

26.2 POINT OF DESCRIPTION REGIONAL SYNOD NORTH WEST REGARDING PROPERTY RIGHTS IN SOUTH AFRICA (Artt 153, 238)

- A. Rev AB van der Walt tables the Point of Description.
- B. **Decision:** The Point of Description are referred to the Commission Church Growth and Church Matters.
- C. Rev J Malan reports on behalf of the Commission Church Growth and Church Matters.

D. POINT OF DESCRIPTION

1. Point of Description

- 1.1 The Regional Synod North West of the GKSA requests the General Synod of the GKSA to give guidance regarding the burning issue of property rights in our country so that the GKSA can take a Biblical stance to the issue anew.
- 1.2 That this witness can, together with other Christian churches, be taken up with the authorities.”

2. Reasoning and motivation

- 2.1 Property rights have lately often been in the firing line due to laws that was in consideration by the government. Suggestions such as that half of the portion of farms be given to workers, are currently generally debated. Also other proposals are frequently on the table.

The starting point of the land debate is based on perceptions that are firstly supposed to be tested and proven to be true. Before the correct facts are not placed on the table regarding accusations that land was taken on a so called unlawful manner in the past, there can be no discussion on the redistribution of land. The message of the ninth commandment is now extremely relevant and is an unavoidable condition to ultimately defuse a political explosive situation and to find fair and economically feasible solutions.

- 2.2 Property rights are a principle that occurs throughout the Bible. And if the advocates of certain viewpoints regarding the land debate accepts the Biblical principles or not, it is our task as church to let the light of the Word shine upon this issue.

In the Old Testament for instance Abraham is sent by God to a strange country and God promises to give it to his descendants. Although he has a nomad existence, he buys the cave of Machpelah for four and a half kg of silver at the sons of Het (Hittites) (Gen 23) to bury Sara. The Lord also gives laws through Moses that protects the property rights of those that impoverish and lose their land, like the right of redemption and the jubilee (Lev 25:23-55).

In the New Testament there is also talks about the owning of a property is a given right. Amongst others we see in Acts 4:32-37 that believers sold their properties.

The eighth commandment also goes from the assumption that property is legitimate in the life of the people. In the Heidelberg Catechism also no issues are being made, but are taken for granted. The proper right of property is not only recognised then, but is also taken into protection by the eighth commandment. There are things that do not belong to me, but to others. I may not seize it unlawfully.

- 2.3 When there are in the Bible any mention of ownership/property right, it must be underscored that the human can never obtain absolute or outright ownership or disposal rights over his property. God is the Sole owner of everything and everyone. The highest position that a human can be called is manager and steward of God's things. The human being is thus accountable to God. The human being cannot do with God's things as he pleases.

- 2.4 The eighth commandment determines that you may not steal. The Heidelberg Catechism declares the commandment as follows:

Vraag 110:

Wat verbied God in die agste gebod?

Antwoord: "God verbied nie slegs die diefstal en roof wat die owerheid straf nie, maar Hy beskou ook as diefstal al die skelmstreke en liste waardeur ons probeer om ons naaste se besittings in die hande te kry. Dit kan gebeur met geweld of 'n skyn van reg soos deur die vervalsing van gewigte, lengtemaat, inhoudsmaat, goedere, geld, deur woeker of enige middel wat God verbied. Hy verbied ook alle gierigheid en alle misbruik en verkwisting van sy gawes."

By making laws that **alienate property from citizens (1) Without proof that the property is unlawfully obtained; (2) without compensation to the owner, because the "compensation" (a) is not mark related, or (b) is put in a trust for operating costs; (3) and the property or a part of the property then be given to other, is a show of right.** Therefore, no Christian can partake in such a project, whether it is to make property available, run the project, or to receive land. Through that one also makes himself guilty towards the eighth commandment and fails as steward.

- 2.5 The government however portrays it that the interests of the poor need to be taken care of. The Biblical message regarding ownership/property rights also places a great emphasis on the poor. Room should be made to allow the poor not to perish in his midst, but exactly the opposite, that is to say to come out of it. It is partly built into law, like the Sabbatical year and the Jubilee; and also in the ways on how a farmer should gather his harvest. In the first congregations in Acts, the care and outreach for each other – the spontaneous contributions of the congregation in Antioch are strikingly being described in Acts 11. Later on we also read about Paul's big gathering for the native people in Jerusalem.

The eighth commandment also addresses the problem of the poor/needly when question 111 of the Heidelberg Catechism asks the following: *Maar wat gebied God in hierdie gebod? Antwoord:* "Ek moet die belange van my naaste waar ek kan en mag, bevorder en hom so behandel soos ek wil hê dat die mense my moet behandel. Daarby moet ek ook my werk getrou doen, sodat ek die behoeftiges in hulle nood kan help."

To promote the interests of my neighbour, the handing out of grants is not necessarily the best solution. To divide land is also certainly not a solution. By positively creating a working culture and by establishing a climate for good economical practices, all in accordance with the Word of God, will help a lot more. Therefore the church need to let the light of the Word shine upon this whole issue of property right, in order to search for informed responsible solutions together with all the stakeholders.

E. REPORT OF THE COMMISSION

1. Mandate

To advise the Synod regarding the Point of Description Regional Synod North-West about property rights in South-Africa.

2. Matters that the Synod take note of

The Commission took notice of the actuality of the Biblical principles about property rights at the restoring of property rights, also in the light of the great poverty in our country and the advancement of my neighbours' interests. The motion presents a Scriptural based witness about the principles at hand when this problem is tackled and spoken about. Furthermore it should be distinguished between study about the matter for political / social purposes and a church witness thereof. Thorough study has been done by various institutions regarding this subject.

Findings of the Commission

- 2.1 The Commission is of opinion that the Synod can associate herself with this motion's **finding and motivation** as a witness that can go out from the Synod.
- 2.2 It is important that the Synod should take point 1.2 of the motion at heart for the sake of effectiveness of such a witness. Therefore a recommendation regarding cooperation with the parliamentary desk follows.
- 2.3 An immediate press release shall not be the way to go now. It will be more suitable if a Report would appear so that the Synod can be witness that also provides the nature of the decision.

Decision: Points 2.1 to 2.3 noted.

3. Matters that the Synod decide on

Recommendations

- 3.1 The Synod gives effect to the motion as a church witness about the principles involved at the process of land reform.
- 3.2 The contents are referred to the *Deputy authority* to take it up in cooperation with the Parliamentary desk.
- 3.3 The Press Commission are requested to be of assistance with a relevant Report about this motion.

Decision: Points 3.1 to 3.3 approved.