

450

FORGING THE LINKS
BETWEEN
HISTORICAL RESEARCH AND THE POLICY PROCESS

18 - 19 SEPTEMBER 1999
UNIVERSITY OF THE WITWATERSRAND



**From Dispossession to Disappointment:
neo-liberalism and South African land reform policy**

Samuel Kariuki and Lucien van der Walt

A symposium hosted by the History Workshop,
the University of the Witwatersrand

**From
Dispossession to Disappointment
neo-liberalism and
South African land reform policy**

Samuel Kariuki and Lucien van der Walt

Samuel M. Kariuki
Sociology Department
University of the Witwatersrand, Johannesburg, PO Wits, 2050
E-mail: 029sam@muse.wits.ac.za
Fax (Sociology Department): +27+11 339-8163
Phone: +27+11 716-2135

Lucien van der Walt
Sociology Department/ Sociology of Work Unit
University of the Witwatersrand, Johannesburg, PO Wits, 2050
South Africa
E-mail: 029walt@cosmos.wits.ac.za
Fax (Sociology Department): +27+11 339-8163
Phone: +27+11 716-2971

TABLE OF CONTENTS:

Importance of the Land Question.....	1
The Land and Agrarian Question.....	2
A Land reform Policy in Name Only.....	10
Consultation or Imposition?.....	11
Land Reform in a Neo-Liberal World.....	12
The World Bank and the Rural Restructuring Policy.....	14
Media and Its Role.....	19
The Land Reform Implementation Process: Disturbing Realities.....	19
A Case Study: Land Reform In Mpumalanga Province, Institutional Challenges Facing the Province's Land Reform Programme.....	22
The Emjidini Redistribution Project.....	27
Inherent Political Dynamics.....	27
Conclusion.....	32
Bibliography.....	34
References.....	39

IMPORTANCE OF THE LAND QUESTION:

The land question is an all-embracing term that involves all aspects of land. It is a political question rooted in the political and historical problem of dispossession. The cumulative effect of the problem has had the effect of marginalising the dispossessed to the extent that they demand redistribution of land resources by breaking the control mechanism of the dispossessor (Surplus People Project 1993).

The land question in South Africa points to the contradictions of the transition from apartheid to a parliamentary democracy.

On the one hand, the South African countryside is characterised by deeply inequitable land distribution patterns and authoritarian and exploitative social relations. Here ownership of arable land is concentrated in the hands of an estimated 60,000 mainly White capitalist farmers, whilst nearly 70% of the rural population lives in poverty. By the end of apartheid in 1994, 86% of the land was and continues to be under white ownership, with 60,000 white farmers holding 86 million hectares of land of which 10 million is under cultivation.

On the other hand, the policies of the African National Congress (ANC)-led government on land reform are characterised by a neo-liberal approach that can deliver very little to the rural working class and poor. The key pillars of government land reforms include a Land Claims Court that only considers cases of dispossession that took place after the 1913 Land Act which reserved 90% of all land for White ownership; a land redistribution process which centres on providing subsidies for the poor to buy land on the open market; and tenancy reforms which do not in any fundamental way challenge patterns of land ownership.

These policies, which are discussed below in some detail, are remarkable in another way. Two years before the ANC launched the Growth, Employment and Redistribution macro-policy (GEAR), a policy based on the standard neo-liberal prescriptions for growth –privatisation, a “cheap” currency, reductions in the size and spending of the public sector, deregulation of trade and currency movements, labour market flexibility, and the leading role of private investment in driving economic growth- the party had already adopted a land reform policy in line with World Bank recommendations in the Reconstruction and Development Programme (RDP) base document of February 1994. .

Ironically, then, the land reform policy was indeed a pioneer- not of radical transformation, but of South Africa’s home grown Structural Adjustment Policy, GEAR.

Why is it that the question of land and agrarian transformation came to be shelved for all practical purposes, despite the gross injustices of the past, and the vast land hunger of the present?

How is it that rural South Africans ended up with a "reform" policy whose main claim to fame is that it foreshadowed the neo-liberal policies of GEAR, applied to the urban working class and poor since June 1996?

This paper examines the processes that led to the adoption of the ANC's land reform policy, and argues that the acute imbalances in power on the land were mirrored in the processes of land policy formulation. It argues that policies are not fundamentally determined and shaped by well meaning interventions by progressive thinkers, but first and foremost by relations of social power. It is in the balance of forces between different classes, both national and international, that the key to understanding the outcome of policy is to be found. It is in the struggles of the oppressed classes that the potential for challenging capitalist and government policy lies.

THE LAND AND AGRARIAN QUESTION

It is important to go back into history and uncover the roots of the present land system in South Africa while gaining insight into the future (Wilson and Ramphele, 1989:191).

Rural land and agrarian reform are among the central most important political issues facing a democratic South Africa. Historically, "[a]ccess to land, to most other productive inputs, and to the many institutions and facilities that enhance the quality of life has either been denied to blacks or has been heavily weighted in favour of whites in the rural areas" (de Klerk, 1992:376).

Throughout the history of South Africa conflict over land for access, control and, ultimately, ownership has been at the centre of the struggles over political and economic power: from the very first landing of the Dutch under Jan van Riebeck in 1652, through the rudimentary settlements by the burghers released by the Dutch East India Trading company, through the frontier wars of the nineteenth century, and through the rise and consolidation of apartheid in the twentieth century in the age of modern agriculture and urban sprawl, as recently as the 1980s. As Colin Bundy (1937) notes the central process of South African history has been how unequal access to land, ratified by statute, has underpinned the domination of the majority of South Africans. Between the 1950s and the 1980s alone more than 5 million people have been affected by forced removals (National Land Committee 1995). The following section will examine the historical background to the land and agrarian questions in South Africa. In 1652 the Dutch East India Company established an outpost at Table Bay as a staging point for its Asian commerce. The Company subsequently permitted permanent settlement at the Cape, hoping in this way to ensure the provision of agricultural produce for both the passing ships, and for the garrison stationed at Cape Town. From this point onwards, there was a steady expansion of the zone of colonial power (by the 1860s, the bulk of the area today comprising South Africa had been conquered), and of the capitalist economy (once the farming methods appropriate the region were discovered, steady agricultural growth took place, although this assumed a range of economic forms before the twentieth-century) (see Ross 1986: 59-60 for the latter point). As it is important to note that white society was highly stratified (Ross 1986:66-7,

71) the focus of the following section will be on the activities of the landowning class.

The establishment of an agricultural colonial economy was premised on the generally forcible alienation of the African population from the means of production, principally land (Ross 1986: 72-). This was achieved through conquest, which was "piecemeal and drawn out" such that between 1778 and 1878 there were nine frontier wars, aside from numerous skirmishes between Africans and various bands, militia of incipient colonial authorities, or full fledged military expeditions of the British and the Boers against whom the ill-armed African chieftaincies invariably lost.

The dispossession of the land, water holes, and cattle of the Khoisan gatherer- hunter and pastoralist peoples of the southern and western Cape in the seventeenth and eighteenth centuries was followed in the nineteenth century by steady, violent encroachments on the territories of the more powerful Xhosa- speaking agriculturalist communities on the eastern Cape border (Ross 1986: 72-4). The first two centuries of colonial rule were therefore also saw the proletarianisation of the African population resident within the effective borders of the Cape Colony (1986: 76). In this manner, the pre-colonial modes of production were supplanted in large areas by large owner-operated settler farms, worked by a coerced, harshly exploited, and predominantly Black, labor force, the majority of whom were imported slaves (cf. Ross 1986: 58, 76, 87).

In the eighteenth century approximately half of the non- Khoisan population of the Cape Colony was enslaved, whilst 90% of settler farmers engaged in agriculture owned slaves (Ross 1986: 76). Away from the south- western Cape, capital accumulation was largely based on the exploitation of Khoisan people, who were forcibly incorporated into the colonial labor process through their alienation from the means of production, and through a battery of repressive laws and practices which effectively tied them in large numbers to particular farms (Ross 1986: 77-8). The latter included legislative measures passed in 1809 and 1812, which introduced a pass system for Khoisan, demanded the registration of contracts, and reestablished the practice of indenturing Khoisan children; and the payment of Khoisan in stock which could not be moved off the farm.

Between 1828-1838, the British colonial administration removed the legal disabilities of the slaves and Khoisan. Nonetheless, the common experience of the laborers remained that of coercive exploitation, as they were transformed into a proletariat receiving low wages and subject to labor-repressive Masters and Servants Acts passed in 1841 and 1856, and sponsored by their erstwhile masters (1986: 79-87). In addition, in 1828 the British passed an ordinance to allow the Xhosa to enter the Cape colony to seek work after they had been expelled previously from the same lands (Davenport 1987, 158).

From the start, the agricultural estates of the Cape Colony were largely geared towards the market (Ross 1986: 56, 59-60, 64, 66). The production of meat, wheat, wine and other commodities was undertaken both for export, and for the internal market provided by the ships that put into Table and False Bay, the establishments that grew up to serve them, and the colonial bureaucracy and garrison (Ross 1986: 59-60). It is therefore clear that, despite the centrality of slavery to the labour process, the Cape operated as a subordinate component of a larger, capitalist- dominated social formation. The abolition of slavery as an institution at the Cape signifies the transition to full-

fledged capitalist relations of production.

A very different pattern of agrarian relationships developed in the African reserves, and large areas of Natal, the northern Orange Free State, and the Transvaal. Between the 1830s and the 1880s, various African agricultural societies in the eastern Cape, Natal, and the interior, were brought under colonial rule. The Cape and Natal territories were administered by the British, whilst the interior was organised into the semi- autonomous, colonially- derived trekker states of the Orange Free State and the South African Republic (Transvaal).

However, as Bundy (1972) has shown the process of colonial expansion, and the land expropriations and taxation attendant upon it, did not simply result in the destruction of African agriculture. On the contrary, Bundy has argued that the years 1830 to 1870 saw the emergence of a South African "peasantry" as "hundreds of thousands" of Africans in the colonised areas successfully resisted entry into poorly remunerated wage- labor entering the produce market (Bundy 1972: 370-1, 375-6). Through technical innovation -household production was adapted to the use of new implements such as the plough-, the diversification of crops, and an expansion of output, sufficient forage, grains, stock and animal products were produced to both satisfy taxation demands, as well as secure desirable traders' wares.

The discovery of diamonds at Griqualand- West in 1867 wrenched the Cape and "South Africa" out of the depression of the 1860s, and had a contradictory effect on the peasantry (Bundy 1972: 376-7). On the one hand, it intensified the demand for African labour on the mines, roads, railways, and White commercial farms, a demand reflected in the passage by the Cape Assembly of a rash of new taxes, and pass, vagrancy, and location laws. On the other hand, it also made possible a "virtual explosion of peasant economic activity" which enabled many to meet both the new taxes, and satisfy growing consumer wants.

The period 1870- 1886 also saw the fragmentation of the peasantry into strata ranging from landless proletarians, peasant migrants, marginally self- sufficient small peasants, better- off "middle" peasants using family labour, to wealthy capitalist farmers in the true sense (Bundy 1972: 378-9). Lewis has suggested that this fragmentation exhibited a great deal of continuity with pre-colonial patterns of stratification. In the Eastern Cape, at least, only a restricted group of African households controlled enough productive resources -cattle, land, and family labor- to expand the size of their total production for the market and maintain or improve their material conditions (Lewis 1984: 8). This uneven capacity to expand production for the market was partly a residual effect of the lineage mode of production, in which a small number of wealthy, polygamous elders, owning or controlling access to most land and cattle, were able to attach a clientele of poorer, usually monogamous households to their own homesteads, the basic unit of production (1984: 4-8). These inequalities were deepened by massive colonial seizures of land and cattle (Lewis 1984: 7). Most households, lacking the means to expand their total product, were only able to raise the cash needed for taxation, purchases from traders, and levies on land and other services by chiefs and headmen, through sacrificing part of their consumption requirements (Lewis 1984: 10-19).

Consequently, peasant stratification was not simply (as Bundy suggest) a feature that

developed in the 1870s. From the start the impact of capitalism on the South African peasantry was mediated by social class, with some peasants able to accumulate money, purchase land, and generally prosper, whilst the majority experienced declining living standards, and extreme vulnerability to adverse weather conditions, land deterioration, and stock disease (Lewis 1984: 20-21, 24).

The African peasantry was based in the reserves as well as on mission, government and private lands (Bundy 1972: 373-6, 379-80). In order to understand how this was possible in colonial and colonially- derived States committed to the expropriation of the indigenous people, we need to examine the balance of forces existing at the time. Firstly, there can be no doubt that the coercive power needed to remove Africans from the lands claimed by the settlers was lacking in the Cape Colony itself, and even more so in the trekker republics (Bundy 1972: 375, 379-80). Bundy remarks that while "[i]t was in the republics that the territorial rights of the tribes had been most brusquely ignored [as the] the incoming trekkers announced ownership over virtually all land within the new states' boundaries ... the republics' coercive equipment was so lacking, their rule so tenuous, and the value of the land do low for so long, that Africans occupied, tilled, and grazed nominally white lands in enormous numbers" (1972: 379). There were, moreover, economic benefits to be derived from permitting the development of an African "peasantry": merchants were provided with expanding consumer and produce markets; absentee landlords found that renting land to Africans provided an easy source of revenue; whilst white farmers often provided land in exchange for labor- service or rent (Bundy 1972: 371-2, 375-6, 378, 379-80). Finally, many settlers, officials and missionaries felt that the existence of a peasant stratum was an aid to peaceful rule (Bundy 1972: 371, 373).

The extension of colonial rule throughout "South Africa" in the nineteenth century, then, can be interpreted as a phase in the forcible incorporation of pre- colonial modes of production into an international social formation dominated by capitalism. However, in marked contrast to the experience of the Cape Colony, where African agriculture was systematically displaced by settler estates worked by an unfree labor force, the pre-colonial modes of production were in many cases able to survive by reorienting themselves towards participation in the produce market, that is to say, by articulating with the colonial social formation through trade. While the involvement of the indigenous production systems with the colonial economy may initially have had an element of discretion their subordination and dependence was to become increasingly pronounced as consumer wants, and State tax demands mounted.

On the eve of the 1886 gold strikes on the Witwatersrand, capitalism was doubly dominant in "South African" agriculture: through the establishment of capitalist production relations in most settler- ruled areas (Ross 1986: 57); and through the forcible articulation of surviving African farming systems with capitalism through commodity production. If, however, the development of capitalism before 1886 had been characterised by a contradictory process of both the destruction and the preservation of African agriculture, subsequent decades bore witness to the emergence of an increasingly monolithic pattern of rural production relations, as White farming displaced the peasant sector to the reserves where it was confined to the role of rural base for South Africa's army of migrant labourers.

Several sets of factors interacted after 1886 to ensure the decline of the South African peasantry. The first set of factors which contributed to the "underdevelopment" (Bundy 1972: 388) of the peasantry are those which might be termed "structural." Over time, peasants became increasingly reliant on the purchase of such goods as agricultural implements, clothes, blankets, metal ware and new foodstuffs for their subsistence (Bundy 1972: 387). This shift from "discretionary" to "necessary" spending was the result of psychological factors such as habit and reliance, state insistence on the purchase of goods such as European clothes, the emergence of new needs such as schooling, as well as the decline of handicrafts in the face of competition from manufactured goods. However, peasants also suffered from a "contractual inferiority" in their interactions with the traders, in whose hands were concentrated not just the functions of purchasing peasant produce, but also those of supplying manufactured goods and credit (Bundy 1972: 387). Bundy describes the ensuing situation thus: "[t]rader and peasant enacted in microcosm the adverse terms of trade of a colonial relationship" (ibid.). Meanwhile, growing pressures on the peasantry forced many to enter migrant labour, which reduced levels of economic activity in the reserves, thereby reproducing the need for more migrant labour (Bundy 1972: 387-8).

Other discriminatory measures arising from the inferior position of African peasants in the colonial order also exercised negative effects on their future prospects. Foremost among these was the shortage of land available to the peasantry, arising initially from the sweeping land expropriations of the nineteenth century, and exacerbated by the increasing restrictions on peasant tenures on White-owned lands that took place in the twentieth century (Bundy 1972: 386-7; see below for more on the latter point). There was, moreover, an "almost total dearth" of public or private investment in the peasant sector, whether in the form of infrastructural provision or of social spending on health, welfare and education. As W.M. Macmillan put it more than sixty years ago, "to locate the native reserves, it is no bad rule ... to look for the areas circumvented or entirely missed by even branch railway lines" (quoted in Bundy 1972: 387). The cost of wagon-borne produce made competition prohibitive, and many peasants underproduced for lack of market access. Adding to the challenges facing the peasantry was the rinderpest epidemic of 1896-7, which killed off African cattle in numbers exceeding 80% in some districts, and the drought of that same decade (Bundy 1972: 381).

In addition to such structural disabilities, a number of direct "political" interventions were undertaken by an increasingly powerful colonial State power to undermine the independence of the peasantry (Bundy 1972: 371-2). Bundy notes that the discovery of gold in 1886, like that of diamonds two decades earlier, affected the peasantry in a contradictory manner (Bundy 1972: 381). As massive new urban markets emerged in the interior "opportunities for gain were again seized by some peasants, and notable advances recorded."

At the same time "pressure on the peasantry ... increased on a number of fronts". Firstly, the new gold-mining industry required large amounts of cheap wage-labor to exploit the massive seams of low-grade ore that stretched for miles beneath the Witwatersrand. Secondly, the mines required large amounts of cheap food, a demand which not only had the effect of increasing the value of

White- owned lands, but of decisively precipitating the wealthier White farmers into commercial production. However, the plans of both the mine- owners and the aspirant White capitalist farmers were frustrated by the labor bottleneck presented by the existence of an independent African peasantry (Bundy 1972: 383). In addition, commercialising White farmers found that sections of the peasantry presented an effective though unwelcome competition in produce as well as land markets: besides leasing at least 1,300 farms, Transvaal Africans bought over a quarter million acres of land (Bundy 1972: 382-3).

Neither Randlords nor the wealthy landlords were, however, lacking in political influence, and the decade following the Anglo- Boer War (1899-1902) saw a sustained State offensive against the peasantry in all areas of the future "South Africa". A battery of laws were promulgated, including the Natives Tax Act (1908) in the Transvaal; the Identification of Natives Servants Act (1901), Masters and Servants Amendment Act (1901), Squatters Rent Amendment Act (1901), and the poll tax on all male adults (1905) in Natal; and increasingly rigorously enforced Location Acts (1892, 1899, 1909) in the Cape (Bundy 1972: 384-6). These measures were generally complemented by rent increases, evictions, and attempts to impose labor tenancy by the White farmers (ibid.).

If these earlier measures had been "sniping", then the "heavy artillery" was provided by the 1913 Natives Lands Act (Bundy 1972: 384). The Land Act had two main thrusts: firstly, it sought to satisfy the labor demands of the mines and White farms, and to halt peasant competition with White farmers, by banning tenure arrangements on White- owned land other than labour- tenancy; and, secondly, it acted to halt African competition in the land market by restricting African purchases to the reserve areas, then comprising approximately 11% of the surface of the country (Bundy 1972: 384-5).

However, having considered the various legislative enactments passed in this period against the peasantry, it is important not to assume that such measures were necessarily effectively or rapidly translated into actual changes in social relationships. The actual impact of a given Act reflected the ability of the State apparatus to enforce it in given conditions, as well as the mediating effect of the particular patterns of class relationships present in particular areas. Keegan's (1983) study of sharecropping relationships on the maize belt of the southern highveld in the late nineteenth and early twentieth centuries serves not only to illustrate these points but to highlight the complex and often contradictory process whereby settler farming came to supplant African agriculture.

According to Keegan sharecropping -a system in which surplus labor is expended on the tenant's plot, and the surplus extracted by landlord in the form of a proportion of the crop (Keegan 1983: 195)- spread rapidly in the 1890s in response to the emergence of markets at Kimberly and the Rand, and was the dominant relation of production in arable areas in the decade following the Anglo- Boer War (Keegan 1983: 196). Sharecropping offered a way for African peasants to retain their independence. It was also the only way that poorer White landlords who lacked the capital and labor needed to make the transition to fully capitalist relations of production could continue to operate in a context of unprecedented levels of commodity production (Keegan 1983: 196-200). However, the inability or unwillingness of sharecroppers' to reinvest in improved technology set

definite limits on their ability to increase their output beyond a certain level made them vulnerable to expropriation as land prices rose and the opportunity cost of sharecropping increased for capitalizing landlords (Keegan 1983: 201). The sharecroppers were thus especially vulnerable to a general flow of capital into the landlord economy such as the one that took place in the half decade after 1907, with the ending of the post-war depression, the availability of private finance to maize farmers on an unprecedented scale, and the intervention of the state in the promotion of settler agriculture through such means as the provision of agricultural loans and the subsidization of freight rates (ibid.).

These conditions allowed an increasing number of landlords to make the transition to capitalist farming, and this was reflected in an increasingly loud clamour for state intervention against sharecropping arrangements which "tied up" labor supplies (Keegan 1983: 201-3). Certainly the claims of the "progressive" farmers contributed to the passage of the Natives Land Act in 1913, which Keegan characterizes as the "most important legislative intervention in process of agrarian class formation in these years" (1983: 203). Keegan, however, takes pains to dispute the conventional emphasis placed on the Act's banning of rents paid in cash or shares, pointing out that these provisions were rarely enforced and easily evaded, and that this was in turn the unavoidable consequence of a situation in which the majority of farmers continued to depend on the enterprise of the African peasantry (1983: 203-5).

The real significance of the Act was that it "allowed some landlords increasingly to limit peasant independence and to impose ever stricter labor conditions on tenants": by insisting on labor-tenancy, and by making provision, moreover, that African tenants (in the Orange Free State) be defined as servants under the Masters and Servants Act, it reduced the defence of peasantry, and increased the coercive apparatus at the disposal of the landlord (Keegan 1983: 204-7). The 1913 Land Act was meant to eradicate independent black tenant farmers so that the only legal rent payment by black tenants to white landlords was the provision of labour service (Keegan, 1989).

In 1923, a principle of separate residential areas in urban locations was established, and this principle was extended by the Group Areas Act of 1950. In an attempt to deal with problems of forcing people to live on small areas of land, betterment planning was introduced. This included cattle-culling, fencing off fields and grazing land from residential areas and the moving of people into villages set away from farming areas. In 1963, the Native Development Trust and Land Act was passed which allocated already promised land to the reserves. Squatting was also made illegal. The 1936 Land Act was passed in order to promote segregationist ideals. It set up the South African Native Trust to consolidate African areas and created structures and laws designed to strip Africans of their access to land in "white" farming areas. Even Africans with titles to land were subject to removal.

In 1937, the Native Laws Amendment Act was also enacted to prohibit Africans from buying land from non-Africans in urban areas. Further more the Group Areas Act was promulgated in 1950. This Act racially segregated areas with respect to residence and business and controlled inter-racial property transfers. In a further attempt to ensure separate and unequal development, the Bantu

Authorities Act was passed in 1951. This Act allowed the establishment of tribal, regional and territorial authorities. Also, to ensure complete illegality of squatting, the Prevention of Illegal Squatting Act was passed in 1951. This Act allowed the government to establish resettlement camps for surplus people evicted from white farms. The Natives Resettlement Act was passed in 1954 to give the state the authority to remove Africans from any area in the magisterial district of Johannesburg and adjacent areas (Human Awareness Programme 1989).

The Land Acts and other related land laws, settlement planning, forced removals and the Bantustan system, contributed to overcrowding in the former homelands and black townships between 1960 and 1980 (Human Awareness Programme 1989). These intensifying pressures led to mounting rural resistance and a series of rural revolts in the 1950s and early 1960s. Political movements played a larger role in these struggles than has been recognised, but often failed to put rural issues and organisation at the centre of their concerns (see below).

In the twentieth century, land dispossession has served a dual purpose: creating a proletariat to work in mines and manufacturing, and entrenching the rural domination of White capitalist farmers. The flip side of the concentration of arable land in the hands of White capitalist farmers is the creation of an impoverished rural working class, labouring on the farms as low-wage workers or labour tenants, or confined to rural slums in the former "homelands".

Rural relations of production have been characterised by substantial levels of extra-economic coercion: control over land, and laws proscribing labour organisation have laid the basis for the "systematic super-exploitation" of Black labour on White-owned farms (Marcus 1991: 36-7), whilst chiefs and other state officials have been able to use their control over land allocation in the "homelands" to extract labour and compliance from the rural poor (see Levin and Weiner 1993: 32-3,40,43). Within the "homelands", too, women have experienced differential and unfavourable placement in relation to land and other means of production (Marcus 1991: 25-7; National Land Committee 1995). Land use in South Africa has been ecologically unsustainable, due to both chemical intensive mono-cropping in commercial farming areas, and legislation confining black farmers to that 13% of South Africa's land surface making up the "homelands" (Cooper 1991: 176, 184-5).

Given this brief historical analysis, to what extent does the current land reform policy articulate a historical justification to the urgency of having a comprehensive land reform programme, able to generate far reaching agrarian transformation in rural South Africa?

A LAND REFORM POLICY IN NAME ONLY:

The present land reform policy, as articulated in the RDP Base Document (1994), in the Land Affairs Department Green Paper on Land Reform (1996), and in the various legislative enactments by the new government, has three main components:

- The restitution of land rights
- The land redistribution programme
- Steps towards the reform of land tenure

None of these policy measures seem likely to challenge the rural social and property structures. The first pillar- the restitution of land rights, embodied in the Restitution of Land Rights Act- makes provision for a Land Claims Court to consider claims for land expropriated after 1913 through racist laws or illegal means. Assisted by Land Claims Court, the Court may decide to return land (or provide alternative land) if a claim is recognised.

However, several pitfalls are clear. The first is that claims may only be lodged for period after the 1913 Land Act, thus effectively denying the validity of most claims. Although the first segregationist Land Act was introduced in 1913, it is clearly an arbitrary date from which to determine justice in restitution. Land conquest and official forms of segregation were already well entrenched prior to 1913. Secondly, the State undertakes to compensate current owners when successful claims are made. Not only is the justice of such payment questionable, but the tight fiscal discipline aspired to by GEAR makes it likely that the government will be less than enthusiastic about granting most claims. Poor funding makes it difficult for the Commission to function properly, whilst it is also unlikely that most claimants will be able to provide court evidence. Lastly the judicious processes involved in the restitution process plunges the claimants into a potential maze of bureaucratic manoeuvre, and is an impractical solution which is likely to create frustration and disillusionment on the part of the claimants.

The government sees the second pillar – land redistribution- as more important. At the heart of land “redistribution” is the notion that land must be transferred from “willing sellers” to “willing buyers” through the market mechanism. To aid the transfer of land, government is making subsidies of R15, 000 available to households for land purchases. Leaving aside the justice of commercial payments for land acquired through firm, and discriminatory, State action, the current costs of commercial land (often in the millions of rands) make the subsidy system unlikely to result in any fundamental redistribution of land. It seems certain that the process of implementing land reforms will be strongly shaped by financial considerations. The costs which could accrue to a State which would seek to subsidise the purchase of land by the rural poor and small farmers, to pay

compensation for expropriated land, and possibly even compensation to the present owners of land restored through the Land Claims Court (de Klerk 1992: 395-6), can be expected to be considerable (see, for example, de Klerk 1992: 397,399-400). Clearly any attempt at land reform will be seriously hampered by the limited resources at the disposal of a democratic State (cf. Levin and Weiner 1993: 31), especially one committed to fiscal discipline, as is the case with the GEAR programme. The redistribution strategy equally ignores traditional structures of leadership and kinship through which legitimacy for land acquisitions may derive. This in many instances has proven to be an obstacle as will be analysed later in the paper (The Emjidini Redistribution Project).

Comparative experiences, such as that of independent Zimbabwe, indicate moreover, that the beneficiaries of such schemes tend to be wealthier rural people- not the working class and poor, and that subsidies tend to go towards wealthier households. Zimbabwean experience also indicates that most land acquired through the market tends to be lower grade land that is unattractive to big farmers regions (Levin and Weiner 1993: 38-9).

The third pillar is the reform of land tenure, embodied in legislation of the same name. This legislation is intended to provide more security of tenure to poor rural people. There is little evidence that the Act has halted evictions; rather the effect has been to regulate procedures for evictions. Like the other pillars of land reform, it is silent on the transformation of agrarian social relationships.

Overall, then, the land reform policy seems set to provide, at worst, for a continuation of inequitable land and agrarian relations; at best these policies will enable the growth of a Black capitalist farming class. In neither case will the rural working class and poor reap any meaningful benefits.

CONSULTATION OR IMPOSITION?

The government has sought to legitimise the land reform policy as a product of broad consultation with all affected parties. Thus, the Green Paper on Land Reform (1996: 25) claims to have been preceded by intense debate involving various interest groups:

In formulating its land reform policy, government has endeavoured to take into account of the widely conflicting demands of the various stakeholders and the implication of any specific course of action on the land market and investment in South Africa. There are those who demand that land should be taken from those who have too much of it and distribute free to landless. They favour a drastic, state intervention to redistribute land. There are others who insist that land should be allocated only to those who can prove that they can use it productively, and that in any case, that private land is sacrosanct and land should only be transferred on the basis of willing buyer and willing seller. The challenge is to find a way of redistributing land to the needy, and at the same time maintaining public confidence in the land market.

Thus, the land reform policy is presented as one that takes into accounts the demands of all,

harmonising them as well as possible.

However, the sharp contrast between the actual pillars of the land reform policy, and the demands put forward by organisations aligned to the rural working class must be noted. The Community Land Conference of February 1994, convened by the National Land Committee (NLC), a coalition of nine non-governmental organisations, culminated in a "Rural Peoples Charter" for land reform drawn up by delegates from over 350 rural communities. This "Charter" called for the removal of private property clauses from the Interim Constitution, strong State intervention in land reform, to the cut off for restitution claims to be moved back from 1913 to 1652, and for the expropriation without compensation of White farmers who benefited from apartheid (AFRA News January and February 1994). Yet although the conference's report was presented to various political parties, including the ANC, none of these demands have been reflected in any of the main policy documents and measures.

The total absence of the demands of the rural working class and poor from the land reform policies suggests that the rhetoric of "consultation" was no more than a rubber stamp to legitimise policies already decided elsewhere. It was not a process of real participation at all.

This shows up the fallacy of seeing government policy as the product of open and democratic discussion. Rather, policy making should be understood as an interactive process shaped by unequal power relations (Walt 1994). In such a situation, the participation of ordinary people is reduced to "soft" participation – in which "experts" collect data from informants – rather than not "hard" involvement in actual decision-making (Cock n.d.).

It is our argument that such a situation inevitably characterises all policy making in situations of inequality. Power is not diffused amongst all participants as the liberal pluralist model contends – rather, it is concentrated in the hands of small elite groups. Consequently, governments tend to adopt only policies which are compatible with the interests of the wealthy and powerful (Walt 1994).

Concretely, this means that class power – refracted in the South African case through the lens of a capitalist system based historically on relations of colonial domination, which may be termed "racial capitalism" – is a prime determinant of policy formation under capitalism. Consequently, it is necessary to examine the balance of power between different classes: their relative strength at a given period in time.

LAND REFORM IN A NEO-LIBERAL WORLD:

The assumption of an independent, and democratic, nation-state with the power to develop and implement independent policies is unsustainable. In part, this is because the notion of a democratic capitalist State accountable to the populace at large is itself a problematic notion. As Bakunin argued, "whilst human society remains divided into different classes because of the hereditary inequality of occupations, wealth, education and privileges, there will always be minority government and the inevitable exploitation of the majority by that minority". Hence, the "State is

nothing but this domination systematised and regularised” (Bakunin 1990: 67).

More importantly, capitalism is an international system of economics and politics, which operates to condition the policies of nation-states in a real way- both ideologically and institutionally. Organisations such as the World Bank, the International Monetary Fund (IMF), the World Trade Organisation (WTO), large international corporations, the United Nations and other quasi-state structures, and international interest groups are all key players that exert an influence on policy processes (Walt 1994).

International forces have undeniably played an important role in shaping land reform policy in South Africa. The collapse of the centrally planned economies of East- central Europe and the Soviet Union, and the subsequent end of the Cold War have demoralised the left. Without accepting that these countries were in way socialist, their identification with socialism in the minds of many activists has, as Lehulere (1996) has pointed out in this journal, helped demoralise a whole layer of activists. The collapse of the East bloc was matched by the crisis of social democratic welfarism in the West (see Teeple 1995), and the failure of State-driven “developmentalism” in most of the Third World.

Underlying these crises has been the growing internationalisation of capitalist corporations in the context of an international crisis of overaccumulation that began in the early 1970s. International economic restructuring in the context of the crisis has been directed at both reducing wage levels (monetary wages and social wages), and securing new areas for investment. Hence, the neo-liberal policy agenda has focussed on the rollback of the State from social programmes, including social welfare, social services, and the regulation of the prices of basic commodities, a reorganisation of the tax structure (with an overall shift in revenue sourcing from corporate to private taxpayers, and a less progressive tax structure), the promotion of flexible labour markets, and the privatisation and deregulation of those areas of the economy in which the State hitherto intervened (Teeple 1995). The effect has been to open new areas for investment, allow the pressures of the emerging international labour market to drive down wages, cut the social wage (both by restricting government spending and reducing government revenue), and undermine legislative protection for working people. In the neo-liberal agenda, it is the market that allocates benefits and rewards, through voluntary transactions- not the State.

Equally central to the neo-liberal agenda has been the promotion of private property rights (Teeple 1995). In a situation of unequal property ownership, this amounts to the perpetuation of existing power relations- the free market is not “free” but a site of inequality: it is these rights which both signify unequal class power and underpin the accumulation process under capitalism. Neo-liberal policies have been promoted both by international institutions such as the International Monetary Fund (IMF), the World Bank, and the World Trade Organisation.

THE WORLD BANK AND THE RURAL RESTRUCTURING POLICY:

Such an international context is hardly conducive to policies of radical land and agrarian reform. Indeed, international pressures for neo-liberal policy adoption have played a central part in shaping South Africa's flawed land reform programme.

The World Bank was a key player in the formulation of the ANC's land reform policy. The Bank's involvement in South African land policies began February 1992 when its first agricultural mission – a team of local and international experts – was sent to gather information on the agricultural sector (Levin and Weiner 1994: 304-310). This mission was followed by a workshop in Swaziland, organised in conjunction with the United Nations Development Programme (UNDP). Noting the need to undertake some form of land reform in South Africa, the conference discussed international experiences in this area.

The conference also agreed on the need to organise a follow up workshop to examine land reform options. The World Bank undertook the research, using international funding. During the period of this research, the World Bank agricultural mission developed a close working relationship with the ANC-aligned Land and Agricultural Policy centre (LAPC) (Levin and Weiner 1994). The LAPC was an independent policy unit, which received funding from the European Community (EC) and the Ford Foundation.

It is possible that this reliance on external funding may have impacted on the LAPC's policies. In 1993, the LAPC hosted a conference on land redistribution options at which the World Bank's proposed policy, called the Rural Restructuring Programme (RRP), was presented (see Levin and Weiner 1994; Ludman 1993; Munnik 1993-4). That the RRP proposals formed the basis for the RDP Base Document's land policy is clear from a brief textual analysis.

The RRP advocated two main pillars of land reform: "redistribution" and "restitution". The "redistribution" pillar involved the "use [of] land already on sale and land acquired by corrupt means from the apartheid state or mortgaged to state and parastatal bodies" for redistribution to the poor. "Where applicable it will expropriate land and pay compensation as the constitution stipulates" (Levin and Weiner 1994).

Compare this to the RDP's own "redistribution" pillar. Significantly, the RDP argues that government must aim to redistribute 30% of agricultural land within first five years (ibid.). This proposal is a further indication of the World Bank's influence on the RDP, because the figure of 30% of land appears to have been derived from the World Bank's estimate that about 6% of White-owned farmland will come onto the market annually over this period. Again, both the World Bank's RRP and the RDP call for a process of land "restitution" in which the sufferings of people dispossessed of land through forced removals and racist laws since 1913 will be addressed by a Land Claims Court that will operate for a limited period (Levin and Weiner 1994).

Rural participants at the LAPC conference were highly critical of the RRP, a reaction

consistent with other research which shows that rural working class and poor people overwhelmingly opposed the idea that they should buy back the land which they regard as stolen by White farmers (see, inter alia, Levin and Weiner (eds.), 1994, *Community Perspectives on Land and Agrarian Reform in South Africa*). Nonetheless, this perspective simply did not appear in the land reform programme of the RDP, or the post-1994 Green and White Papers on land reform, the talk of participation and consultation "on the ground" notwithstanding.

This development underlines the fact that the RRP (and later the RDP section and reform) was produced through an "elitist technicist policy process" (Walt 1994): rural working class and poor people were sidelined in favour of a bevy of local and foreign consultants who developed the proposals through a short term desk study.

NO ALTERNATIVE?

Yet this begs the question: why was the RRP incorporated into the RDP despite grassroots opposition? Why did the ANC so readily and rapidly accepted the World Bank's land redistribution policy? After all, the ANC adopted these policies more-or- less uncritically despite the World Bank's highly controversial reputation elsewhere in Africa. Moreover, it adopted World Bank proposals even before taking office, and in the absence of even the threat of a Structural Adjustment Programme, the usual impetus for neo- liberal policies in Africa. In other words, the neo-liberal land reform policy was "home-grown", and voluntarily adopted.

Part of the reason for the ANC's adoption of the World Bank proposals would seem to lie in the policy paralysis of the South African left which followed the collapse of so- called "existing socialism" (Levin and Weiner 1993: 33). This has been noted by a number of writers who have argued that the left has singularly failed to present any sort of coherent alternative development strategy to those promulgated by the IMF and the World Bank (see Makgetla 1993: 8 for a stress on the need to develop such an alternative). For Vaughn, the left has failed to articulate positions at the level of concrete "economic realities" and policy formation (1990: 96-7). For Levin and Weiner, the paralysis of the left has led progressive South African policy- makers to be over- reliant on the work of already existing neo- liberal and neo- conservative development institutions when engaging in debates around rural restructuring (1993: 33). While capital has moved quickly to preempt many the rhetoric of the left - "empowerment", "redistribution" "grassroots" etc. - the left failed to ground its proposals for forms of agricultural production with a strong socialist orientation in the specifics of the current South African conjuncture, thus remaining at the level of making "the meaningless gestures of a tired socialist rhetoric" (Vaughn 1990: 101-2).

The ANC's land redistribution policies also need to be understood against the background of the political changes that took place in South Africa since February 1990. "Transition theory" (see inter alia, Adam and Moodley 1993; Ginsberg n.d.), despite its many shortcomings, provides some useful insights into the nature of South Africa's democratisation.

According to transition theory, a move towards democratisation takes place when the incumbent regime is unable to crush its opposition, but the opposition is itself unable to overthrow

the regime. Preferring accommodation to a war of attrition, regime "softliners" and opposition "moderates" move towards a new order through a process of compromises. The outcome is a "limited democracy", a parliamentary regime which is able to provide the conditions for the reproduction of the mode of production (such as infrastructure), but which cannot rule against entrenched interests such as the military, the State bureaucracy and, most importantly for our study, the capitalist class.

The negotiations at Kempton Park in South Africa resulted in a number of compromises that would impact on land reform possibilities. The Interim Constitution carried two clauses of especial relevance to land redistribution. The first of these was a guarantee of private property rights, with the proviso that expropriation could occur only for "public purposes" (such as building schools). The second was a "restitution of land rights clause" which only guaranteed the right to claim restoration of land seized under Apartheid (not a right to actual restoration), and which, moreover, specified that restitution would take place only if the State certified that it was "feasible" in a given case (Marais 1994). Negotiators argued that the inclusion of a property clause was necessary to create a climate conducive to attracting foreign investment in the interest of promoting development.

Sacrificed in such compromises were the demands of the rural working class and poor for land redistribution. However, transition theory errs by suggesting that the opposition is forced by the nature of the transition itself to adopt a moderate stance. This tends to overstate opposition radicalism. In addition, transition theory suggests that the main constraint on the outcome of the negotiations is the "stalemate" between regime and opposition. This tends to suggest that social power is centred on opposing political forces – the dictatorship and the democrats- rather than examining the full range of sources of inequality in society. Class power is the key variable in this regard.

The ANC was, in addition, not simply forced into negotiations. It had always declared its willingness to enter negotiations with the South African government, provided this dealt with the removal of political inequality- "White minority rule" (Lodge 1989). Regarding the economy, the ANC repeatedly denied charges of "communism", insisting that, in O.R Tambo's 1985 words, (Callinicos 1988: 134):

The Freedom Charter does not even purport to want to destroy the capitalist system. All that the Freedom Charter does is to envisage a mixed economy in which part of the economy, some of the industries, would be controlled, owned by the state (as happens in many countries), and the rest by private ownership- a mixed economy.

This ideological moderation clearly facilitated (although does not entirely explain) the ANC's acceptance of neo- liberal policy prescriptions and private property rights.

Beyond this, the ANC consistently presented itself as a truly "national" political formation in the sense that it sought to represent a broad and often divergent set of class and other interest groups. Thus, all ANC documents – including the RDP – have necessarily accommodated the

aspirations of a broad range of social actors, including aspirant Black capitalists. In other words, the social composition of the ANC provided an additional impetus for a pro- market "resolution" of the land question. A multi-class coalition cannot be built except on the basis of recognition of the class interests of the bourgeoisie- and thus, of a capitalist solution. And the roots of the ANC itself in 1912 lay precisely amidst the African bourgeoisie and petty bourgeoisie frustrated by white minority rule.

Overall, then, we have argued that the adoption of an essentially moderate land reform policy by the ANC, then the leading oppositional force, and now the majority party in parliament, is directly related to a variety of both objective and subjective factors. On the one hand, the circumstances of the transition made it imperative that concessions be made to powerful vested interests like organised White agriculture. On the other, the ANC proved itself unable to mount an ideological challenge to neo- liberal policies, both due to the paralysis of much of the left, and due to the prevalence of socially moderate ideological strands and class forces at the core of the movement.

RURAL SOCIETY:

No account of the balance of class forces can be complete without a consideration of the role played by the exploited classes. The absence of a coherent and organised land- based social movement in representing the needs of rural people is one of the main reasons why their voices and concerns were consistently marginalised in the processes of land policy formulation.

Despite the central role which land dispossession and forced removals have played in the development of apartheid and colonialism in South Africa, land has never featured very highly on the ANC's agenda, being largely relegated to the background of strategic agendas and thinking (Levin and Solomon 1994: 259). The ANC's focus was also historically on urban mass struggles and trade unionism (see Bundy 1984; Levin and Solomon 1994: 259-60). Similarly, the sustained mass-based struggles of the 1980s (led largely by elements aligned to the ANC) were largely confined to the urban areas; neither the unions nor the United Democratic Front were able to organise large-scale rural resistance. Even where resistance did take place in the rural areas in the 1980s, it tended to be centred around educational and civic issues, rather than on land. This historic focus on urban and working- class struggles partly reflects South Africa's high level of industrialisation and urbanisation (ibid.). Unlike organised urban constituencies who could embark on industrial action and protests in big towns, the rural people were dispersed across different farms; there were few big centres in which they could congregate on a noticeable scale.

An embryonic rural movement did begin to develop in the 1990s, and was spearheaded by the National Land Committee (NLC). The NLC initiated a "Back to the Land" campaign in 1993, which organised a number of actions including a march on the World Trade Centre to protest the inclusion of the property clause in the Interim Constitution. As noted above, the NLC also convened a Community Land Conference in early 1994. In March 1996, rural people protested the inclusion of the property clause in the final constitution (to no avail) in March 1996.

Despite the actions of 1993-6, the voice of the rural working class and poor found few listeners. Rural opposition was ignored at the 1993 LPC conference, and the Community Land Conference of 1994 took place after the publication of the RDP Base Document. Although unions, civics and education sector organisations were involved in the preparation of the RDP Base Document (its genealogy is covered in Gotz n.d.), a land based rural social movement was not.

Perhaps the only exception to this general process of marginalisation has been the labour tenants who are relatively strongly organised and thus capable of putting their demands to the government (for background see Dithlaka, 1994:134). The labour tenants threatened to create political instability and "war with the farmers" if evictions from the farms continued, and if the government failed to provide legislation which would protect them. Though concentrated in Mpumalanga and Kwazulu-Natal provinces, labour tenants were sufficiently organised to successfully pressurise the government to pass the Land Reform (Labour Tenant) Act in March 1996 which grants security of tenure.

Significantly, the Act was passed despite the fierce protests of large- scale White commercial farmers organised in the South African Agricultural Union (SAAU). The SAAU is a well- resourced and powerful interest groups: an extremely powerful section of capital in the apartheid period, agribusiness's submissions concerning the need for a free land market and the protection of private property have also been consistently adhered to in the new government's land reform policies. Overall, SAAU remains the dominant interest group in the agricultural sector, and one whose ideological position conforms to the neo- liberal model. The new law regarding labour tenancy might thus be seen as a compromise: on the one hand, it meets some of the demands of the labour tenants; on the other, it confines to addressing issued of security of tenure rather than the central questions of land ownership and distribution.

One final rural interest group needs to be mentioned are the traditional authorities represented by the Congress of Traditional Leaders of South Africa (Contralesa). Having been formed in 1987, "Contralesa has over 3000 paid up members" (Land Update, September 1993: 10), but does not enjoy popular grassroot base support (CPLAR, 1994:232-233). Contralesa called for a strengthening of the chieftaincy in the allocation of redistributed land. Contralesa's demands were rejected by the ordinary rural populace who viewed them as undemocratic: in particular, the South African National Civic Organisation (SANCO) played a central role in voicing this opposition to chiefly control of the land, although it did not raise broader issues of land redistribution. The chiefs, who aligned themselves to the ANC through Contralesa, would play a very important role in shaping the actual implementation of land reform policies, as will be shown below.

MEDIA AND ITS ROLE:

The role of the media, though often understated in policy formulation, is an important one. Walt (1994) has argued that both the print and electronic media tends to propagate views that uphold the status quo. This argument is consistent with the South African experience in which the media, largely controlled by monopoly capital and the State, has generally acted to defend white capitalist interests. For example, the South African Broadcasting (SABC) has been repeatedly accused of bias. During the process of negotiations in the 1990s, for example, despite unbanning of the national liberation movements, the SABC consistently presented the National Party (NP) as the founder of the new South Africa, whilst left-wing parties got no more than a lip-service (Low 1992: 12). In addition, the media exhibits a marked urban bias in its coverage of issues.

However, it cannot be denied that the media did give prominent coverage to the struggle of the labour tenants. Similarly, the demands of the communities who attended the historic Community Land Conference were accorded wide publicity. Non-governmental organisations like the National land committee were also interviewed during this period. Through news agencies like that of Reuters, the conference's demands were able to receive widespread coverage, including air-time on CNN international and space in a Pakistani newspaper. The attention attracted by the Community Land Conference may have been partly due to the initiatives of the National Land Committee which produced items ranging from T-shirts to caps, press packages to business cards, newspaper advertisements and post cards to heighten public awareness of land issues (NLC: 1994-1995).

THE LAND REFORM IMPLEMENTATION PROCESS: DISTURBING REALITIES

In addition to explicit policy guidelines, the outcome of a given policy is also strongly conditioned by the process of its implementation. Policy formulation not only "... involves the decision to act on some particular problems, but includes subsequent decisions relating to its implementation..." (Walt, 1994:41). As du Toit points out (1994),

No matter how a good policy is, it has to be implemented by social actors who will themselves be part of social reality in all its recalcitrant and intractable density, its inertia and complexity. Policy makers will find themselves being second-guessed, third- and fourth-guessed. Their plans, far from resolving the antagonistic contexts that constitute social reality, will themselves become snarled up in those contexts. Subsequently the resulting programmes tend to be bogged down in bureaucratic webs and obstructive technicism, since there is no real constituency lobbying to see them through: the landless don't own such policy; the experts who drew up the policy have retreated to their suburban homes in Johannesburg, Pretoria, Washington, London.

Experience with land reform elsewhere in Africa has shown that efforts to redistribute rural land to “the disadvantaged” or to the “rural landless” have tended to reinforce existing forms, and given rise to new dimensions of inequality within beneficiary communities (Hall 1998: 450). It is our contention that, in the South African case, even the highly flawed programme outlined by government land reform policy proposals has failed to materialise in the form envisaged by its planners. There has been a systematic failure at the level of policy implementation to carry through the core recommendations of official land reform policy. As will be discussed below, this may be attributed to both State capacity constraints (itself related to the fiscal austerity of GEAR), and the role played by local elite groups, who have sought to harness the land reform programme to their agendas for accumulation.

In other words, the South African land reform policy has failed to address the land and agrarian question at the levels of policy formulation and policy implementation. Even the limited reforms envisaged in official policy have failed to come to pass, with less than 3% of land likely to be redistributed by the end of 1999, as opposed to the 30% envisaged in the policy (Sihlongonyane 1997).

The formulators of the land reform policy paid relatively little attention to the question of implementation. Although several institutional structures were established by the land reform policy, the assumption underlying the projections for land redistribution was that of perfect implementation by a benevolent State. Yet, as noted earlier, the policy process itself is shaped by powerful political, ideological and class dynamics, a practise in power relations, a contest of rights often set under the aegis of “development”. Conventional development practises often visualise models around policymaking process in a way that tends to disengage the formulation process from the implementation process. Once devised, a policy is seen as a largely technical process to be implemented by administrative agencies at the national or sub-national levels. Attempts are rarely taken at the policy making level to close the gap between formulation of policy and implementation. The bureaucratic, financial, managerial and technical aspects of the policy are rarely taken into cognisance (Walt 1994).

This model of “perfect implementation”, then, as Hogwood and Gunn (1984) argue, is premised on the assumed existence of ten pre-conditions. Yet, whilst these preconditions provide a useful checklist, few policy documents hardly achieve them. The following is a brief summary of the imperatives of a “perfect implementation”:

1. Policy is based on a valid theory of cause and effect. If policies are bad policies, they can fail. Every policy is based on a theory (although it may not be explicit) of cause and effect, and if this is wrong, the policy will be unsuccessful.
2. Successful policy implementation requires that circumstances external to the agent do not impose crippling constraints.
3. Adequate time and sufficient resources must be available. A lack of resources,

whether they are of personnel, equipment or finances, affects implementation.

4. The required combination of resources is available.
5. The relationship between cause and effect must be direct, with few, if any, intervening links. Any implementation process is a long one, and involves a complex series of events and linkages, any of which may derail policy.
6. Dependency relationships are minimal. The existence of many participants may derail the implementation process as a whole.
7. There is an understanding of and agreement on, objectives. However sometimes the policy objectives are often quite vague and different actors may have different conceptions of what constitutes implementation.
8. Tasks are fully specified in correct sequence. If policies are to be executed uniformly, all tasks to be carried out by different organisations or people have to be clearly differentiated. Many at times policy failures occurs due to confusion or duplication.
9. Communication and co-ordination must be perfect. However, the breakdown in communication and the difficulties of co-ordination are often seen as legion, it is often difficult to see how this would ever be achieved, although it might be aspired to.
10. Those in authority can demand and obtain perfect compliance. Except for those military governments that have used coercion to enforce policies, it is difficult to see how any authority will be able to attain complete compliance where implementers or target groups are radically opposed.

Few of these conditions obtained in the case of South African land reform policy implementation. The fact that the current land reform policy was a product of a negotiated settlement renders itself a "mild" policy geared towards balancing competing rights to land, as evidenced in its reliance on the market mechanism for redistribution, despite the skewed power relations that exist in the South African land market. With regards to constraints on policy implementation, existing conflicts between traditional authorities and rural councils have halted land reform projects. Limited budgetary allocations –reflecting the fiscal constraints imposed by GEAR– for land reform have constrained the leverage the government could exercise in executing its functions within the land reform process. The lack of a viable combination of financial and human resources, and of political will, has undermined the ability of the Department of Land Affairs to implement its programmes. Finally, post-transfer tasks have not been clearly spelt out.

It is more useful, then, to see policy implementation in terms of what has been termed the

“bottom-up” view of policy implementation, which acknowledges that implementers often play an important and active part in policy implementation. Even within the State itself, the relationship between different layers and components of the government administrative structure is contested. The power of the centre, resting heavily on funding structures and bureaucratic chains of command, cannot be assumed to be absolute (Mills et al. 1990, Walt 1994: 159). Indeed, the very failure of planners to take adequate cognisance of the complexities of implementation lays the basis for *additional* actors to impact on the policy. The involvement of both the implementers and other actors in the policy implementation process may lead to a *de facto* redefinition of implementation programmes and even the redefinition of objectives of the policy itself. Hence, Walt (1994) states:

If there are clusters of public and private actors involved in formulating and influencing the outcome of policy, then there are other, or the same, clusters involved in implementation. Some may be the supposed beneficiaries of the policy ... policy formulation and implementation are two elements in a continuous loop, and both as political as the other.

A CASE STUDY: LAND REFORM IN MPUMALANGA PROVINCE.

Institutional Challenges Facing the Province's Land Reform Programme:

These points –and, consequently, an analysis of the failure of the South African land reform policy at the level of implementation- may be illustrated by a case study of Mpumalanga province.

Of the nine provinces in South Africa, Mpumalanga has experienced some of the greatest difficulties in amalgamating previous homeland administrations into a single provincial administration. Interviews conducted so far, revealed that provincial departments concerned with land reform implementation offered very little that was of practical use to land delivery- irrespective of the commitment some government officials showed. One of the problems which all the senior personnel faced was that of inadequate capacity not only within the departments but also equally within the communities with which they worked¹. Their constant plea to non-governmental organisations to complement their efforts – an attempt to fill the capacity gap within the departments and the targeted client communities - was a clear indication of the problems faced (also, of the openings for a range of actors to be involved in policy implementation).

Capacity problems were worse within the local government bodies such as local councils which undermined plans to decentralise the implementation of land reform projects to the local level. Limited capacity problems within the departments have undermined inter-departmental co-operation (i.e. horizontal integration). Some institutional structures (as will be seen later) have tended to marshal more powers than others, assuming an independent role within the implementation process, thus undermining the co-ordination necessary to the land reform process. A “them and us” attitude between departments, and independent role creation, has hindered attempts to make implementation process an integrated process involving the different stakeholders within the government departments. This has meant that there has been the development of a marked disjuncture between

the national land reform policy with regards to implementation at the national, provincial and local levels. This has made it difficult for land reform policies to respond to grassroots realities and challenges.

Mpumalanga, however, has very few non-governmental organisations and community-based organisations that actively participate in land reform in the province. Non-governmental organisations focussed on land issues are typically based in Gauteng, and all are under financial pressure due to declining donor funding. Some such as the Farm Workers Resource Research Project have, indeed, collapsed for this reason. The experience, community facilitation expertise and capacity-building skills that such structures could bring to bear has thus been absent, meaning that these organisations have been unable to strengthen the weak institutional hand of the State.

Overall, the implementation of the land reform policy remains centralised in nature. Even if we assume away the existence of serious local capacity problems, it is clear that this centralisation helps stifle the provincial and local government initiatives. The Department of Land Affairs national office exercise great powers in terms of resource allocation, allowing it to dictate to lower level structures its policy tenets. This worsened administrative problems by polarising the “core” (national office) with the “periphery” (provincial and local structures) in terms of power and responsibilities allocated to them. From the responses of interviewees², it became clear that land reform process was managed as a top-down process of policy implementation, notwithstanding commitments to allow local government structures to play a central role in implementation. Proposals to expand the current, limited, bureaucracy that exists at the lower level structures (such as the district offices)³ notwithstanding, very few resources have been leveraged from other agencies of government, thus creating serious consequences for the post-transfer sustainability or income generating activities of land reform communities. There have been few attempts, for example, to ensure that local government is ultimately responsible for the operation and maintenance of key infrastructure or could cope with the new additional tasks for which they are now to be responsible.

The expected roles the (national) Department of Land Affairs and the (provincial) Department of Land Affairs bear further examination. The specified role of the provincial level of the Department is to actually transfer land from the owner to the target community. It releases funds needed for the purchase of the identified land by the community. After the transfer is complete, the provincial administration system is meant to move in and assist with the development of the land. However, although the development and planning of land use is the sole responsibility of the provincial administrative systems, they have been unable to assume this role due to institutional weakness and lack of a clear role definition for each respective institution. Interviews indicated that the provincial level of the Department of Land Affairs has operated only in line with the policies of the Department of Land Affairs headquarters in Pretoria.⁴

These centralised institutional problems are, however, rooted in the national constitution. The Constitution of the Republic of South Africa as adopted on 8 May 1996 and amended on 11 October 1996 by the Constitutional Assembly, outlines the various legislative competencies of national and provincial government in Schedule 4. Schedule 4 of the constitution contains a list of functional areas of concurrent national and provincial legislative competence. This list includes legislative competencies such as agriculture, environment, housing, public works, regional planning

and development, soil conservation and urban and rural development. These are functional areas which are relevant and applicable to post-transfer redistribution projects (Williams 1998).

Formally, then, the provincial government has the right to operate in these areas. In practice, it lacks the ability to do so. The provincial government has not - and arguably, due to financial constraints, could not - employ sufficiently committed staff, or provide capital budgets and other support mechanisms to execute and administer these functional areas as they relate to land reform projects. The result of this situation has been an abdication to a large degree of the provincial government's role in the land reform process to date (Williams, 1998). Arguably, it is precisely this lack of capacity that underpins the centralisation of policy implementation described above. In addition, provincial legislation related to the land reform process remains underdeveloped.

The miscoordination between the different levels of the Department of Land Affairs has been recognised as a serious problem by the government. The Mid-term Review of the Land Reform Pilot Programme stated that:

...the primary challenge now is to promote the integration of land reform planning and priorities with emerging processes of integrated development planning at provincial and local governance levels.....Key concerns must be the interaction between DLA (at national and provincial levels)...and work to build institutions and capacity for land administration and development planning at local government level (Department of Land Affairs, 1997:23).

The lack of finance leads to problematic results in the land reform process. For one, it leads to a limited rate of land transfer. Secondly, attempts to overcome funding constraints have led to further complications. Where land has been overvalued above the market value, the provincial Department of Land Affairs finds it difficult to buy the designated land for the community. This in turn encourages the Department to increase the size of the community beneficiaries in order to command more resources for the project in question. The direct result of amalgamating target beneficiaries into a "community" of people is that it raises serious questions of group dynamics. This in turn threatens the survival and sustainability of the project in question. A process of negotiation then has to come to play which at times proved difficult and time consuming.

The Department of Land Affairs has to ensure that state resources are wisely used and that prices negotiated are just and equitable and correspond to the guidelines stipulated under the land reform process. The valuations done by the Land Bank were identified as being unfairly high by the Department of Land Affairs.⁵ Among community members,

... the process of evaluating and negotiating the land purchases is a particularly emotive one and dangerous issue. There is a perception that local farmers are trying to get inflated prices for land that they are anxious to sell because they fear the impact of land claims and redistribution on the market value (AFRA NEWS, 1994).

Even where land has been transferred, inadequate institutional support has been provided to projects in the post-transfer stage. Comparative evidence suggests that such support is vital to the success of a land reform project. Taking into account the vast expanse of the districts in

Mpumalanga understaffed offices - such as the Ermelo district office that currently has two staff only- the long-term feasibility of land reforms must inevitably be cast into question. In Zimbabwe for example, it was found that the district councils covered very large areas, and the situation pertaining to land at a more localised level remained confused even after land became the responsibility of elected district councils. Land therefore became a tussle between local party leaders and traditional leaders. In Namibia, the District authorities neither had the staff, the local knowledge or the legal mandate to deal with land disputes and land allotment, nor to monitor land use (LAPC 1997).

Local government involvement in post-transfer projects has, to date, been minimal in Mpumalanga. The provincial Department of Land Affairs offices also offered limited assistance in the development of an institutional support structure which would strengthen the capacity of provincial and local government structures to push forth land development objectives in the post transfer stage. Yet the multi-faceted nature of post transfer redistribution projects requires that a wide variety of role players be networked and participate in the post-transfer planning and implementation stage. The effect then, is that provincial offices such as the one in Nelspruit at best are effectively only able to effect a land transfer back to the beneficiary communities. No real subsequent support is offered⁶.

This further worsens the problem of capacity at the community level. Target communities are often unable to push forth the post-transfer stage of the land reform process. This incapacity is also evident at the community leadership level. Community leaders often demonstrate a limited understanding of the processes and tasks that lie ahead in the post-transfer phase. One of the reasons for this is that only a few projects that are currently in the post-transfer phase had planning agents that were appointed prior to designation. Poor planning in the pre-planning phase of a project has caused enormous delays in the delivery of benefits to communities and has often caused serious damage to the viability of the redistribution projects.

Community conflict often emerges, where post-transfer support is not given and the "go it alone" approach has led to failure to deliver to the expectations created in the pre-transfer phase. Undemocratic decision making, gate keeping and a lack of transparency are often nothing less than the symptoms of a community or their leadership not understanding the rights and duties regulated by their constitutions and/or the legislation governing the formation and functioning of legal entities (Williams 1998).

These conflicts are also indicative of the way that the land reform policy implicitly conceptualises the concept of a "community". Structured into these policies is the assumption that a community is a homogenous entity unified by one common identity and characteristics or needs. In practice, this has not been the case. Kepe (1998) for instance defines a community in sociological terms with a focus on spatial units, i.e. people that share a common locality, and points out that there are often conflicting ideas of who belongs to which group. He also defines a community as an economic unit, where different groups share common interests, control particular resources or share similar economic activities to make a living. He further argues that the concept of "community" within South Africa's Land Reform has both positive and negative connotations. It is positive when it helps to focus policies on the needs of the specified community. It is negative when it forces

conflicting groups together and mutes the voice of the weaker group. It is this latter feature of the concept of community that poses the greatest threat to the implementation of the land reform programme.

In rural South Africa, the genesis of this problem lies in the historical legacy of the apartheid system. Most rural communities in South Africa were essentially "invented" through social engineering. This was effected through coercing people together from different locations who held different beliefs and customs through the Group Areas Act and other related apartheid policies. The notion of a community hence, seems problematic in this case. Organising groups of people into "communities" creates intricate political and social undercurrents that ultimately slow down the process of the redistribution project. The lack of homogenous communities is brought to the fore by the problem of conflict within communities. The high price of land does not permit the individual members of the rural poor to acquire a reasonable area of land. The government grant of R 15,000 (increased to 16 000 rand) is hardly enough to purchase even a hectare of land. The solution to this is the pooling of resources by communities to enable them to acquire and manage a reasonable area of land. There are however group dynamics and consequences thereof. There is always the problem of differing needs and expectations within every community. Land may be needed for agricultural production or housing. Even within agricultural production, there are several options available to individuals within a community. It is therefore always difficult to come up with one option or make a decision that suits all needs. This process takes time hence causing delays during the implementation stage of the project. Even when a decision is made about the intended uses of the land, not every member's needs are to be addressed.

Community conflict is further illustrated by the question of the chieftaincy. Land reform elsewhere in Africa⁷ has often accommodated itself to existing agrarian power structures rather than realign the power relations that surround land ownership as a reservoir of power in a given society. Beneficiary selection processes in Mpumalanga have so far rarely been a transparent, democratic and an accountable process in some of the projects undertaken. This problem is exacerbated by the reinstatement of the chieftaincy. Community participation processes also become difficult to achieve given the kind of hegemony the chiefs are creating for themselves. Due to the heterogeneity of rural people, mechanisms for facilitating land access and rural development in general, would have to take cognisance of the diversity of needs rural people have, as opposed to idealising a mythical "community". This can only be achieved through developing democratic participatory processes at the grassroots level. These set of dynamics are succinctly captured through the Emjidini redistribution project which has been beleaguered by a set of institutional conflicts through its implementation process. The following summarised version of the Emjidini redistribution project attest to this observation:

The Emjindini Redistribution Project⁸:

Background:

This project involves the acquisition of the Remainder of the farm Sassenheim 695 JT and Portion 3 of the farm Sassenheim 695 JT owned by Mr. A.B. Pohl and Mr. Malan respectively. The project started in 1993 and was/is facilitated by the Department of Land Affairs, Mpumalanga Provincial Office. It is situated in the district of Barberton. The Emjindini tribe is one of the victims of forced removals. It was realized that there was a need to resettle members of the Emjindini tribe who were scattered all around Barberton District and other adjacent areas.

The central needs of the community were to obtain land for residential settlement and other community services, facilities and agricultural farming. The sum total of the resettlement areas is 889,4 hectares. 401 hectares will be used for residential settlement and other community facilities. Residential sites of 2 000m² (40 m by 50 m) in size each will be demarcated and allocated to all family beneficiaries. Community facilities such as a community hall, schools, clinics, sports facilities, churches, and businesses will also be accommodated. The remaining 488,4 hectares constitute, according to the Department of Agriculture, a highly potential land and will be used strictly for farming and grazing. The Emjindini Trust holds land on behalf of the 586 family beneficiaries on the basis of communal ownership(DLA 1998).

The Emjindini community initially wanted to opt for the restitution pillar of land reform but due to the logistics (institutional and legal) involved, the community was advised by the Department of Land Affairs that restitution was going to be a lengthy and time- consuming procedure before land is awarded to the claimants. Land redistribution was thought to be the fastest route the community should follow as compared to the lengthy judicial and bureaucratic hurdles experienced under the Restitution Act. They were therefore advised by the Provincial Department of Land Affairs (PDLA) to opt for the redistribution project⁹.

Mr. Derrick Ndlovu, a councilor for Emjindini area was not satisfied with the way the Emjindini project was formulated. Participation of the local communities was minimal and he feared that community tension and conflict was bound to erupt should allotment of the land parcels start thereafter.¹⁰

Inherent Political Dynamics at the Village level:

The project as previously argued was one, which was to be compatible with the RDP guidelines. For example, these called for transparency where all community members were meant to partake in the project. The government pre-planning documents (Provincial Department of Land Affairs 1997) portrayed the project as one which was a product of a wider consultative process that had been reached between the different stakeholders. However this view was strongly contested by different stakeholders. The current contestation, which has hampered infrastructural development, is not amplified at the provincial levels.

Key informant interviews conducted with some of the ANC councilors, indunas and members of the community who have moved onto the new land however reveal that nothing has actually changed in terms of economic empowerment of the beneficiaries¹¹. Indeed, the project as a whole has raised quite a number of pertinent problems, which have threatened community cohesiveness at the grassroots.

One of the key ANC councillors (Derrick Ndlovu), who was at the forefront of championing the anomalies of this project, articulated certain inherent procedural and institutional obstacles that the project has come to face since its inception.

For instance, according to Councillor Derrick Ndlovu, the Emjindini Trust has claimed that the trustees are community representatives and it is evident that the committee was operating like the tribal councils because according to them, they are claiming land on behalf of the chief who seems not to enjoy popular grassroots support¹². The trust was however dissolved with the culmination of the CPA in 1997.

Councillor Ndlovu foresees some conflict breaking out in the near future. Community squabbles resonate around the arbitrary criteria employed to select the 586 targeted beneficiaries. For example little information about those nominated as beneficiaries exist. It seems there were no clear frameworks developed for the communities to become involved in the process.

Another glaring issue that makes this project questionable is how democratic the Emjindini Trust is. The question of who nominated this trust is mysterious. Councillor Ndlovu, claims that the Chief nominated his beneficiaries in an ad hoc manner. Arbitrary selection of beneficiaries was done such that,

"...even people walking across the road were called to fill in the forms"¹³.

A social impact assessment was not conducted on this project. Communities have different needs with respect to land but these were not carefully investigated during the selection process. Conflict over land use will most likely emerge given the fact that land designated (for resettlement) under the Provision of Certain Land for Settlement Act (Act 126 of 1993), is not liable to land use controls as stipulated under the Subdivision of Agricultural Land Act (Act 70 of 1970). The structure of this demand would have required a closer re-examination. Communities are also differentiated on basis of income and it seems that the arbitrary selection criteria used in this project were unable to identify the poorest community members who have become conventional losers in development projects.

Given these loopholes, losers in this project are bound to view the Emjindini project as an exclusive and a biased project. Management crises and changes have also not spared the project as a whole. From the project's onset, 3 different PDLA staff have been involved for different durations before being moved into other projects. Ms. Mosupye initially pioneered the Emjindini project before assuming the directorship of the lowveld escarpment region. Mr. Mongwe later moved in to take charge of the project before being moved into the tenure reform directorate. Currently the project is now under Chris Williams who now blames most of the project anomalies on his predecessors. His greatest bone of discontent is that the project lacked a well-written business plan¹⁴.

On the other hand, tension between the rural local government and the chieftaincy seemed already imminent. According to Derrick Ndlovu,¹⁵ the chieftaincy does not co-operate with the elected rural councillors. They view them as "politicians" who are there to oppose them on "development" issues. However, this study infers that the rural councillors are wary about losing their political support and power base should land reform be controlled by the chieftaincy. To the chief, the land reform process is a platform through which he is able to re-invent himself and gain his allegiance from his subjects.

On a point of concern, these opposing, and contesting political views and dynamics need to be factored within the current policy framework if land reform delivery is to continue as desired. Land reform seems to be functional to the proliferation of power by local community bodies purporting to be democratic bodies representing the needs of the community as it simultaneously becomes dysfunctional to the proliferation of democracy at the village level.

However a year later, after the initial interview on the project (in 1997), it appears that very little has indeed been achieved in this project. The only radical change that has occurred was the dissolution of the Emjidini Trust and the subsequent formation of a CPA. The tension between these two institutions still seemed considerable. The ANC councillors are against people moving from the townships to the designated land and because of this they are viewed as "enemies of development"¹⁶.

Irrespective of this contestation, members of the Emjidini community have started to move into the designated areas long before plans to invest into the infrastructural development have been made. This is on condition they pay him some fee (250 rand) which is purportedly meant to assist in infrastructural development which to date has never been actualised. According to the chief¹⁷ the 250 rand is viewed as a Konza fee which is payable to the chief from his subjects. He claims this is a long held traditional practice, to which the chief is entitled, from his subjects. According to the chief, this money is geared towards developing basic infrastructure for the communities, a process which has never happened. This furthers re-affirms long- held fears that the existing land reform policy is not directly linked to the whole question of agrarian transformation. Limited empowerment change is notable among this target community. The most conspicuous change so far is the emergence of factional groups that represent the two warring parties (rural councillors and the chief).

The chief on the other hand has been attempting to intensify his search for political hegemony at the grassroots. His militancy was evident when challenged by the PDLA about the alleged fees he charged. The chief was requested to stop collecting the money but this never ended even after the PDLA warned him to stop in a strongly worded letter that read,

"This Department is aware of the position of the Trust and has advised them that they are entitled to institute legal action to prevent the Tribal Authority allocating stands on their property. As the Emjidini Trust are accountable to the law and to uphold all legal provisions pertaining to their property, the Department has advised the Emjidini Trust that they should use whatever legal steps necessary to protect the rights and interests of the beneficiary community. The Department therefore advises you not to persist with the allocation of stands and not to obstruct the planning process which is underway on the Trusts property" (PDLA, 1999).

According to Ndlovu¹⁸, as a result of the chief's performance, a/the majority of the community members are against the chief. The only people who support the chief come from outlying areas and are in search of some land to occupy. The Emjidini committee, which had initially been appointed by the chief, was dissolved in June 1998, and a trust was formed instead. Given this wave of attack on the chief from the government, the chief decided to institute restitution claims on the same land. This portrayed his limited and ill-conceived understanding of the land reform process as a whole. This is because land bought through the redistribution programme is not subject to any restitution claims. Prior to buying the land, thorough research is done to ensure the land is not subject to any claims. However, the chief's reading of the entire process is that the rural councils and the provincial Department of Land Affairs have no "*respect for him as a chief*"¹⁹ and neither do they understand the traditions that define the chief's social relations with his subjects.

Views from the community members who have settled in this new area were also expressive of their discontent and powerlessness. Majority of the community members claimed they were unsatisfied with the current antagonism between the local government and the traditional authorities. Among them were some of the indunas who had started erecting temporary structures within the designated land. They claim that the government should indeed provide these facilities but as yet this has not been done. In fact, some indunas were not aware of the redistribution forms that other people had filled in. According to them, land access was made possible through the chief's office. They were also cognisant of the political tension that existed between the chief and the ANC councillors but felt quite helpless in the midst of all these squabbles.

Most of the women who had moved were victims of retrenchments by the surrounding forestry company, SAPPIE. Confusion of issues around the land question from the Community members have been confused by issues around the land question. This has been a great handicap and has come to aggravate the situation. In turn, this has accorded a political opportunity for the chief to consolidate his hegemonic powers over his subjects.¹⁷ To the ANC councillors, the land question is a political platform "to step onto" in quest of a wider political base from their constituents. The exact roles of these institutions have not yet been specified within the realm of land reform.

The community members who have moved to Emjidini land are compelled to live without any sewage facilities, water facilities, roads, or health facilities. They face a life of destitution which puts into question the notion that land reform process may equally institutionalise "poverty traps" among its client communities.

A similar predicament was suffered by the Riemvasmaak Presidential Lead Project which was a restitution project in the Northern Cape. Due to slow and ad hoc planning processes, the Riemvasmaak residents became impatient. Frustrated by delays, they decided to build solid structures irrespective of the post-transfer infrastructural plans set by the planners. Rapid re-settlement- with little post-settlement support, an inexperienced trust trying to build a new community, and people living in temporary shacks became a sure recipe for conflict in this community (LAPC, 1995:13-14).

The post-reform era has therefore basically been an era in which poverty traps have essentially been institutionalized and hopes of changing the livelihood strategies of this communities become a distant chimera immediately community members move into the designated lands. This current state of affairs is however compounded by looming fears among some community members that they

are not prepared to have the area developed into a township development for fear of incurring rate payments. According to the chief he would rather see his subjects live in a rural environment but atleast have basic access to water. These fears were reiterated by some of the members who had moved in these areas. This was mainly because of their unemployed status. Most of the people in this area were either victims of retrenchments by surrounding forestry companies such as Mondi. Others relocated from the locations in an attempt to come and farm in Emjidini.²¹

In response to the chief's actions, the Director in charge of the Settlement Support programme, Chris Williams, has threatened to institute civic action against him. However his bone of contention with the entire project is that irrespective of the theoretical recognition accorded to planning processes as envisaged within the redistribution policy, the Emjidini project seemed to emerge from a planning process which in many cases was ad hoc and never followed at all. He blames the current stalemate on his earlier predecessor, Mr. Mongwe, who failed to enact the correct planning processes. This project is only among 30 other projects that Mr. Chris Williams is handling. This to him is an arduous task especially given some of the challenges he has to grapple with in some of these projects. Under staffing and change of project supervisors, e.g., from Miss Junior Mosupye who was initially in charge of the project to Mr. Mongwe and now to Williams who is in charge of the post-transfer phase simply superimposes logistical problems over time. Chris Williams has also had problems with the provincial House of Traditional Leaders whose members he claims have tended to support the chief's action.²²

However, this current contest between the chief and the PDLA is anchored on some of the historical roots evident from past and present legislation which define the powers and roles local government and the chieftaincy institutions should command within their areas of jurisdiction. The key problem is that their constitutional role is provided for as if there were no statutes defining their role in the past. For example, section 229 of the constitution, provides that:

“All laws which immediately before the commencement of this constitution were in force in any area which forms part of the national territory shall continue to be in force in that area, subject to any repeal or amendment by a competent authority” (Lazarus 1996).

To date some of this statutes have not been repealed. The implication therefore is that all statutes that were dealing with the role of traditional leaders are still in force with the exception of those, which have been repealed or amended by a competent authority. The constitution and statutes passed in terms of the provisions of the constitution gave provincial and local governments administrative and developmental powers in the same area of jurisdiction over which the traditional authorities/leaders also have jurisdiction. In terms of the constitution, traditional leaders are *ex-officio* members of the local government structures. The problem however is that, the constitution does not define their role hence it becomes unclear what powers the traditional authorities have in relation to local government. This has caused great confusion and over lap of role and power designation between the tribal authorities and the local government.

This revised but illustrative case study succinctly captures the forms of institutional quagmire and

contradictions which the current land reform policy has to percolate through. This signifies the political character of a land reform process which cannot be ignored if one was to unearth the truth about the "normative limitations" that have come to be associated with a land reform programme under the aegis of "Development". In any case one may need to ask: development (in form of land reform) from whom and to whom and why?

CONCLUSION:

In this paper we have demonstrated how the land reform policies which have been articulated and, now, are beginning to be implemented by South Africa's post-apartheid capitalist State need to be understood as the product of the interaction of a variety of contending forces operating at the international, national and local levels. The outcome of policy-making does not necessarily reflect a harmonious resolution of the different claims of the contending interest groups represented in the policy-making process, but rather signals the eventual triumph of dominant powerful groups over their opponents.

Policy-making is not about "engagement" or "participation" in some sort of equal and open-ended process where positions are adopted because of their intellectual appeal and coherence, or because of the policy-making "capacity" of different actors. Rather, policies are adopted because of the respective power of the different social classes involved. Whilst the exploited classes may, when mobilised, force some compromises on the form of policies adopted, the essence of the policies will reflect the power of the ruling class. When the policy being contested centres around something as central as patterns of ownership in the means of production – as in the case of land policy, as opposed to, say, wage rates – it is unrealistic to expect an equitable outcome under capitalism. Our research confirms this picture. A central theme in the land reform policy process has been the consistent marginalisation of the concerns of ordinary rural people – specifically, concerns over the 1913 cut-off date for the restitution process, the leading role of the market in land redistribution, and also calls for the imposition of a land tax – and the victory of agribusiness and, to a lesser extent, emerging African capitalist class forces such as rentier chiefs.

In addition, we have argued that the neo-liberal macro-economic orientation of the government – which was foreshadowed by the RDP's land reform policy – has severe implications for land reform policy. Not only does a market-centred approach inherently limit the *possible* extent of land redistribution, but fiscal constraints undermine the ability of the government to *implement* even this limited land reform programme in the first place.

In conclusion, it may be useful to reflect on the probable outcome of these policies. In 1990, a conference was held in Zimbabwe at which South African activists and academics examined what lessons Zimbabwe's first decade of independence holds for South Africa's future land reform process (New Nation September 1990). The conference concluded that in Zimbabwe, land had continued to remain in the hands of a minority of large-scale commercial farmers, predominantly White but joined increasingly by an emerging Black bourgeoisie. The masses of the rural population had experienced little benefit from land reform policies that have been in operation since the early

1980s.

At Independence in Zimbabwe in 1980 5,000 White farmers owned 50 percent of the land, with the remainder allocated to peasant farmers under communal tenure in African reserves. By the start of the 1990s less than 5 percent of the 900,000 communal area rural households had been resettled on new land under government-financed projects after land had been purchased through the market in "willing-buyer-willing-seller" arrangements. Resettlement typically involved marginal lands –the bulk of land available on the market- and the exclusion of women from ownership (Cammack, Pool and Tordoff 1988, Knight 1990, Levin and Weiner 1993, Weiner 1989: 402). Meanwhile, the key beneficiaries of land redistribution tended to be wealthy and politically influential African households, and the dramatic expansion of peasant production in this period was largely confined to this group (ibid.).

Is South Africa headed for the same fate? The answer, unfortunately, would seem to be "yes". The experiences of South Africa's neighbours seem to have had little impact on the formulation of land redistribution policies. Instead, these policies have consistently based themselves on the principles of market- led land redistribution and the entrenchment of private property rights. Insofar as the masses of the rural population are simply unable to purchase sufficient land, land hunger is certain to persist.

Can anything alter the situation? We argued that policy-making is a process shaped by power relations. It follows that the emergence of strong self-reliant organisations representing the rural working class is essential for progressive change. Such organisations could contest government policy, challenge the power of new elite groups like the revived chieftaincy, and press for greater institutional support for new farming communities.

BIBLIOGRAPHY:

Adam, H. and K. Moodley, (1993), The Negotiated Revolution: Politics and Society in post-apartheid South Africa. Johannesburg. Jonathan Ball Publishers.

AFRA News. AFRA. Various issues.

African National Congress, (1994), The Reconstruction and Development Programme: a Policy Framework. Umanyano Publishers.

AFRA NEWS No. 26 February 1994

AFRA NEWS No. 32 April 1995

Ake Claude, 1992, Democracy and Development in Africa, Washington DC. The Brookings Institute.

Ankomah Samuel, 1998, Land Redistribution Options for South Africa, National Land Committee, Johannesburg.

Ankomah Samuel, 1999, Capacity Building in Relation to Land Reform In South Africa. Research Commissioned by Irish-Aid South Africa fro the National Land Committee.

Atkinson, Mcintosh Xaba and Associates, 1997, Land Reform: Institutional Dynamics. Land and Agricultural Policy centre, Johannesburg.

Bakunin, M., (1990), Marxism, Freedom and the State. Freedom Press. London.

Bernstein Henry, 1994, "The Rural Challenge: The ANC and the Country Side", in Southern Africa Report, Volume 9, Number 3.

Busisiwe Xulu, 1996, Land Restitution: The Case of Roosboom in Northern Kwazulu-Natal.

Bundy, C., (1972), "The Emergence and Decline of a South African Peasantry," in African Affairs. No. 71

Bundy, C., (1983), "Land and Liberation in South Africa," in Review of African Political Economy.

Bundy C. and W. Beinart, (1987), Hidden Struggles In Rural South Africa: Politics and Popular Movement In the Transkei and Eastern Cape. Ravan Press, Johannesburg.

Bundy, C. 1979, The Rise and Fall of the South African Peasantry, Heineman, London.

Bundy, C. 1992, "Land Law and Power in Rural South Africa, New Ground, Winter 1992.

Brown Marj et al, 1997, Land Restitution In South Africa. Working Paper no. 72, Land and Agricultural Policy Centre, Johannesburg.

Callinicos, A., 1988, South Africa: between Reform and Revolution. Bookmarks. London.

Cammack, P., Pool, D. and W. Tordoff, Third World Politics: a Comparative Introduction. Macmillan.

Cock, J., (n.d.), "Social Technology for a 'Hot Ideology': A Sociological Framework for Effective Public Participation in Integrated Environmental Management in South Africa". mimeo.

Cooper, D., (1991), "From Soil Erosion to Sustainability: Land Use in South Africa," in J. Cock and E. Koch (eds.), Going Green. Cape Town. Oxford University Press.

Clay and Schaffer (1984) as cited in Hall R. *op. Cit*.

Davenport T.R.H., 1987, South Africa: A Modern History. Macmillan, South Africa. Johannesburg.

de Klerk, M., (1992), "Addressing Land Hunger," in R. Schrire (ed.), Wealth or Poverty? Critical Choices for South Africa. Cape Town. Oxford University Press.

Department of Land Affairs, (1995), White Paper on South African Land Reform Policy. Pretoria.

Department of Land Affairs, (1996), Green Paper on South African Land Reform Policy. Pretoria.

Ditlhake, A, (1994), "Repression and Resistance: Labour Tenancy in the South Eastern Transvaal", in Levin and Weiner (eds.), (1994), *op.cit*.

Development Planning and Research, 1995, The Land Reform Research Programme. End of Programme Review Prepared for The Land and Agricultural Policy Centre.

Du Toit (1994) as cited in Sihlongonyane M., 1997. *Op. Cit*.

Ginsburg, D., (1996), "Transition theory and the South African Labour Movement". mimeo.

Hall Ruth, 1998, "Design For Equity: linking Policy with Objectives in South Africa's Land Reform" in Review of African Political Economy No. 77:451-462

Hogwood and Gunn (1984) as cited in Walt 1994. Op.cit.

Hanlon, J., (June 1993), "Can South Africa Ride the IMF Tiger?," in AFRA News.

Human Awareness Programme, (1989), Land in South Africa. HAP, Johannesburg.

Husy, D., (July 1995), "A Critical Evaluation of the Land Reform Policies," in Land Update. Braamfontein.

Keegan, T., (1983), "The Sharecropping Economy. African Class Formation, and the 1913 Natives' Land Act in the Highveld Maize Belt," in S. Marks and R. Rathbone (eds), Industrialisation and Social Change in South Africa. London.

Keegan, T., (1989), "The Origins of Agrarian Capitalism in South Africa: A Reply", in Journal of Southern African Studies. Volume 15, no. 4.

Knight, V., (1990, May), "Zimbabwe a Decade After Independence", in Current History.

Land and Agricultural Policy Centre, 1997. Land Reform in South Africa. Land and Agricultural Policy Centre, Johannesburg.

Lebert Tom, 1996, Experiences in Land Reform: The case of South Africa's Land Reform Pilot Programme, Farm Workers Research and Resource Project.

Levin, R. and I. Solomon, (1994), "National Liberation and Village Level Organisation and Resistance: a Central Lowveld Case- Study", in Levin and Weiner (eds.), (1994), op cit.

Levin, R. and D. Weiner, (1993), "The Agrarian Question and Politics in the 'New' South Africa," in Review of African Political Economy. No. 57.

Levin Richard, 1994, Community Perspective in Land and Agrarian Reform, McArthur Foundation, Illinois, USA.

Lewis, J., (1984), "The Rise and Fall of the South African Peasantry: a critique and reassessment", in Journal of Southern African Studies. Volume 11, no. 1

Lima Rural Development Foundation and Prof. M. Lyne. 1997, Options for Government's Resettlement/Land Acquisition Grant. A Research paper for the National Land Committee.

Louw, E., (April 1992), "Media Monopoly", in Work in Progress. No. 82.

Ludman, B., (October 22-8, 1993), "Who Will Pay for Land Reform?," in The Weekly Mail and Guardian. p.8 .

Makgetla, N., (October 13, 1993), "Need South Africa Fear 'Rule by IMF'?", in The Star. Johannesburg.

Matemane Jimmy and Mayet Mariam, (undated), The Relationship between Traditional Authorities and Rural Local Government: Easing the Tensions. Working paper 66, Land, and Agricultural Policy Centre, Johannesburg.

Marais, H., (February/ March 1994), "Snatching Defeat from the Jaws of Victory," in Work in Progress. no. 95.

Marcus, T., (1991), "National, Class and Gender Issues in Land Reform," in M. de Klerk (ed.), A Harvest of Discontent: the Land Question in South Africa. Cape Town. IDASA.

Memorandum, Department of Land Affairs, (mimeo) 1998/09/25

Munnik, A., (1993-4), "Land for the Fittest: Will the Market shape the Rural Agenda?," in New Ground. No. 14.

National Land Committee, 1999, Rural People's Charter. Adopted at the Rural Development Initiative Convention, Bloemfontein, 25 April 1999.

National Land Committee (NLC), (March 1994), Report From the Community Land Conference. Braamfontein.

National Land Committee (NLC), (August 1995), The National Land Committee's Land Reform Policy Proposals. Braamfontein.

New Nation, (September 7-13 1990), "Lessons Beyond Liberation", in New Nation. Johannesburg.

Robertson, 1984, as cited in Hall Ruth, *op. Cit.*

Ross, R., (1986), "The Origins of Capitalist Agriculture in the Cape Colony: a survey", in W. Beinart, P. Delius and S. Trapido (eds), Putting a Plough to the Ground: accumulation and

dispossession in rural South Africa, 1850-1930. Ravan. Johannesburg.

South Africa, Department of Land Affairs, 1998, Framework for Planning.

South Africa, Department of Land Affairs, 1997, Annual report. Government Printer, Pretoria.

South Africa, Department of Land Affairs, 1997, White Paper on Land Policy. Government Printer, Pretoria.

South Africa, Department of Land Affairs, 1997. Quarterly Monitoring and Evaluation Report on the Implementation of the Land Reform Programme. Department of Land Affairs, Pretoria.

South Africa, Department of Land Affairs, 1996, Institutional Review of the Land Reform Pilot Programme. Report of an Independent Study Commissioned by the Department of LAND Affairs, August 1996.

South Africa, Department of Land Affairs, 1998, Annual Report

Surplus Peoples Project, (SPP), undated, The Politics of Land in the 1990s.

Transvaal Rural Action Committee (TRAC), 1997, Communal Property Association in the Field.

Tepple, G., (1995), Globalisation and the Decline of Social Reform. New Jersey Press.

Vaughn, A., (1990), "Consensus and Contention: a Note on the Current State of the Land Debate," in Transformation. no. 13.

V3 Consulting Engineers, 1998, Programme of Implementation, Emjidini Trust Project.

Weiner, D., (1989), "Agricultural Restructuring in Zimbabwe and South Africa", in Development and Change. vol. 20.

Williams C., 1998, A Land Redistribution: Mpumalanga Report on Settlement Support, Sub-Directorate: Programme Co-ordination, Department of Land Affairs, Nelspruit.

Wilson, F., Ramphela, 1989, Uprooting Poverty: The South African Challenge, Norton and Co., New York.

REFERENCES:

1. Views expressed by Shakespeare in July 1997 at the Mpumalanga Provincial office of the Department of land affairs, Nelspruit.
2. The lack of a supportive co-ordinative vertical structural relationship stretching from the national to the provincial land affairs and a horizontal relationship stretching between the different provincial offices is a common perception propagated by most provincial land affairs staff in Nelspruit. This is a perception that has existed since the inception of this research (1996). To date, this perception is still indicative of this institutional dyarchy which prevents the land reform process from becoming the product of an integrative institutional process.
3. A recent document on transformation of the Department of Land Affairs offices held this view as one of the pertinent recommendations that needed to be addressed at the institutional level.
4. "Passing the buck" to other line departments related to land functions seems a recourse to most of the dilemmas facing the land reform process. The post-transfer stage is a process that calls for multiple line departments to move in. This horizontal institutional co-ordination is however absent. The provincial office feels that land transfer is its most fundamental task. Once this task is completed, other line departments like housing and agriculture could then move in.
5. These were views expressed by Mr. David Mabunda when he was still director of settlement support at the provincial office in Nelspruit, department of land affairs (July 1997).
6. This is clear signifier of the current institutional disjuncture which limits the actualisation of a meaningful agrarian transformation among the target communities.
7. A good example here would be the Million Acre scheme in Kenya which was geared towards sustain market confidence nationally and internationally through the establishment of a land market. It was also a project geared towards appeasing the disillusionment of the peasants and concurrently maintaining the existing large scale commercial farms.
8. A detailed analysis of this project is found in, Kariuki, 1999, "Power and Institutional Conflict of a Land reform process: A Case of the Emjadini redistribution Project, Mpumalanga Province". (Unpublished paper, presented at the South African Sociological Association Congress, Saldhana Bay, 6-9 July 1999).
9. Interview with Chris Williams in Nelspruit on 18/06/1997.
10. Interview with Councillor Derrick Ndlovu commenced in July 1996 during the pilot study stage. His initial remark was that the project was essentially under the control of some tribal authorities who assumed the role of the gatekeeper.
11. This was inferred from the research that was conducted between 13 and 21 July 1998 with some of the

