

# The Scramble for Land between the Barokologadi Community and Hermannsburg Missionaries

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## Abstract

This article investigates the land claim of the Barokologadi of Melorane, with their long history of disadvantages in the land of their forefathers. The sources of such disadvantages are traceable way back to tribal wars (known as “*difaqane*”) in South Africa. At first, people were forced to retreat temporarily to a safer site when the wars were in progress. On their return, the Hermannsburg missionaries came to serve in Melorane, benefiting from the land provided by the Kgosi. Later the government of the time expropriated that land. What was the significance of this land? The experience of Melorane was not necessarily unique; it was actually a common practice aimed at acquiring land from rural communities. This article is an attempt to present the facts of that event. There were, however, later interruptions, such as when the Hermannsburg Mission Church became part of the Evangelical Lutheran Church of Southern Africa (ELCSA).

**Keywords:** land claim; church land; Barokologadi; missionary movement; Hermannsburg; Melorane; Lutheran

## Introduction

Melorane is the area that includes the southern part of Madikwe Game Park in the North West Province, with the village situated inside the park. The community of Melorane is known as the Barokologadi of Maotwe, which was forcibly removed in 1950. Morokologadi is a porcupine, which is a totem of the Barokologadi community. The community received their land back on 6 July 2007 through the National Department of Land Affairs. It was almost 57 years since 1950, when they had lost their land.

The Hermannsburg missionaries established a mission station there in 1872 under E. Wehrmann, long before the forcible removals in 1950. The history of Melorane can be



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seen in the ruins, caves and graves, including those of the departed German families (Molobi 2014, 120–121). There are areas like Mekweleng and Makonjwane about which there are few archival records. These places are intensely historical and could provide a good idea of the past history of pilgrimage and courage; and could also provide appreciation and consolation to those living there now. Moreover, these places were the anchor of Barokologadi ancestral roots. This article also gives some history of the Hermannsburg Mission Station (HMS) since the time that Kgosi Maotwe agreed to build it.

## What is the Problem?

The Barokologadi of Maotwe lodged a claim with the Regional Land Claims Commission (RLCC) in June 1996 in areas of Barokologadi, referred to as Melorane consisting of nine farms.<sup>1</sup> The sources of such disadvantage are traceable way back to the tribal wars (known as the “*difaqane*”<sup>2</sup> in South Africa. The RLCC prioritised the claim for investigation. Joint research with the Barokologadi was initiated to determine the property description at the time of dispossession and the rights of the claimants who were dispossessed. Upon investigation, the RLCC discovered that the more substantial part of land forms part of the Madikwe Game Park, though some properties fall outside the boundaries of the game park. The Barokologadi had to convince the Regional Land Claims Commissioner that Melorane belongs to them. From 1902 onwards the German Hermannsburg missionary ministers gave in to pressure from the National Party government to pave the way for a takeover in 1950. The Barokologadi alleged that they (the missionaries) had encroached upon the majority of the farms where the Barokologadi grazed their livestock.

## The Hermannsburg Mission Station Land

In response to the order that the Barokologadi should leave the HMS land in Melorane in early 1950, Rev. Sephuti (son of Caiphaz Sephuti)<sup>3</sup> filed an objection in a court of law. In response, the native commissioner of Zeerust stated that “with reference to your letter of the 12th July 1950, I have to inform you that the law is that, unless there is an exclusive agreement to the contrary, a building erected on land becomes the property of the owner of such land. The house you claim is built on land belonging to the Roman Catholic Mission and is therefore not your property but that of the Mission.”<sup>4</sup>

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1 See “Parks Board Status Report of Parks and Tourism” dated 20/03/2003 on Barokologadi of Maotwe.

2 *Difaqane* means “crushing” or “time of troubles” and it was mainly political and economical in Zululand. The reasons for it was population growth, Boer expansion, military rivalry, unification and centralisation, a militarisation of the Zulu nation, Shaka changes and commercial control among others (Okech 2013, 292; Proske 1990, 44).

3 Rev. Caiphaz Sephuti was the first black pastor in the Melorane Hermannsburg Mission Station, information given by his cousin Morokologadi through telephone conversation on 3 April 2020.

4 Referred to in a letter with the heading, Union of South Africa, Native Commissioner, dated July 15, 1950.

## Molobi

The native commissioner signed the letter dated July 15, 1950.<sup>5</sup> It seems the commissioner was confusing the case of the neighbouring Sesobe with that of Barokologadi. Both villages (Melorane and Baphalane of Sesobe) experienced the same challenge during the forced removals. However, a white minister represented the Catholics, and in the end, even though it (Barokologadi) was relocated to another area, it retained the power over the more substantial part of the Sesobe community.

In Melorane during the forced removals, the Barokologadi community scattered all over different areas and made it difficult for the church to control the people. It was a mockery when the local black minister claimed the mission station. It seems that one of the last German Hermannsburg missionaries (Janssen or Schlehmeyer)<sup>6</sup> determined the fate of Melorane. The mission station could have been the asset of the Barokologadi. However, when the Rev. Sephuti insisted that, because a house built on the land belongs to the owner of the land, the Barokologadi congregation could not retain the assets needed for their survival. When they were forcibly removed from Melorane, the Barokologadi community had no assets to claim. The Melorane mission house was demolished—something that had never been experienced before in that community.

We should trace Melorane from the arrival of Hermannsburg missionaries in South Africa. How did they acquire the land to build their mission station, and who provided it? According to a veteran, Mr Mishack Nkele (interview in 2013/06/27), the Kgosi provided the missionary who came to Melorane with land to establish a mission station. However, the land was not a gift to missionaries but a space to execute specific essential social duties. For this reason, there was no competition for the church land used to establish the Hf3 Sc8o

## Molobi

Roman Catholic Church but not recognised by the government (Breutz 1953, 343). When the village was relocated to the Trust Farm Ongegund 270 (Pilansberg district),<sup>7</sup> the Roman Catholic Church went with the community and remained in power over the entire community, including the chief. That suggests that

strict Lutheran confession emerged from the rural Hermannsburg context, while the cosmopolitan atmosphere of Berlin had developed a united (Reformed and Lutheran) church. The BMS was an independently-organised society, not a mission of the church, and did not stress these confessions. For purist Lutherans, like the Hermannsburgers, this was not acceptable. The ELCSA union took place in December 1975 in Rustenburg. The World Council of Churches (WCC) and the Lutheran World Federation (LWF) promoted Lutheran unity as a witness in the South African context (Winkler 1989, 84).

At the beginning of the 1950s, the Lutheran mission, synods, and churches of southern Africa began a difficult period of consolidation and restructuring. They established regional black churches (which included coloureds and Indians), the other two racial categories of the apartheid era, along with some whites, mostly from missionary families. Hasselhorn (in Elphick and Davenport 1997, 432) concludes that black aspirations for independence were to be suppressed by administrative means and by emphasising the leadership role of the missionary. A synod for the Tswana region was only constituted in 1957. The problem in those days was the sporadic manifestations of the autonomy of the Hermannsburg Evangelical Lutheran Mission Churches. Thus, a united church was necessary.

## The Approach of the Theme

This study employed a participatory research approach, involving interactive research methods such as storytelling, depth interviews, focus group discussions and participant reflections. Macaulay (2007) explains that in the past, researchers never involved the community knowledge holders in the inquiry procedure. It contributed to the stigmatisation of local residential areas and publishing negative findings. The participatory research process requires a partnership between the researcher and the researched.

The information for the theme of this discussion came from interviews with the elderly who experienced life and events in Melorane. We also looked into the existing literature and diaries containing important information on recorded stories of the time.<sup>10</sup> The members of the Community Property Association (CPA) of Melorane believed that they had been unfairly removed from their heritage land in 1950. Presently, the Barokologadi population is divided into the four villages of Pitsedisulejang; Debrak; Katnagel; and Obakeng (with many of them confirming that their predecessors had lived in Melorane long before 1950). There were constitutional amendments by the Nationalist Party in favour of Boers and the government acquaintances at the time. However, in 1994 we saw the review of such amendments in favour of the disadvantaged and against the beneficiaries of apartheid. Finally, the many claimants benefited from the amended bills, including the Barokologadi.

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10 Refer to table 1 and 2 in Molobi (2014, 120–21).

## The Hermannsburg Mission Station's Relationship with the Apartheid Government

The HMS in Melorane's relationship with the government of the time needs to be examined. There is a belief that the Kgosi and the locals focused on hand-outs and did not look beyond that. Mr Mishack Nkele,<sup>11</sup> a veteran, said that when the missionaries came to Melorane, they encountered people in their profound ignorance. They could not read and write, and as a result, when missionaries introduced them to religious education, they were overwhelmed. In doing so, they could not anticipate what was happening beyond their offer to allow the missionaries to build a station without addressing the consequences.

On the surface, though, it looks as if the missionaries in Melorane were innocently giving what God had placed in their heart; however, beneath this was an economic interest, particularly in land and property ownership. The disappearance of the German missionaries before 1950 probably suggests a deliberate shift to give the National Party government a chance to take over Melorane at the appropriate time. The Hermannsburg missionaries had a closer relationship with the government than with the community for whom they had established their mission station.

### A Brief History

The Barokologadi were part of the Bakgatla nation before they got divided. In the beginning, the Barokologadi, Bapedi and Bakgatla were one nation of Bakgatla known as the "Great and Mighty Bakgatla." Their totem was "kgabo ya Mollo" or flames of fire. The Bakgatla shared the cattle<sup>12</sup> of Mocha, Moseitlha, Kau, Kgafela, the Bapedi of Sekhukhuni and the Barokologadi of Maotwe. They all separated at Lepelle (Olifants River) a tributary to the Odi (Limpopo River) between 1600 and 1700 (Breutz 1953, 86).<sup>13</sup> After the separation, the Bakgatla adopted a blue monkey as their totem. They went to build where Pretoria and Brits stand today. The Bapedi went to Polokwane and the Barokologadi went to Melorane. Both the Bapedi and Barokologadi had Noko (porcupine) as their totem. The Barokologadi followed the Bakgatla of Kgafela to Mochudi, and they stayed in Melorane without being placed by anybody.

By 1830 or 1840, the Barokologadi were already in Melorane under Kgosi Maotwe, the son of Kgosi Ngwato. They built their village through the following clans: Kgosing; Mahudiriri; Rampete; Nkele; and Rathebe—all of whom were the children of Ngwato, the Kgosi of the Barokologadi. Other clans are: Maswaana; Kgotlhwane and Ramogojwane; Matebele Masoba; Matsietsane; Malebe; Masukudu; Mathiba; Batlhako; and Makhurumula. All these groups had their grazing land and ploughing

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11 Mishack Nkele (interview in 2013/06 /27).

12 Sharing cattle means close relationships.

13 Interview way back on 13 May 2010 of Memme in Northwest.

fields. There were identified areas for grazing, like Makompjane, Tshwaane, Sebele and Porotong (Setou 2007, 1).

At that time the Barokologadi were attacked by Mzilikazi and they retreated to Mankgodi near Kolobeng in Botswana. The Barokologadi went back to Melorane before 1872 under Kgosi Sentshwe I, who died in 1891. The son to Sentshwe I was Kgosi Thari, who became a leader in 1890 and died in 1921. Kgosi Tubana was kgosi from 1930–1945; Sentshwe II became kgosi on behalf of Thekwane, son of Tubana, because he was young. In 1946, Thekwane became kgosi until his death and Sello became kgosi for a short while; his younger brothers, Maleshwane and Mmusi, stand for Thari II who is the present kgosi of the Barokologadi. However, by 1837, after the defeat of Mzilikazi, the Boers gradually began to establish themselves in the Transvaal (Marais in Schapera 1937, 346) obtaining rights of occupation from some chiefs.

### Barokologadi on Faith and Education

The HMS in Melorane was established in 1872 and the majority of the tribe are Lutherans (Breutz 1953, 454). The origins of the HMS are to be found in northern Germany and its Pietism at the start of the 19th century. The society was founded by Ludwig (“Louis”) Harms (1808–1865), minister of the Hermannsburg parish. Harms came across simple-minded farmers, mostly frightened by the political consequence of the French revolution and who, detached from the globe, took refuge in fundamentalist Lutheran views. In a conservative simplification of contemporary social developments, Harms convinced them as a preacher as well as visionary. He was sure that only his Christian faith and that of his parish could be substantial enough to form new parishes in Africa, uninfluenced by the malevolence of his European world. From the beginning, Harms lacked recognition from his masters (Proske 1990, 43).

According to Breutz (1989, 76), the Transvaal Government invited the Hermannsburg Evangelical Lutheran Mission from northern Germany and from Abyssinia to Natal in 1854. The society began mission work on the western border of Transvaal and first established stations in Dithejane in Botswana in 1857, and Dinokana in 1859. Soshong and Dimao began in 1863, and later in the west. Wehrmann established the Melorane station in the northeast Marico district in 1872 (Breutz 1953, 454). The Barokologadi of Melorane started to become Christians in 1872 until today (Setou 2007, 2). This means about 135 years being Christians taught by Lutherans from 1872 till 2007, when the Barokologadi acquired their land. There were also many ministers born from the Barokologadi community in that period. The Hermannsburg missionaries combined religion with notions of land ownership (Rüther 2012, 369).

The author has already written an article (Molobi 2014), entitled “A Community’s Struggle to Recapture Sacred Tradition and Ancestral Land: The Case of Barokologadi.” In it, the author argues that ancestral land is essential; even the Bible portrays such significance when Bethlehem, Capernaum, the town of Jesus, the Jordan River, Mount of Olives, and Nazareth among others offered unique points of interest

## Molobi

(Molobi 2014, 124). In similar ways, the indigenous and tribal peoples had unique ways of life, and their worldview was based on their close relationship with the land. The lands they traditionally used and occupied were critical to their physical, cultural and spiritual wellbeing. This unique relationship with traditional territory may be expressed in different ways, depending on particular indigenous people involved in specific circumstances. It may include traditional maintenance of sacred or ceremonial sites, settlements or sporadic cultivation, seasonal or nomadic gathering, hunting and fishing, the customary use of natural resources or other elements characterising indigenous or tribal culture. Pilgrimage and ancestral veneration are linked to this (Coplan 2003, 993).

In an interview, Mr Mishack Nkele (2013/06/27) indicated that Melorane (Rooderand Farm) was a Garden of Eden where they were eating and drinking when living there. There were benefits from natural supplements such as wild fruits, hunting and crop farming. People there were known for stock farming as well (Breutz 1953, 456). Their livestock was kept at the different cattle posts chosen according to their clans and regiments (Molobi 2014, 123). We observed that Breutz and other compilers of information on the Barokologadi did not record all their assets correctly in 1950. By then, many members of the tribe had migrated to different areas both in South Africa and Botswana. Examples in Botswana are: Mochudi; Malolwane; Ramonaka; Mmathibudukwane; Dikalakaneng; Sikwane; Mabalane; Modipane; and Dikwididing<sup>14</sup>—all areas in Botswana where they are found in numbers.<sup>15</sup> Many decided to live there permanently since they could not endure apartheid.

We were told that a place where the Hermannsburg Lutheran Church was situated in Melorane had a mission school up to grade five (Breutz 1953, 454). People would go to the South African tertiary institutions and to neighbouring Botswana to further their education after completing their primary education. Nearby were families who were viewed as being educated as they had completed diploma courses. There is a dry Morula tree (which dates back to before 1950) next to the road that cuts across Melorane near the mission station. Many social and Christian activities took place there. Choirs from surrounding villages gathered there to celebrate Christmas and New Year every year (Mr Mishack Nkele and Mr TZ Moloantwa, interview 2013/06/27; also see Molobi 2014, 122). This was not strange, as there was a church building nearby. There is a gravel road of approximately 25 km that leads to the Botswana Sikwane border post.

Soil, with a texture very much like cement, was found in the area, and it was used to build houses. Buildings were made out of stones and the cement-like soil. The area extends about 10 km across the village of Melorane, and it is about five kilometres wide. There is an inscribed concrete surface from the cement soil that was dragged from there in 1950, when the Brokologadi were forcibly removed from that area. Water from the

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14 Central Statistics Office, Gaborone. Accessed April 1, 2020. [www.cso.gov.bw](http://www.cso.gov.bw).

[statsbots.org.bw/sites/default/files/publications/Guide\\_to\\_the\\_Villages\\_of\\_Botswana.pdf](http://statsbots.org.bw/sites/default/files/publications/Guide_to_the_Villages_of_Botswana.pdf).

15 Interview with fieldworker Ishmael Nkele, February 25, 2020.

Melorane area was enough to supply the water needs of every Melorane household (Molobi 2014, 123).

Kgosi Maotwe has the experience and has heard more about the capabilities of the missionaries in terms of Western civilisation in those days. It was a trade which a community sought after. When Wehrmann came to ask for land to establish a mission station, Kgosi Maotwe and his people did not hesitate to identify a spot for such work. The land was never given permanently among the Barokologadi; instead, it was borrowed for a specific project. Moreover, the Melorane Mission Station was not the only station in the vicinity. The London Mission Station was not far away and other Hermannsburg Mission Stations that had been established were thriving in the neighbourhood.

### Hermannsburg Mission Strategy Offered by Harms the Founder

Various missionary societies came to South Africa, including Methodists, Free Church of Scotland, the Paris Evangelical Society, the Dutch Reformed and Lutherans, including Hermannsburgers (Okech 2013, 314). It was mainly due to their work and humanitarian ideals that slavery was abolished and the slave trade stopped in the world, including South Africa. Besides, missionaries were concerned with the eradication of slavery and wanted to resettle and rehabilitate freed slaves (Okech 2013, 14).

Some unique aspects of the mission approach of the HMS included its practice of community of property, its extensive use of lay artisans, and its practice of “colonisation,” i.e. having the mission stations form the nucleus of new settlements with the intent of establishing an African Christian civilisation. Based on their desire to promote cheap labour, Harms proposed a mission strategy by which single missionaries and colonist families would find communities in foreign lands devoted to their German mother congregation.

While the settlers would be employed in agriculture to provide food and clothing, the missionaries would find new members to be added to the residential areas, becoming living arms of the living body of the Hermannsburg Lutheran Church. Harms assigned space for the accommodation of cultural distinctions African converts would bring into the new Christian communities (Rüther 2012 5). Lord and tenant, master and servant, missionaries and colonists, church and young Christians would be bound together in a network of mutually beneficial obligations.

Kirsten Rüther (2012, 374) said although the Hermannsburg missionaries lacked sufficient means to buy an estate, they had the skin colour which enabled them to register the land. Elaborating new notions of property-holding and conceptualising their role as legal guardians, they defined themselves, for one crucial generation, as benevolent whites supporting the federal agency of male seniority and chiefs. With the help of Africans and the colonial state, the missionaries became landowners, and thus established themselves in a position which had been totally out of their reach in

Germany. In Melorane, for instance, the initial purpose of loaning land to the missionaries was mainly to access Christian education for their future generations. On the other hand, we should state that many Africans were not aware of the underlying motives about matters of land or property ownership. Evidence for that is the literature brought out in the people's language as a missionary endeavour to educate the Barokologadi community of Melorane.

### **Reverend Wehrmann 1873–1885**

Elder Setou, who lived in Melorane, was excited when we met again while visiting Melorane. We asked him how life was while he was still at Melorane. Since he was over 90 years old, he was able to relate stories about his educated friends in the village. As a retired principal of the village school in Katnagel, he could relate the history in 1950 and beyond in Melorane. From memory, without being asked any question, he (Setou 2007, 5) said:

Reverend Werhmann was amazing; this Motswere tree (Leadwood about 25 to 50 metres) in the south of the grave-side is historical. This tree remained a centre of religious business; people assembled here for catechism instruction and other biblical lessons. The church members held their evensongs alongside the road that led to Zeerust. The priest and the church elders crafted wood chairs for church use during services.

Setou (2007, 4) maintains that the German missionaries belonged to one of the most scientifically-orientated nations with diverse skills in technology, medicine, arts and craft, infrastructural development and other literacy and musical institutions. Rev. Wehrmann (Setou 2007, 5) was an excellent instructor in theological studies with a deep-rooted understanding of theology, and he was good at artwork, brick-laying and medicine.

Seeing the commitment of Wehrmann, Kgosi Thari of Melorane offered a piece of land to build a mission station to bring civilisation to the community of Melorane, also known as Barokologadi (Setou 2007). Wehrmann came to Melorane with one intention, and that was to improve the local agriculture by improving its ways without changing it much. The last of the German missionaries in Melorane was Rev. E. H. Janssen, who led the church between 1913 and 1923. After him came the first African minister, Cornelius Sephuti, who served between 1924 and 1944.

### **Hermannsburg on Land Ownership in Melorane**

The missionaries of Hermannsburg combined religion with notions of land property—cultivated by hard-working and respectable peasants. However, their experiences in the Transvaal led them to go from seeing chiefs as potential allies to viewing them as significant obstacles to the works of the mission within a short period (Rüther 2012, 370). Only against this background is it possible to understand their portrayal of unfolding relations of power and authority in the Transvaal. Particular understandings

of property and of being socially underprivileged shaped the archive these missions created.

Winkler (1989, 30) says the position and location of HMS missionaries were determined by their being landowners. He indicated that in some instances, they did not buy land as they believed that the mission station was set in a place which was supposed to be owned by the missionaries. As a result, they believed in the gift of land or space reserved for their mission work—the land where the mission station is, is the property of the mission society. The basis of their conviction was that if they bought land jointly with the community it would make it easy for them to convert. The conversion would only be possible if the missionaries had the upper hand in land ownership.

In the Western Transvaal, the HMS bought land for the African people as trustees, and this was possible because at some stage the German missionaries were suspicious of the Boers. The idea of getting land directly was equally a challenge, since the land goes to the masses. It was only from the chiefs that they could acquire land unhindered, but also assisting Africans' access to it in the then Transvaal Boer Republic. Realising this, the Rustenburg City Council in those days constrained the missionary work further. In his conversation, Winkler (1989, 30) says "Plakkerwet" or Branded Law in 1887 rendered the missionaries as trustees the upper hand in public spaces.<sup>16</sup>

Through their access to land, missionaries could establish a dominant position over the Africans in the mission places. Winkler (1989, 53–4) identified four patterns of domain ownership for the missionaries. They could buy farms; or receive land from the government as mission reserves; they could also receive land from the tribal chieftains; and lastly, they could act as regents of the state on behalf of the African population. Above all, the missionaries occupied the positions of power over Africans since they controlled access to the land. The material and ideological interests of German Lutheran missionaries come together with colonialism. This sensible thinking by Winkler is supported by the experience of veteran Nkele of Melorane in the next section.

### The Story of Land by Veteran Nkele

Mr Nkele narrated a short story about Rev. Werhmann from a different perspective than that of the older man, Setou. According to him, Wehrmann came with his family and some of his brothers who owned "Tomisrus," a farm store in Melorane. He was known as "Tomi" for "Thomas." He indicated that the demarcation of the international and national borders happened when the Barokologadi were already in Melorane. He said Tomi was working closely with the Boers and the way the land was measured; large pieces of land were taken from blacks by the government with the agreement of the

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16 This notion was expressed by the retired Bishop Dithale of the Evangelical Lutheran Church of South Africa (ELCSA) in a telephone conversation.

## Molobi

missionaries. The example is the Barokologadi area known as Sebele, a name coming from the Bakwena Kgosi who lived there long before the *difaqane* wars.

The Barokologadi occupied that land after Kgosi Sebele had moved on to Mokwena in Botswana. The farm, Sebele, around the era when borderlines were initiated, was divided into large portions taken for free by the government. This story is evident as it appears in their letters for the land claim. Nkele indicated that though many members of Melorane could not see the reduction of their land by missionaries, it was, however, happening. The government of the time was interested in Sebele because of its proximity to the Madikwe River where there is now the Molatedi dam near the Madikwe Game Park.

### The Removals of 1950

In the years 1936 to 1940, the Barokologadi were told by the native commissioner to move out of Melorane. The reason was that Melorane was a “Black Spot”<sup>17</sup> in a white area, meaning that it was not supposed to exist in the area of white farmers (Setou 2007, 2).<sup>18</sup> The second point was that blacks were stealing from whites. Out of desperation, the Barokologadi tried to buy Melorane, but the apartheid government refused. The white person who took the whole land of Melorane lives on a farm known as Rooderand 117. It was a place where the village was established. The white farmers in that area influenced the government to divide the village into two parts through a fence (Moloantwa 2013/06 /27). Gates were placed far away from the people. Those who jumped the fence were sent to jail in Derdepoort near the Sikwane border post of Botswana and South Africa. In 1945, the Barokologadi in Makonjwane had already purchased Debrak as grazing land. Through suppression by the government they were forcibly removed to Debrak (grazing field). They were poor, and most of the men were undernourished.

In 1949 the native commissioner told the Barokologadi not to plough because they were going to be relocated to a distant farm of Misgund. They disregarded the call, however,

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17 The term “Black Spot” was used for the first time in the Barokologadi case on May 22, 1946, again in correspondence between the abovementioned departments. The Europeans were using the legislative framework to effect the evictions termed “removal of natives” from the area. In terms of the research conducted, it was unclear whether notices were served to the community members. Barokologadi argued that they resisted all the steps taken by the farmers and the native commissioner.

18 The undated letter states that the natives living in Melorane resided in properties many years before Act 27 of 1913; as a result, they did not need the Governor’s approval to remain thereon. Other correspondence made mention of the fact that the natives were regarded as lessees and information on them was requested from a certain Mr Swart. In it is written: A group of white farmers under the leadership of a certain Mr Meyer organised themselves and sent correspondence to the native commissioner in Zeerust in which they were alleging to take legal steps against the natives who were resisting vacating their farms.

## Molobi

and ploughed because it was their only way of producing food for their families. Mr Moloantwa<sup>19</sup> told the following story about the forced removals:

In 1950 it became a disaster when they were eventually forcibly removed from the area. They were removed like wild animals not created by God, according to Setou. Their cattle were impounded and kept in reserves. People were forced into trucks, and their belongings were thrown on top of them. Damage and hunger increased. Those who were helpless were thrown in the open ground of the nearby school, and they had no place to sleep. They started building huts like termite heaps in the open field. Many people died that year. A school and church shared one big hut. During the week it was a school and on Sunday church service was held in it. That forced removal divided the nation into four villages. Namely: Pitsedisulejang, Debrak, Katnagel and Obakeng.

In that forced removal, Barokologadi did not receive any compensation to wipe their tears like other tribes were treated, like building for them a school. They were also not given any reparation to build houses for themselves. Road and transport were not there. The cattle that died away from them had no one to account for them, even though they were paid to release them from the holding places. The question to a democratic government was, what are the people going to get from their enormous losses?

## Land Claim

The question is: When did Melorane become European-owned land? Secondly, in the case of Bophuthatswana, the Mmabatho deeds office dates back to 1875. The Melorane land claim task team made some investigations since 1995 about the title deed of Melorane. No further entries were made after the Barokologadi's forced removal until 1990, when the land was transferred to the now-defunct Bophuthatswana government.<sup>20</sup>

The title deed of Melorane changed hands about 10 times before the final owner demanded the Barokologadi's removal, which was viciously carried out in 1950. However, according to records, e.g. of HMS and Schapera, this was long after the Barokologadi had settled in Melorane. Others contradicted the information recorded by Breutz that missionaries arrived in Melorane in 1872 and worked among the Barokologadi. A certain Mr Erasmus is recorded as having been the first owner of Rooderand farm in Melorane. Other information is that in 1977, when Bophuthatswana came into existence, the farm Rooderand (Melorane) was placed under her. Now that Bophuthatswana is defunct, what about Melorane? It is how eventually the Barokologadi have gained strength against critics until they were given their land back in 2007.

In 1995, Moloantwa<sup>21</sup> contacted the elders of the Barokologadi community to inform them about the intended land claim. They told the Barokologadi community about the

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19 Interview, June 27, 2013. The chairperson of the Barokologadi Community Property Association.

20 From a conversation that was held with some members of the Barokologadi CPA, including the late Elder Setou before he passed away in 2019.

21 Together with Z Modisane; K Mokgophe; Ishmael Nkele; and J Valley.

## Molobi

Land Act of 1994, which allowed those whose land was taken by force to claim it back. They went to the four villages<sup>22</sup> of Barokologadi and told the people about this Act. The Barokologadi agreed in one accord to reclaim Melorane. Committees were established in all four villages to encourage people to support the idea of claiming back Melorane. The Melorane we are talking about is formed by the following farms: Rooderand; Genandental; Leeuwenhoek; Eersteport; Tweedepoort; Sebele; Wolwehoek and Doornhoek.

The executive committee was formed, comprising 12 members. The relevant government departments and the Land Claims Commission assisted by giving them copies of all laws relating to land claims. The legal resource centre representatives helped to explain how statutes should be understood and applied. At first, some members of the government took advantage of the applicants' unfamiliarity in knowing how to explain the statutes. Ms Louise du Plessis was great in giving support, as she helped to write legal letters and open a file for the CPA to keep them up to date to address any challenge ahead. LAMOSA (Land Access Movement of South Africa) also supported the community of Barokologadi.

### The Formation of CPAs

Under colonialism and apartheid, millions of black people lost their land and their land rights. It was a priority of the new democratic government to restore the land to black South Africans. Moreover, they were assisted in securing their land rights against powerful actors, including the state (who had been a dispossessor under apartheid). Since the land reform programme would involve the transfer of land from the state and private landowners to black South Africans, a legal entity was necessary. Through it, the land reform beneficiaries could acquire, hold and manage the property.

The new legal entities had to accommodate and be able to adapt to a range of de facto landholding practices, many of which were group-based. Unfortunately, they often failed to mirror or adapt to realities on the ground. The focus has been too much on compliance with the Act, and not enough on how they work smoothly for groups. Communal Property Associations (CPAs) had to meet these challenges. The CPAs are landholding institutions established under the Communal Property Associations Act No. 28 of 1996 (the CPA Act). Beneficiaries of the land reform, restitution and redistribution programmes who want to acquire, hold and manage land as a group, can establish legal entities to do so. The CPA Act provides for government registration of CPAs and also government oversight to enforce the rights of ordinary members. At its Land Summit in September 2014, the Department of Rural Development and Land Reform (DRDLR) released a new policy on CPAs; however, that falls beyond the scope of this article.

The Communal Property Association (CPA) represents the legal challenges for the whole community of Melorane's land claim. The CPA is the legal representative of the

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22 They were the villages of Pitsedisulejang, Debrak, Katnagel and Obakeng.

Barokologadi nation. The Executive Committee of 12 members was appointed to lead the CPA and lead in all other negotiations with them. The Barokologadi felt that the committee should consider running for five years before a new one is appointed. The Kgosi is a member (Ex Officio). Other support structures are helping the CPA with legal duties such as administration and economics. They serve as an advisory board, and they have included the educated youth.

### Some Relevant Acts with Direct Bearing

The Group Areas Act of 1950 made it compulsory for all South Africans allocated to racial groups, and specified the areas where only members of one racial group could live or own immovable property. Land was therefore classified for occupation by particular racial groups such as whites, coloureds and natives. Disqualified persons—that is, persons who were not of the same group as stipulated by the Group Areas Act—were not permitted to occupy any land or premises in a group area, except under the authority of a permit, nor were they permitted to own immovable property in areas from which they were disqualified. The Natives Land Act of 1913 divided South Africa into two separate racial areas, natives and non-natives, and prohibited Africans from residing outside their defined reserves; however, they were allowed to live away from their areas if they were working for Europeans. The Act aimed to provide the establishment of group areas and the control of the acquisition of immovable property and the occupation of land and premises. The Group Areas Act of 1950 led to the second wave of evictions and was used by the National Party government to forcibly remove black, coloured, and Indian people from designated “white areas” (Schoombee 1987, 497).

Based on the creation of these groups, the Act made provision for the establishment of group areas designated for the exclusive use and ownership of members of a particular group. The law functioned primarily through the control of ownership of immovable property, and use of land or premises based on the race of the owner or occupier. These laws divided South Africa into white and non-white areas, and enabled Africans to live permanently in “white” areas only to provide labour for whites. The Act established three groups of people—a white group, a native group, a coloured and Indian group. Okech (2013, 356) summarises it well when he speaks of territorial segregation where several laws were introduced which enforced territorial segregation between whites and blacks. For example, the Native Trust Land Act of 1936, which created additional acres of land for Africans (Reserves).

### Conclusion

Some of the unique aspects of the HMS approach included the practice of community of property, the extensive use of lay artisans, and practices that favoured “colonisation.” They formed the mission stations as the nucleus of new settlements with the intent of establishing an African German Christian civilisation. In the HMS in Melorane, the implication remained a different matter (where black ministers did not have political power like the Roman Catholic Church) other than being part of the comprehensive land

claim already made by the community. On the surface, it looks like the missionaries in Melorane were innocently giving what God has placed in their hearts, but underlying this, was an economic interest, particularly on land and property ownership. It had obscured the land blame from the HMS on land ownership of the Barokologadi and left it to appear as if it was solely a matter that concerned the National Party government.

We emphasised the unique relationship that the community of Melorane had with their traditional land. In Melorane, more information about the departed members of the community, including the German missionaries, was evident in the ruins, caves and graves. As a result, we are justified to conclude that their retreat from Melorane to Rustenburg was a deliberate one in favour of the National Party government. At the beginning of the 1950s, the Lutheran mission, synods, and churches of southern Africa began a difficult period of consolidation and restructuring.

It was through the shared information in this article that the Barokologadi of Maotwe justified claiming their land back. Indeed in 2007, their claim was successful. The community was compensated and started the community projects funded by the government in the beginning. After that they had to look for investors and funding from somewhere else. It should be kept in mind that the Barokologadi community as a whole were composed of members of the HMS who later mostly became members of ELCSA.

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