambican, but this is advisable to avoid many problems.

- Is there communal and private land in Mozambique? No, Mozambique does not have communal or private land, but have regulations regarding the transfer of land ( but these do not apply to Maputo, and people in Maputo are selling land).
- How is the right balance maintained between market forces and the needs of the poor? This is complicated as we are dealing with issues of gender, privatisation, and land issues and there seems to be a need for compromises in every country to accommodate market forces, but this should never be at the expense of the poor and marginalised.
- Mozambique is the fastest growing economy in Africa and perhaps the world, but from the Church's perspective how do you insure the buildings of the Church? In Mozambique when someone acquires a piece of land it becomes the property of the individual who has the right to build on it . The landowner is issued with a certificate of ownership on land and buildings build on it, and therefore do not need insurance. In terms of commercial insurance, the insurance companies will issue insurance based on a certificate of ownership.

**E. Diocese of Angola :**

Background:

The Diocese of Angola is a new Diocese (last to be registered in Southern Africa) and covers ten provinces with its centre in Luanda. The Diocese covers an enormous area which makes it difficult to reach all the people. There is no constitutional law in place yet as the Constitution is still under negotiation. The Church is participating in this process through an organisation called Coiepa (Inter-denominational Committee). The country is emerging from a very long and costly civil war which has impacted every area of the country and left people very impoverished.

Land Policy:

Land in Angola belongs to the government and at the moment the church has land in all the provinces but this is legalised with regional authorities as national process is still underway. There is currently a lot of disorder as the government was evicting people from land where they had been living for over ten years to develop projects. Politically, Angola is a land at peace at the moment, and Church is playing a vital role in the transition to peace in Angola i.e. building a sustainable peace in the country. Economically, the country is very poor and large numbers of people are homeless and destitute who were displaced by the war and have not yet returned to their birth places.

Challenges:

The challenges posed by this situation are as follows:

- The greatest challenge at present is to legalise the land that is currently owned by Church (at least at local level), and to develop a common position on defending the land/property of the Church.



- Great opportunities currently exist to pursue land ownership and access (both male and female) and the church has an important role to play in both monitoring and assisting people in this process as vast tracts of agricultural land has been left for twenty years and people are now legalising this land in their names.
- In terms of Church land, the church owns a farm of 570 hectares which it is farming, but lacks both the capacity and resources to develop this and other land.

Questions/comments posed in response to this presentation:

- Is there any limit to land acquisition? Yes, people are limited to a maximum of 5000 hectares of land but any person (male or female) can approach the local government representative to obtain a certificate to acquire ownership of land provided that this is not within a 25 km radius of any town.
- What is the Church land been used for i.e. the 570 hectares? Currently there is a group of twenty-five people who are farming the land i.e. cocoa and coffee.
- Until the Constitution has been completed there is still a question mark over land ownership.
- If concessions are given, on what basis are they given? Law for future growth but also based on the development needs of the local community to ensure that these are not impeded. To clarify, the land does not belong to them but if people put together a proposal, the government will allow you to utilise the land provided it is in accordance with your development plan.
- Does Angola have any NGO's working with the Church on securing title deeds, land access, etc.? There are plenty of NGO's but in relation to the size of the country, this is a drop in the bucket and none are working on the land issue or specifically with the Church on these issues.
- The question was then asked whether there were any NGO's working with the Churches on land issues in the other Dioceses.
  - i. Namibia has an organisation called the Legal Assistance Centre comprising lawyers who assist people in rural areas to understand the Land Act who conducted a seminar with all Anglican priests for a week.
  - ii. Swaziland has two processes underway i.e. the constitutional reform process which is trying to bring about some land reform, and a parallel process which is attempting to create a public land policy which represents a great departure from current policy (not a public policy document as yet).
  - iii. Lesotho has no specific NGO working on land issues, but people resettled by Gatsi Dam had to be compensated, and this is where NGO's have been assisting the affected communities.
  - iv. Mozambique has Oram which is represented at the consultation by Mr Nhabanga

## **6. Common Trends from Presentations**

Bishop Rubin thanked all presenters for their presentations which he said were very helpful in understanding the context of each Diocese and the particular land issues within each of the countries represented by each Diocese. Graham Philpott then highlighted the following common trends which he had identified from these presentations:

- Cluster of issues – he identified a cluster of issues linked to land such as the economy and national democratic struggles (the process of each country's struggle for liberation and democracy, becoming an independent nation and addressing the issue of land use) which pointed to the link between discussion on land use with economic realities and policy. The presentations also highlighted the differences between the national struggles for liberation in RSA, Zimbabwe, and Namibia, and those of Angola, and Mozambique. In the former countries, the struggles for liberation ended with negotiated settlements which safeguarded private ownership of land, whereas Angola and Mozambique experienced popular revolutions which caused the colonisers to leave, and land was nationalised by government. Finally, the presentations also highlighted how the economies of countries in Southern Africa have been shaped by Bretton-Woods institutions and Foreign Direct Investment (FDI) (which needed to be assessed in terms of the impact on the macro-economic Policies of each country). This raised the question of where gospel values fitted in this cluster of issues.
- Concentration of land holdings – land used to be held in small parcels but these have become larger and larger, and is held by the wealthy and elite e.g. 6000 commercial farmers own most of the land in Namibia. This land is being privatised and excludes the poor.
- Privatisation of land – foreign control often masked by foreign control e.g. foreign companies which needs to be assessed in terms of what this means for the poor regarding their access to land.

## **7. Thematic Presentations**

The four thematic groups i.e. tenure issues, land use issues, challenges facing the Dioceses, and responses from the Dioceses, presented their assessment of the key trends from the above presentations as follows:

- Group 1 : Tenure issues

This group prefaced their report-back with the statement that theologically land tenure was very important as God had promised the people of Israel a land of milk and honey from the beginning of their formation as a community. Land is meant for the use of the people without discrimination and the future

vision of shalom is of every person sitting under his/her own vine. The promise of God is for access to land for all the people without discrimination. Based on this preface, the following trends were identified related to land tenure:

- i. There is equitable access to the land in all of the countries;
- ii. Despite reforms, women are discriminated against in terms of access to land despite being the majority and most engaged in community development; (though in some societies there are reforms e.g. Mozambique).
- iii. It is generally the rich and influential who benefit from the ‘willing seller, willing buyer’ concept which discriminates against the poor.
- iv. Land allocated in rural areas remains a limiting factor in terms of securing bank loans etc., and access to land remains centralised.
- v. Land remains a commodity for the rich who own vast tracts of land which they don’t even use whilst the poor live in impoverished areas where there is overgrazing etc.

▪ Group 2 – Land use

The following trends were identified in terms of ‘land use’:

- i. The land is a very important asset for any nation and is the sustainer of life.
- ii. Legacy of colonialism still determines land use i.e. same patterns in use based on the market system which is problematic.
- iii. Land use is still not gender balanced while women play a very important role in society.
- iv. There is a lack of government support to communities resulting in a lack of capacity in developing and managing land.
- v. The poor are excluded because they cannot sustain the use of land and poverty has resulted in land remaining fallow as people in the rural areas lack the necessary support mechanisms.
- vi. Land policy is not applied consistently e.g. foreigner owns 32 sites in Lesotho despite been told that all the land belongs to the Basothu.

▪ Group 3 – Challenges facing the Dioceses

The following challenges to the dioceses were identified;

- i. The ownership of land is still the biggest challenge in all the dioceses(although this was not a major problem in Mozambique).
- ii. Discrimination against women in terms of access to land (not a problem in Mozambique).
- iii. The Church needs to be more active in discussing the laws related to land matters in all dioceses (formulation of laws at government level).
- iv. Proper use and management of land given to Church and communities (not a major problem in Mozambique).

- v. Equitable distribution of land to all the people (not a major issue in Mozambique).
- vi. The Church needed to advocate for land redistribution but this was a problem where the Church itself owns large tracts of land e.g. the Catholic Church in Lesotho and Swaziland which was not been used responsively.
- vii. The Church needed to ask critical questions about land distribution and usage which needed to be done with integrity as a land owner itself.

▪ Group 4 – Responses of the Dioceses

The following responses by dioceses were proposed:

- i. There was an urgent need to ascertain how much land was owned by the Church.
- ii. The Church needed advice and assistance on how to use its existing land profitably.
- iii. There was a need to develop strategies to assist poor communities settle on Church land and use this in a sustainable way.
- iv. The Church must educate its members on land laws so that they are aware of their rights on land issues i.e. run a land rights education campaign.
- v. Must engage in advocacy and lobbying with local authorities on behalf of the poor when they are victimised and abused e.g. people evicted from the land for no reason of their own .
- vi. Need for a proactive approach on government land policy

These thematic presentations led to the following question and points of discussion/proposals:

- The need for policy on land from a Church perspective to state our position was highlighted by Bishop Rubin.
- What did these discussions highlight in terms of the role of the Church (CPSA) in responding to the issues of land in Southern Africa?
- What were the implications of corruption in terms of the implementation of land policies which closed the door for the poor, and what role should the Church play in responding to this? .
- It was noted that it is mostly women who work the land in Swaziland, Lesotho and Namibia and that it was sad that women did not have access to land in these countries, and that the entire group reflecting on land issues was male which highlighted the fact that as the Church also needed to look at its own commitment to gender issues.
- Are there models from Church history where land has been used creatively? The Church for the most part has been landlords and has reflected the policies and practices of the ruling class. Some land has been used creatively e.g. to build hospitals, schools which have benefited many, but this has been the exception and not the rule.

- The government in Angola is engaged in formulating a land policy but the Church has not been consulted on issues, and strategies needed to be developed to assist the Church to exercise its influence to lobby and advocate on behalf of the poor e.g. Angola and Namibia.
- There was a need to be more proactive and to develop a strategy to take this process forward to have people discuss these issues in their own communities.
- The Church must establish scriptural principles on which to base their policies on land.
- There was a need to look at issue of partnership with government more critically to ensure that the Church's voice on land issues is heard without being co-opted.
- In terms of gender issues it was proposed that the Church involve women in their literature materials etc. to ensure greater involvement and profile is given to women and land.

## **8. Bible Study**

A bible study based on the issue of access to land for women was conducted – *Appendix 4* – and the following responses received from the two groups:

- Group 1 : Dioceses of Angola, Niassa, and Libombos

The following applications were identified from this bible-study:

- i. An appeal was to be made to the Leadership of our Dioceses to engage in advocacy and lobbying at local authority level on issues of land access for women, and for each Diocese to take a more proactive role in engaging with government on policy formulation and the development of laws around land access for women.
- ii. Priests should try and identify influential Christian believers who work in academic and government institutions to persuade them to become engaged in the policy formulation processes to ensure that they observe biblical principles.
- iii. The community as a whole needs to be educated on biblical perspectives on land and on their rights in terms of the land laws of their country.
- iv. The Church must become the voice of the people (especially those who have no voice) and become more proactive in responding to the issues and challenges of transformation.

- Group 2 : Dioceses of Namibia, Lesotho, and Swaziland

The following themes and applications were identified from the bible-study:

- i. The underlying theme was inheritance of property and gender discrimination and the willingness of women to stand for their family rights.
- ii. There are parallels with our society where the issue of access to land by women is still a problem e.g. women in our society are denied access to

land if they don't have a male child and this passage challenges women to stand up for their rights like the daughters of Zelophehad.

- iii. Each Diocese should influence the laws of the country to meet the needs of women, and women should challenge the laws/culture to their advantage
- iv. Women must be encouraged to take up their rights and find ways to empower them to take up the issues which impact on their livelihoods.

## **9. Commitment to Action**

Each diocese was asked to develop an action plan based on the analysis of the presentation on land issues and biblical reflection by answering the following two questions:

- How will you as a diocese, take forward your commitments regarding the land issues in your region? and,
- What support do you need to assist you in achieving these objectives?

The following responses were received from each Diocese:

### **A. Diocese of Angola :**

- To try and launch a program on land issues which is specific to the Angolan Diocese based on 'biblical light' to take up the issues of land with the government and to educate people on land issues.
- To implement this project they would like to introduce educational programmes among the base community in conjunction with NGO's to ensure that the necessary capacity for training and resources (financial) are available.
- To develop work ethics based on biblical reflection on land issues assisted by the CPSA to ensure that land currently owned by the Angolan Diocese is productively utilised .
- Would like to base their approach to land usage and transformation on biblical principles.

### **B. Dioceses of Libombos and Niassa:**

- Create a Diocesan Commission to deal with all land issues for each Diocese.
- The Church should try to register all land currently in its possession utilising all laws that are in its favour.
- As far as the law allows, and utilising the advantages that exist related to law, the Church should try to use natural resources to their advantage (flora, fauna, timber) to generate income and for building of churches etc.
- To implement the above activities, financial aid will be required to cut timber and to develop partnerships with other organisations.

- Leadership at all levels of the Church must become the voice of the voiceless in society by engaging in advocacy and lobbying activities to ensure that the voice of the poor and marginalised is heard.
- The Church must promote biblical studies and education on the relevant laws related to land, in partnership with organisations (both national and international)

### **C. Diocese of Lesotho**

- The Diocese is to form Land Committees in each parish of the Diocese tasked with the following activities:
  - i. To carry out education on land issues in all parishes of the Diocese.
  - ii. To become the voice of the poor to the government through advocacy and lobbying on issues related to land.
  - iii. To highlight the importance of land to people in the Church and develop a biblical perspective on land distribution and usage.
  - iv. To urge those who already have land to use this productively and explore ways in which the Church can assist these people with the supply of seed and fertilizer.
- Financial aid will need to be sourced to purchase the necessary machinery to plough the land of both Church and community members who owned land.
- The Church will need to get funding to develop its own land for income generation and to assist surrounding communities to develop their land.
- People with land must be encouraged and assisted to make their land productive.
- Where people are unable to utilise their land, the Church could go into partnership with these people e.g. by assisting with a tractor etc.
- Lesotho has also been known traditionally for its stock farming i.e. sheep, goats and cattle and needs to develop strategies to secure livestock.
- If funding is secured to purchase and maintain machinery, then could go into partnerships with communities.
- Would need to employ a Project manager to take responsibility for the implementation of the Diocesan Land Programme.

### **D. Diocese of Swaziland**

Preamble – the question of land is closely connected to the struggle for democracy, and the traditional leadership derives its authority through the allocation of land which can be used as a way of manipulating people e.g. agitators can be punished by losing their right to land. In the light of this fact the Diocese of Swaziland committed itself to the following actions:

- To make people aware that entitlement to land is a right because it is a gift from God and that all people should have access to land to use and enjoy for sustenance.
- To establish the link between access to land , poverty and HIV/AIDS

- To alert people to the inequity in the current land policy and assist them in formulating responses to unfair policies and practices with regard to land.
- To create a forum for discussing the issue of land as it relates to poverty at the Diocesan level.
- To make this a priority for the Justice, Peace and Reconciliation Committee.
- To encourage networking and the establishment of strategic partnerships with organisations involved in advocacy on land issues
- Resources – The diocese has a policy and strategy for alleviating poverty need but this has not taken off the ground due to financial constraints for training the personnel and funding projects. There was a need to identify income generating projects at each parish and for Diocesan Committee to receive proposals from parishes and to establish a revolving fund to fund these projects.

#### **E. Diocese of Namibia**

The Government of Namibia has enacted two pieces of legislation at the national level i.e. the Commercial Land Reform Act of 1992, and Communal Land Reform Act of 2002 which have anti-discrimination clauses in the allocation of land. Within this legislative framework, the Diocese of Namibia committed itself to the following actions:

- To educate all our clergy (already attended workshop in March) on the provisions and implications of these laws.
- To educate women and youth groups on their rights under the law as well as skills training on food production and land usage. Women’s groups are well organised as they have organisations like the Mothers Union which has land which is supposed to be used for crop production but this is not being used productively at present. Youth also need skills on food production as they also have a piece of land
- To appoint a project coordinator to oversee the agricultural project with the San people tasked with training and mentoring them in agricultural crop production and monitoring their on-going progress.
- To monitor the government’s programme of land redistribution in co-operation with CCN (Council of Churches in Namibia) to ensure that this programme benefits the poor.

Issues which emerged during the presentations and discussions of the Land Consultation which were not officially on the agenda for discussion were placed in a ‘Parking Lot’ – see *Appendix 5*.

#### **10. Summary and Overview of Actions**

Bishop Rubin thanked all the delegates for their active involvement and their firm commitments to taking the issues pertaining to land transformation in their respective



Dioceses forward. He presented the following overview of the issues raised from the action plans presented by the Dioceses :

- **Funding and Financial Aid** - the need for funding and financial assistance to implement these programmes emerged as an overarching issue.
- **Diocesan Commission on Land** - the need for establishing a committee or commission on land in each Diocese to take forward the issues of land was identified.
- **Education, training and awareness** - the need for a programme of training, education and awareness for Church people on biblical principles on land, land rights, land use, and women and land, (with a particular focus on youth, women and leadership) was emphasized.
- **Advocacy and lobbying**– the need for the Church to become ‘the voice of the voiceless’ was stressed by each Diocese and for Church to engage the government on land issues such as the abuse, monopoly, and access to land through their leadership structures, and to monitor the government’s policies and programmes of land distribution and usage.
- **CPSA Policy on Land** – the need for a CPSA policy on land policy to be developed based on a theology of land which needs to be the guiding principle emerged as an urgent priority;
- **Productive use and development of Diocesan land** – the need for the Church to supply seed, manure, machinery etc. to ensure productive use of land owned by the Church was highlighted.
- **Partnerships and networking** – the need for strategic partnerships between local NGO’s, the government, national and international agencies, and organisations like the Church Land Programme was needed.
- **Land registry**– the need to establish a register of the land that each Diocese presently occupied was critically important.
- **Gender and land** – the issue of the need for equality in terms of access to land by women was emphasised in all the presentations and needed to be incorporated into the CPSA Land Policy.
- **Full-time Diocesan person to develop land** – the need for a person to be appointed to help coordinate and implement the Land Policy of the CPSA would need to be considered given the importance of this issue in all of the CPSA Dioceses.

Bishop Rubin proposed that *poverty eradication* be the guiding principle in all the CPSA’s actions and reflections on land issues. This proposal was seconded by Bishop Shihala of Namibia who said that the Church needed to work towards the eradication of poverty and not mere reduction.

## **11. Proposed Actions for CPSA**

The following actions were proposed in response to the question on how the CPSA could take forward its responsibility to maintain a prophetic witness regarding land issues in Southern Africa:

- **It was proposed that a Provincial statement/position on land be produced with a statement by Archbishop Ndungane to the PSC at the end of August, to stimulate activities in all Dioceses.**
- **It was proposed that the CPSA Policy Document on Land be produced and circulated to all the Dioceses.**
- **Delegates were advised that a Report on Land Issues with resolutions (based on the issues that emerged from this consultation) was to be presented to the PSC and it was proposed that all the information be collated and put into a booklet to be widely distributed.**
- **It was proposed that a monitoring mechanism to sustain initiatives across all Dioceses be established and to ensure reporting to the Synod of Bishops, Provincial Standing Committee, and Provincial Synod.**
- **It was proposed that a Land Committee/Commission of the CPSA be continued.**
- **It was proposed that clear criteria be established for the nature of partnerships with government and other agencies to guard against co-optation.**
- **In terms of funding assistance, Bishop Rubin advised delegates that, without making any promises, there was a likelihood of funding becoming available to implement some of the projects which have been identified and that the Dioceses present at the consultation should be the first beneficiaries. A policy would need to be developed to regulate the channelling and accounting for funds.**

Finally Bishop Rubin undertook to put together the draft resolutions based on the deliberations from the consultation and distribute these to all delegates via email as soon as possible.

## **12. Evaluation**

Graham Philpott expressed his thanks to delegates on behalf of the Church Land Programme for their level of commitment to the workshop and offered their support to the CPSA in taking this process forward. Delegates were asked in closing to briefly state what they considered positive and what negative about the Land Consultation, and whether their expectations had been met. The following responses were offered:

- The conference venue should have been at a warmer location and it was unfortunate that it had been relocated from Maputo.
- The preparatory material and information on the conference was received very late which did not allow for adequate preparation.
- This was an educative and enriching experience for us and we are thankful to the Bishops' for their involvement.
- This was a good learning experience in terms of sharing of information and strategies on land issues.
- The openness of the leadership was appreciated.

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- The participatory style of the facilitators in assisting delegates arrive at their own conclusions on issues was much appreciated.
- This workshop has made us look at ourselves as the Church more critically in terms of our response to issues which affect the poor.
- It was useful to be informed of the broader experience of the Church on land.
- It was good to be part of CPSA discussions on issues which affect us at parish and Diocesan level.
- The consultation will give courage to confront issues back in our countries and to act collectively.
- The delegation from Angola would like to thank the organisers very much for the conference. Angola is a country that is under reconstruction and the Church needs to be prepared in terms of likely outcomes. The Anglican Church has not been very engaged in the issues of land and other matters in Angola, and they would like all the feedback from the conference to enable them to respond to issues in the future. The Catholic Bishops present a united front on issues and put forward their position and the State listens to them. We would like the Anglican Bishops to also consult on issues and put forward their point of view as well.
- Thanks was expressed on behalf of the delegates to the facilitators and to Bishop Rubin for the manner in which he chaired the meeting.

In closing Bishop Rubin once more thanked all the delegates for attending the consultation which represented a ‘historic gathering’ of CPSA representatives on land issues, and extended a special word of thanks to Mr. Elio Estangueiro for the manner in which he undertook the work of translating into Portuguese, and Mr Frank Kantor for his assistance in organising the logistics and documenting the discussions at the conference.

Bishop Mabuza then closed the consultation with a prayer at approximately 12:45.

**APPENDIX 1**

***Letters of Invitation to Land Consultation***



**The Bishop of Natal  
The Right Revd Rubin Phillip**

**P O Box 47439  
Greyville, Durban 4023  
Tel : +27 31 308 9302  
Fax : +27 31 308 9316**

30<sup>th</sup> March 2004

To: The Bishops of Angola, Lesotho, Niassa, Lebombo, Namibia and Swaziland

Dear Brothers  
Greetings!

In December last year, I wrote to you about the possibility of holding a meeting to discuss matters relating to land in your respective dioceses. I felt that this was necessary as the present CPSA resolution does not include the so-called "non-RSA" dioceses. A few of you have indicated that you would be interested in such a meeting.

I am pleased to report that we have now secured funding from the Church Land Programme (CLP) for this initiative. I am grateful to CLP. To this end, I will like to propose that the meeting take place in Maputo on Monday, 21<sup>st</sup> June at 13h00 to Tuesday, 22<sup>nd</sup> June 2004 at 13h00. The venue will be finalised in due course.

Who should attend? All Diocesan Bishops and a representative who has been tasked with land issues in the diocese, who may be the Diocesan secretary. If you wish to suggest an additional name of someone from your diocese with expertise in this area of land, please let me know.

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Please complete the enclosed attendance form and return to me by the end of April 2004. An agenda will be sent to you once I receive your form.

With best wishes for Holy week and Easter  
Yours sincerely

Bishop Rubin Phillip

Encl.

## **Bishop of Natal**

The Right Revd Rubin Phillip

*Ref:/clp*

20 May, 2004

To: The Bishops of Angola, Lesotho, Niassa, Lebombo, Namibia, and Swaziland

Dear Brothers,

Greetings in the name of our ascended Lord!

Further to my letter of 30 March 2004, and our discussions at Synod in Johannesburg, I would hereby like to confirm that our proposed meeting to discuss matters relating to land from our respective dioceses is scheduled to go ahead on 23 and 24 June as scheduled. However, due to the lack of suitable accommodation in Maputo over this period (due to the African - Caribbean Summit taking place there over this week), we have had to relocate this meeting to Johannesburg. We apologise for this change in venue, but were left with little alternative after considering a number of different options.

Kindly take note of the following information concerning this meeting, and follow-up the necessary actions as soon as possible:

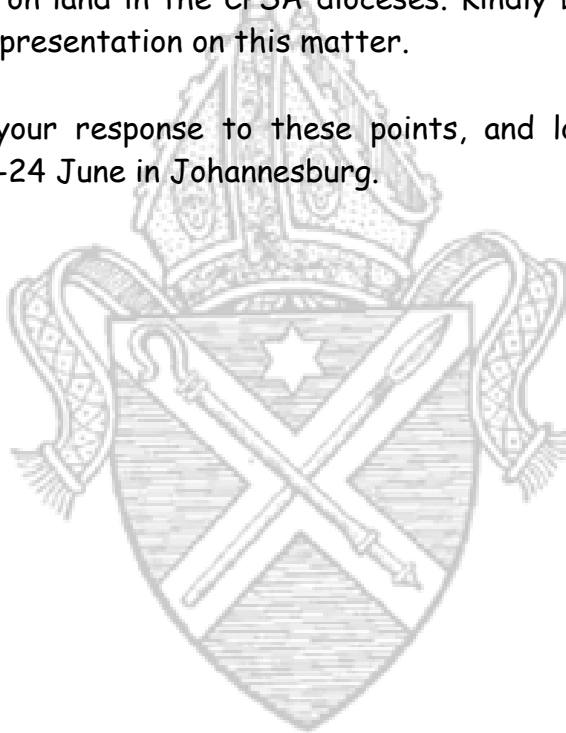
1. Kindly return the attendance forms forwarded to you with the names of the delegates who will be attending this consultation to my office as soon as possible in order for the necessary flight bookings to be made (i.e. all Diocesan Bishops and a representative tasked with land issues, and an additional person with expertise on land issues, if necessary). This is very URGENT!!
2. Please ensure that the full names as they appear in the person's passport are submitted.
3. Kindly sort out your own visa arrangements to attend this consultation.

4. Please take note of the revised dates for the consultation i.e. **23 and 24 June**, and not 21 and 22 June as originally indicated. It is hoped that the consultation will begin after breakfast on 23 June and finish with lunch on 24 June. This means that most of you will arrive on the afternoon of 22 June and will spend the night at St Peter's Lodge (the venue of the Consultation), in order to begin promptly after breakfast.
5. The programme for our consultation will be forwarded to you shortly. Please note that each diocese is to be asked to make a short presentation on land issues in their region to assist us to better understand the broader picture on land in the CPSA dioceses. Kindly begin to give some thought to your presentation on this matter.

Thanking you for your response to these points, and looking forward to seeing you all on 23-24 June in Johannesburg.

Yours sincerely

Bishop Rubin Phillip



**APPENDIX 2**

***Programme and Framework for Presentations***

**PROGRAMME**

**Tuesday 22 June :** Arrival at St Peter’s Lodge – Supper will be served at 18:30 and Evening Prayers led by Bishop Meshack Mabuza at 20:00 in the Oratory.

<b>Wednesday 23 June</b>	
7.00	Eucharist – celebrated by Bishop Shihala Hamupembe
8.00	Breakfast
9.00	Welcome & Introductions Objectives of the Conference
9.30	<b><i>The Land Question in Southern Africa: An Overview for Discussion</i></b>
10.30	Tea
11.00	<b><i>Land and the Dioceses of the CPSA: Presentations by participating Dioceses</i></b>
13.00	Lunch
14.00	<b>Discussion of Presentations by Dioceses</b>
15.30	Tea

<b>Thursday 24 June</b>	
7.00	Eucharist – celebrated by Bishop Rubin Phillip
8.00	Breakfast
8.30	<b><i>Proposed Responses of the CPSA: Priorities and Strategies</i></b>
10.30	Tea
11.00	<b>Resolutions and Responsibilities</b>
12.30	Closure
13.00	Lunch



16.00	<b>Analysis of the regional CPSA experience</b>
17:30	<i>Evening Prayer led by Bishop Joseph Tsubella</i>
18.00	Supper
19.30	<b>Theological Reflection on Regional Land Question</b>
21.00	Closure of Day One

***Framework for Presentations:***

Each Diocese is requested to give a 10 –15 minute presentation to Conference on the status of the land question and their Diocese. We suggest that each Diocese uses the following outline to guide their presentation so that we can build up a common picture of the challenges facing Dioceses in the region. However, please do not feel constrained if your issues do not “fit” the suggested outline – it is suggested as a guide.

- Briefly describe the socio-political-economic context of your Diocese.
- What is your government’s position / response regarding land and its ownership, use, management? What is the impact of this position / response on the lives of people, particularly the poor?
- What challenges does your Diocese face regarding the land issue, and what have been the responses of your Diocese to these challenges?

**APPENDIX 3**

***Schedule of Participants Contact Details***

<b>Name</b>	<b>Address</b>	<b>Tel/Fax</b>	<b>Email</b>	<b>Diocese</b>
Bishop Joseph Tsubella	PO Box 87, Maseru, 100 Lesotho	+9266 22311974 / +9266 22310161	<a href="mailto:diocese@ilesotho.com">diocese@ilesotho.com</a>	Lesotho
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Mr Jaime Samuel	Diocese Do Niassa, PO Box 264, Niassa Mozambique	+9258 71 20336		Niassa
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Revd Philemon Haufiku	PO Box 13073 Eenhana Namibia	+9264 81 289 4082		Namibia
Mr Graham Philpott	Suite 23 Postnet, Private Bag X9005, Pietermaritzburg, 3200	+27 33 3455367 +27 33 3455368	<a href="mailto:clp@churchland.co.za">clp@churchland.co.za</a>	Church Land Programme (CLP)
Revd Thulani Ndlazi	As above	As above	As above	CLP
Mr David Ntseng	As above	As above	As above	CLP
Bishop Rubin Phillip Liaison Bishop for Land	PO Box 47439, Greyville Durban, 4023,	+27 31 3089302 +27 31 3089316	<a href="mailto:rphillip@cpsa.org.za">rphillip@cpsa.org.za</a>	Natal
Mr Frank Kantor	PO Box 38224, Point, Durban, 4081	+27 31 3089300 +27 31 3089316	<a href="mailto:franktalk@mweb.co.za">franktalk@mweb.co.za</a>	Natal
Mr Elio Estangueiro	140 Turf Club St, Turffontein, Johannesburg	+27 11 6834451 +27 83 4852957	<a href="mailto:elio_estanqueiro@yahoo.co.uk">elio_estanqueiro@yahoo.co.uk</a>	Interpreter

### ***Expectations of Participants***

The following list of expectations emerged from the introduction exercise:

- How can the Church use its land more productively?
- Strategies for the development of Church Land.
- Legalising land holding.
- Land available for productive use.
- Land for sustenance
- Dream – Government giving land to the poor.

## **APPENDIX 4**

### **BIBLE STUDY ON LAND ISSUES**

#### **Numbers 27 vs. 1-11**

The daughters of Zelophehad son of Hopher, the son of Gilead, the son of Makir, the son of Manessah, belonged to the clans of Manessah son of Joseph. The names of the daughters were Mahlah, Noah, Hoglah, Milcah, and Tirzah. They approached the entrance to the Tent of Meeting and stood before Moses, Eleazar the priest, the leaders and the whole assembly, and said : “Our father died in the desert. He was not among Korah’s followers, who banded together against the Lord, but he died for his own sin and left no sons. Why should our father’s name disappear from his clan because he had no son? Give us property among our relatives.”

So Moses brought their case before the Lord and the Lord said to him, “What Zelophehad’s daughters are saying is right. You must certainly give them property as an inheritance among their father’s relatives and give their father’s inheritance over to them. “Say to the Israelites, ‘If a man dies and leaves no son, turn his inheritance over to his daughter. If he has no daughter, turn his inheritance over to his brothers. If he has no brothers, give his inheritance to the nearest relative in clan, so that he may possess it. This is to be a legal requirement for the Israelites, as the Lord commanded Moses.’”

#### **Questions :**

1. What is the underlying theme of this passage of Scripture?
2. Do you see any common parallels between this biblical story and your socio-political context?
3. How can your Diocese take the message of this passage forward to assist women gain access to land?

## ***APPENDIX 5***

### ***PARKING LOT ISSUES***

The following issues which emerged during the course of the Land Consultation were recorded under the 'parking lot' established for this purpose:

- Corruption issues concerning access to land need to be addressed by the Church.
- The right of access to land by women as the main users of land in the rural areas needed to be addressed as part of the overall strategy of the Church in responding to land access issues.
- The feminization of poverty which saw women trapped in dehumanising poverty cycles in the rural areas also needed to be addressed by the Church.
- Theological reflection around the issue of land distribution and usage, and historical examples of good use of land by the Church was needed.
- The role of the Church in the Angolan government's land reform policy process was questioned.
- The need for dialogue platforms on land issues at Diocesan and parish levels was proposed.
- Partnerships with the government and other stakeholders in the area of land reform and development needed to be carefully analysed by the Church in terms of the urgent needs of the poor and other Biblical principles.
- Cultural norms needed to be assessed on the basis of the values and principles of our Christian faith.
- The issue of combating gender discrimination needed to be incorporated into all our literature campaigns and material.