

A Brief History of Land Rights in Kwazulu-Natal

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SUMMARY

Hunter-gatherers, the early peoples that inhabited the fertile lands that today are known as the Province of KwaZulu-Natal, Republic of South Africa, have vanished entirely and the only evidence that remains from their times is their burial grounds, their middens and their rock art. Three hundred and fifty years ago, when Europe and the East already had great libraries and formal land records, there was not even the most primitive of writing that recorded the existence and migration south of African herders and tillers, who either displaced the hunter-gatherers or assimilated them into their own clans.

Some two hundred years ago, King Shaka, leader of one clan of African people, conquered most of the clans that had by then occupied what is now KwaZulu-Natal. Shaka “gave” a small part of this conquered territory to some European traders. His successor Dingane also “gave” some land to Gardiner, a British Missionary, and then, in 1837, allegedly a substantial area to the Boer leadership. (The Boers were a large group of migratory farmers of Dutch descent who sought their own homeland.) These Boers then allocated most of it to land-hungry individuals and land, surplus to their needs, was sold to speculators.

However, it was never the intention of Shaka or Dingane to relinquish their sovereignty over KwaZulu-Natal. According to Gardiner, Dingane had made it clear to him that he was to be “chief” over the European settlers, under himself as king. After Dingane’s army was defeated by the Boers, the African clans displaced by Shaka sought to re-occupy their ancestral land settled by the Boers. The Boers used the Cape-style Roman-Dutch law, which emphasised written record, to satisfy themselves that the land of Natal had been granted to them freehold. There was therefore never any question on their part of giving the land back or compensation to the earlier occupants. This resulted in several skirmishes over the land between the Boers and the African

clansmen.

Unwilling to let the Boers have their own homeland, the British annexed “Natal” in 1842 and brought all land of the new colony, howsoever previously owned, under the Sovereignty of Her Majesty. New Title Deeds were issued in accordance with the laws created for the Territory of Natal by the Colonial Government. It is these self-same Title Deeds and the succession thereof which remain in force today.

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