We need your support

The Orania Movement advocates new historical agreement on land.

**Comments**of the
**Orania Movement / Afrikaner Freedom Foundation**on the possible amendment of the
**South African Constitution**to provide for
**expropriation of land without compensation**

1. The Orania Movement was established in 1988 as the Afrikaner Freedom Foundation with the aim of contributing to a new constitutional dispensation in South Africa through the end of white minority government in conjunction with the implementation of self-determination for Afrikaners in their own area. The Freedom Foundation already asserted that democratization would have far-reaching consequences for South African society and that the ruling order would be extensively transformed. Similar inputs were made in the following years to the political discourse of the day, to constitutional negotiations and to the demarcation of provinces and municipalities. The Freedom Foundation assumed that the transformation of society would also be felt with regard to the possession of and access to land.
2. The existential and historical connection between Afrikaners and the use and possession of land in South Africa, as with other South African communities and people’s commitment to their land, makes this a particularly sensitive issue for us and justifies fair consultations. Current consideration takes place against the background of a difficult history and of previous agreements and cannot be approached as if treated for the first time since the colonial conquest of Africa in a reciprocal manner.
3. The 1996 Constitution represents a historical agreement, with the intention of laying down the rules for dealing with conflicting interests between different parties. Although this agreement is not beyond criticism, especially since it does not provide for group rights, it is based on the mutual recognition of role players and tried to maintain a sustainable balance between the those who have conflicting interests. At the same time, provision was made for the recovery of historical imbalances as well as for compensation on the basis of several criteria when expropriation would be considered. This historic agreement cannot be unilaterally amended, even by the majority, at the expense of an identifiable interest group without disturbing the underlying recognition and balance that it expressed.
4. Against this background, the parliamentary motion on expropriation of land without compensation should be regarded as of major and far-reaching importance. In our opinion, this cannot be regarded as merely a technical or administrative matter, but affects the carrying capacity of the historical agreement on which South African society is based today. It therefore holds the possibility of seriously disturbing this balance, but also to review the nature and scope thereof and, where necessary, reconsider, reaffirm and / or renegotiate.
5. From the point of view of the Orania Movement, the possible expropriation of land without compensation can be interpreted in two valid ways. The first and obvious way is to consider the economic significance and consequences thereof for economic policy and relate to the successes and failures of land reform and restitution of land rights, as already provided for in the 1996 Constitution. We have noted excellent recommendations in this regard to the Committee and do not intend to add further arguments.
6. The second interpretation of expropriation without compensation of land on which the Orania Movement wants to elaborate is the meaning and consequences it implies for population policy. This is connected to more than just the security or threat of property rights as a cornerstone of economic development and prosperity, it pushes the foundation of our current constitutional agreement, namely mutual recognition and balance between parties with conflicting interests. Even the handling of historical development and prosperity is not only of economic importance but gives or withholds recognition of a population segment with which it is connected.
7. The rationale behind expropriation of land without compensation is expressed briefly in the statement that “one should not buy stolen goods from a thief” – as has been argued during the parliamentary debate on the motion in question. This replaces the underlying values ​​of respect and reconciliation claimed by the 1996 Constitution with values ​​of disregard and revenge. With the transition from an exclusive and race-based dispensation to an inclusive dispensation that pretended not to be racially based, it was assumed that a people whose origin in South Africa was historically linked to colonialism, can be recognized as belonging and being native to the continent of Africa. That recognition, however, was undermined by the parliamentary motion and the implementation of expropriation without compensation would render it, constitutionally speaking, null and void.
8. For Afrikaners, therefore, the call for “expropriation without compensation” can only be linked with the “expropriation” of cultural spaces, the loss of schools and universities that provide mother tongue education and the conquest of Afrikaans’s status in the public sector. This alienates Afrikaners, like other indigenous peoples, and makes them second-class citizens in their native country, instead of finding ways to ensure meaningful recognition and space for all indigenous peoples and cultures. The expectation that the historical agreement that resulted in the 1996 Constitution would express this, in a broader context, by the current developments, has been disappointed.
9. This disappointment is based on the fact that there was an underestimation of the views and expectations of the other side on both sides of the settlement at the time and of what they gave up in the process. If it is indeed the case – and we think it is – the equilibrium cannot be restored today by simply calling on those settlement events. The necessary equilibrium can only be restored by taking into account the experience gained since then. However, a new comparison will have to be based on a new understanding and a new will for mutual recognition.
10. The Orania Movement, therefore, advocates a new historical agreement, the current process of which can be the starting point, and which makes serious use of different experiences of our present reality. It must begin with the recognition of various and different perspectives on the past, including the possession and utilization of land. From our point of view, the recognition of Afrikaners as a permanent part of South African society and our desire to play a constructive role in the future, with our mistakes and abilities, forms part of it. Our claim – like those of other South Africans – on an opportunity to ensure a free future for us and our children and to take up fair living space is non-negotiable for us.
11. We realize that access to and allocation of resources, including land, is not a-historical or static, and that it is changing in the wider order of things by changing demographics and balance of power. Therefore, we have no prospect other than the change of land ownership and utilization – many Afrikaners and farmers are also involved in efforts to make this a success on a sustainable basis. However, it does not give us any reason to expect or accept that our fair interest in the process must be reduced or overridden or that new injustice is justified.
12. Against this background, the Orania ideal and the Orania experience can help to reach a successful outcome, being a successful community built on successful local economic development strategies that include unique and progressive labor and social relations. As such, Orania represents the implementation of self-determination in a manner that is compatible with a new historical agreement, although further expansion is required. A more comprehensive agreement regarding communities’ prospects for self-determination, as well as the requirements for it, including land, must and can be achieved.
13. The Orania Movement regards the statement by Mr. Mohamed Valli Moosa, then Minister of Constitutional Development, on 4 June 1998 in Parliament as a valuable starting point. It reads as follows: “*The pursuit on the part of the Freedom Front and other Afrikaners to strive towards the development of a particular region in the country (the” North-West corridor “) as a home for Afrikaner culture and language within the framework* *of the Constitution and the Bill of Rights is in Government’s view indeed a legitimate pursuit.”* We believe that an agreement in such a spirit and along such lines can contribute to reaching a sustainable settlement regarding the utilization, distribution and possession of land.

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