

# The challenges of ownership of land and its use in the African continent

Chief Justice of the Republic of South Africa, Mogoeng Mogoeng, delivered the Chief Albert Luthuli Memorial Lecture on 24 November 2018 at the University of KwaZulu Natal, Westville Campus.



Chief Justice of the Republic of South Africa Mogoeng Mogoeng

The Chief Albert Luthuli Memorial Lecture aims to promote the principles and values that he stood for and upheld, like peace, human rights, justice and the harmonious co-existence of people, regardless of race, colour or creed.

The theme this year is about the challenges facing the African continent, especially regarding the ownership and use of land. We all know that Chief Albert Luthuli was awarded the Nobel Peace Prize because of his unwavering commitment to the resolution of challenges, however taxing or frustrating, by peaceful means. To address challenges relating to land use and land ownership in Africa, the solutions we propose in his memory must be inclusive and geared at securing enduring peace, stability and shared prosperity.

In his appreciation of the relationship between landlessness on the one hand and poverty and homelessness on the other, Chief Luthuli said: "These rights could and should be extended to all people in an integrated society for each to use voluntarily according to his inclination and capabilities."

Back in the fifties the Nobel Laurette also said, "You will agree that the masses of the African people live in abject poverty in both rural and urban areas and so many Africans find themselves landless and homeless".

Highlighting the need to soldier on until this inhuman treatment of the African people in their ancestral land is reversed, Chief Albert Luthuli observed, "Since Union we have witnessed a decided deterioration in making available to [African people] opportunities for full development. Must we fold our hands in despair when we see our people drift to ultimate impotence and perpetual slavery? God forbid that we should be so untrue to Africa and the cause of freedom."

Chief Albert Luthuli's philosophy of freedom, landownership and poverty eradication transcended the borders of South Africa. It was truly Pan-Africanist. Modern day South Africans should similarly be determined to find solutions for the land issue for the entire African continent that result in sensible, humane and just land ownership patterns, sustainable and beneficial land use by all, shared prosperity and enduring peace.

The major challenge that confronts almost all African countries is the land issue. In fact, it could be said that the struggle was primarily about the dispossession of African people of their land. This is true of virtually all African

countries. We find land and wealth ownership in Africa is overwhelmingly in the hands of our former colonisers or their descendants. This would explain why justice and genuine peace is hard to come by in Africa.

In honour of the memory of Chief Albert Luthuli, we must resolve this historic challenge; this monumental injustice; this abuse of the fundamental human rights of the African people.

Within an African context it makes sense to conclude that landownership, accompanied by properly guided and funded diligent usage, equals wealth ownership.

Chief Luthuli was convinced about the effectiveness or potency of a peaceful means to resolve challenges that appear to be intractable. African people must wake up to the reality that the objectives Chief Albert Luthuli struggled for and died pursuing are far from being realised. Some of the peaceful strategies effectively employed to wage the liberation struggle should not have been abandoned when the right to vote and the opportunity to occupy high government positions was realised. An earnest pursuit of the peaceful resolution of the land and economic issues should have been continued. There must be a worldwide united campaign to conscientise the global community about the injustice and devastating effect of the landlessness and virtual exclusion of the African people from meaningful participation in the mainstream economies of Africa. The exploitation and exclusive enjoyment of Africa's wealth by all others but Africans must also be campaigned against.



**Chief Albert Mvumbi Luthuli**  
(1898 - 1967)

War is not an option. Strategies that militate against peace and stability are not an option. But silence and inaction in the face of life-threatening and dehumanising migration, abject poverty and landlessness are also not an option.

As Chief Albert Luthuli would have done, African people must pursue meaningful, purposeful and truly intentional dialogue with those who own land and are the sworn defenders of the status quo. Internal and global campaigns must also be waged concertedly and tirelessly until normalcy is restored.

Even in those African countries where the state or indigenous people own land, the terms and conditions for the use of that land set by investors must be revisited. True, no nation can thrive without significant foreign investment, but any land use or investment that is not mutually-beneficial is not worth it. The greed-driven, heartless exploitation of Africa's mineral and other natural resources must end. Economic activity on home soil that benefits foreigners or only very few citizens, when the overwhelming majority dies in abject poverty, disease and crime, is indefensible.

African leaders must wake up to their real responsibilities, which entail making good on all the good promises they routinely make when they seek high political office. African people have been feeding on empty promises and rousing speeches for far too long. The abject poverty and attendant migration challenges have reached crisis proportions. It is time to act more and talk less.

To achieve this requires selfless, ethical and truly servant leadership that is not imprisoned by greed and a never-satisfied appetite for money and material possessions. Modern-day dictators who pretend to care about the plight of the people when it is really themselves, their hidden masters, funders or handlers that they seek to serve, must be seen through and rejected.

That way, workable solutions to landownership and mutually beneficial and sustainable land use as well as shared prosperity would become a realisable dream. Let us each play our part in our own circles of influence, pursuing national unity and reconciliation without sacrificing the urgent need to end African landlessness, homelessness, ignorance, sickness and debilitating poverty.

Investors must be made to honour their social responsibility contracts. Never again must African soil and resources be exploited, with the connivance of greedy African leaders who occupy positions of high responsibility, in return for only a few classrooms and boreholes. A genuine win-win investment is what Africa needs and deserves in return for the exploitation of its minerals and other natural resources as well as its labour force. The positive and tangible impact of investment on the lives of the African people is what we must all insist on. There must be transparency on the terms and conditions of investment so that citizens can know how investments are ploughed back into the state or land-owning rural communities.

As the President of the Brahman Farmers Society in Namibia, Mr Ryno Van der Merwe - a white brother - said, the landownership question will not be properly resolved until our white compatriots are willing to sacrifice and share. I agree. This they must do, not out of guilt or a sense of self-condemnation but a sense of justice, purpose and commitment to sustainable peace, stability and national unity and healing.

Injustice is unsustainable. In recognition of this reality our pursuit of peace and justice must not be grounded on a false or shaky foundation. We must first internalise the truth outlined in the Preamble to our Constitution and the aspirations we have all committed ourselves to realise. The quality of life of all citizens must be improved and the potential of each person must be freed through, amongst others, the envisaged landownership patterns and the transparent and responsible manner in which we allow land and all its treasures to be used. Greed and heartless disregard for the centuries-old disgraceful plight of the poor African masses must not be allowed to be sustained by nice-sounding and clever business lingo any longer.

**NOW IS THE TIME.  
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