

Chicago-Kent College of Law

From the Selected Works of Bernadette Atuahene

Winter 2015

Researching Law's Special Issue on "We Want What's Ours"

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Researching

LAW

WINTER 2015

Vol 26 | No 1



We Want What's Ours: Learning from South Africa's Land Restitution Process

We Want What's Learning from South Land

On her first trip to South Africa in 2002, ABF Faculty Fellow Bernadette Atuahene learned some troubling statistics concerning the country's political and economic geography. When the apartheid system came to an end in the early 1990s, white South Africans, who comprised less than ten percent of the population, owned about 87 percent of the land. These outsize holdings stemmed from government-sanctioned theft and appropriation of native land, a process that started in colonial times, and continued through most of the twentieth century. When the African National Congress and other liberation parties negotiated the end of the apartheid system with the ruling white National Party, a robust program of land reform was one of their key demands. Yet almost ten years later, when Atuahene arrived in South Africa to begin a clerkship at the Constitutional Court, little had changed.

Today, more than twenty years after the end of apartheid, and after a multi-year land reform initiative, less than ten percent of land taken by whites from blacks has been returned. How has this occurred? Why has South Africa's land restitution program, mandated by the 1997 Constitution (which replaced the Interim Constitution of

1994, the first Constitution to call for the establishment of a commission to oversee the restitution of land rights), moved so slowly? How has the land reform process functioned; what kinds of compensation have individuals received? Why, and in what manner, have inequities persisted for so long?

It was questions like these that prompted Atuahene to return to South Africa in 2008 and to undertake the research project that led ultimately to her book *We Want What's Ours: Learning from South Africa's Land Restitution Program*, which was published in 2014. The book draws its data from a series of qualitative interviews conducted

Ours:

Africa's

Restitution Process

by Atuahene with ordinary South Africans who went through the land restitution process, as well as interviews with land commissioners and other government workers responsible for administering the program. From these interviews, Atuahene was able to better understand the challenges faced by claimants and program officials, and to appreciate what had been achieved when the program worked well and the opportunities lost when it did not. Ten years in the making, it is the first comprehensive, systematic, qualitative study of urban land reform in South Africa. The book breaks new ground, as it presents an empirically grounded analysis of the successes and failures

of South Africa's first attempts at land reform, as well as a series of evidence-based policy recommendations for subsequent rounds of the reform process.

Past Property Theft and the Promise of Land Reform

The history of South Africa is marked by systematic theft of native lands executed and/or legitimated by the white-dominated government. During colonial times, the British and Dutch violently dispossessed natives of their land both as a means of distributing it to white settlers and as a way to destroy African self-sufficiency. The system of land confiscation continued after the Second Boer War, when in 1913 the

newly formed Union of South Africa passed the Natives Land Act. Under the Natives Land Act, black land ownership was restricted to certain areas of the country, which totaled only seven percent of the land mass (this number was increased to 13 percent under a subsequent act); consequently, more blacks were forcibly removed from their land. Apartheid became official government policy in 1948, and displacements and dispossessions, executed under the aegis of various laws, continued through the 1980s. As Atuahene explains, as a consequence of this history, "in 1994, whites owned about 87 percent of the land although they constituted less than ten percent of the population. There was one unifying chord over

COVER: The slogan 'We Won't Move' appears on a wall in Sophiatown, a suburb of Johannesburg, 1955. In 1955, the Group Areas Act allowed the government to relocate the black inhabitants of Sophiatown to the surrounding countryside, having allocated specific living areas to people of specific races. (Photo by Jurgen Schadeberg/Getty Images)



Families being evicted from Sophiatown, February 1, 1955. Photo by Terence Spencer/The LIFE Images Collection/ Getty Images

the centuries—dispossession was part of a larger strategy to subjugate blacks whom white authorities considered sub persons not worthy of full and equal inclusion in the political community.”

Mrs. Baruti¹, a nurse, and her husband, an audit clerk at the bus company, illustrate this point. Though members of

the African middle class, as Atuahene states, “when they were evicted from their home in Sophiatown, it was clear that their economic success would not erase their subordinate place in society.” Mrs. Baruti:

The day I had to leave Sophiatown...they sent two trucks to come and remove my furniture and all...As we moved out they bulldozed the house we were staying in same day, to make sure

nobody goes in there ... It was terrible but because I was under the white regime what could I do? I was a toothless citizen. I just had to be nodding and saying ‘ja baas, ja baas.’ [“yes, boss, yes boss”] The soldiers were there, the police were there. There was nothing much you could do.

The apartheid system began to break down in the late 1980s and early 1990s as

¹All names have been changed to protect respondents’ anonymity.

the government undertook negotiations with the opposition African National Congress (ANC) under the leadership of Nelson Mandela. Both sides made concessions, a key ANC concession being the protection of current property rights. However, at the same time, the ANC won the promise of future land reform. This promise is enshrined in Chapter 2 of the Constitution of the Republic of South Africa in the following Sections, most notably Sections 25.5, 25.6 and 25.7.

- **25.5:** “The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
- **25.6:** “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.”
- **25.7:** “A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws

or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.”

The agency charged by Parliament in 1994 with making this constitutional promise a reality was the newly formed Commission for the Restitution of Land Rights. In the early days of the restitution process, the commission’s role was to facilitate agreement by all parties subject to a claim, and to forward their recommendation to the Land Claims Court that would ratify, amend, deny or modify the agreement. While the court brought expertise, clarity, direction and accountability to the process, it also slowed proceedings to a painful crawl, with the result that the commission was able to settle only four claims between 1994 and 1996. This rate of decision-making was unacceptable; claims were being filed at such a rate that by the cutoff date of December 31, 1998, just under 80,000 had been filed. Consequently, in 1997 Parliament amended the original 1994 Restitution of Land Rights Act so that settlement agreements no longer required the court’s approval.

Research Method

For her primary data, Atuahene drew on 150 semi-structured interviews she conducted with claimants in 2008, each lasting between thirty and ninety minutes. Unlike most research on land reform in South Africa, Atuahene focused on urban rather than rural areas. Interviews were conducted with people evicted from their homes in the Western Cape Province, which includes Cape Town, and Gauteng Province, which encompasses both Johannesburg and Pretoria. In the Western Cape, interviewees had lost their homes in and around Cape Town, in communities such as District Six, Paarl, and Steurhof, as well as in further flung communities such as Luyolo Township in Simonstown, Mossel Bay, Die Eiland, and Dusseldorp. In Gauteng Province, Atuahene interviewed former residents of Kliptown, Evaton, Sophiatown, and Payneville, as well as the community of Marabastad, located just outside Pretoria. Several of these communities had been multi-racial before their destruction, so in addition to African respondents, Atuahene also interviewed people of South Asian and “mixed” race backgrounds. A small number of white respondents, who

had been relocated (and compensated) by the government in order to create new segregated communities for blacks and coloreds were interviewed as well.

In addition, she conducted twenty-six semi-structured interviews with commission officials working in the Central Land Claims Commission as well as in the Gauteng and Western Cape Regional Land Claims Commissions. She also spent seven months as a participant observer, conducting research from an office within the Central Land Claims

Commission in Pretoria. From this position she was able to observe the commission in action, access relevant documents and records, and ask any questions she had of commission staff. The interview phase of Atuahene's research was funded by an International Affairs fellowship from the Council on Foreign Relations.

The American Bar Foundation provided Atuahene with mentorship and practical support during the planning, analysis and write-up stages of her project. Both Chicago-Kent and the ABF provided

institutional review of the project, ensuring that it met ethical standards for human subjects research. ABF paid for a graduate research assistant to help code respondents' replies to the interview questions, so that patterns might be identified and analyzed. In addition, ABF and Chicago-Kent College of Law co-sponsored a manuscript conference, providing an opportunity for Atuahene to receive expert feedback on the book's structure and arguments. "The book is ten times better because of the manuscript conference," says Atuahene.

Provinces of South Africa



Dignity Takings and Dignity Restoration

Central to Atuahene's research is the concept of *dignity takings*, a term she coined. According to Atuahene, a dignity taking occurs "when a state directly or indirectly destroys or confiscates property rights from owners or occupiers whom it deems to be sub persons without paying just compensation or without a legitimate public purpose." As Atuahene elaborates, a dignity taking is a "radical taking where the state does not pay anything even approximating the market value of property; or when the taking is part of a larger attempt to dehumanize or infantilize the dispossessed group..."

Atuahene argues that because this kind of taking results not only in economic deprivation but also in a negation of human worth and autonomy—what she terms "dignity deprivations"—a full remedy requires more than just compensation for things taken. While compensation addresses financial deprivations, *dignity restoration*, another term Atuahene introduces, is "more time-consuming, complicated, and expensive than reparations," Atuahene explains. Dignity restoration is more complicated because it "seeks to rehabilitate the

dispossessed and reintegrate them into the fabric of society through an emphasis on process." Based on the principles of restorative justice, dignity restoration involves "compensation that addresses both the economic harms and the dignity deprivations involved." As it adopted a democratic form of government and a new constitution, South Africa chose the difficult path of moving "beyond reparations to facilitate dignity restoration" in cases where land had been unjustly confiscated in past years. Through her study of South Africa, Atuahene seeks to answer, in both theoretical and empirical terms, the central question, "when there has been a dignity taking, what does dignity restoration require?" Her book examines "whether the post-apartheid state was able to facilitate dignity restoration through its land restitution program mandated by section 25.7 of the South African constitution."

The Restitution Process in Practice

From her analysis of interviews with both commission employees and claimants, "two stories emerge," says Atuehene. "One story is about how the ever-looming deadline to finalize all the claims impaired

the commission's ability to effectively address the deprivations of property, human worth, agency and community. The other story is about how dispossessed people were often overwhelmed and unable to smoothly navigate their way through the complicated restitution process because they did not have the financial resources, knowledge, networks, or assistance from civil society organizations necessary to hold the commission accountable when it was not acting in their interest or strictly in accordance with the relevant laws." In addition, the commission was hampered by inadequate training and high employee turnover. Financial compensation was generally quicker and easier to distribute than land, and, in its haste, at times the commission emphasized that option. As Atuahene explains, in theory the process, "was supposed to promote choice, but this is not what happened. Many respondents never had an opportunity to choose because the commission often did not present them with all of their options."

Because of the rushed process, as well as a poor understanding of the ramifications, and for other reasons, the majority of

urban claimants took financial compensation, Atuahene found. “In the end,” Atuahene states, “about 73 percent of urban claimants received financial compensation while only 24 percent of claimants received development (the commission referred to any transfer of land as development).” These financial awards were modest and “symbolic rather than tied to the market value of the property interests lost,” according to Atuahene. Consequently, the process often perpetuated rather than remedied existing inequities. As Atuahene elaborates, “the state gave current owners market-related compensation when it expropriated their land to transfer back to dispossessed communities. As a result, whites received market-related compensation, while blacks received symbolic compensation,” resulting in “a blow to economic justice.”

Economic Impact of Land Compensation

There were instances, however, when the process worked reasonably well for individuals, Atuahene found. Through analyzing her interview data, Atuahene learned some of the positive economic outcomes of the process. Compensation in the form of land or housing,

while harder to attain, was by far the more valuable award, providing a measure of economic justice. In particular, Atuahene found, this kind of compensation allowed some claimants to move to safer neighborhoods, to inhabit bigger homes, and to free up funds to spend on purchases other than housing. Excerpts from interviews with claimants illustrate some of these benefits:

Receiving the home changed my life

Mrs. Molewa’s family received a home in Payneville:

[Receiving the home] changed my life because when I was renting a house, I was paying five hundred and the landlord was coming to my place saying ‘hey, don’t do this, don’t do that.’ Now is changing. I do what I want, ja. And [my other] place was not okay, but now it’s okay now...[Before], we were many and it was only two bedrooms. We were sleeping in the kitchen. My uncles sleeping in the other bedroom, my grandmother and aunt they were sleeping in the other bedroom. The kids were sleeping in the kitchen, other in the dining room. It was not okay.

I’m not afraid here. I feel free

Mrs. Suwandi and her family were evicted from Steurhof and relocated to a troubled neighborhood in the Cape Flats called Lavender Hill. Through the restitution process she was able to move out of Lavender Hill:

Lots of people say ‘why do you want to move back it’s not the same?’ I said, ‘listen, it’s not the same like it was that time, but it’s a difference from Lavender Hill.’ It’s a huge difference. You don’t need to worry at nighttime or be scared to go out. Here is a little petty petty crime that they do here, but you don’t need to be afraid. Or I’m not afraid here. I feel free.

The Dignity Impact of Land Compensation

Respondents who had received land or housing found deep meaning in these awards, Atuahene found. “Not one person interviewed stated that the financial benefits were their main motivation,” Atuahene reports. Many were motivated by the desire “to retrieve what never should have been taken.” Not surprisingly, the opportunity to become a landowner engendered a great sense of pride.

You know, at least we've got what was ours. We got it back.

Mrs. Mdunge was reared in Payneville and received a house in Payneville as her restitution award:

This restitution of land claim or whatever, it brought back the pride of our people because it wasn't a nice thing when they were forcefully removed from [Payneville] to Kwa Thema or wherever, far away from town. Far away from everything. So in a way, it brings the self-esteem back to us. You know, at least we've got what was ours. We got it back.

I think [receiving the land] is doing something towards restoring the dignity. It will then again depend on the generation.

As Atuahene explains, "For the older generations, the impact of receiving land was greater than for the younger generation who did not personally witness the forced removals or have deep connections to the dismembered communities." Mr. Ganesh, who was nine years old when his family was evicted from Marbastad, exemplifies this trend:

I think [receiving the land] is doing something towards restoring the dignity. It will then again depend on the generation. I mean to me, it will restore some of it. I think to my Mom, it might restore all of it. But to my younger brother, to him, he might say I don't remember living there, so it won't. So it will depend on [pause] on the generation that you talk to.

Many chose land because of its sentimental as well as its economic value. As Atuahene states, "Just as when a cherished family heirloom is lost and then found after a long while, although the market value of the heirloom may be a consideration, it is the long-awaited reunification with something beloved that is the true cause for celebration."

It's a family jewel, if I can call it that, ja.

Mr. Ganesh explained why he chose to receive land rather than financial compensation:

If you look at the land value that's in that area, although it's run down, it's worth far more if I put it on the open market than what they were prepared to give me. But it's not the financial aspect of it.

It's more of an inheritance, ja. It's a family jewel, if I can call it that, ja."

Claimants also chose land as a way to help them maintain and respect cultural traditions. This trend was particularly prominent in the community of Evaton, in Guateng Province, Atuahene found. Many Evaton residents had returned to their former holdings as squatters, while others had been allowed by the authorities to remain on small portions of the larger plots they had once owned. Thus, Evaton residents, still living close to their ancestral homes and burial grounds, saw the land as "the foundation of their cultural identity," according to Atuahene.

We are fighting for this land of our ancestors, so they can rest peacefully.

Mrs. Dlamini's family had been removed from their home in Evaton:

All the family's traditional ceremonies are held on the land because the ancestors are there. If we move, the ancestors will be very angry. It will destroy our culture. We are fighting for this land of our ancestors, so they can rest peacefully. Sometimes the ancestors come to us in

our dreams and say we must fight for the land.

My parental home is even more important than my house.

Mr. Gazini, also from Evaton, stated:

I'd rather choose land than money. Money is not important. My parental home is even more important than my house. According to Xhosa culture, if I want to do like a function or ceremonies, I'm supposed to do them in my parental home. So, that parental home is important again because I've got two sisters. They are married. If they lose their marriage where do they go? Where must they go? They are supposed to go back to the parental home.

As Atuahene concludes, “respondents had various reasons for choosing land or housing. The land was not just an economically valuable asset, it was much more. Their choice to receive land had multiple layers of meaning. Respondents were reclaiming their pride, place, home, ancestors, culture, and legacy. That is, by choosing to receive land or housing respondents were reclaiming their dignity.”

The Dignity Impact of Financial Compensation

Though the effects of receiving financial compensation in lieu of land or housing were more modest, Atuahene notes, “the spending choices of respondents who received financial compensation were also imbued with meaning.” Some, Atuahene found, used their financial compensation to make improvements on existing houses, not primarily so that they would live more comfortably, but rather as a memorial to family members who did not live long enough to experience restitution. For example, Mr. Kagiso, who had been two years old when his family was evicted from Simonstown, used his financial compensation to build a small annex on his mother’s home. This was not a financial investment, rather, as Mr. Kagiso said, “I did nothing for myself...you see, I was just trying, according to my pride, I was just trying to change the shape of my mother’s house,” to serve as a memorial for what the family had been through.

Almost every respondent used all or part of their compensation to purchase a tombstone for deceased relatives. According to Atuahene, “one of the most

significant findings of this study was that the vast majority of respondents purchased tombstones no matter how much money they received... respondents who received smaller sums often had only enough financing to buy the tombstones, forgoing home improvements and the like.” Mr. Lesedi, formerly of Sophiatown, explained his reason for using his award to buy a tombstone for his parents:

You know, you never really live comfortably in your life after your parents have died and there's no remembrance. A tombstone is...a symbolic gesture to say we thank you for having brought us into this world, number one. And secondly we cannot afford to forget you, and thirdly that each time obviously when there's no tombstone the grave perpetually becomes... it's neglected.

As Atuahene states, “although in life parents and grandparents were unceremoniously evicted from their homes, in death their descendants erected tombstones to house, protect, and identify them. The tombstones were a spiritually and culturally important way to recognize the humanity prior governments failed to honor.”

The Importance of Communication and Process

Atuahene found that when all the relevant parties engaged in sustained conversation, dignity restoration was most likely to occur. As Atuahene elaborates, “sustained conversation is when there are multiple rounds of exchange occurring at different points in time. The interview data show that when there was a sustained conversation where commission officials and claimants were both listening to each other and providing space for each other to speak, then the post-apartheid state was more likely to facilitate dignity restoration.” Sustained conversation was very difficult, however, because of the large number of participants who had to be included: commission officials, committee members, claimants, multiple generations of family members—some of whom may be widely geographically dispersed—and sometimes an array of local and national government officials, according to Atuahene. Atuahene found that, though hard to achieve, sustained conversation was the key element in creating a process that resulted in attainment of property, the acknowledgment of equal human worth, and the promotion of autonomy.

Property

Property (housing or land transfer), the most valuable of the restitution awards, was the most difficult to attain, and required significant communication, Atuahene found. Overall, sustained conversation “led to higher valued restitution awards.” Conversely, limited conversation “made it difficult to distribute land” (which was the more economically valuable option).

Equal Human Worth

The restitution program was an opportunity for the state to affirm the equal human worth of blacks, Atuahene argues. But, she states, “the interview data show that when respondents felt that commission officials deprived them of their agency, and thus the relationship between officials and respondents mirrored that of yesteryears, then the restitution program generally failed to convey that respondents’ position in the polity had drastically improved. When, however, respondents felt that commission officials treated them with respect by giving them the necessary information, listening to them, and allowing them to make their own decisions, then this most commonly signaled an unequivocal break

from the nation’s sullied past of dehumanization and infantilization.” Sustained conversation demonstrated to claimants that they had the attention and respect of officials. Conversely, lack of sustained conversation “left claimants feeling disrespected and ignored.” As Mrs. Khumalo, a former resident of Sophiatown, recounted:

We had no choice, we were just given money. Some of the people wanted their land in Sophiatown...Personally, we were prepared to go back to Sophiatown because that’s where we spent most of our lives. We had no choice! There it is [leaning over gesturing as if she was feeding a dog], open your mouth, take it and go away.

Autonomy as Agency and Community

Atuahene found that “sustained conversation allowed claimants to choose their remedy.” Conversely, no sustained conversation left claimants feeling uninformed and without agency in the process.” Frequently, the process of sustained conversation also helped bring together members of sundered communities. For example, Atuahene relates, “when the commission held

the very first meeting for the claimants of Sophiatown, former neighbors began reconnecting and rebuilding their bonds.” At the same time, Atuahene notes, “sustained conversation prevented community conflicts based on misinformation.” Conversely, “no sustained conversation led to misinformation, distrust and conflict.” Without full and sustained conversation, claimants began to feel that they were in competition with each other, creating tension. Commission officials sometimes created these problems, by focusing on outcomes at the expense of process, Atuahene found. For example, financial compensation was quicker and easier to administer than land compensation. In the case of the community of Luyolo, to speed up the process, officials concentrated on financial compensation, leaving those who chose to be compensated with land waiting and feeling in the dark and marginalized.

Recommendations for Round Two of the Restitution Process

In his 2013 State of the Union address then-President Jacob Zuma announced that the government planned to extend the deadline for lodging claims, and that a second round of the

land restitution process would be starting in the near future. Consequently, Atuahene devotes the final chapter of *We Want What's Ours* to defining a set of recommendations stemming from her findings for the commission to consider when preparing for future rounds of the restitution process. It is Atuahene’s hope that these recommendations will help the commission effectively address “the deprivations of property and dignity caused by the forced removals.”

To more effectively address property loss, Atuahene recommends increasing the amount of financial awards. While Atuahene found that, by far, compensation by land transfer had the greatest positive impact on claimants’ wealth, given the financial and bureaucratic constraints of South Africa, a way must be found to increase the amount of financial compensation offered by the commission. While it is important to continue to look for ways to transfer land to claimants, given the huge number of claims, “the financial compensation option will always be necessary and important.” In addition to increasing the amount of financial awards, Atuahene recommends that financial

counseling sessions be provided to financial award recipients to help them “in maximizing the economic impact of their awards.” Finally, Atuahene suggests creating a voucher system that “would incentivize (not force) claimants to choose options that increased their net worth.” Such in-kind options could include “free higher education for family members, subsidized access to credit to start a small business, priority in an already established housing program, among a range of other practical and affordable options.”

To help more completely restore the dignity of claimants, Atuahene urges the commission to take steps to improve both communication and accountability. Communication could be improved by having commission officials spend more time within the communities they are serving, either by hiring officers or assistants who live within the community, or by creating mobile offices (similar to mobile public health clinics) where officials could “travel from community to community answering questions, providing information and updates, collecting documents, resolving conflict, and training community members how to guide their former neighbors

through the process.” In addition, Atuahene states, “it is essential for the commission to provide its officials with a comprehensive and systematic training program that educates them on the intricacies of the restitution law, communication strategies, and best practices.” Finally, “the commission’s leadership must create new metrics of success, which focus on quality not quantity.”

When the 1997 amendment to the Restitution of Land Rights Act drastically reduced the role of the Land Claims Court, it removed an important check on the power of the commission. While this step was taken to speed up the work of the commission, accountability has suffered as a result, Atuahene notes. “To remedy this situation,” Atuahene states, “the commission should systematically seek out civil society groups to play the monitoring role once undertaken by the court...and make certain that claimants’ rights are honored.” In addition civil society groups could help guide claimants through the process, “publicizing and facilitating community meetings; informing and empowering citizens; and providing information about the strengths and weaknesses

of the available restitution awards. This is work best done by trained community organizers and not government bureaucrats,” Atuahene concludes.

Building Relationships Fosters Access and Timely Policy Relevance

Early in her research, Atuahene gained access to the commission through Justice Tholakale Madala, for whom she had clerked in the Constitutional Court of South Africa in 2002. Madala introduced Atuahene to Thozzi Gwanya, who at the time was Chief Land Claims Commissioner, and who later became Director General of the Department of Rural Development and Land Reform. Over time, Atuahene built more relationships with commission staff, who not only allowed her access to important records, but also gave her their perspective on the land claims process. As she worked with them and formulated her research and interview questions, she asked them what they wanted to know as well. She then added these practical questions to her more theoretical inquiry. So, Atuahene recalls, “it was a study that not only had intellectual value, but I had done the hard work of building those relationships early on, and

asking them what they wanted to know, so it had on-the-ground value as well.”

The book garnered great attention in South Africa when it was published in the fall of 2014. Atuahene presented her findings to hundreds of attendees at five public events, all of which were sponsored by the Konrad Adenauer Foundation, a German organization that supports civic education programs aimed at promoting freedom and liberty, peace, and justice. In addition to events at the universities of Witwaterstrand (Johannesburg) and KawZulu-Natal (Durban), Atuahene presented to audiences made up of land commission employees in the Western Cape as well as to a separate group of high ranking commission officials. At the event at the University of Witwaterstrand, Thami Mdontswa, the Deputy Land Claims Commissioner, announced that the commission had adopted almost all of Atuahene’s recommendations for the second round of the land claims process, which had commenced two months earlier, on June 30, 2014.

Global Implications

“Dignity takings have happened all over the world and throughout history,” Atuahene

reminds us. “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 Hussein’s seizing of property from the Kurds and others in Iraq are but a few examples.” As Atuahene states, “in the future, international organizations, bureaucrats, policy makers, NGOs, and intellectuals can use the South

African experience to shed light on how to facilitate dignity restoration.” In particular, Atuahene notes, South Africa is an especially good model for land reform efforts in the developing world. Because it is implementing a land reform process with limited resources it stands as a potential model for nations around the globe that may be struggling with the legacy of past land theft.

Atuahene’s book, *We Want What’s Ours: Learning from*

South Africa’s Land Restitution Program, is published by Oxford University Press (2014).

If you are interested in supporting research on land restitution or other important ABF initiatives, please contact Lucinda Underwood at 312.988.6573

Law & Social Inquiry Symposium Issue to further examine Dignity Takings and Dignity Restoration

In 2016, *Law & Social Inquiry*, ABF’s peer-reviewed research journal, will run a special symposium issue on “Dignity Takings and Dignity Restoration” to further explore the issues introduced in Atuahene’s book. Articles by six to seven scholars will explore potential instances of dignity takings throughout the world. Contributors will be given two tasks: first, to use empirical evidence to determine whether there was a dignity taking in the case examined; and second, to explain how the case study examined advances socio-legal scholarship by confirming, contradicting, or expanding the central concept of dignity takings. Contributors may focus exclusively on the harm, or they may also address remedies, and some symposium pieces will look at these questions domestically while others have a global focus.



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Bernadette Atuahene is a member of the faculty of Chicago-Kent College of Law, and has been a Faculty Fellow at the American Bar Foundation since 2007. She holds a J.D. from Yale Law School, and a Master's in Public Administration from the John F. Kennedy School of Government at Harvard University. After receiving her law degree in 2002, Atuahene was awarded a Fulbright Scholarship to work and study in South Africa, where she served as a judicial clerk at the Constitutional Court of South Africa, working for Justices Madala and Ngcobo.

At Chicago-Kent, Professor Atuahene teaches Law, Policy and International Development, Property, and International Business Transactions. Professor Atuahene has published widely on the topic of the confiscation and restitution of property, with a particular focus on South Africa. In 2008 she was awarded the Council on Foreign Relations International Affairs Fellowship, and worked with the South African Director General of Land Affairs and his staff. In addition to *We Want What's Ours*, Atuahene has produced and directed *Sifuna Okwethu (We Want What's Ours)*, a short documentary film about the struggles of one South African family to reclaim their land. Professor Atuahene was named Fellow for the 2011–12 academic year in the Program in Law and Public Affairs at Princeton University.



Researching

WINTER 2015
Vol 26 | No 1



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