

## **NEW IDENTITIES AND OLD PERCEPTIONS: OPPERMAN'S GROUNDS LAND RESTITUTION**

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### **1. INTRODUCTION**

The people of Opperman's Grounds are represented on the National Khoisan Consultative Conference of South Africa, and are thus deemed to comprise part of the Khoisan indigenous peoples of South Africa. During recent years, academics have been engaged in deconstructing the essential nature of Khoisan cultural authenticity (cf. Robins 2001, Tobias 2002 and Barnard 2002). On the basis of the relevant academic discourse, at least one aspect has become clear, namely that the understanding of Khoisan identity is frequently polythetic, and that part of this identity is linked to the local context.

Mechanisms for identification or name-giving largely make use of labels that are concerned with "race", "culture" and "ethnicity". These are central concepts in the local context of the people of Opperman's Grounds. Their entire life and destiny, for example, were determined, right from the beginning, by a system of racial classification. They were marginalised because they were "non-whites" (Du Pisani 1984:315); and because they were marginalised, they eventually became impoverished and lost their land.

This article focuses on the emergence of intracommunity tensions, owing to the revitalisation of the Oppermans' identity, as well as of a "coloured" ethnic identity; racially-based forms of political mobilisation; and land struggles. The research results presented here are the outcome of a request that the author received from the Opperman family to assist them with a land claim that they had submitted. Written sources (both published and unpublished) concerning Opperman's Grounds are limited. It was therefore necessary to pay several visits to the area of the research and conduct interviews with informants and focus groups. This research was carried out during 2004-2005.

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## 2. HISTORICAL BACKGROUND

After four days in flight on horseback through a harsh environment, Frederik Salomo Opperman safely crossed the Orange River into no man's land (Transorangia), circa 1825. Particulars about this runaway slave are scanty and conflicting. It is believed that he was born on 27 August 1785 near Stellenbosch, and that he had either an Indian father and a French mother, or vice versa (Kuschke 1927:5). He, his wife, a son (Petrus Adam) and four daughters were the slaves of a wine farmer from Drakenstein, with the surname of Opperman. The latter ran into financial difficulties and had to give up farming. Subsequently, Frederik and his four daughters were sold, on 5 July 1825, at a slave auction at Graaff-Reinet. Farmer Opperman had decided to retain the services of Frederik's wife, while Frederik could afford to pay the amount of 1 200 rix-dollars for the freedom of their son. The latter was allowed to stay with his mother. Wynand Pretorius bought Frederik. Pretorius was a cartwright from Cradock (or Swellendam), who employed Frederik as a blacksmith.<sup>2</sup>

As the family had been torn apart, the new owner at first allowed Frederik to visit his wife regularly - the trip on horseback took him about twelve hours. When farmer Opperman decided to move to another area, however, Wynand Pretorius refused to give Frederik permission to go and say goodbye to his wife and son. An argument broke out between the two of them, and Frederik was incarcerated. He managed to escape, however, and fled northwards, taking his son with him.

A reward, comprising £50 and a wagon, was offered by Wynand Pretorius for Frederik's capture. The next few years proved difficult for Frederik; he had to eke out a living and was involved in several skirmishes with indigenous groups (he was wounded more than once), while he constantly, but unsuccessfully, tried to dodge the bounty hunters. He was captured twice, but succeeded in escaping on both occasions. Slavery came to an end in the Cape Colony in 1838, and Frederik could finally spend his time establishing himself as a prosperous farmer, hunter and blacksmith. At first, he stayed with different Koranna groups along the Riet River (in the vicinity of present-day Bethanie, near Bloemfontein), but he later settled among the Griqua of Adam Kok at Philippolis.

Allegedly, as a gesture of goodwill, he decided to pay Wynand Pretorius £150. He also went back to Swellendam to look for his family. His wife, unfortunately, had already passed away. Three of his daughters returned with him to Philippolis, where they later married white men, while he himself married a woman who was either a relative, or a daughter, of Adam Kok (Du Pisani 1984:310-1).

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<sup>2</sup> Frederik was sold for 3 000 rix-dollars, which, according to Du Pisani (1984:307), was a high price for a slave at that time.

In what can be regarded as the initial phase of the establishment of Opperman's Grounds, the farm Doornhoek<sup>3</sup> was registered on 12 July 1859 in the name of Frederik Opperman. The transferor was A Kok (Du Pisani 1984:310). By 1867 Frederik Opperman was regarded as one of the richest farmers and most prominent landowners in the Free State Republic. Later (on 1 October 1867), he transferred all his land to his son Adam, who, in the meanwhile, had also bought the farms Poortjiesdam<sup>4</sup> and Jakkalsput<sup>5</sup> (both from white farmers). In the end, the Opperman's Grounds also included the following three farms: Droogleegte<sup>6</sup>, Winkelhaak<sup>7</sup> and Volstruiskooi,<sup>8</sup> jointly covering an area of 34 185 hectares.

The Oppermans spoke Afrikaans-Dutch;<sup>9</sup> marriages between the Oppermans and whites were the order of the day;<sup>10</sup> they were actively involved in the economy of the Free State Republic;<sup>11</sup> and they provided military assistance to the Free State on more than one occasion - e.g. during the Basotho Wars (1858 and 1865) and the Anglo-Boer War (1899 - 1902) (Kuschke 1927:3-4, 20 and Raath 1997:177). According to Du Pisani (1984:315), they identified themselves more closely with white Afrikaner farmers and burghers and the government of the Free State, than with their Griqua neighbours at Philippolis. From Kuschke's (1927:1 and 23) account, however, it is clear that, firstly, the property rights of Adam Opperman were only guaranteed in 1892 during a special session of the Assembly of the Free State Republic; and secondly, that white farmers were displeased because the government allowed such a large tract of land to remain in the possession of coloureds, instead of making it available to poor whites.

The above-mentioned state of affairs must have troubled Adam and his father, since both of them attempted, by means of specific stipulations in their respective wills, to protect their right of ownership. These stipulations also made provision for a specific management system.

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<sup>3</sup> No. 128, district of Jacobsdal.

<sup>4</sup> No. 125, district of Fauresmith, on 7 July 1860.

<sup>5</sup> No. 229, district of Fauresmith, on 25 April 1887.

<sup>6</sup> No. 121, district of Jacobsdal, registered in the name of Adam Petrus Opperman during 1872.

<sup>7</sup> No. 120, district of Jacobsdal, registered in the name of Adam Petrus Opperman during 1872.

<sup>8</sup> No. 279, district of Fauresmith, registered in the name of Adam Petrus Opperman during 1872.

<sup>9</sup> Kuschke (1927:1) refers, in this regard, to the pure Afrikaans spoken by the Oppermans.

<sup>10</sup> Both Frederik and Adam married more than one white widow, while their daughters married white farmers / traders / missionaries. Kuschke (1927:1) alleges: "Party is so wit, dat, as mens een van hulle langs die pad sou kry, mens hom sonder aarseling met 'oom' of 'neef' sou aanspreek" ["Some of them are so white that, if one were to meet one of them along the road, one would not hesitate to address him as 'uncle' or 'cousin'"].

<sup>11</sup> Produce from their fruit and vegetable gardens was sold at the markets of Kimberley and Bloemfontein, and a wool-washery delivered an important service to surrounding white sheep farmers.

### 3. MANAGEMENT

Frederik was the owner, patriarch and leader of Opperman's Grounds - his word was law. He had a no-nonsense approach, and his subordinates were often punished severely, especially for theft (Raath 1997:176). His son Adam succeeded him in 1867 as head of the family. Written accounts (Kuschke 1927:17 and Du Pisani 1984:313-4) confirm that Adam was a competent and well-respected leader.<sup>12</sup> Under his guardianship, the occupants of Opperman's Grounds developed into a fairly prosperous, well-organised and peaceful community. For example, he planned and supervised the building of 46 dams, the digging of 20 wells and the construction of a water furrow, which delivered water to most residents. He was also responsible for the building of a church (of the "Berlynse Sendinggenootskap"), a school and a shop.

As a result of the economic prosperity enjoyed by Opperman's Grounds, black people (predominantly Tswana) were appointed, in the course of time, as domestic and farm workers. According to Kuschke (1927:24), a strong colour prejudice existed among the Oppermans, and they regarded black people as inferior. Kuschke (1927:24) refers in this regard to the social tension that resulted from intermarriages with blacks.

Before his demise, Adam had a will drawn up (on 13 May 1891) which specified the following: His direct descendants, together with his sisters and two close friends ("bloedvriende"), were to have communal occupational and land usage rights. The will also contained specifications concerning the management of the Opperman's Grounds, as well as a description of the duties and responsibilities of his tutor testamentary. According to Du Pisani (1984:318), Adam's greatest legacy to the community was the legal safeguarding of its communal occupational rights.

After the death of Adam, his grandson Salomo succeeded him as head of the Opperman family. Because Salomo was, at that stage, still a minor, Dirk de Bus acted as guardian. Salomo was officially registered as the head of the Opperman family on 14 October 1907.<sup>13</sup> Salomo's eldest son, Adam Jakobus, was appointed head of the family on 18 June 1959 by the Master of the Supreme Court in Bloemfontein, after the Opperman family had elected him on 30 May 1959. Only adult, registered occupants could attend family meetings, and they were the only persons who could vote. Family meetings were held four times a year.

<sup>12</sup> He was, for example, elected on 2 October 1854 by the inhabitants of the Bethany mission station as a member of the "ligchaam van Heemraden," and was appointed by President Josias Philippus Hoffman (Republic of the Orange Free State) as head of the council. After five years he retired as full-time head of the Council of Bethany (Du Pisani 1984:314).

<sup>13</sup> Certificate of Registration No. 22131, O.R.C. Vol. 444. Transfer Deeds from No. 22101 to No. 22150, Deeds Office, Bloemfontein.

Adam Jakobus was the last person to be officially recognised as head of the Opperman family, since the Opperman's Grounds were subsequently taken over by the apartheid government. The Minister of Coloured Affairs, on behalf of the South African government, took over the ownership of the Opperman's Grounds by virtue of **Proclamation 16 of 1963**, promulgated in terms of the **Preservation of Coloured Areas Act, 1961** (No. 31 of 1961). The apparent motivation for the action of the government in this connection was to save the Opperman's Grounds - which were undergoing serious socio-economical problems (marginalisation and poverty) - from ruin, and to develop the land as a coloured reserve (Fortuin s.a.: 6). People of racially mixed descent were accordingly resettled at the Opperman's Grounds, irrespective of whether they had any historical, cultural or genealogical ties with the area. Griqua people from the neighbouring areas, for example, became so prominent in Opperman's Grounds that a branch of the Griqua National Conference of South Africa was established there, along with a congregation of the Griqua Independent Church.

An Advisory Board<sup>14</sup> was instituted for Opperman's Grounds in 1963;<sup>15</sup> and a management body, the Oppermansgronde Bestuursraad [Opperman's Grounds Management Board], was appointed in 1987.<sup>16</sup> This Management Board took over the ownership and management of the Opperman's Grounds in the capacity of a trust. In 1993, Opperman's Grounds were proclaimed a non-metropolitan area of local government; and the Opperman's Grounds Transitional Local Council took over the management (**Local Government Transitional Act, 1993** (No. 209 of 1993)).

Currently, the Opperman's Grounds fall within the jurisdiction of the Letsemeng Municipality. It has a population of 2 135 (according to the 2002 census) and is divided into a town (Oppermansdorp) and a farming area. The town has approximately 180 houses, while the farming area is divided into 160 so-called "economic units" of 260 hectares each. Individual farmers initially leased the land, but property rights were later transferred to these farmers.

The establishment of these "economic units" started during 1985<sup>17</sup> as a result of repeated efforts (first by the all-white Parliament, then by the Department of Local Government in the Coloured Representative Council, and thirdly by the Department of Local Government, Housing and Agriculture, House of Representatives -

<sup>14</sup> The following members were appointed: C Cornelissen, JC Batjes, AF Ontong, AJ Opperman and SP Sauls. The first elections were held on 18 November 1981 and the following ten members were elected: J Bartlett, R Bartlett, S de Koker, A Ontong, J Ontong, JD Romein, JI Romain, JS Romain, P Sauls and J Topkin.

<sup>15</sup> By virtue of the **Rural Coloured Areas Act, 1963** (No. 24 of 1963).

<sup>16</sup> By virtue of the **Coloured Rural Areas Act, 1987** (No. 9 of 1987).

<sup>17</sup> The units were established in terms of the **Rural Coloured Areas Act** (No. 24 of 1963) and the **Rural Coloured Areas Amendment Act** (No. 31 of 1978).

Tri-Cameral Parliament) to abolish the communal land tenure system of the former coloured reserves in South Africa. According to general agricultural perspectives, the communal land tenure system encouraged overgrazing, because the number of farmers on the communal land could not be controlled.<sup>18</sup>

Throughout the whole of South Africa, inhabitants of the former "coloured reserves" were against the introduction of the system of economic units. In 1987, for example, residents of Leliefontein (a coloured reserve in Little Namaqualand) went to court in an attempt to nullify government regulations in connection with the economic units. The Cape Supreme Court ruled against the respondents in its finding (**South African Law Reports** 1990, Case No. 907/89). Subsequently, the inhabitants of Kuboes (in the Richtersveld - a coloured reserve in Namaqualand) also requested that these regulations should be reversed in the Richtersveld (Erasmus 2000:39-40). The same happened in the Mier rural coloured area in the Kalahari (Erasmus 1997:116-7). Because of the precedent that had been set by the Leliefontein case, the Apartheid government did not oppose the Richtersveld and Mier applications. The Richtersveld was thus legally restored as a communal land tenure area, while economic units were not implemented at Mier.

However, despite the judicial situation (as outlined above) and the strong objections that had been raised by the majority of the inhabitants of Opperman's Grounds, the economic units were implemented, and served as the basis for the most recent process (2004/5) of land redistribution. The consequences were numerous and included the following:

- The implementation of the economic units drastically changed the system of land tenure - only a handful of tenants benefited, and became wealthy, middle-class "landlords". The very premise on which the supposed solution (in the form of economic units) for land usage was based, led to a situation in which the majority of the inhabitants were deprived of the only way of life they had ever known, namely subsistence farming.
- The economic units constituted a significant source of social tension. Beneficiaries expelled fellow family members (brothers and sisters) from the land where they had been born and bred, because they had become a nuisance to them. Most of those who had been expelled from the farming areas ended up in Oppermansdorp, where their only option in respect of obtaining a livelihood was to wait patiently in their RDP houses for the next month's welfare pension. People who had once been proudly independent became welfare cases.
- The implementation of these units also created a basis for political power.

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<sup>18</sup> The communal land tenure system of the previous coloured reserves, according to authors like Boonzaier (1987:482) and Schapera (1965:319), however, does not mean that everybody has equal, free and unconditional access to land. Commonage does thus not necessarily mean the deterioration of the land.

The reaction of the landless can be summarised as an objection against the privatisation of the commonage, which they saw as an infringement of their historical rights. This reaction was a reflection of their political stance against the "landlords" and against the latter's support for the government. It was also their way of protesting, in response to the general (and widely circulated) allegations in respect of the nepotism and favouritism displayed by the House of Representatives toward those who supported them politically (**Rapport** 1990).

#### 4. THE LAND CLAIM

Land restitution in South Africa is conducted against the background of a specific historical-political context. The present process of land reform, restitution and redistribution represents an attempt to reverse the inequities which were created mainly in terms of discriminatory institutional allocation and administration of land. A legal framework was established to facilitate the reclaiming of land by those who had been unfairly deprived of, or evicted from their land.

Residents of the Opperman's Grounds used the opportunity presented by the land restitution policy in order to claim back their land. Two claims were initially instituted: one by the Claim Committee of Mr Freddie Opperman, and the other by the Task Group. The claim instituted by Freddie Opperman includes the above-mentioned six farms and is based on the terms of Adam Opperman's will - in other words, the principles of communal ownership, utilisation and management of the land - as well as on the fact that, genealogically speaking, he is the most senior, direct male descendant of Adam Opperman.

Freddie Opperman firmly insists that he is neither a coloured nor a Griqua, but an Opperman. ("Ek is 'n Opperman deur en deur. Dwarsdeur! Ek is nie 'n halwe een nie.") ["I am an Opperman through and through. Totally! I am not just half an Opperman."] He also turned down all forms of assistance offered to him by the local leaders of the Griqua National Conference of South Africa with regard to the land claim. Moreover, although he is on record as having stated that he did not wish to create a second Orania, but merely wished to have the land registered in the name of Adam Opperman's descendants (**Volksblad** 1999), he is also of the opinion that Grikwas and black people do not belong on the land and that they should be expelled from it.

The claim of the Task Group was based largely on individual ownership - in other words, its aim was to maintain the status quo of the economic units. The Task Group thus rejected Adam Opperman's will. Members of the Task Group were chiefly comprised of persons related by marriage - that is to say, the children of

Adam Opperman's daughters' children and their spouses.<sup>19</sup> This group thus cannot lay claim to direct, male genealogical descent, and is heterogeneous in terms of descent and composition. It would create confusion if the members of this group were to claim to be Oppermans (like the members of the Claim Committee of Freddie Opperman). For strategic reasons, it was also not expedient to emphasise ethnic divisions (such as Oppermans versus Griquas). Viewed against this background, it does not seem strange that members of the leadership group<sup>20</sup> refer to themselves as "coloureds". This term, which was once considered a highly objectionable apartheid label, was converted into an overarching, generic, neutral concept/etiquette.

During a so-called "legal entities workshop",<sup>21</sup> the majority of the residents of the Opperman's Grounds, according to the researcher who conducted the workshop, voted "in favour of a Communal Property Association in accordance with the wishes of the Testator, Adam Opperman, as stipulated in his will [while the] minority of the claimant group voted in favour of individual ownership" (Fortuin s.a.:12-3). In other words, the majority of residents were in favour of the claim of Freddie Opperman, and supported the basis thereof, and thus rejected the basis of the claim of the Task Group. Accordingly, only Freddie Opperman's claim was recognised by the Commission on Restitution of Land Rights (on 28 April 1999), while the Task Group's claim was rejected.

Three years later (on 26 April 2003), a Settlement Agreement was signed between the Commission on Restitution of Land Rights, Letsemeng Local Municipality and the Department of Agriculture and Land Affairs on the one hand and the Opperman's Grounds Claimant Community on the other hand.<sup>22</sup> The latter had been elected by the community four days before the signing of the agreement (on 22 April 2003), during a mass meeting that was held in the community hall (cf. undated letter: Commission on Restitution of Land Rights - KRN 6/2/2C/13/0/0/1). For this reason, the Commission on Restitution of Land Rights recognised the Opperman's Grounds Claimant Community as the representatives of the

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<sup>19</sup> Daughters comprised the great majority of Frederik's, as well as Adam's descendants. This means that the descendants of the female lineage are considerably more numerous than in the case of the male lineage.

<sup>20</sup> The leadership comprised the following persons: B Remelien, D Lemmetjies, D Ontong, P Barnes and H Jacquire.

<sup>21</sup> The workshop formed part of the restitution research, as prescribed by the Commission on Restitution of Land Rights, and was held on 10 June 2000 by the researcher appointed by the Commission.

<sup>22</sup> Clause 1 of the Settlement Agreement stipulates: "The Department shall restore the claimed land to its original owners, a property being 34 000 hectares in extent. The area of 25 hectares of township area is to be excluded in terms of this agreement and to remain the property of Letsemeng Municipality." Clause 4 makes provision for the forming of the Oppermansgronde Project Steering Committee (PSC), which will be responsible for the implementation and management of the agreement.



community. The Claim Committee of Freddie Opperman, whose claim had originally been recognised, was excluded from the agreement.

The Opperman's Grounds Claimant Community comprises the persons who were also the members of the Task Group whose first claim was rejected. The Task Group has thus been reconstituted to form the Opperman's Grounds Claimant Community; hence, these two organisations share the same point of departure, namely that those farmers who are leasing the economic units should be given individual property rights once the land is restored. This notion did not make allowances for the fact that other descendants of the Opperman family who are not farming are also beneficiaries of the land.

The issue as to who should represent the community was a very sensitive one. It was resolved through the election of ward representatives. Mr Freddie Opperman, the original claimant of the land, was not elected. The style of leadership probably played a certain role in this regard<sup>23</sup>. Freddie Opperman's legitimacy as a leader, for example, owed much to his claim of being the eldest son (and thus the legitimate successor in terms of the will of Adam Opperman) of Adam Jakobus Opperman, who had been the last appointed Head of the Family. This claim was successfully challenged by the Opperman's Grounds Claimant Community, who alleged (but never proved) that Freddie was an adopted child and therefore could not be the heir of the Opperman family. Phillip Barnes, on the other hand, who did not have direct access to any genealogical markers, rose to prominence as the first chairperson of the Opperman's Grounds Gemeenskaplike Eiendomsvereniging (Communal Property Association). His political style contrasts dramatically with the more low-profile, parochial and traditional type of leadership of Freddie Opperman. Phillip Barnes's strength as a leader may be attributed to his capacity as a mediator, and his ability to communicate the local issues of the Oppermans to the provincial and national audiences, and to engage in development-related and bureaucratic discourse.

The result of the course taken by the settlement agreement, was that Freddie Opperman felt that he had been fraudulently deprived of his land once again - this time by a "black" government. In reaction, he decided, inter alia, to seek support from the (mainly) "white" opposition party (the Democratic Alliance): "We have always had a good relationship with the whites, and anyway we don't like this idea of black empowerment."

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<sup>23</sup> Of course, there were also the almost inevitable allegations of nepotism and fraud. However, these allegations were never proved.

## 5. DISCUSSION

The Opperman's Grounds land claim unfolded within a post-apartheid political landscape. Subsequent to the land-signing ceremony, tensions intensified between different ethnic and racial segments of the population (Oppermans, Griquas and coloureds). With regard to local issues, the land claim has, on the one hand, become a catalyst for a process of ethnogenesis (for some residents, it has provided an opportunity to assert that they are Oppermans and that they had occupied the land for more than one and a half centuries before the submission of the recent land claims). On the other hand, the land claim differentiates between blacks and non-blacks and, in the process, it has re-activated the apartheid attitude of racial prejudice, and has also reinforced the stereotype of "coloured".

From an emic category of understanding, in terms of the structure of thought peculiar to the Oppermans, one could speak of an Opperman identity. It appears reasonable to maintain a more primordialist understanding of this Opperman identity - the Oppermans identify themselves with the Opperman's Grounds as the territory of their fathers. The "coloured" identity, in contrast, seems to be more instrumentalist in its composition. This does not imply that one identity is more "real" than the other. Rather, an understanding of the structure of thought in respect of both identities facilitates a greater insight into the different ways in which the inhabitants of Opperman's Grounds experience/understand/feel/construct/relate to their identities.

The case study on Opperman's Grounds has confirmed that:

- Democratisation in South Africa has not led to a reduction in narrow identities. Whereas the concepts of "race", "culture" and "ethnic mobilisation" were put aside during the struggle years, since they would have constructed false forms of awareness that would have played into the hands of Pretoria, these concepts currently have a particular meaning in the day-to-day functioning of the Opperman's community.
- The ability of a marginalised, indigenous community to effectively hold the state responsible for the implementation and protection of their rights, is not necessarily promoted by the basic point of departure of the democratic dispensation in South Africa, namely, that human rights are based on individual rights and not on group rights.
- Racial, ethnic and power-related conflicts in recent years have drawn attention to the difficulties in respect of creating community solidarity and viable livelihood strategies in the Free State Province, which is characterised by massive unemployment and rural poverty. Conflict concerning identity and leadership could ultimately deflect attention away from the more immediate and material livelihood needs.

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