



**FINAL RESEARCH REPORT  
ON  
amaBHACA LAND DISPOSSESSION  
and  
THE INTENTION TO CLAIM FOR LAND  
RESTITUTION**

**Presented to iSizwe samaBhaca by:  
amaBhaca Land Restitution Research Committee (BLRRC)**

**on the 18<sup>th</sup> October 2017**

**Umzimvubu Municipality Hall - KwaBhaca**

# The Structure of the Interim Research Report

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  - CONSTITUTING AMABHACA LAND RESTITUTION RESEARCH (BLRRC)
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# 1. The Inauguration and Mandate of amaBhaca Land Restitution Research Committee

*amaBhaca Land Restitution Research Committee (BLRRC) was appointed on the 01st August 2014. This Research Committee was appointed by amaBhaca from the different Traditional Councils of amaBhaca Nation in KwaBhaca and Mzimkhulu.*

	Name & Surname	Portfolio	Traditional Council	District Municipality
1	Mveli Diko	Chairperson	KwaBhaca	Alfred Nzo
2	Luzuko Mdutyana	Secretary	Mpoza	Alfred Nzo
3	Thozama Diko-Mbanjwa	Legal Rep	KwaBhaca	Alfred Nzo
4	Mphumzi Zihle		Lugangeni	Alfred Nzo
5	Zolile Makaula		Lugangeni	Alfred Nzo
6	Nomanyano Bhekezulu		KwaBhaca	Alfred Nzo
7	Bhekuzulu Duze		Mzimkhulu	Harry Gwala
8	Basikele Msingaphantsi		Mzimkhulu	Harry Gwala
9	Chuma Msingaphantsi		Mzimkhulu	Harry Gwala
10	Thembisa Makaula		Lugangeni	Alfred Nzo
11	Jeffrey Ngejane		Mpoza	Alfred Nzo

## 2. The Mandate of the BLRRC

1. To conduct research of all the land that was taken from amaBhaca by the British coloniser and Afrikaner Apartheid governments.
2. To document the evidence thereof in a form of a Report to be presented to amaBhaca Nation on behalf of iiNkosi zamaBhaca
3. To prepare and submit all the Land Claims Documents to the Land Claims Commission for the restitution of the land that was taken away from amaBhaca.

## 3. Actions taken by the BLRRC

1. Developed an Implementation Plan that was presented and then endorsed by iiNkosi of amaBhaca from the six different Traditional Councils of amaBhaca Nation.
2. Co-opted more members as was required
3. Conducted the required research about the land that was taken away from amaBhaca by either the British Colonial Governments or the Apartheid Government
4. Prepared and presented the Interim Research Report on amaBhaca Land Restitution

# 4. RESEARCH FINDINGS

## INDEPENDENCE OF AMABHACA

1. iNkosi Khalimeshe is the one who led this nation from the northern parts of KwaZulu-Natal in the Pongola Region next the border of Swaziland and KZN. This is where the amaZelemu and amaWushwe (who were later called amaBhaca) resided as an independent nation for many years under the leadership of these kings: Zelemu, Wabane, Vebi and later Khalimeshe.
2. iNkosi Khalimeshe later moved with this nation further south and settled at the now area known as the "Bluff" in eThekweni (Durban).
3. The name "iTheku" comes from the name of the river that cut through this area. It was King Khalimeshe himself who named the river "iNteku". His grave lies somewhere in this part of Durban as this was the Seat of his Royal Kingdom.
4. It was during the Mfecane wars when King Madzikane kaKhalimeshe became the head of his own shattered tribe comprising primarily of amaZelemu and amaWushe, together with the fugitives from over forty four broken clans. He then led them southwards to occupy the following area:
  - "As early as 1820 amaBhaca under King Madzikane enjoyed several years of peace. They built villages and tilled the soil which was extremely fertile, and this was the area between uMzimkhulu River and uMzimvubu rivers. Their cattle increased in the ordinary course of nature. However, King Shake heard of the improvements of the amaBhaca and their fortunes, so their trouble began once more". (Scully, W.C. The Kokstad Advertiser, 25/6/1909.)

## PLANS OF LAND DISPOSSESSION

1. Proceedings of the **Commission** that sat in Pietermaritzburg on the **03rd November 1852**. This Commission had been appointed "to inquire into the Past and Present State of the Kafirs in the District of Natal", **Mr P.A.R. Otto**, who was one of the proponents that land had to be taken away from the Africans, while giving evidence, he said:

*"I think in the time of the Volksraad the Kafirs would have removed had they been ordered to do so. I think one of the reasons for the difficulty in procuring Kafir labour is that Kafirs have just as good land in the location to till as the Farmers could give them. I think if the Kafirs removed beyond uMkomaas and uMzimkhulu Rivers were obliged to pay "Hut Tax", that, that would induce them to send young men to labour, to earn the requisite amount. If there were a strict law I think it would be advisable that any Kafir should be allowed to leave their chiefs and remain in the District in service if they choose".*
2. These views were further corroborated during the same hearings by a Mr Barter in Page 20 on the record, who said:

*"The Kafir boys are employed as cattle herds by their fathers and chiefs. I believe the Kafir chiefs employ the Kafir boys to make kraals for them. I think the Kafir boy is better off in the service of the white man because he earns money, and therefore I wish to have them removed"*

# The Land that belonged to amaBhaca

**1. uMzimkhulu**

**2. Kokstad/Mount Currie**

**3. Harding**

**4. Port Shepstone**

**5. Matatiele**

**6. Bulwer**

**7. Underberg**

**8. Ixopo**

**9. Himeville**

**10. Franklin**

# Factual Evidence of amaBhaca Land Dispossession

- Failed attempts by King Tshaka to dispossess amaBhaca of their land in 1822
- Dingaan's Boer-Zulu Treaty at:

*UNkunkinglovo, 4th February 1838.*

*"Know all men by this, "That whereas Pieter Retief, Governor of the Dutch Immigrant Farmers, has retaken my cattle, which Sikonyela had stolen from me, which cattle he, the said Retief, now delivered to me, I Dingaan, King of the Zoolos, do hereby certify and declare that I thought fit to resign to him, Retief, and his countrymen, the place called PORT NATAL, together with all the land annexed, that is to say from the Togella to Omzimvoobo rivers westwards, and from the Sea to the North, as far as the land may be useful and in my possession. Which I did and give unto them for everlasting property".*

*Signed by a Mark [x] of King Dingaan*

*Witnesses: M. Oosthuizen, A.C. Greyling, B.J. Liebenberg, Juliavias [x], Manondo [x]*

However, it must be noted that King Dingaan had no jurisdiction to the land between uMzimkhulu to uMzimvubu Rivers. This is the land of amaBhaca which were not under him, and furthermore he had been defeated in the war of iNtsizwa when he attempted to take this land at the instruction of his brother King Tshaka in the late 1820s. But through this "treaty" and conniving with the Voortrekker this land was given to the Boers without consultation with the owners (amaBhaca). The question that must be asked concerning the validity of this "Treaty" is: 'How do you hand over a piece land and transfer ownership to another party if you are not the legitimate owner thereof? So this Boer-Zulu Treaty was a fallacy and a serious miscarriage of justice by both the Zulu King Dingaan and the Boers.

# Maitland Treaty signed with King Faku, in 1844, ceded to the British, part of amaBhaca land that they had lived on for over 50 years

- Cape Governor, Peregrine Maitland, entered into a treaty with Faku, chief of the amaPondo, regarding the territory between the uMzimkhulu and Mthatha rivers known as Kafirland. In terms of that treaty,
- Britain agreed to forego claims to any part of Kafirland whilst at the same time agreeing to protect Faku from 'unjust and unprovoked aggressions.'
- Faku, in turn, agreed to allow livestock stolen from British territory and traced to Kafirland to be returned, failing which he would be liable to compensate fully for the stolen property.
  - *"The problem with Maitland's treaty was that Faku occupied only a part of Kafirland. His authority did not extend to the strip of land between the St John's River and the uMzimkhulu, which was occupied by an assortment of refugees and smaller African tribes who had no allegiance to Faku"*.
  - From the colonial point of view, the 1844 agreement with Faku needed drastic revision and in February 1850 Crown Prosecutor **Walter Harding** was dispatched to Faku's residence to sign a new treaty. In the presence of the missionary the Reverend Thomas Jenkins and subordinate chiefs,
    - *"Faku ceded the territory between the uMtamvuna and the uMzimkhulu to Natal"*.

# The Maitland Treaty signed with Adam Kok to have Griquas moved from Philipolis

- On the 15th June 1846 a letter was sent from the British Secretary of State to the **Lieutenant General Maitland** (the Governor of the Cape Colony). This was a confirmation that a "Treaty had been signed by the Cape Governor with the Griqua Chief Adam Kok. This "treaty" was an agreement to have Adam Kok moved from the North Eastern border of the Cape.

*"I have to acknowledge the receipts of your despatches No. 64 of 19th March submittings for approval of the Treaty which you have concluded with Captain Adam Kok, the chief of the Griquas of Philipolis, on the North Eastern Frontier of the Cape of Good Hope, and stating that the provisions of the Treaty are framed with one exception, which you have explained, with the agreements transmitted in your despatch of the 1st August 1845,.....stated to you his opinion of the measures adopted by you for the maintenance of peace on the North Eastern Frontier of the Colony, and having signified to you on that occasion Her Majesty's approval of the agreements entered into with the Griqua chiefs for that purpose.....I entirely concur in the views taken by him on this subject, and that Her Majesty is graciously pleased to confirm and ratify the Treaty concluded with Captain Adam Kok – you will duly notify to that chief the ratification of the treaty by Her Majesty"*

# Adam Kok to be paid an Annual Stipend of 300 Pounds to entice him to moved

- A letter was written by the British Secretary of State in London, to the Governor of the Cape Colony on the 16th April 1856, confirming that the British Government had agreed with the Cape Governor that Chief Adam Kok of the Griquas would be paid 300 Pounds per annum as a stipend. This was done so as to entice him to agree to relocate the Griquas from the Cape to "No-man's-land".

*"I have received your despatch of the 11th December last marked confidential, relative to the payment of a stipend of 300 pounds per annum to Adam Kok ... from the Imperial Funds until the arrangement you have proposed for its future payment is effected".*

- Adam Kok accepted this proposal and agreed to relocate from the Cape to a new territory called No-man's-land.
- Cape Governor George Grey had given his assent to Adam Kok of the Griquas tribe to occupy a tract of land to the south-eastern side of the Drakensberg between the sources of the UMzimkhulu and the UMzimvubu Rivers. Grey's assent was based partly on the opinion that Faku had not intended to cede No-man's-land to Natal and also

*"as compensation to the Griquas for their loss of territory on the south-western border of the Orange Free State"*

# The Colonisers admitted that amaBhaca had stayed on that land for almost 50 years

- The boundary saga developed a new dimension when Currie disclosed that Kok had intended to establish his capital a few miles from the junction of the Ibisi River with the UMzimkhulu. ***'To deprive the Griquas of any part of the Ibisi or its tributaries would certainly be a serious matter to them and cause much dissatisfaction,'*** stated Currie in a dispatch to Wodehouse.
- By July even Newcastle had become frustrated at the seemingly intractable situation which had developed as regards No-man's-land. Writing to Wodehouse he expressed the hope that some agreement of the boundaries could be reached ***'in order that the settlement of this question may no longer be delayed.'***
- Instead, the quagmire worsened. Not only did **Scott** express surprise at the intended whereabouts of Kok's capital but he was outraged by Currie's reference to the AmaBhaca tribe as ***'unauthorised squatters'*** in the territory. In a lengthy despatch he sketched the background of the AmaBhaca, arguing that ***'they had dwelled south of the UMzimkhulu for almost 50 years and, therefore, could not be regarded as 'unauthorised squatters.'***

# Scott and the Natal Legislative Council were defeated in their defence of amaBhaca land

- What followed left Scott and the Natal Legislative Council in little doubt that their views and opinions amounted to very little. To Scott's amazement the next despatch from Wodehouse ignored all his concerns about AmaBhaca and the positioning of Kok's capital and simply informed him that because he ***'did not entertain any serious objection to the boundary line proposed by Sir Walter Currie,'*** it had been accepted by Newcastle.
  - ***Letters Patent then followed from Newcastle authorizing the annexation of the district ceded by Faku between the uMtamvuna and the UMzimkhulu and between the uKhahlamba Mountains and the coast.***

# The British Government authorised the “disposal” of amaBhaca from their land

- On the 20<sup>th</sup> February 1863, the British Secretary of State wrote to the Cape Governor P. Wodehouse, in acknowledgement of the Governor’s decision on the disposal of amaBhaca from their land (which they called “No-man’s-land”).

*“I have to acknowledge your despatch No. 186 of the 6th December respecting the disposal of amaBhaca from within part of “No-man’s-land” in which Adam Kok is to be located, and also relative to the question whether Her Majesty should assume sovereignty over the land occupied by him or whether he should be left sovereign as well as owner of it. On both these points I am prepared to rely on your judgement and to adopt the views which are expressed in your despatch”*

# The Actual Day/Event of Land Dispossession amaBhaca

- On **1 January 1866** Acting-Lieutenant Governor Colonel John Jarvis Bisset, in the company of the Secretary for Native Affairs, Sir Theophilus Shepstone, the Colonial Secretary, Major David Erskine, the Surveyor-General, Dr PC Sutherland, an officer and seven men from the Royal Artillery, an NCO and twelve men from the 99th Regiment and a twelve pound howitzer, assembled on the banks of the uMtamvuna river. Also present was Griqua chief Adam Kok with 200 mounted men. Following a 21 gun salute delivered by the Royal Artillery, Colonel Bisset formally declared the annexation to the Colony of Natal of the territory known as No-man's-land. Its new name was Alfred County, named after the second son of Queen Victoria, Prince Alfred, Duke of Saxe-Coburg Gotha and Edinburgh, who had visited Natal in 1860.

***"Almost 1,550 square miles in extent, Alfred County extended Natal's southern border from the uMzimkhulu to the uMtamvuna Rivers and reached westward to the Ingeli range of mountains"***

This was the land of amaBhaca being taken by the British Colonial Government with compensation.

# The Annexation of amaBhaca Land to the Cape Colony

- The British seemed to have no real clue as to where this land would belong. First it was annexed into Natal Colony then it was annexed into the Cape Colony.
- On the **24th May 1875**, the British Secretary of State wrote to Cape Governor Henry Barkly, acknowledging receipt of correspondence about the agreement between Adam Kok and Barkly that No-man's-land would be transferred to the Cape Colony.

***"I have to acknowledge receipt of your despatch No. 30 of the 12th March reporting the negotiations which had taken place between yourself and Adam Kok with a view of the annexation of his Country to the Colony of the Cape of Good Hope. Her Majesty's Government are ready to concur in the proposed annexation of the territory and Her Majesty will be advised to sanction it as soon as the necessary resolutions have been adopted by the Legislature of the Cape"***

# Adam Kok's Stipend terminated after his death

- On the 25th February 1876, the British Government wrote to the Cape Colony Henry Barkly acknowledging receipt of the decision to terminate the annual stipend paid to Adam Kok.

*"I have received your despatch, No. 4 of the 20th January reporting the death of Adam Kok and the cessation of the stipend of 300 Pounds per annum paid to him from Imperial Funds"*

- There was no other "chief" that succeeded Adam Kok, because the Griquas had been settled in the amaBhaca land and the Government didn't see any need to "**bribe**" anyone else among the Griquas since their goal of disposing off amaBhaca from their land had been achieved.

# RECOMMENDATIONS GOING FORWARD FOR AMABHACA'S CONSIDERATION

- 1.** This Research Report was accepted and endorsed by iiNkosi zamaBhaca on the 27<sup>th</sup> June 2016 at a meeting eMpoza Royal Place.
- 2.** Researched Information be made public.
- 3.** The claim must be lodged accordingly.

# Conclusion

- Its greatly hope that this Report and all the processes that still have to follow will ignite enthusiasm and determination with amaBhaca Nation so that this great nation will not be taken for a ride and will “surge forward to take back what legitimately belongs to them. This all should be done with the on-coming generations in mind.
- Let the legacy that was left by King Madzikane kaKhalimeshe never be erased. Let the land they fought for be returned to their descendants so that there shall be no more landlessness, no more poverty and no more hunger in this great Nation.

# Siyabulela