



# We Want What's Ours

Learning from South Africa's Land Restitution Program

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Bernadette Atuahene

Professor of Law, IIT Chicago-Kent College of Law

CEO, Land Solutions International

Faculty Fellow, American Bar Foundation

## PRESS KIT

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# 1. PRESS RELEASE

## MANDELA'S LEGACY ON LAND REVISITED

New Book Highlights How Past Land Theft Can Cripple  
South Africa's Economic Development

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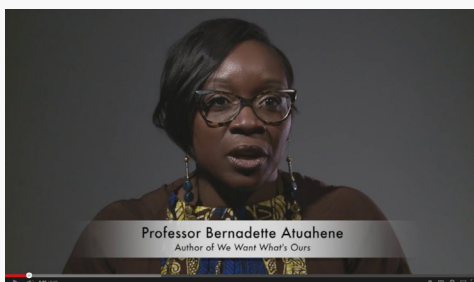
Mandela's promise to correct past land theft has thus far gone unfulfilled. When apartheid ended in 1994, 87% of South Africa's land was owned by whites although they constituted less than 10% of the population. This year marks South Africa's 20th year of democracy, but the post-apartheid state has transferred less than 10% of the land from whites back to blacks.

Unsurprisingly, blacks are angry. If nothing decisive is done, there may be political instability, which causes economic instability.

Professor Bernadette Atuahene's new book *We Want What's Ours: Learning from South Africa's Land Restitution Program* (Oxford University Press, 2014) uses interviews with 150 South Africans to understand how the nation can build on its successes and learn from its failures in addressing past land theft. The book finds that communication, accountability, and equity are vital.

The global relevance of *We Want What's Ours* extends beyond South Africa's borders. The lessons highlighted can help nations, policy makers, scholars, and international organizations the world over to implement reparations programs.

To arrange a book event, radio interview, or television interview, please contact Bernadette Atuahene at [batuahene@kentlaw.iit.edu](mailto:batuahene@kentlaw.iit.edu). *We Want What's Ours* is available in hardback and as an eBook. For more information, or to purchase the book, visit <http://wewantwhatsours.com>.

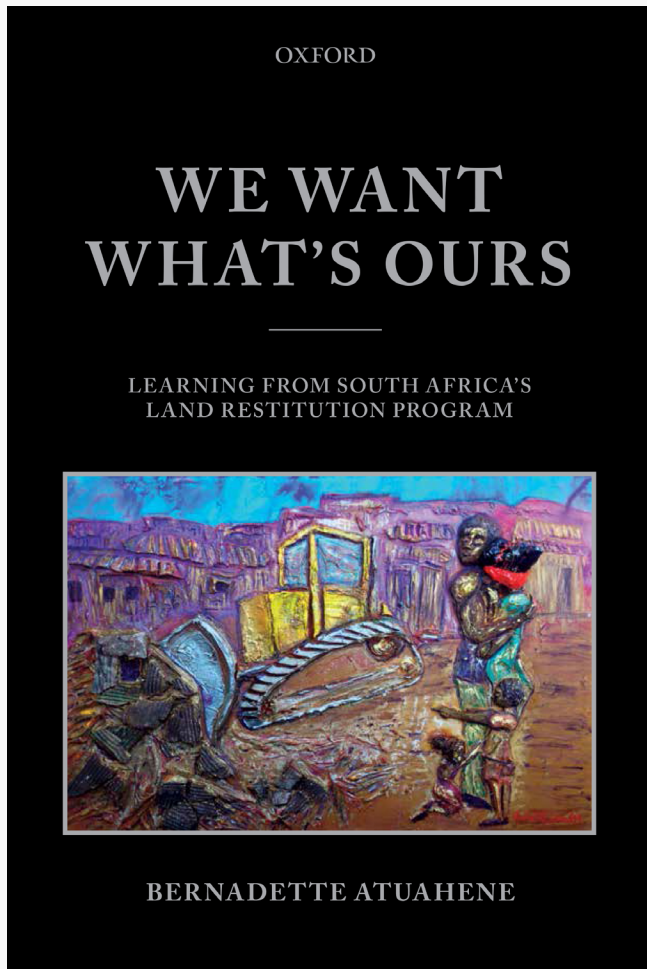


### About Professor Bernadette Atuahene:

Bernadette Atuahene is a professor of law at IIT Chicago-Kent College of Law and Faculty Fellow at the American Bar Foundation. She has a JD from Yale and a MPA from Harvard. Prof. Atuahene has done extensive research, writing, public speaking, and consulting on land issues. Follow her on Twitter: [@ProfAtuahene](https://twitter.com/ProfAtuahene).

[Click here](#) to watch the  
book trailer online

## 2. PRODUCT INFO



**Title:** We Want What's Ours: Learning from South Africa's Land Restitution Program

**Author:** Bernadette Atuahene

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eBook [Amazon](#)—\$33.59

**Contact** | [atuahene@yahoo.com](mailto:atuahene@yahoo.com)

# 3. BOOK SUMMARY

**Under 150 words:** Land dispossession occurring in South Africa during colonialism and apartheid is a quintessential example of ‘dignity takings’, which involves the deprivation of property and also dignity. There have been numerous examples of dignity takings throughout the world, but South Africa stands apart because of its unique remedial efforts. The nation has attempted to move beyond the more common step of providing reparations (compensation for physical losses) and to instead facilitate ‘dignity restoration’, which is a comprehensive remedy that seeks to restore property while also confronting the underlying dehumanization, infantilization, and political exclusion that enabled the injustice. In *We Want What's Ours*, Bernadette Atuahene’s detailed research and interviews with over one hundred and fifty South Africans who participated in the nation’s land restitution program provide a snapshot of South Africa’s successes and failures in achieving dignity restoration.

**Under 300 words:** Millions of people all over the world have been displaced from their homes and property. Dispossessed individuals and communities often lose more than the physical structures they live in and their material belongings, they are also denied their dignity. These are dignity takings, and land dispossessions occurring in South Africa during colonialism and apartheid are quintessential examples. There have been numerous examples of dignity takings throughout the world, but South Africa stands apart because of its unique remedial efforts. The nation has attempted to move beyond the more common step of providing reparations (compensation for physical losses) to instead facilitating dignity restoration, which is a comprehensive remedy that seeks to restore property while also confronting the underlying dehumanization, infantilization, and political exclusion that enabled the injustice. Dignity restoration is the fusion of reparations with restorative justice. In *We Want Whats Ours*, Bernadette Atuahene’s detailed research and interviews with over one hundred and fifty South Africans who participated in the nation’s land restitution program provide a snapshot of South Africa’s successes and failures in achieving dignity restoration.

*We Want What's Ours* is globally relevant because dignity takings have happened all around the world and throughout history: the Nazi confiscation of property from Jews during World War II; the Hutu taking of property from Tutsis during the Rwandan genocide; the commandeering of native peoples property across the globe; and Saddam Husseins seizing of property from the Kurds and others in Iraq are but a few examples. When people are deprived of their property and dignity in years to come, the lessons learned in South Africa can help governments, policy makers, scholars, and international organizations make the transition from reparations to the more robust project of dignity restoration.

# 4. AUTHOR BIO

**Short:** Bernadette Atuahene is a law professor at IIT Chicago-Kent College of Law and is a graduate of Yale Law School and Harvard's Kennedy School of Government. She has done extensive research, writing, public speaking, and consulting on land issues.

**Long:** Bernadette Atuahene is a law professor at IIT Chicago-Kent College of Law and earned her JD from Yale and her MPA from Harvard. She has written extensively about land issues and has worked as a consultant for the World Bank and the South African Land Claims Commission. She also directed and produced a short documentary film about one South African family's struggle to regain their land, which was the official selection in several film festivals. She has been honored with the Fulbright Fellowship, Council on Foreign Relations' International Affairs Fellowship, and Princeton's Law and Public Affairs Fellowship.



**Message from the Author:** After graduating from Harvard and Yale in 2002, I took my first trip to South Africa on a Fulbright fellowship to clerk on the Constitutional Court. Although I had traveled extensively, I was not prepared for the extreme racial inequality that I witnessed. The root of the problem was clear: The colonial and apartheid regimes gave whites 87% of the nation's land and left only 13% for blacks. This was an outrageous injustice that I could not ignore. Consequently, for the past 10 years I have written academic articles to examine the challenges of righting past wrongs; produced and directed a documentary film to illuminate the human consequences of ignoring historical injustice; and created a curriculum to help secondary students understand that an injustice anywhere is a threat to justice everywhere.

### ***Areas of expertise:***

- Land issues
- Reparations
- Property law
- South Africa
- Transitional justice
- International development
- Human rights

## 5. PROFILES OF STUDY PARTICIPANTS\*

*\*We Want What's Ours is based on confidential interviews, so all names used in the book and in this press release are pseudonyms to protect respondents' identities.*

### **Mrs. Mdunge**

Mrs. Mdunge was reared in Payneville (a town not far from Johannesburg) and received a house in Payneville as her restitution award. She said that receiving a home through the restitution process “brought back the pride to our people...it brings the self-esteem back to us. At least we got what was ours. We got it back!”

### **Mr. Richardson**

The apartheid government forcibly removed Mr. Richardson and his family from their home in Kliptown and destroyed it because Kliptown had been declared a whites only area. As Mr. Richardson watched his home being bulldozed, he lamented, “to see all this, your dreams, your aspirations, your hope is destroyed, was bulldozed.” The post-apartheid state provided Mr. Richardson compensation for this indignity, but he felt that the land restitution process, “could never compensate the hurt and the destruction that was caused by the previous government...but whether the land restitution was sufficient or insufficient, it was bringing across a message that they were trying to rectify what was...we are on a new path.”

## 5. PROFILES OF STUDY PARTICIPANTS

### **Mr. Rabodila**

Mr. Rabodila was a pension-aged African man who lived in a dilapidated hostel in the Cape Flats. In 1965, he was evicted from Luyolo township, located just outside of Cape Town because the apartheid government prohibited all but whites from occupying the area. Mr. Rabodila and his community lost their homes and other property. He was giddy with joy when he discovered they would receive reparations for this indignity. But, the commission—the agency in charge of the land restitution process—was a newly invented bureaucracy lacking in experience, and often times announced a plan to claimants, discovered the plan was unworkable, so delayed or downgraded the plan. Meanwhile, claimants' expectations were lifted and came crashing down, causing great disappointment. Mr. Rabodila's expectations imploded so many times that when asked whether the commission was doing a good job, he responded "A big no! A big no! [They] are doing an injustice! Yes, it's an injustice!"

### **Mrs. Khumalo**

Despite their intrepid resistance, the apartheid government brutally evicted Mrs. Khumalo and others from Sophiatown, a community near downtown Johannesburg. By removing them against their will, the apartheid state sent a clear message—blacks were sub-persons who should do as they were told. Unfortunately, the commission did not give most claimants a true voice in determining their compensation and Mrs. Khumalo and many others interviewed were frustrated by the commission's failure to treat them like full citizens who deserved to have a say in how things transpired. Mrs. Khumalo said, "We had no choice, we were just given money. Some of the people wanted their land in Sophiatown ... We were spoon fed like bottle feeding a child, take, drink and that's it." When asked how that made her feel, she said, "terrible but what else could I do?...Apartheid hasn't ended it's still there, but in a subtle manner." In contrast, when communication went well, then claimants most often felt respected, heard, and like they were now truly full and equal citizens.

## 6. ENDORSEMENTS

“ This book contains a detailed description of the steps taken in post-Apartheid South Africa to remedy past deprivations of land by racist colonial and Apartheid regimes. It emphasizes that much more than financial loss is involved. Land deprivation includes also the taking of the dignity of the former owners. If there are to be meaningful reparations, a programme designed to help restore that lost dignity is essential. The author has conducted impressive research and many moving interviews with victims of land deprivation. This book is essential reading for all interested in restorative justice. ”

—**Richard Goldstone**, former Justice of the South African Constitutional Court

“ Bernadette Atuahene’s *We Want What’s Ours* is a powerful discussion of the impacts—economic, physical, and emotional—that Apartheid-era property disposessions have had on South Africa’s non-white urban dwellers. . . . Atuahene uses extensive interview material to illuminate the still-raw sensibilities raised by past instances of property loss, as well as the difficulties that post-Apartheid South Africa has had in attempting to provide reparation. ”

—**Carol M. Rose**, Gordon Bradford Tweedy Professor Emeritus, Yale Law School

“ This book is a sober and nuanced reflection on the dignitary harms that accompany displacement of a people from their place on earth. Atuahene favors remedies that acknowledge and respond to those harms while revealing the successes and failures of South Africa’s approach to this problem. Atuahene suggests ways to improve such responses not only in South Africa but in the many places around the world that have suffered dignity takings. A compelling and humane contribution to our understanding of what we owe each other. ”

—**Joseph William Singer**, Professor of Law, Harvard Law School

“ Professor Atuahene’s book brings a fresh perspective to analysis of South Africa’s land restitution programme. ”

—**Alan Dodson**, former Judge of the South African Land Claims Court



# 7. INTERVIEW RESOURCES

## Interview Questions

### Questions about why the book is important:

- Why was the Land Restitution Act the first law passed by the post-apartheid government and why is the land restitution program so important to South Africa's democracy?
- What was the liberation bargain struck by Mandela and the ANC in 1994 and sealed by section 25 of the South African constitution? How has it affected land inequality in South Africa?
- As a result of colonial and apartheid era land theft, when apartheid ended in 1994, whites owned 87% of the land although they constituted less than 10% of the population. Why is it that the state has transferred less than 10% of the land from whites to blacks even though 2014 marks 20 years of democracy?
- Does the African National Congress (ANC) have the political will to correct past land injustice?
- Given the significant investments the state must make in health care, housing, education, work force development, and crime prevention, does the state have the resources to correct the injustices of the past or is it better to look forward?
- What are some of the successes of land reform in South Africa?
- The founding principle of the Economic Freedom Fighters (EFF)—one of South Africa's leading opposition parties—is expropriation of South Africa's land without compensation. Will South Africa go the way of Zimbabwe?
- What can America and the international community do to prevent an uprising in South Africa?
- Explain how the land restitution process works?
- The two central concepts that you develop in the book are “Dignity Takings” and “Dignity Restoration.” Please explain how these concepts are applicable in South Africa and throughout the world.
- Based on your interviews with 150 people whose land was stolen during apartheid, what are the three most significant findings of your study?
- In July 2014, South African President Jacob Zuma signed a bill authorizing the reopening of the land restitution process. What are three things that should be done differently in round two?

### Questions about the author:

- What led you to write the book and how long did it take you?
- What qualifies you to write this book? What is your background?
- Describe how you collected your interview data? What was your methodology?
- What makes your study unique from already existing studies on land reform in South Africa?
- How did you fund the study?
- What do you hope that the book's impact will be?

# 7. INTERVIEW RESOURCES

## Interview Topics

### **What's wrong with South Africa's land restitution program?**

*We Want What's Ours: Learning from South Africa's Land Restitution Program* uses interviews with 150 South Africans who were forcibly removed from urban areas during apartheid to provide insight into the program's successes and failures. There were three main findings. First, the Land Restitution Commission (Commission) had overwhelming power because it acted as a prosecutor by defending the interests of the state, a defense attorney by guiding claimants through the process, and like a judge in deciding whether each claim succeeded and the amount of compensation. Second, when communication breakdowns proliferated, people felt disrespected, without voice, and feeling that "apartheid hasn't ended it's still there, but in a subtle manner (Mrs. Kumahlo)." But, when communication went well, then people felt respected, heard, and like they were now truly full and equal citizens. Third, most blacks dispossessed by prior regimes received symbolic financial awards that had no relation to the market value of the property rights lost, but current property owners (who are mostly white) receive fair market value when their land is expropriated. In round two of restitution, the Commission must increase the size of the financial awards to address this troubling asymmetry, invest in its communication infrastructure, and find ways to ensure it is more accountable.

### **Mandela's promise unfulfilled**

Due to colonial and apartheid era land theft, when apartheid ended in 1994, 87% of South Africa's land was owned by whites although they constituted less than 10% of the population. Correcting this dire injustice was one of Mandela's most important promises to the South African people. This year South Africa celebrates 20 years of democracy, but the state has transferred less than 10% of the land from whites back to blacks. Unsurprisingly, blacks are angry. In one of the most impressive public opinion studies on land reform in South Africa to date, Professor James Gibson surveyed 3,700 South Africans and found two of every three blacks agreed that "land must be returned to blacks in South Africa, no matter what the consequences are for the current owners and for political stability in the country." According to Gibson's data, land injustice has become a sea of oil waiting for a match. To prevent an explosion, the international community must take proactive measure to facilitate efficient and just land reform. Although Mandela has died, we cannot allow his dream of a just and equitable South Africa to die along with him.

# 7. INTERVIEW RESOURCES

## Interview Topics

### Reparations

Ta-Nehesi Coates' recent article in the *Atlantic*, "The Case for Reparations," has begun a national debate by convincingly explaining why black Americans should receive reparations. The South African case, however, demonstrates how implementation challenges can undermine actual efforts to provide reparations. "We Want What's Ours: Learning from South Africa's Land Restitution Program" uses interviews with 150 South Africans who were forcibly removed from urban areas during apartheid to understand the difficulties in transforming reparations from an idea into a reality.

### Will South Africa go the way of Zimbabwe?

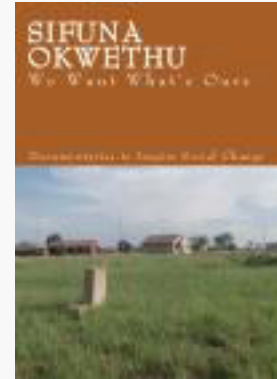
Professor James Gibson surveyed 3,700 South Africans and he found that two of every three blacks agreed that "land must be returned to blacks in South Africa, no matter what the consequences are for the current owners and for political stability in the country." According to Gibson's data, land injustice has become a sea of oil waiting for a match. The Economic Freedom Fighters (EFF) are that match. The EFF's is the newly formed South African political party led by former African National Congress (ANC) youth league president Julius Malema. Its foundational principles is "expropriation of South Africa's land without compensation." After only a few months of campaigning, EFF won 6.3% of the vote in the national elections this past May; and was outdone only by the most established opposition party—the Democratic Alliance (DA)—which won 23% of the vote. To be sure, the ANC secured a safe majority by winning 62% of the vote, but the EFF's success serves as a reminder of the consequences of the ANC's failed land reform program. If legal channels for correcting past land theft do not produce results, then blacks may resort to illegal or extreme measures to get their land back, like we have seen in Zimbabwe.

# 8. DOCUMENTARY FILM

## Sifuna Okwethu (We Want What's Ours)

### Film counterpart to the book

*Sifuna Okwethu* (We Want What's Ours) is an evocative and visually captivating documentary film about loss, resistance, identity and the elusiveness of justice as experienced by the Ndolila family, and their quest to get back their family land. Standing in their way are working class black homeowners who purchased portions of the Ndolila's land during Apartheid. For the homeowners, the land and houses they have legally purchased are a reward for their hard work. It is the fulfillment of their hopes and dreams for a better life in the new democracy. For the Ndolilas, the land is part of their family legacy and hence deeply intertwined with their identity. Both sides have a legitimate right to the land, but whose rights will prevail?



In the past, stories that explored land dispossession and restitution often pitted dispossessed black communities against the apartheid government or rich white farmers and landowners. *Sifuna Okwethu* charts a different path, which leads viewers towards a more complex understanding of the dynamics involved in dealing with the present-day consequences of past land theft.



View the trailer on YouTube

<http://youtu.be/uBHxOKwql9M>

Buy DVD for \$9.99

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Visit [discwebsite.org](http://discwebsite.org) for more information

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# 9. CONTACT

For more, including Chapter 1, an excerpt, book flyers, a book trailer, additional author photos, and reviews, visit

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