

A Critical Policy Analysis of the Land Redistribution for Agricultural Development Programme in KwaZulu-Natal: A case study of the Sibongihlanhla Communal Project.

by

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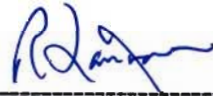
Declaration

I hereby state that the whole thesis, except where specifically indicated in contrary in the text is my original work.



Rev. Stanslous Chatikobo

As the candidate's supervisor, I have approved this thesis for submission



Signed-----

Professor Ralph Lawrence

Date:-----

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Dedication

To my wife Victoria and my daughter, Nyasha for their support and encouragement during the duration of my study.

ABSTRACT

This research project examines the Land Redistribution for Agricultural Development Programme (LRAD) in the province of KwaZulu-Natal in terms of a public policy framework, which includes policy implementation.

In analyzing the nature of the LRAD Programme the project investigates the issues of governance, development, the policy agendas, policy actors and policy subsystems in South Africa (the executive; the legislature; the appointed officials; research organizations; the labour; civic organizations; the mass media; and the electorate). The relationship between the national government and provincial government has also been discussed.

The reasons for adopting the land reform policy have also been examined which include the need to address the past legacies of apartheid; to demonstrate democracy and good governance as a way of upholding the human rights principles; to develop the previously disadvantaged poor communities through acquisition of land as property; to address the unemployment problem through agricultural development; and to broaden the base of agricultural industry in South Africa. The project further investigates the history of land in South Africa. The author has given an analysis of the new Government's LRAD policy; the systems of land acquisition in South Africa; the beneficiaries and their contribution; and the problems encountered in the implementation of the Land Redistribution for Agricultural Development Programme.

In understanding the progress of the LRAD Programme an area of Moshesh in Loteni (in KwaZulu-Natal) which has a Communal Association Project known as *Sibonginhlanhla Communal Project* has been studied. Issues such as the objectives, the financing, the nature, the management of the project, and the project evaluation and monitoring systems have been considered.

The project critically analyzes the LRAD Programme in KwaZulu-Natal where some issues of good governance and development have been looked at including elements of good governance in South Africa, such as being a responsive government, coordination and network, transparency, efficiency and accountability, the exercise of discretion, and the challenge of policy implementation. The writer has also looked at elements of development in South Africa, namely, women empowerment, youth participation, the collaboration of national and provincial government.

Finally, the project proposes areas of further research. These are: effective and efficient implementation of the LRAD Programme to ensure that more people are engaged in agricultural development; transparency in the allocation of land to project participants to ensure that the programme benefits more people; and training programmes in various areas of need should be established for the benefit of upcoming farmers. The KwaZulu-Natal Provincial Department of Agriculture and Land Affairs should coordinate and implement the training programmes before the projects start. There is need to encourage cooperation between government and some NGOs that are involved in land reform and farmer support programmes, especially in the area of training, to drive and to give priority to the youth in agricultural development programmes, and to empower women. Finally, there is a need for capacity development through institutional reforms, human resource development and organization strengthening.

TABLE OF CONTENTS

	Page
Declaration-----	i
Acknowledgements -----	ii
Dedication -----	iii
Abstract -----	iv
i. Introduction -----	1
ii. Motivation -----	2
iii. Methodology -----	5

PART ONE

THE ISSUE OF GOVERNANCE

1.1 Introduction -----	9
1.2 What is Governance? -----	9
1.3 What is Development? -----	10
1.4 What is Public Policy? -----	12
1.5 The Making of an Agenda -----	14
1.6 The Policy Subsystems and Policy Actors -----	18

PART TWO

LAND REDISTRIBUTION FOR AGRICULTURAL DEVELOPMENT PROGRAMME IN SOUTH AFRICA

2.1 Introduction -----	24
2.2 The spheres of Government-----	24
2.3 Introduction to Land Issues-----	28
2.4 History of Land in South Africa -----	32

2.5 The Constitutional Imperative for the Redistribution of Land	-----38
2.6 The South African Government's LRAD Programme	-----40
2.7 The Acquisition of Land	-----42
2.8 Giving 30% of Land to Black People by 2015	-----45
2.9 Gender Equity and Land Reform	-----46
2.10 The Beneficiaries and their Contribution	-----48
2.11 The Success of LRAD Programme in KwaZulu-Natal	-----50
2.12 The Problems of LRAD Programme in KwaZulu-Natal	-----51
2.13 Conclusion	-----59

PART THREE

THE CASE STUDY

3.1 Introduction	-----60
3.2 Case Study of Moshesh in Loteni (Marrianhill)	-----60
3.3 The Objectives of the Project	-----62
3.4 Management of the Project	-----65
3.5 Sibonginbhlanhla Communal Project Constitution (2002)	-----66
3.6 The LRAD Project Evaluation and Monitoring	-----74

PART FOUR

FINAL ANALYSIS: GOOD GOVERNANCE AND DEVELOPMENT

4.1 Introduction	-----77
4.2 Elements of Good Governance	-----78
4.3 The Elements of Development in South Africa	-----82
5. Conclusion	-----87

i. INTRODUCTION

The issue of land reform has become one of the major subjects of debate in international forums. This is because several Third World economies regard the acquisition of land as the right of the landless communities, the source of power and economic well-being leading to the alleviation of poverty and avoiding unnecessary tensions. One of the reasons of fighting for liberation from the colonial regimes was the issue of land rights for the displaced communities. Land reform programmes in countries such as China, Brazil, the recent struggle in Zimbabwe and not forgetting the South African case, have all been done for the enhancement of economic development.¹ Athanasius (1988:43) confirms that:

In the Third World, China introduced pro-farm policies since 1978 with spectacular results; wheat production went so high that China is now the world's leading producer ahead of both the United States and Soviet Union. Production of cotton nearly doubled, making China the biggest producer of this field also. And the farmers and the peasant profited too: it is said that half of the houses in rural China have been built in the last nine years since China introduced pro-farm policies, raising prices paid to farmers considerably and freeing them from all kinds of restrictions.

China has greatly succeeded and South Africa seems to be following the right track. Landlessness can easily lead to political unrest. Therefore, several countries have ventured into land reforms for the sake of maintaining political and economic stability. This is why the author has deliberately decided to analyze one of the land reform programmes of South Africa; the Land Redistribution for Agricultural Development in the province of KwaZulu-Natal.

Part One of this project deals with the issues of governance such as: the meaning of governance; the meaning of development; the meaning of public policy; the making of an agenda; the policy subsystems and actors who are the executive, the legislature, the appointed officials, the interested groups such as, the business, the research organizations, the mass media, the labour and the electorate.

¹ On Third World countries that ventured on land reform for economic development see, Bembridge, TJ *et al* 1988. *Agriculture in Two Chinas: Lessons for Southern Africa in Africa*. *Insight*, Volume 18, No. 4, p180-186. See Binswanger, H 1993. World Bank's Land Plan for South Africa in AFRA News. Presentation at ANC Conference on Property and the Constitution. Durban.

Part Two deals with issues such as the spheres of government, and the writer specifically discuss the role of national government, the role of provincial government, and the relationship between the national and provincial governments. The writer also analyses the introduction to land issues, the history of land in South Africa, the constitutional imperative for the redistribution of land, the South African Government's Land Redistribution for Agricultural Development Programme under which the purpose of LRAD is discussed. The acquisition of land has three models such as the Extension of Security of Tenure Act System, the willing-seller-willing-buyer system and the disposition of state owned land. The writer further discusses the giving of 30% of land to black people by 2015, the issue of gender equity and land reform, and the subject of beneficiaries and their contribution, the success of LRAD Programme in KwaZulu-Natal and the problems encountered in the Land Redistribution for Agricultural Development Programme which include, the problems of own contribution, the inadequacy of the LRAD grant, access to finance, lack of interest and cooperation from landholders, excessive demand for land from the communities against lack of capacity from the LRAD Regional Department, training of successful land claimants applicants, participation of women and the problems of communal ownership of property.

Part Three mainly deals with the information of the case study which the writer acquired through investigation of the area of Moshesh in Loteni near the Loteni nature reserve in Marrianhill in the district of Underberg. The writer is going to investigate the area of study, the objectives of the project such as plowing, stock keeping, processing and the training centre. The writer will also examine the management of the project and the analysis of the Sibonginhlanhla Communal Project's Constitution in which issues like the objectives of the Association, membership of the Association, the rights and duties of members, termination of membership, the authority of the committee, dispute resolutions, and the dissolution of the Sibonginhlanhla Communal Project Association. We will also look at the project evaluation and monitoring systems.

Part Four will be an analysis of the LRAD Programme in KwaZulu-Natal concentrating on the subject of good governance and development. To begin with, the writer will explore the elements of good governance, such as being democratic, being a responsive government, coordination and networking, transparency, efficiency and accountability, the exercise of discretion by street level

bureaucrats and the challenge of policy implementation. The writer considers the elements of development such as the issue of women empowerment; youth participation; and collaboration of National and Provincial governments. And Part Five sums up the whole portfolio.

ii. Motivation

Southern Africa gained independence from the colonial regimes quite late, since the mid 1970s, helping to explain why some struggles are still going on, especially, the redistribution of land to the many black poor communities. Having grown up in Zimbabwe and experienced the current land chaos and unprecedented land reform and its results, one would be tempted to research the land redistribution in South Africa as to understand how it should actually be done. Despite the fact that Zimbabwe got its independence in 1980 fourteen years before South Africa, it does not guarantee wisdom of dealing with intricate issues such as the land. The writer has been motivated to research land redistribution in KwaZulu-Natal as a way of learning how the South African government is managing its land reform programme in a more peaceful way without bloodshed, despite people having fresh memories of forced displacements during the periods of the 1950s and 1970s.

On the other hand, the South African government has drafted arguably one of the best and comprehensive land reform policies in the world yet the central and provincial governments are failing to adequately implement policies for the Land Redistribution for Agricultural Programme. The land reform programme is moving at a snail's pace yet the communities are struggling on a daily basis to survive. How can the South African Land Redistribution for Agricultural Development Programme be successful and sustainable for poor communities? Authors like Marrais who have undertaken to write on the subject of Land Redistribution Programme in South Africa (in *Development Update- Quarterly Journal of Southern Africa National NGO Coalition and INTERFUND*. 1997:60) highlight that:

By mid 1997, only R20 million of the R314 million allocated to land reform pilot Programme had been spent. By mid April 1997, the Western Cape, Mpumalanga and Northern Provinces had failed to spend any of the R140 million as grants for landless

communities. Gauteng Province proved to be the most “successful” but only managed to spend 14% of its R21 million budget.

The question which could be raised from the given information is: how committed is the government of South Africa in Land Redistribution for Agricultural Development Programme if the money allocated is not spent? If the Land Redistribution for Agricultural Development Programme aims at poverty alleviation, empowerment, and sustainable development is it going to meet the challenges, especially in addressing the plight of the poor communities and women?

The writer will be approaching the study from a policy perspective considering whether some of the key issues and challenges in the policy of land redistribution programme have been implemented or not. In this regard, the writer will also consider the views of Grindle (1997) in *Getting Good Governance* to see whether the government of South Africa is meeting the criteria of good governance through Land Redistribution for Agricultural Development Programme. The writer will also consider the views of Pressman and Wildavsky (1973) in *Implementation* in order to critically assess the South African government’s Land Redistribution Programme’s implementation process. Diamond (1999:82) argues that:

Inequality in South Africa is particularly staggering because it is so heavily correlated with race: the per capita income of South Africa’s black population is one eighth of that of whites and blacks compose the overwhelming majority of the population. Horribly squalid living conditions and lack of economic opportunities are associated with high levels of political violence and intolerance particularly in the embattled province of KwaZulu-Natal, and fearful levels of crime and random violence in the cities.

Diamond highlights that there is a problem in South Africa, particularly in KwaZulu-Natal, and given the history of previous violence in the province it will be better to deal with land reform before the communities are fed up with the slow system. The problem could be attributed to the ineffectiveness of the policy subsystem,² which is defined by Sabatier and Jenkins-Smith (1993:24) as:

² For further understanding of Policy Subsystems see Howlett, M & Ramesh, M 1995. *Studying Public Policy: Policy Cycles and Policy Subsystems*. London. Oxford University Press. It is also important to understand the

The set of actors who are involved in dealing with a policy problem such as air pollution control, mental health or energy [in this case it is the issue of land redistribution for agricultural development].

The word “actors” could refer to the elected officials (that includes the executive), the legislature that often holds the government accountable (the legislature has a responsibility for the approval of government bills, enacting policies and governmental budgets funding their implementation), and the appointed officials (those who deal with public policy and administration and are often regarded as *bureaucrats*). Howlett and Ramesh (1995:56) point out that, “bureaucrats are very often the keystone in the policy process and the central figures in many policy subsystems”.

Such information has motivated me to undertake a thorough analysis of the Land Redistribution for Agricultural Development Programme. The focus of my study will be KwaZulu-Natal Province and the writer intends to discover the success and constraints of the programme.

iii. Methodology

In this research the writer is going to use qualitative research methods, namely: literature review and personal interviews.

(a) Literature Review

According to McMillan and Schumacher (2001:108), a literature review is:

A critique of the status of knowledge of a carefully defined topic and its purpose is to enable the reader to gain further insights from the study.

In that regard, the writer is therefore going to discuss the subject of good governance, the issue of development, policy formulations and policy subsystems. The writer is going to analyze the Land Reform Policy documents of the South African Government which include, the *Integrated*

meaning of Public Policy which Howlett & Ramesh (1995:4) give as “Anything a government chooses to do or not to do” Or “ a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve”.

Programme of Land Redistribution and Agricultural Development: In Response from Land NGOs (unpublished paper prepared for Indaba on the Implementation of Integrated Programme of Land Redistribution for Agricultural Development), The Land Redistribution for Agricultural Development: Final Document Version 3 and the Integrated Programme of Land Redistribution for Agricultural Development in South Africa: Final Draft Document. The writer will further discuss the *Sibonginhlanhla Communal Property Association Constitution; Provision of Certain Land for Settlement Amendment Act 26 of 1998; and A Business Plan for Sibonginhlanhla Communal Association Project.* These will be the main documents of reference together with other documents from the National Land Committee. These documents have information regarding the purpose of land reform, the history of land dispossession and some information on current regional programmes.

The writer has also referred to journals such as the *Journal of Development Studies, Development Update, Land Update,* and the *Land and Rural Digest* that discuss among other things, the issues concerning land reform, the problems of communal property regimes and how land redistribution is being implemented. The writer has also considered the issue of women empowerment through land redistribution.

The writer has also consulted other scholars who have given views on challenges of land reform and distribution within and outside South Africa. This work will be original because the writer is looking at current issues that the provincial government of KwaZulu-Natal is encountering in the process of land redistribution for agricultural development in the province.

(b) Personal Interviews

The writer has used interviews as a research method and information gathered from the interviews has been organized into categories or topics. The writer has carried out some personal interviews with two LRAD officials at the Provincial Department of Land Affairs and Agriculture in Pietermaritzburg. He has also interviewed an official from the Farmers Support Group at the University of Natal; an official from the Agricultural Extension Office in the Underberg District. The writer also interviewed the chairperson, secretary and some committee

members of the Sibonginhlanhla Communal Project; and some community members that could not be accommodated in the Sibonginhlanhla Communal Project.³ The nature and type of interviews were one-to-one conducted in a form of a discussion with the interviewee whilst the interviewer was noting some points. Names recorded in the thesis are done so by the approval of the interviewees, with the exception of one person referred to as Mr Nkoane who wanted to remain anonymous. The central question for investigation in this research is whether the LRAD Programme is meeting the demands of the landless poor communities of KwaZulu-Natal to fulfill the Government's desire of Land Redistribution. Some of the questions that were asked were:

- (i) How do people qualify for Land Redistribution for Agricultural Development Programme or what kind of procedure or criteria is used to assess the eligibility of an individual to get land?
- (ii) How gender sensitive is the process of Land Redistribution for Agricultural Development Programme with regard to the allocation of land to women citing legal and cultural barriers against women?
- (iii) What problems does the government encounter in the implementation of the land reform policy?
- (iv) How does the grant procedure affect the Land Redistribution for Agricultural Development Programme?
- (v) How does the pre-requisite of own contribution of the communities' affect the redistribution of land for agriculture to the poor?
- (vi) Does the LRAD Programme accommodate youth in the land redistribution programmes?
- (vii) How transparent has the allocation system been in the Sibonginhlanhla Communal Project?

³ For interviews of different people in the Sibonginhlanhla Communal Project see Part Three of this document.

(viii) What are the feelings of those who could not be accommodated by the LRAD office?

However, a number of problems were encountered during this research. This included unwillingness by the LRAD officials to provide some information such as the figures of how much money was allocated to the province in the fiscal budget for the year 2001. The question was raised following the contention that the LRAD department of KwaZulu-Natal is managing to spend the budget, unlike other provinces. The writer was referred from one department to another and could not manage to get the figures.

Another problem was the confusion encountered when the writer visited Moshesh Farm on the 17th of October 2002. The day was arranged as an assessment day by the Underberg Agricultural Extension Office to check the preparation progress for the rain season. Despite the promise that had been given, the writer encountered difficulties in organizing people for the interviews. And some people were hesitant to contribute during the interview.

The writer also wanted to investigate how some Non-Governmental Organizations such as the KwaZulu-Natal Agricultural Union (KWANALU) become engaged in land reform. However, the writer completely failed to conduct an interview with the KWANALU office in Pietermaritzburg, even though some officers seemed enthusiastic and interested in the research. Interviews never happened despite several attempts to visit the office. The person responsible was said to be out of office each moment the writer visited and promised to call but never did.

Nevertheless, the writer appreciates the information that has been provided to make this research a success. However, Part One of this portfolio considers issues like, the definitions of governance, development and public policy. The writer also looks at the making of an agenda, the policy subsystems and policy actors such as the legislature, the executive, the appointed officials and the interest groups under which the writer discusses the business, research organizations, the mass media, the labour and the electorate.

PART ONE

THE ISSUE OF GOVERNANCE

1.1 Introduction

The coming in of the African National Congress government in 1994 brought democratic rule to South Africa. But above all, there was a great change in the public policy agenda, a shift from the apartheid system to the rule of the people. The agenda had to change in order to meet the needs of the previously deprived poor communities.

1.2 What is Governance?

Governance can be understood to be the ordering of a group, community or society by public authority. Perhaps before considering the meaning given for governance it is important to understand its purpose. Jonker (cited Van Niekerk, *et al* (2001:64), gives the purpose of governance as:

The maintenance of law and order, the defense of society against external enemies and the advancement of what is thought to be the *welfare* of a group, community, society or state itself.

We need to understand the concept of the word *welfare* which implies that every government is supposed to exist for the good of its people. Not only are they to preserve the public good but also to fulfil promises given during the election campaign period. Jonker (in Van Niekerk, *et al* 2001:65) also gives the definition of governance as implying:

The establishment of the government structures within the context of a state, to ensure that services are rendered to communities to ensure that their general welfare and quality of life is promoted.

Minogue *et al* (1998:6) recorded the views of the World Bank which emphasizes good governance as:

Open and predictable policy-making, a professional policy and management capability and the effective use of resources to achieve improved levels of social and economic development. Good governance calls for a strong participatory civil society, operating clearly with the rule of law.

In this regard good governance is observed through the kind of policies formulated within a state, whether they are geared to promote development. But Minogue *et al* (1998:6) further argue that:

Good governance aims to achieve much more than mere efficient management of economic and financial resources, or particular public services; it is also a broad reform strategy to strengthen the institutions of civil society, and make government more open, responsive, accountable, and democratic.

In a bid to promote the quality of life of the poor communities the government has to apply some principles of good governance such as the capacity to act and deliver. It is imperative to good governance that structures of government are established to ensure delivery of services to the people. The engagement of the government in land redistribution for agricultural development is to ensure the responsiveness to people's needs and fulfil the expectations of the landless communities in line with the restoration of human dignity. In that regard, therefore, good governance would be seen as the fulfillment of people's needs by the government.

1.3 What is Development?

The term development is equally difficult to define. This is because the idea of development is perceived from different perspectives and it means a lot of things to different people. One's understanding of development is shaped by the context in which one is operating. To begin with, Sen (1999:3) depicts the idea of development as freedom:

Development requires the removal of major sources of unfreedoms; poverty as well as tyranny, poor economic opportunities as well as systematic social deprivations, neglect of public facilities as well as intolerance or overactivity of repressive states.

Sen's argument is that development cannot happen when there is lack of freedom, high poverty, poor economic performance and oppression. Sen's idea is similar to Venter's (1998:174) who defines development as, "the multidimensional process that improves the quality of life for all". From Venter's view we can understand that there is no one way of improving the quality of human life since there are a lot of 'unfreedoms' that hinder the process of human development.

Liebenberg and Stewart (1997:92) defined development as:

A process by which the members of a society increase their resources to produce sustainable and justly distributed improvements in their quality of life consistent with their aspirations.

The idea of development gives an individual the inalienable right to live a life of well-being and worthy of a human being. Liebenberg and Stewart raise the issue that development should centre around the subject of sustainable livelihoods of the previously disadvantaged communities.

However, the writer has adopted the understanding of development from the South African Redistribution Development Programme (1997:92) which states that:

Development is not about delivery of goods to passive citizenry. It is about active involvement and growing empowerment of the previously disadvantaged poor communities. Development should build on the many forums, such as peace structures and negotiations that people are involved in throughout South Africa.

However, development has core values that go along *with* the aspect of life improvement. Liebenberg and Stewart (1997:92) point out core values such as:

Life-sustenance, which is the ability to provide for basic needs, such as food, shelter, and protection; *self-esteem*, the ability to feel a sense of worth and respect; *freedom from servitude*, and the ability to make choices which will influence or determine one's future.

It must be noted that the core values aim at the development of the abilities of the poor communities. Yet at the same time development should have goals to achieve. Liebenberg and Stewart (1997:92-93) state that development must improve:

The *capacities* of the people to enable them to influence their own future; development must be based on *equity* in order that equality may be achieved; *political empowerment* must be encouraged so that people can *participate* in their own development.

Public policies, presumably, are made to improve the quality of life of the previously disadvantaged poor communities in South Africa; to improve livelihoods of the poor people; to develop life sustenance, self-esteem and freedom from servitude and above all to empower them. Good public policies pave a way for good governance and are the means for development.

1.4 What is Public Policy?

Like development, public policy is a range of different complex phenomena that consist of numerous decisions by numerous individuals and organizations. Public policies are usually shaped by previous policies. Let us consider views from different scholars and their understanding of public policy.

To begin with, Howlett *et al* (1995:4) consider the views of Dye and argue that public policy is “anything a government chooses to do or not to do”. Dye’s understanding of public policy would include every aspect of governmental behaviour such as purchasing, engaging in war and development activities. The perception of Dye is that public policy-making is solely a government responsibility. In essence public policy refers to the choice of actions made by the government, negative or positive, action or inaction. It must be understood that in this regard the inaction of the government, or the idea of not doing anything, is as much a policy as doing something. This is because not doing anything affects the people in as much as doing something.

Howlett *et al* (1995:5) furthermore take the views of Jenkins who define public policy as:

A set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve. Public policy-making is a long process.

Jenkins understands public policy as a set of interrelated decisions. In most cases governments do not address a problem with a single decision. Most policies involve a series of decisions. For instance, a health problem will also have to be considered from a financial perspective to see whether there is the availability of finance to address the problem. Jenkins understands public policies as decisions that are taken by governments that define a goal or some set of goals and formulate the means to achieve that goal. In this regard policy-making is seen as a means of achieving the set objectives.

Howlett *et al* (1995:6) adopt Anderson's generic definition of policy that reads as:

A purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern. Policy decisions are taken by sets of actors. Policies are often a result of multiple decisions taken by multiple decision-makers often scattered throughout complex government organizations.

However, coming closer home, Venter (1995:6) argues that:

Policy is the product of policy-making and can be viewed as a plan of action to achieve a preferred outcome within the overall purposes of government. It also provides parameters within which government action can take place. Policy and policy-making of all types occur at all levels of government and the public service...No policy in South Africa may deviate from the provisions of the Constitution of the Republic of South Africa (Act No.108 of 1996), which is the supreme law of the land and therefore, the ultimate policy document in South Africa.

From the above definitions we have seen that public policies are actions undertaken by government actors to achieve a number of set objectives. It must also be understood that inaction is action against the set objectives. It has been pointed out that in South Africa the ultimate policy document is the Constitution and that government policy is the springboard of all government activity. Hence, public policy could be action or inaction, decision or non-decision of the government to achieve the set objectives. The decisions or non-decisions affect development or progress of government programmes. This leads us to the next topic of how public policies are formulated.

1.5 The Making of an Agenda

For issues to be debated and discussed for the formulation of a policy they would need to be part of an agenda of the policy actors. There are several ways of bringing an issue on to a policy agenda but before we can consider how the agendas are set it is imperative to understand the meaning of the term agenda. According to Kingdon (1995:3):

The word agenda has many uses, even in the context of governmental policy. It is used to refer to an announced subject for a meeting. It refers to a coherent set of proposals, each related to the others and forming of a series of enactments its proponents would prefer.

Almost everyday people have their own agendas to act upon. Administrators and those who conduct meetings on a daily basis follow agendas in their meetings. But when we are talking of the government's agenda Kingdon (1995:3) points out that:

It is the list of subjects or problems to which governmental officials and people outside of government closely associated with those officials are paying some serious attention at any given time. So governmental agenda is the list of subjects to which governmental officials and those around them are paying serious attention.

Kingdon has pointed out that for a policy to be formulated the government officials and others closely associated with the officials discuss the subject which will later become the policy if agreed upon by the policy actors. But how does an issue become the subject of an agenda?⁴

For issues to appear on the agenda there must be some indicators that show that there is need of immediate attention to be given to a specific issue. Of course, indicators are often not enough to push the government to act upon an issue unless, perhaps, the issue has reached a crisis. Kingdon (1995: 95) describes the American situation, where:

The whole process is crisis. This system responds to crisis. It is the only thing that it does respond to. That's what politics is all about. In the American system, you have to get hit on one side of the head before you do something. An issue becomes a burning issue when it

⁴ To understand more on the issue of agenda and agenda setting see Kingdon (1995) *Agendas, Alternatives and Public Policies*. 2nd Edition. Michigan. Harper Collins College Publishers. pp1-20, 91,94,95,135.

reaches crisis proportions. Until there is a crisis, it is just one of many issues. Governmental policy always has been, and always will be, a function of crisis.

The idea of responding to crisis has become the normal feature of many governments. Many governments wait until conditions deteriorate to crisis proportions before they respond and make such issues subjects of an agenda. More often than not governments respond to issues that are threatening the stability of the nation and the viability of the economy.

It also takes time, effort, mobilization of actors and financial costs to keep an issue on the national agenda. Some subjects fade from the agenda possibly due to high financial costs of the projects or when people are tired of the subject. Budgetary constraints have been noted by Kingdon (1995:106) as one of the issues that hinder the promotion of subjects on the agenda. He highlights that:

Budgets as constraints obliges important people to reduce the cost of proposals or to ignore some options altogether because of a perceived prohibitive, cost and budget as a promoter pushes some items higher on governmental agenda. Some potential agenda items never make it to an agenda because they do not pass the hurdle of the budgetary constraint.

In other instances, the government or the policy actors raise issues on the agenda as a way of trying to settle the past imbalances. In fact Kingdon (1995:135) points out that:

Proposals sometimes come to be prominent on governmental agendas because they would serve to redress inequalities, imbalances or unfairness. Governmental officials and those around them sometimes perceive an inequity so compelling that it drives the agenda. Even if a principle of equity is not a driving force, fairness or redress of imbalance is a powerful argument used in the debate for or against proposals.

This has been the case with the South African government where the issue of land reform was adopted as a way to redress the past imbalances as well as responding to the land crisis among the greater population of black rural people. Therefore, the issues raised so far on the subject of agenda are that, the problem has to develop to a crisis proportion, and the fact that the government would be willing to redress the inequity and imbalances within a nation. But it has

also been noted that there are constraints to bringing an issue on to the agenda, the greatest of which is financial constraints.

A further line of argument is that sometimes people in the government sense the national mood, which is understood by Kingdon (1995:146) as, “the climate in the country, changes in public opinion or the broad social movements”. It must be noted that these changes in mood or in climate have important impacts on policy agendas and policy outcomes. In essence, the policy actors’ sense of the national mood serves to promote some item on their policy agendas and to restrain others from rising to prominence. The governmental participants hear from interest groups, they read newspaper editorials, they give talks and listen to questions and comments at public meetings, they also talk to party activists and other political leaders who are presumed to have their ears to the ground. Kingdon (1995:149) highlights that:

The process of sensing a national mood is in two ways. Firstly, elected politicians judge their constituents’ mood from such communications as mail, town meetings, smaller gatherings and delegation of people or even individuals coming to them during office hours in the district. Second, non-elected officials who tend to sense national mood from what they hear from politicians.

National mood has important policy consequences. It has an impact on election results, on party fortunes and on the receptivity of the governmental decision-makers to interest group lobbying.

The other way of bringing an issue to the agenda is through the change of political outlook. Administrative change can also bring change in the policy agenda. As legislative seats change hands or offices change it creates opportunities for the people to push proposals or to bury others. Agendas change as major participants change. Kingdon (1995:153) argues that agendas change in two ways:

Either incumbents in positions of authority change their priorities and push new agenda; or the personnel in those positions changes, bringing new priorities onto the agenda by virtue of turnover.

In any case, the appearance of new faces means the introduction and the raising of new issues. It is quite common that the change of administration is the major issue that brings change to agenda setting and policy-making. For instance, the coming in of South Africa's Government of National Unity brought about among other things, the change in land policies, such as the Land Redistribution for Agricultural Development. This brings us to the next topic which is identifying policy actors and policy subsystems.

1.6 The Policy Subsystems and Policy Actors

Considering points from our definitions of public policy, we understand policy as action or inaction and decision or non-decision of the government to act upon an agenda issue. This means that there are actors who participate in the decision-making or non-decision-making of the agenda. The actors who participate in the policy process have their own interests. Howlett *et al* (1995:51) point out that:

Policies are made by policy subsystems consisting of actors dealing with a public problem and the term "actor" includes both state and societal actors. Policy subsystems are forums where actors discuss policy issues and persuade and bargain in pursuit of their interests.

Sabatier and Jenkins-Smith (1993:24) define a policy subsystem as:

A set of actors who are involved in dealing with a policy problem such as pollution control, mental health, energy [and land reform].

Sabatier and Jenkins (1993:5) further elaborates policy subsystems as:

Actors from a variety of public and private institutions at all levels of government who share a set of basic beliefs (policy goals plus casual other perceptions) and who seek to manipulate the rules, budgets and personnel of governmental institutions in order to achieve these goals over time.

Institutions such as political parties and organizations shape the behaviour of actors by conditioning their perception of their interests and constraining their choices and thus affecting their independence of thinking and decision-making. Eight categories of policy actors are going

to be considered: (a) the legislature (b) the executive, (c) appointed officials, (d) interest groups, (e) research organizations, (f) the mass media, (g) labour and (h) the electorate.

(a) The Legislature

In democratic parliamentary systems the legislature is supposed to hold the government accountable to the public and also to make policies. The legislature comprises elected officials who have come into the office as a result of a democratic process through elections. In the South African case, Jonker (2001:67) argues that:

The legislature's responsibility is to formulate and adopt policy which is expressed in legislation and which needs to be implemented by the executive authority. It is also the responsibility of the legislative authority within each sphere of government to ensure that laws are made, changed or repealed to meet the continuously changing requirements in terms of the circumstances that apply to each sphere of government.

There are several committees in the legislature formed to discuss certain policy issues and to come up with suggestions. Typically, there are portfolio committees such as the finance committee, the defense committee, and the arms procurement committee, the public accounts committee and the land affairs committee etc. In South Africa the portfolio committee on land affairs closely collaborates with the Department of Land Affairs. This varies from system to system according to different governments.

(b) The Executive

According to Venter (2001:67):

The executive refers to the body in a state responsible for executing the laws of parliament. The executive is often referred to as the government or cabinet. It can be parliamentary; that is, the members of the cabinet are members of parliament (MPs) and are responsible to parliament. This means that they can be removed from office by a vote of no confidence taken in parliament.

Despite the fact that there are other actors involved in the policy formulation process, the authority to legislate and implement policies rests ultimately with the executive. The executive has unmatched powers in policy formation and implementation because they have control over fiscal resources. They have power to approve finance bills and decisions on financial policy. They determine the nature of the agenda. Jonker (2001:67) further highlights that:

The executive is compelled to follow the laws formulated by the legislature and has to account for the manner in which its activities are executed. In essence, the executive is controlled by the policies established by the legislative authority.

At the same time the executive has access to mass media and the best advice from the bureaucracy at its disposal. Above all, the president in South Africa as a member of the executive has the power to appoint the judges, the public protector, the auditor general and the deputy president.

(c) The Appointed Officials (Bureaucracy)

A government in a democracy can be said to have two groups, that is, the elected officials (e.g. the Executive and Legislature) and the appointed officials, who take office [often referred to as bureaucrats] Howlett *et al* (1995:56) point out that:

The appointed officials dealing with public policy and administration are often collectively referred to as the *bureaucracy*, whose function is to assist the executive in the performance of its task as suggested by the terms *public servants* or *civil servants*. The bureaucracy is very often the keystone in the policy process and the central figures in many policy subsystems.

The bureaucracy consists of a large number of people who have the time and expertise to deal with a policy issue on a continuing basis. Individual bureaucrats use discretion to make decisions on behalf of the state. Given the fact that they are the special arms of the government in policy-making they have more access to material resources for them to adequately pursue the governmental objectives. The responsibility of the bureaucracy is to report to the executive such as a Minister through annual reports on activities and challenges encountered during policy

implementation. At times, they initiate policy proposals and they use the Minister to push the proposal onto the legislative agenda. However, Venter (1998:133) goes further, understanding that South African bureaucrats:

Are appointed functionaries who are tasked with the day-to-day functioning of government in a professional capacity. Their task is to uphold the constitution and serve the government of the day, as well as act as agents for the implementation of government policies irrespective of their own personal political beliefs.⁵

(d) The Interest Groups

(i) Business

Despite the fact that policy-making is the responsibility of the legislature, the executive and the bureaucracy, the influence of interest groups in modern day politics is significant. Business is generally the most powerful group with an unmatched capacity to affect public policy. And Howlett (1995:66) refers to this as:

The “structural power of capital,” which entails a market form of economic organization in which ownership of the means of production is concentrated in firms or corporations. This is the root of business’s unparalleled power.

The power of business is shown by the fact that investors and managers often respond to any unwanted government action by removing capital to another location. Nowadays, capitalists from both domestic and foreign locations have the ability to punish the state for any action that they disapprove of. Business has significant influence in the world economy as well as on politics and public policy. They can cause serious damage to a country’s economy by withholding investment or deciding to take investment elsewhere, possibilities that policy-makers can ignore only at great economic peril. The pressure of business on governments often leads to incoherent and shortsighted policies. At the same time, business has the ability to fund political parties during periods of elections and that gives them an important opportunity to

⁵ For more information on the functions of bureaucracy and street-level bureaucracy see Lipsky, M 1980. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York. Russell Sage Foundation.

See Anderson, JE 1984. *Public Policy Making: An Introduction*. 3rd Edition. New York. Houghton Mifflin Company. pp. 216-220

influence the policy-making systems. Some interest groups have indispensable information needed by the executive and bureaucracy for performing their tasks. Therefore, the power resources of interest groups make them key members of policy subsystems.⁶

(ii) The Research Organizations

Another group that can play a significant role in policy-making is the researchers at universities and think-tanks. It must be noted that researchers have theoretical and philosophical interests in public problems. The researchers and think-tanks often participate in policy debates. Howlett *et al* (1995:58) define a think-tank as:

An independent organization engaged in a multi-disciplinary research intended to influence public policy and have an interest in a broad range of policy problems and they employ a variety of expertise enabling them to develop a more comprehensive perspective.

The responsibility of the think-tanks is to propose solutions to public problems and sometimes they find evidence to support an ideological position such as that of the AIDS debate in South Africa. Due to their contribution through analysis and critique they have always been regarded as a notable group in public policy.

(iii) The Mass Media

There are mixed feelings as far as the role of the mass media is concerned in policy-making. Depending on their influence in a particular society, some regard them as of pivotal significance, yet others regard them as of marginal significance. But Howlett *et al* (1995:59) argue that:

There is no denying that mass media are crucial links between the state and society, a position that permits them to strongly influence the preferences of the government and the society on public problems and solutions to them.

⁶ For further reading of policy-subsystem and policy actors see Howlett, M and Ramesh, M 1995. *Studying Public Policy: Policy Cycles and Policy Subsystems*. Oxford. Oxford University Press. pp. 50-82.

It is argued that as the media reports problems they combine the roles of passive reporter with the active analyst as well advocating a solution. The media can have a great influence in the agenda setting of a policy. Many questions raised in parliament are response to the stories raised in the daily newspapers. But we need to note that policy-makers often know their interests: they are aware of their goals and objectives so that they might not be swayed by the media, but instead they have often used the media to their own advantage. The involvement of the media in the AIDS debate for or against the provision of Nevepaine to HIV pregnant mothers probably played a significant role in pressuring the South African government to change its policy in 2002. The media has the ability to raise issues to crisis proportions.

(iv) Labour

Labour in many democratic regimes has become a powerful voice in society. The voice of labour is enhanced through a collective organization such as a trade union for it to be heard in the policy subsystem. Quite often, trade unions become engaged in political activities in order to shape government policies that affect them. For instance, the Congress of South African Trade Unions (COSATU) in South Africa has always been vocal against certain governmental policies such as the arms deal, the AIDS debate, and the impact of privatization and globalization on local communities. Howlett *et al* (1995:67) agree with the idea that:

Labour needs a central organization for it to realize its policy potential even more than business. Collective action is the only toll labour has to influence the employers' or the government's behaviour, so the more united a front it is able to put up, the more successful it is likely to be.

Therefore, it is imperative that the trade union organization should always maintain unity among its various groups if its impact is to be reckoned. However, it has been realized that the stronger the labour organization the more it turns into a political party and an opposition party. For instance, this has recently been observed in Zimbabwe where the current opposition party Movement for Democratic Change (MDC) emerged from the Zimbabwe Congress of Trade Unions. But nevertheless, labour has a strong contribution to make in critique of policies and policy-making.

(v) *The Electorate*

It should be understood that all policies affect the critical mass, particularly, the voters. Voters play a rather minimal role in the policy process. Voting in a democracy is the only basic means of allowing the people to participate in the political and by implication in the policy process. Howlett *et al* (1995:52) point out that:

Voting only affords the voters the opportunity to express their choice of government and it also empowers them to pressure the political parties and candidates seeking their votes to offer attractive policy packages.

But it should be understood that despite their participation in voting, this need not translate into greater influence in future policy-making because the vote is not always consulted though to a minimal extent, the representatives channel their views to parliament.

PART TWO

LAND REDISTRIBUTION FOR AGRICULTURAL DEVELOPMENT IN SOUTH AFRICA

2.1 Introduction

The issue of land in South Africa has been regarded as one of the key issues in the agenda of the national government. Hence the introduction of the land redistribution for agricultural development programme as an economic booster. However, the South African government had to embark on such a programme after realizing the need to respond to the socio-economic needs of the poor communities. Structures were in place but because of the poor delivery systems in the allocation of land the LRAD programme had to be established to expedite and fast track the land reform system. Under Part Two we are going to consider issues such as; (i) the spheres of government that are directly involved with the LRAD, (ii) the introduction to land issues, (iii) the history of land in South Africa, (iv) the constitutional imperative for land redistribution, (v) the South African government's land redistribution for agricultural development programme, (vi) the acquisition of land, (vii) giving 30% of land to black people by 2015, (viii) gender equity and land reform, (ix) the beneficiaries and their contribution, (x) the success of land redistribution for agricultural development in KwaZulu-Natal, (xi) the problems of land redistribution for agricultural development in KwaZulu-Natal and (xii) the conclusion.

2.2 The Spheres of Government

The focus of the discussion in this paper is on the LRAD policy and according to the Constitution of the Republic of South Africa, (Section 25 (5) of 2000). LRAD is a national government competence that can be delegated consecutively with the provincial government. Local government has no real competence when it comes to the LRAD Programme. Hence the writer considers only the position of the national and the provincial government leaving out the other tier of local government.

(a) The Role of National Government

The national government has the responsibility of making legislative decisions of national interest. This means that the matters dealt with at national government level affect the nation as a whole. However, according to Jonker in van Niekerk *et al* (2000:68):

The national government level makes decisions and has legislative power concerning matters of national interest and they include aspects such as foreign affairs, internal (home) affairs, education, health and defense. The national sphere of government is often referred to as the sovereign or central legislative authority.

With regards to intergovernmental relations and cooperative government, the *White Paper on Local Government* (1998: Section 2 of 15 and Section 3 of 15) further stipulates that the National Government is responsible for:

Setting the overall strategic framework for the economic and social development of the nation; providing overall legislative framework for local government such as municipal electoral systems and administrative matters; developing an overall framework for a system of monitoring and oversight of other spheres, especially the provincial governments; and supporting and strengthening (both) provincial and local government in their capacity building through financial provisions.

And Venter (1998:165) further argues that the national government specifically exercises power among other things in the event when:

A [National] competency cannot be regulated effectively by a provincial government; there is need to ensure uniform and minimum national norms and standards for the sake of maintaining economic unity.

The national government has a responsibility to look after national issues and can only intervene in provincial matters where provincial legislations prejudice national security, economic policies or other provincial legislations. The LRAD Programme is a national land policy that seeks to enhance uniformity in the land redistribution process.

(b) The Role of Provincial Government

Provincial government deals with matters that affect people in a specific province. This may include areas such as community development, nature conservation and being responsive in matters of urgency such as provincial disasters. However, Venter (1998:164-165) points out some provincial competencies that include:

Agriculture, abattoirs, animal control and diseases, consumer protection, cultural affairs, education at all levels excluding university and *technikon* education, environmental concerns, health services, housing, nature conservation, local government, provincial sport and recreation, public transport, regional planning and development, urban and rural development and welfare services.⁷

And Jonker in van Niekerk *et al* 2000:68 also points out that:

This level of government makes decisions and has legislative power on the matters that are dealt with in the provincial context. This sphere of government therefore, deals with matters that affect people in a specific province [including community development programmes].

And the *White Paper on Local Government* (2002:4-6 of 15) further stipulates that the provincial government has a responsibility to:

Develop a vision and framework for integrated economic, social and community development in the province through the provincial growth and development strategy; ensure that municipal integrated development plans combine to form a viable development framework across the province; process grants to municipalities; to check effective performance of municipalities; ensure that training strategies take account of provincial diversity and are being prioritized in order to meet the needs of the municipalities in the province ; to monitor (when need arises) in the local government affairs and intervene.

Pillay (LRAD Officer in Pietermaritzburg interviewed 24/08/2002 argued that:

⁷ For further reading on National and Provincial Government responsibility see Venter, A 1998. *Government and Politics in the New South Africa: An Introductory Reader to its Institutions, Processes and Policies*. Pretoria. ACADEMIC; J.L. van Schaik. pp156, 164-165.
See also 2002. *White Paper on Local Government*. Section C. <http://www.polity.org.za/govdoes/whitepapers/localgov/govwp3.html>. pp 2of 15-6of 15.

Despite the provincial government's responsibility for development, the South African Government decided to take away the responsibility of Land Redistribution for Agricultural Development Programme from the provinces due to ineffectiveness in the implementation process of the policies.

There were a lot of red-tape procedures and offices to be passed through in processing LRAD application forms and grants. It must be clear that the Departments of Agriculture and Land Affairs at national level are responsible for the overall design of LRAD and monitoring of its impact. At the present moment the provincial LRAD Office is co-coordinated by the national office. The national director appoints the Provincial Directors of LRAD. The Regional Director in KwaZulu-Natal is based in Pietermaritzburg and covers the whole province and reports to the National Director and not to the province, and this procedure was adopted to expedite the land reform programme. Such issues, though, need to be put into broader context of land redistribution policy in South Africa.

(c) The Relationship of the National and Provincial Government

The LRAD national offices directly supervise the LRAD provincial offices and at the same time they have to work with the provincial departments of agriculture and land affairs for the implementation of the policies. For instance, when the applicants identify the type of project and the land available, it is the local agricultural officer within the province who should give the opinion about the feasibility of the farm plan (project), such as its agricultural potential, value of the land relative to market prices, cash-flow projections, access to water and environmental assessment. According to the *LRAD Document Version 3*, (2000:10):

Once the local agricultural officer has provided an opinion the participant submits the proposal to the provincial grant committee comprising of the officers of land affairs and agriculture and the provincial director of land and agricultural affairs [including the provincial accounting officer] to approve or reject the project proposal.

Above the grant committee is the Provincial Executive Council [chaired by the Provincial Member of the Executive Committee of Land Affairs] and the Council has the political

accountability for LRAD in the Province. The *LRAD Document (Version 3,2000:11)* stipulates that:

Both Departments provide training for beneficiaries, design agents and local land and agricultural officers, coordinate policy issues and interdepartmental activities, monitor the flow of funds to the provincial level, monitor and evaluate the outcomes of the land reform programme, including random ex post financial and physical audits of approved projects.

Therefore, for the LRAD to succeed the Departments of Agriculture and Land affairs and the Department of Finance have to coordinate the work together at national and provincial levels. And now we would like to consider how the issue of redistribution began in the new South Africa. We now look at the introduction of the land issues.

2.3 Introduction to land issues

In April 1994, at the Community Land Conference in Bloemfontein, a Charter (cited in *Land Update* 1994:17) was adopted by 353 rural and landless communities which stated that:

We are the marginalized people of South Africa, who are landless and land hungry, declare our needs for the world to know. We are the people who have borne the brunt of apartheid, of forced removals from our homes, of poverty in the rural areas, of oppression on the farms and of starvation in the Bantustans. We have suffered from migrant labour which has caused our family life to collapse. We have starved because of unemployment and low wages. We have seen our children stunted because of little food, no water and no sanitation. We have seen our land dry up and blow away in the wind, because we have been forced into smaller and smaller places. These are the biggest difficulties facing our country in the future. We look forward to the birth of a New South Africa. But for us there will be nothing new until there is land, services and growth. We will not sit back and watch as the wealth builds in the cities, while on the edges of the cities, in small towns and the countryside we suffer and starve. These are our demands. We have discussed them in each of our communities, in our regions and as a nation of rural people.

The given declaration of the rural landless people of South Africa was an indication to the coming government about what the people were hoping the government would fulfil during the democratic regime. The statement 'we will not sit back and watch' shows the strong determination of the communities to fight for land redistribution, giving the government little option but to engage in land reform. The ANC government had to venture into a land reform programme for reasons that include: boosting the economy and promoting development as a gesture of good governance, as a fulfillment of democratic and election promises, and as a way of generating productive employment and as a means of empowering the disadvantaged communities.

The initiative for land reform was undertaken for a number of reasons that include recognizing that agriculture was the foundation of the economy, especially for rural development. The *Land Update* (1994:5) points out that:

The ANC election alliance believes a national land reform Programme and the provision of support services will boost the economy by generating large-scale employment, increasing rural incomes and eliminating overcrowding.

The land reform programme was regarded as the central and driving force of rural development aiming to boost the economy through agricultural development and to effectively address the past injustices. The Reconstruction and Development Programme (RDP) regarded land as the most basic need for rural dwellers. According to Draper 1999:6 RDP aimed to, "Redress social and economic inequalities that were created by apartheid". That also included the promotion of equity in land reform programmes where there were a lot of imbalances. The whole idea is of development of the poor communities through related programmes that enhance the betterment of their livelihoods.

And Lourie (2000/1:9) further argues that in some other context:

The agricultural sector continues to play a significant role in the economy of the Philippines in terms of direct contribution to production, employment and farmers' income. It counts for about 22% of the GDP and 16% of export income and remains the most important source of employment, providing income to 43% of the labour force. Nearly 60% of the population

live in rural areas and are directly or indirectly dependent on agriculture for their livelihoods.

Therefore, it can be argued that in rural areas agriculture is a major source of family income and it contributes to development and better employment opportunities. And Athanasius (1988:41) argues that; “Agriculture and in particular peasant agriculture [in Kenya] is the base of our whole economy”. And this has been regarded as one of the aims and objectives of the LRAD Programme.

One cannot ignore the fact that there is need for land redistribution for agricultural development in South Africa. This initiative has been undertaken to fulfil the democratic promises given at the inception of the new government. Diamond (1999:3) understands the concept of democracy as:

Simply the rule of the people, as a system for choosing the government through free and fair electoral competition at regular intervals, and governments chosen in this manner are generally better than those that are not. They offer the best prospect for accountable, responsive, peaceful, predictable good governance.

In essence, South Africa is a liberal democracy with a Constitution as a supreme authority with its fundamental obligation to protect human rights. Therefore, the programme of land redistribution for agricultural development is in line with the fundamental human rights as contained in the Bill of Rights. According to Van Der Waldt the Constitution of the Republic of South Africa, Act 108 of 1996, Articles 3 and 20 (in Van Niekerk *et al*,2001:133) stipulate that:

All citizens are equally entitled to the rights, privileges and benefits of citizens are equally subject to the duties and responsibilities of citizenship. National legislation must provide for the acquisition, loss and restoration of citizenship.

The Bill of Rights affirms the democratic values of human dignity, equality and freedom. The South African government has the obligation of protecting, promoting and fulfilling the Bill of rights. Democracy in South Africa is not only viewed as a constitutional framework but as a developmental phenomenon where it aims to upgrade the standards of the common people through better livelihoods that are developed by employment opportunities through agricultural

projects. The new democratic government of South Africa initiated a land redistribution programme for agricultural development in response to the needs of the poor landless communities in South Africa. The government aims to generate productive employment for the poor rural communities who have no other means of survival. The government through the Land Redistribution for Agricultural Development Programme has been responding to the economic and social needs of its people and demonstrating that it is democratic by trying to have an equitable distribution of resources.

Land reform has been viewed as a response to the restoration of human dignity. It is argued that the displacements of poor rural communities during the apartheid regime dehumanized the people as they were stripped of their dignity through the loss of property and land. Van Niekerk *et al* (2001:128) argue that:

Governments are established for one reason; to secure firmly the personal rights to life, liberty, and property that naturally belong equally to all people simply because they are human beings. Human rights are derived from each human being's inborn dignity. Every person is born with these rights, hence human rights. Human rights are the means through which the goal of human dignity is attained. These rights can only be guaranteed fully under a democratic government.

Therefore, land reform has become a means to restore human dignity through the upholding of human rights principles⁸, as Van Der Waldt (2001:129) argues that poor people have to have rights to, "housing, medical services, education, employment, freedom", [and above all rights to individual property and land]. Therefore, land reform has been carried out as a human rights agenda and the protection of human dignity of the people of South Africa.

According to the *Land Affairs Ministry's Document of Land and Redistribution for Agricultural Development* (2000:3) land reform is to: "overcome the legacy of past racial and gender discrimination in ownership of farmland". Therefore land redistribution is for the purpose of empowering the previously disadvantaged communities who had no access to land. This is

⁸ For further reading on human rights principles and the generation of rights see Van Niekerk, D, Van der Waldt, G, and Jonker, A 2001. *Governance, Politics and Policy in South Africa*. Oxford. Oxford University Press. pp.127-129.

because land is regarded as a source of power that will assist the poor to shape their own destiny through economic and developmental agricultural projects. The South African government seems to understand, as Diamond (1999:84) points out, that: “reviving economic growth in a sustainable way is the only truly effective policy for reducing poverty”.

2.4 History of Land in South Africa

South Africa has a long history of land since the passing of the Land Act in 1913. According to Proctor and Phimister 1991:154:

In 1913 the government passed a notorious Land Act which divided the land between blacks and whites and the act decreed that; no whites could own land in African areas, no African could own land in white areas (except in the Cape). Africans who lived on white-owned land had to work for the owner, and black farmers were no longer allowed to rent land from a white landowner.

The life of black people was never the same from that time onwards. The settlers used force in grabbing the land through the application of coercive power. This was later supported by the *imperialistic* powers that further aggravated their power by annexing the Eastern Cape. Magubane (1996:300) defines imperialism as:

The closer organic connection under one Crown of a number of autonomous nations of the same blood, who can spare something of their vitality for the administration of vast tracts inhabited by lower races,--- a critical aristocracy considered in their relation to the subject peoples, a democracy in their relation to each other.

In South Africa the settlers regarded land as private property whereas the African people regarded land as a resource. The settlers allocated themselves large pieces of land for farming and they needed workers. The African people were coerced into becoming peasant farm labourers by limiting their access to land and by imposing a tax on African men. When men failed to raise the required amount for the tax they were obliged to work to raise the money or they would face severe punishment. So this pushed men into looking for employment. According to the information of the National Land Commission on History of Land Dispossession (2002:2):

The Glen Grey Act provided the basis for land and labour policy in the first years of the 1900s, and again later in the 1950s under apartheid. In terms of the Glen Grey Act, labour would be provided by migrants from 'reserve' (Glen Grey) areas. This created African separate reserves to serve as a source of labour was one of the components of the 1913 land and labour dispensation.

The 1913 Land Act had the effect of entrenching the unequal distribution of land between races and it made the segregation of blacks an ideal feature. But Harley and Fotheringham (1999:14) argue that there were more reasons to the Act than the issue of labour that include:

Principle of territorial segregation, the increase of the provision of cheap African labour and the reduction of competition from African peasant farmers were the main issues.

The second incident was the enforcement of the Native Trust and Land Act in 1936 as given in the National Land Commission (2002:3) which had the following key provisions:

- (i) The Act integrated land identified by the 1913 Act into African reserves. This was the separation of white and black rural areas;
- (ii) The Act established a South African Native Trust (SANT), which purchased all reserves, owned by the state, and had responsibility for administering African reserve areas where they imposed systems of control over livestock, the division of arable land and enforced residential planning and villagization (called 'betterment') under the guise of the African agricultural system;
- (iii) An elaborate system for registering and controlling the distribution of labour tenants was introduced under the Act. Under these provisions, any African unlawfully residing in the land could be evicted;
- (iv) Areas in the white South Africa where blacks owned land were declared 'black spots'
- (v) The white minority government began to implement measures to remove the owners of this land to the reserves.⁹

⁹ Compare Harley, A & Fotheringham, R 1999. *AFRA: 20 Years in the Land Rights Struggle*. Pietermaritzburg. AFRA. p36.

The enforcement of the Native Trust and Land Act shows that peasant African communities were slowly being sidelined from their one and only resource, the land. The livestock control system and the division of arable land was a sign that the African people were being deprived of economic independence and forced to continue in impoverishment. As the population continued to grow there was an acute shortage of land for settlement and agriculture and this resulted in the formation of informal settlements or squatters.

This leads us to the third phase of land history in South Africa, that is, the apartheid period between 1948 and 1990. Following its inception in 1948 the Nationalist government embarked on a systematic programme of eliminating squatters and labour tenants who were regarded as unlawful and illegal residents in the black spots. According to the National Land Commission (2002:3):

The attempts to scale removal of 'squatters' from farms and from urban areas led to the introduction of the Prevention of Illegal Squatters Act of 1951, legislation which empowered white farmers and local authorities to evict farm tenants with relative impunity. The powers were further strengthened through the Bantu Laws Act of 1964 which effected the rapid removal of tenants and black spot residents.

The security of the local population was at stake as the farmers and administration officials had the power to evict. People were resettled through large-scale brutal removals that scattered communities and families, as well as causing social disruption and religious disturbances. It is estimated that between 1960 and 1983, 2.3 million South Africans were removed from rural areas, areas that were later taken for commercial agricultural purposes. Having rendered many African people landless, resourceless and powerless the Abolition of Influx Control Act (68) of 1986 was effected.

In KwaZulu-Natal the people of St. Lucia were forcefully removed between 1958 and 1974. Walker (1997:60) reports that:

The former Departments of Forestry and Native Affairs proclaimed the Eastern Shores of St. Lucia a forestry reserve in 1958. The communities were given two options either to stay and

work for the Department of Forestry or to leave the area. Others left the area whilst the other group stayed in the area ignoring the conditions and were forcefully removed and evicted.

Some of the communities who were removed were the Mpukunyoni-Dukuduku communities (under Chief Mkwanzzi) and the Mbuyazi people (under Chief Phenias Mbuyazi). They claim to have been evicted and they are now claiming some parts of Mission Rocks (Bhangazi and Cape Vidal).¹⁰ Other people who were forcefully removed are the Mbila people. According to Walker (1997:62):

The people were removed between 1974 and 1979 when the land was declared a military area for the establishment of a missile testing range. When the South African Defence Forces vacated the land in the mid 1980s, it was re-designated by the Natal Parks Board for conservation and people were not permitted to return to their land. They were given the tribal land around Mbazwana where they lived under deplorable conditions of shortage of land and lack of access to their ancestors' graves.

The people were driven from homes, loaded onto trucks and transported to relocation sites that were numbered and expropriated. Bulldozers demolished their houses and they were prevented from entering certain areas by law. Harley and Fotheringham (1999:36) explain that:

- (i) The Bantu in the European areas who were normally regarded as non-productive had to be resettled in the homelands and were classified as follows;
- (ii) The aged, the unfit, widows, women with dependent children and families which did not qualify under the provisions of the Bantu (Urban Areas) Act No.25 of 1945 for family accommodation in the European urban areas;
- (iii) Bantu and European farmers who became superfluous as a result of age, disability or the application of Chapter 1V of the Bantu Trust and Land Act, No.18 of 1936, or Bantu squatters from mission stations and black spots which were being cleared up;

¹⁰ For further information on Mpukunyoni-Dukuduku and the Mbuyazi communities see Stanton, A 2000. St. Lucia Case Study. pp.31 & 36.

(iv) Professional Bantu such as doctors, attorneys, agents, traders, industrialists etc. Also such persons were not regarded as essential for the European labour market and as such they were not essential for serving their compatriots in the European areas.

The uneven distribution of the land, the forced removals, the designation of some areas as black spots, the control system over livestock and the introduction of division of arable land were all measures put in place to suffocate the economic, political, and social abilities of the South African black communities. Egero (1991:18) claims that:

A study in KwaZulu-Natal showed that almost a quarter of rural households had no access to land and 16% had neither land nor livestock. The contribution of agriculture to the average rural household income nowhere exceeds 20% and any meaningful agricultural activity has effectively ceased for larger proportion of the homelands population.

Due to insufficient land resources that caused ineffective agricultural system, many able bodied people migrated to the cities and towns which exacerbated the high urban influx. The Bantustan urbanization contributed also to the adverse conditions for smallholder agriculture. Apart from urbanization that disturbed the agricultural efforts there was evidence of the lack of arable land that still had a negative impact in agricultural production. Wilson and Ramphele (1989:40) argue that poor agricultural productivity could be caused by:

Insufficient labour, insufficient capital and the high risk of much toil yielding little fruit, in many cases people are too poor to farm, they cannot afford protective fencing or even to buy seed and fertilizer. Tractors are too expensive to hire and oxen are too weak to plough.

This explains why the people would move from rural areas to urban areas where conditions, however, were not better. The strategy of Bantustans was an indirect attempt to leave the domination and control of the African people to their own tribal traditional rulers who could not help them to develop agriculture due to a lack of land. Black South African men had an opportunity of moving into the cities when the rural life was hard. Yet, we should not forget that women also suffered much more than men. The National Land Commission (2002:4) claims that:

Women faced a double process of dispossession by being unable to gain secure access to land due to discriminatory cultural and social practices and traditions. During periods of

forced removals women were the ones who faced the battle against the regimes' policies, they confronted the administrators and policy makers.

Conradie (cited in Mtetwa 1995:17) sums up South Africa's land predicament. He says:

The history of land disputes is a history in which land was systematically usurped from the indigenous peoples of Southern Africa... the land Act of 1913 and 1936 consolidated the history of the previous two and a half centuries by allocating 87% of the land to whites, legally limiting 80% of the South African population to 13% of the land. The founding of the African National Congress in 1912 was precisely in opposition to the distribution of land. The history of apartheid, the schemes of self-government Bantustans, the Group Areas Act, the Pass law, influx control, forced removals, the repression of political opposition... are well known tragic features of twentieth century South African history that can be interpreted as an attempt by a white minority to hold onto political and economic power thereby keeping the existing distribution of land and wealth intact.

Given the above history, the new South African democratic government has to address the legacies of the past regimes if any transformation towards democracy was to be made.

Transformation is captured in the notion that South African state and society have changed fundamentally as they have moved from autocracy, dictatorship, poverty and inequality to substantive democracy and people centred development. Transformation should deal with economic, political and social relations and should result in fundamental freedoms and improvement in the lives of all, especially those of the poorest people.

Prosterman and Reidinger (1987:147) believe in a strong link between landlessness and violence. They argue:

Historical examples establish the relationship between landlessness and the potential for domestic violence, there is substantial danger for major revolutions for any country if 25% or more of whose population consisted of landless peasants.

Another reason why the South African government has had to embark on land redistribution is a way of trying to avoid unrest situations, violence and substantial danger to the economy and political stability of the nation.

The next section is an analysis of the National Government Department of Land Affairs' Land Reform for Agricultural Development Act of 1997, and aims to describe how the new government is dealing with the land reform programme.

2.5 The Constitutional Imperative for the Redistribution of land

According to the *LRAD Document Version 3* (2000:1):

The government of South Africa aims to achieve the Rural Development Programme goal by transferring 30% of all agricultural land to black South African citizens within a period of fifteen years, which is meant to contribute to the improvement of nutrition and incomes of the rural poor people, decongesting overcrowded former homeland areas, and also expanding opportunities for women by making the marginalized women and young people who stay in rural areas a priority.

The whole purpose of land redistribution for agricultural development is to improve the livelihoods of the communities.

The goals and vision of the Department of Land Affairs policies are that land reform must address the need for a more equitable distribution of land ownership. These goals have a poverty focus that gives priority to particularly marginalized groups in need of land, including women, the evicted communities and existing labour tenants and landless farm workers, and a gender equity focus which aims at bringing equitable opportunities for both women and men by giving priority to woman applicants. It has been the vision of the government of national unity before its inception that land imbalances were supposed to be addressed. The Provision of Land Assistance ACT 126 of 1993 was amended by Development Facilitation ACT of 1995 and later amended to the Provision of Certain Land for Settlement Amendment ACT 26 of 1998. The Provision of Certain Land for Settlement Amendment ACT 26 of 1998:1 aimed:

- (i) To provide for the designation of certain land;
- (ii) To regulate the subdivision of such land and the settlement of persons thereon;
- (iii) To provide for the rendering of financial assistance for the acquisition of land and to secure tenure rights; and
- (iv) To provide for matters connected therewith.

This is the ACT that has been used for the LRAD Programme in Moshesh Farm for the Sibonginhlanhla Communal Project. ACT 26 of 1998 Section 10 (1):4 further says that:

The Minister may, from money appropriated by Parliament for this purpose

- (a) acquire land for the purpose of this Act
- (b) on such conditions as he/she may determine, grant an advance or subsidy to any person
 - (1) for the acquisition of land for residential purposes, agricultural; production or small business development;
 - (11) for the acquisition of capital assets for the development of land;
 - (111) for the improvement of any land; and etc

However, the writer does not agree with Diamond's view that (1999:84):

South African land reform may remain an urgent priority, though such redistribution of fixed assets is enormously difficult to accomplish under democracy, and in any case populations are becoming less rural. Redistribution will therefore need to focus on an expansive asset, human capital, by making substantial long-term investments in primary and secondary education and basic preventive health care including wide access to family planning services.

The argument of Diamond seems to be the view of an armchair theorist. The issue of land redistribution for agricultural development in South Africa is urgent and it will remain urgent because there is a critical need. Pillay (the LRAD Officer in the provincial office in Pietermaritzburg, interviewed 24/082002) also argued against Diamond that:

The idea that the population is becoming less rural is unfounded because the responses which have been given for land redistribution are overwhelming. If there is a need for education, it should be perhaps, education in land development and nature conservation,

because there will never be a situation where every South African able-bodied person will be employed. Land reform for agricultural development should be done for the alleviation and sustenance of the poor people.

Another reason for land redistribution for agricultural development is to give power to the poor communities. Land is property and property or wealth accords an aspect of authority, a certainty of purpose and it gives economic and social power.

2.6 The South African Government's LRAD Programme

The concept of land redistribution has been developed as a result of redressing the past injustices of land dispossession. When the South African government decided to embark on a programme of land redistribution for agriculture development, it had two distinctive sub-programmes. According to the *Ministry of Land Affairs and Agriculture's Land Redistribution for Agricultural Development's Final Document Version 3* (2000:1):

The first part deals with the transfer of agricultural land to specific individuals or groups, and the second part deals with commonage projects which aim to improve the people's access to municipal and tribal land primarily for grazing.

The land redistribution programme has different components or sub-programmes which are summed up by *LRAD Document Version 3* (2000:1) as follows:

- (i) Agricultural Development- the purpose of which is to make land available to people for agricultural purposes.
- (ii) Settlement- to provide people with land for settlement purposes
- (iii) Non-agricultural enterprises--in order to provide people with land for non-agricultural enterprises, for example eco-tourism.¹¹

¹¹ For further information on Land Redistribution for Agricultural Development see *The Integrated Programme of Land Redistribution and Agricultural Development in South Africa. Final Draft 2000*. Ministry for Agriculture and Land Affairs.

In the year 2000 the National Department of Land Affairs documented the Land Redistribution for Agricultural Development (LRAD). This section will consider the purpose of the Land Redistribution for Agricultural Development Programme.

(i) The Purpose of the Land Redistribution for Agricultural Development Programme

The Ministry for Agriculture and Land Affairs adopted a series of objectives to be measurable goals for the Land Redistribution for Agricultural Development Programme (LRAD). According to *The Ministry for Agriculture and Land Affairs' Final Document on Land Redistribution for Agricultural Development: A Sub-Programme of the Land Redistribution Programme* (2000:3) the objectives of LRAD are to:

- (a) Increase access to agricultural land by black people (Africans, Coloureds and Indians) and to contribute to the redistribution of approximately 30% of the country's commercial agricultural land (formerly white commercial farmland) over the duration of the Programme;
- (b) Contribute to relieving the congestion in overcrowded former homeland areas;
- (c) Improve nutrition and incomes of the rural people who want to farm on any scale;
- (d) Overcome the legacy of past racial and gender discrimination in ownership of farmland;
- (e) Facilitate structural change over the long term by assisting black people who want to establish small and medium size farms;
- (f) Stimulate growth from agriculture;
- (g) Create stronger linkages between farm and off-farm income generating activities;
- (h) Expand opportunities for promising young people who stay in rural areas;
- (i) Empower beneficiaries to improve their economic and social well-being;
- (j) Enable those presently accessing agricultural land in communal areas to make better productive use of their land and;
- (k) Promote environmental sustainability of land and other natural resources.

According to the Integrated Programme of LRAD (2000:16):

The integrated programme aims to distribute not only 30% of South Africa's agricultural land, but 30% of the country's high and medium quality agricultural land to black people over the next 15 years, at a total of R5.5 billion.

The LRAD is an 'economic safety net inclusion programme' that seeks to deepen the democratic programme of the government. Diamond (1999:85) argues that:

Many social safety net programmes are most effective when the impoverished communities themselves are involved in the design and management of nutritional assistance and other poverty-alleviation programmes.

The LRAD programme does offer dimensions of food security and property rights that will enable them to invest more confidently and improve their productivity and expand their output through agricultural development. Furthermore, land redistribution for agricultural development is to ensure sustainability. *The Integrated Rural Development White Paper for KwaZulu-Natal* (sa:30) claims that:

It is socially sustainable in that it offers opportunities and resources to the spectrum of households and interest groups in the rural areas. It is economically sustainable in that it builds on existing resources and opportunities and promote strategies which are within the means of the Province (of KwaZulu-Natal) and localities. It is also environmentally sustainable.

However, sustainability will depend largely on the question of access and on the principles adopted by the bureaucracy for policy implementation. Given the depth of gender inequalities and the present character of power relations in the rural areas it is imperative to ensure that women are adequately represented in the emerging developmental structures. Therefore, social and economic sustainability will depend on women's access to land that will raise their economic opportunities.

2.7 The Acquisition of Land

There are three ways land can be acquired and these are through, (i) the Extension of Security of Tenure Act (ESTA) which allows the long-term occupiers the privileges of farming the land, (ii) the willing-buyer-willing-seller system whereby the government on behalf of the community buys the land from the landowners through negotiating the market value price of the land, and

(iii) the disposing of state owned land where the state gives away its land for the sake of agricultural development.

(i) The Extension of Security of Tenure Act System (Security of Tenure Act 62 of 1997)

The South African government through ESTA has given special rights to long-term land occupiers (such as farm workers) who are 60 years and older and have lived on the land for ten years or longer. The same rights are given to disabled people who were employed by the owner, and who lived on the land for ten years or longer. Such people are called long term occupiers. According to ESTA (1997:8,11):

Long term occupiers can live on and use the land for the rest of their lives as long as they do not do anything seriously wrong such as damaging the owner's property, harming people living on that property, threatening other lawful occupiers, and assisting land invaders to settle.

This enables the farm workers over sixty years old to become landowners of small pieces of land that they have been occupying for the past ten years. However, can this be regarded as land ownership when the landowner will never have any title deeds to the piece of land? How viable will this system be, given the fact that many people will retire as farm workers nearly every year? Will the landowners be able to offer them big portions of land for agricultural development programmes?

(ii) The Willing-Buyer-Willing-Seller System

This system of acquiring land is achieved when the agricultural and land officials provide the government with information of different farms about the agricultural programmes. In cases where farms have not been adequately utilized they will be listed for land redistribution programme. The government or the communities will enter into price negotiations with the landowner concerned. This means that land is acquired through buying from landowners by a system of bargaining for the land prices. The 'willing-buyer-willing-seller' system is the acceptable way of land acquisition. According to the LRAD Document Version 3 (2000:10):

The agricultural land officers provide technical information on the proposed farm plan, land-use and environmental assessment and contribute to the quality of proposals. They assist in identifying land. They certify the accuracy of the sellers' title and make a preliminary check to see that the land price is reasonable.

The land beneficiaries will either have their own money or they must be benefactors of the government grants to buy the land from the sellers at the actual price rate. This system helps the seller to benefit from the land that he/she had acquired and developed. It also benefits the buyer because as soon as he acquires the land it becomes his/her piece of land with title deeds. In this system the buyer becomes an owner of title deeds, unlike the ESTA system which only allows the occupier to use but not own the land. The willing-buyer-willing-seller system allows the communities to *bargain* the price of land with the buyer. Lebow (1996:1) understands bargaining as: "communication which is designed to promote satisfactory exchange".¹² It allows the people to negotiate the price with an understanding that the seller wants to survive and the buyers want to have sustainable livelihoods.

(iii) Disposing of State Owned Land

The national government possesses land that was forcefully taken away from the people during the previous regimes and was used for army training or for other purposes. If such land has been claimed through restitution the government can settle the claim by giving back the land. For instance Walker (1996-97:62) argues that:

In 1958 a section of the land on which the Mbila tribe lived was proclaimed state land. The people were removed between 1974 and 1979 when the land was declared a military area for the establishment of a missile testing area. When the SADF vacated the land in the mid-1980s, it was later designated to the Natal Parks Board by the province [of KwaZulu-Natal] for nature conservation.

¹² For further reading on bargaining see Lebow, RN 1996. *The Art of Bargaining*. London. The Johns Hopkins University Press.

If the state decides to give back such land to the communities it has to publicly announce its intention to dispose of its land so that it can invite bids for the purchase of such land. In this regard the state will be a seller of agricultural land. At the same time the land that is free of claims can be offered to the general public through land redistribution for agricultural development. It should therefore be understood that state land is one prime resource that the government has at its disposal to contribute to the success of the land redistribution programme.

2.8 Giving 30% of Land to Black People by 2015

The collective aim of land reform is to transfer 30% of all agricultural land over a period of fifteen years to black farmers. According to the LRAD Document Version 3 (2000:8):

LRAD is open to citizens of South Africa who are members of the previously disadvantaged groups including Africans, Coloureds and Indians who are willing to live on or near the land and operate or work on it, and who are committed to use the grant to purchase or lease land for agricultural activities. Men and women will have equal access to all benefits under LRAD and women will be actively encouraged to apply. Successful applicants will be required to participate in training courses and activities designed to assist them in successful operation of their farms and gardens.

The idea of giving a specific percentage to black communities is for the empowerment of the previously disadvantaged people. Grants will assist the farmers to have a starting point in agricultural development that will give them a positive point of departure in commercial agriculture. Furthermore, commitment to agricultural development will be shown by the desire of individual participants to take up training in agricultural courses to make them competitive farmers. At the same time, opportunities are given for those who own small-scale farms to take up larger commercial farms. To summarize then, the criteria for qualifying for the LRAD is being a member of the previously disadvantaged communities; the desire to operate on the land and the qualification or training in agriculture. According to *The Integrated Programme of Land Redistribution and Agricultural Development: A Response from NGOs* (2000:8):

Applicants were only eligible (for land redistribution) if their total household income was less than R1 500 a month whilst the current (LRAD) programme opens up the land redistribution budget to all black South Africans, that is 89% of our national population.

The LRAD aims to develop the poor communities as well as developing the agricultural industry which is imperative if the government is to fight poverty. This is because land reform is an opportunity to transfer resources with which people can build their own livelihoods on land through agriculture or other activities. This goes along with the constitutional obligations of the South African government to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.

2.9 Gender Equity and Land Reform

The South African government's LRAD Programme is designed to provide an excellent vehicle to redress gender imbalances in land access and land ownership. The system aims to improve the life of the rural women by creating opportunities and enabling women to develop themselves. Gender inequality in land appears to be an intractable problem because it is the product not only of legal misjudgement but also of social, cultural, political and economic structures and norms. According to *LRAD Document Version 3* (2000:4):

LRAD gives women security against poverty and provide them independent economic status. It ensures that women participate fully in asset redistribution and agrarian reform.

In that regard, the government has allowed adult women to apply as individuals for grants in their own right, not as members of households. This gives women opportunities to apply for grants for land acquisition. Women can now participate on an equal basis with men and should be given the same benefits as men. This has come to challenge the Settlement or Land Acquisition Grant that previously provided grants to households rather than to individuals. The household unit was seen as biased against women. This is because men head most rural households and the idea would stifle the opportunities of women. The LRAD supports gender equity and also in line with the *White Paper on Land Policy* (1997:12) which states that:

Land reform must bring about equitable opportunities for both women and men by giving priority to women applicants and that 30% of the land transferred should be given to women.

Pillay (the LRAD Officer based in the provincial office located in Pietermaritzburg, interviewed 24/08/2002) argued that, “about 57% of women are rural people in the insecure tenure of the former homelands and are the most landless people in South Africa”. Because of this they should be given a priority in land acquisition and ownership. According to Hall (1998:454,456):

The equity or poverty focus is aimed at achieving a better quality of life for the most disadvantaged and supporting access to land for the landless poor including women, by removing legal restrictions on women’s rights to land; using gender-sensitive participatory methods and allowing for joint title in the registration of land assets.

The argument presented in this section is indirectly aimed at challenging structures which oppress women. Culturally, politically and socially, as argued in some sections in this thesis, women have never been regarded with dignity and their concerns have never been addressed. Hence Nussbaum (2000:58) points out that:

Politics should not treat people as agents and supporters of other people, whose mission in the world is to execute someone else’s plan of life. It should treat each of them as ends, as sources of agency and worth in their own right, with their own plans to make, their own lives to live, therefore, as deserving of all necessary support for their equal opportunity to be such agents.¹³

At the same time, when development, empowerment and equity of women are being discussed, Sen (1999:3) gives a definition of development arguing that:

¹³ For further understanding of women and development see Nussbaum, M 2000. *Women and Human Development: The Capabilities Approach*. Cambridge. Cambridge University Press. Nussbaum did research in India where women are fighting the odds of cultural, social, economic and political oppression by engaging in sustainable developmental projects.

Development requires the removal of major sources of unfreedoms; poverty as well as tyranny, poor economic opportunities as well as systematic social deprivations, neglect of public facilities as well as intolerance or overactivity of repressive states.¹⁴

In this regard women should be viewed not as recipients of welfare but as active agents of change and dynamic promoters of social transformation who can alter the lives of both women and men. It is important that the land redistribution for agricultural development be supported to develop self-reliance in women so that they may exercise full control of their lives. Sen (1999:4) further argues that:

Sometimes the lack of substantive freedoms relates directly to economic poverty, which robs people of their freedom to satisfy hunger, or to achieve sufficient nutrition, or to obtain remedies for treatable illness, or the opportunity to be adequately clothed or sheltered, or to enjoy clean water or sanitary facilities.

If women are empowered through land redistribution for agricultural development programmes perhaps we will have stability in the family, guaranteed education for children, provision of food and good health in society. In essence land redistribution for agricultural development programmes will help to guarantee sustainable development of the whole society.

Equity can promote productivity by broadening the agrarian base in its premise of meeting social justice. The issue which emerges however, is how prepared is the national and provincial government to provide land to women given the social and cultural conditions in which women survive in KwaZulu-Natal?

2.10 The Beneficiaries and their Contributions

The South African government has made it clear that the people should know that land is not a free commodity. People should pay for the land if they are to acquire it. However, they acknowledge that those most in need of land often do not have the financial resources to

¹⁴ Further understanding of development can be taken from Sen, A. 1999. *Development as Freedom*. New York. Anchor Books.

purchase land. The LRAD addresses this reality by providing grants to black South African citizens to enable them to access land especially for agricultural purposes. The acquisition of land by absentee owners is not supported by the LRAD programme. Benefactors access grants depending on the amount of contribution. According to the *LRAD Document Version 3 (2000:4)*:

The grant would be used to cover expenses such as acquisition of land, land improvements, infrastructure investments, capital assets and short-term agricultural inputs and the maximum grant is R100 000.

Those who desire to enter the agricultural industry will be assisted with the starting capital yet individuals are also meant to make their own contribution. The idea of giving their own contribution is a measure to test the seriousness and commitment of individuals. For instance, a grant of R20 000.00 would require an individual to contribute R5 000 and the larger the grant the greater becomes the own contribution. [‘For example, according to the LRAD Document Version 3, (2000:6), confirms that the grant of R68 888 to an individual will see him/her give an own contribution of R145 000’]. However, if individuals are not able to pay their own contribution in cash, they are allowed to pay in the form of a labour contribution. It is stated in *LRAD Document Version 3 (2000:4)* that:

In order for the applicant to claim the full R5 000 in own labour towards the own contribution requirement the business plan must show evidence that the applicant intends to devote a significant amount of own labour towards the establishment and operation of the project.

However, in cases where the project costs more than the maximum grant of R100 000, an individual would apply for a bank loan. For an individual to access the bank loan the LRAD Regional Director will recommend the farmer to the Agricultural Bank (AGRIBANK) giving the details of the grant given and the own contribution needed to purchase or develop the land. Grants enable farmers to purchase land individually or corporately. For those already in the communal areas with pieces of land they can also apply for grants to enhance and make more productive use of their land such as in infrastructure, investments, land improvements, productive capital and operational inputs.

2.11 The Success of LRAD in KwaZulu-Natal

According to the interview carried out with Pillay (LRAD Officer, Pietermaritzburg; interviewed 24/08/2002) the Land Redistribution for Agricultural Programme in KwaZulu-Natal has been moving at a faster rate since last year, owing to the reduction in bureaucratic procedures. The National Minister in the Ministry for Agriculture and Land Affairs has made the various provincial LRAD departments directly answerable to the National Government offices in Pretoria. Provincial offices headed by a Provincial Director have the authority to make decisions without the involvement of the provincial government (the Premier and his Provincial Cabinet). In other words, the provincial executive is no longer involved in the LRAD Programme. Pillay (interviewed 24/08/2002) reiterated that the Provincial Director is no longer answerable to the provincial government of KwaZulu-Natal and the decisions made no longer involve the decisions of the Premier. The normal case was that the Provincial Premier would make the final decision and sign to authorize the release of the funds from the grant committee.

This move by the Ministry for Agriculture and Land Affairs to bypass the Premier has been done as a way to expedite the LRAD programme. It was realized that the more the players [such as the involvement of the provincial committees] the slower the programme, which also contributed to a number of budgets being unspent in the previous years. Since the Regional Director (of KwaZulu-Natal) reports and liaises with the National LRAD Office the process is easier and quicker. The Provincial Director, working with the grant committee, initially approves the applications after which they are forwarded to the National Director to sign, thus authorizing the release of the grants. The Provincial Director also recommends the applicants with bigger projects to access financial loans from the AGRIBANK.

The first project of LRAD in KwaZulu-Natal was the 2800 hectares Equeefa Project in the Umzinto Area of the Ugu District Municipality (DC21), which resettled eleven beneficiaries in 2001. Furthermore, there are seven other projects totaling six thousand hectares that would benefit a thousand applicants that have already been *conditionally* approved. Conditionally approved because the grant committee is finalizing the paper work. The year 2001 was the first year that the LRAD managed to spend its entire budget. Pillay (interviewed 24/08/2002) argues

that, despite these successes, a number of problems have been experienced with the LRAD Programme in KwaZulu-Natal.

2.12 The Problems of LRAD in KwaZulu-Natal.

The writer discovered that there are a number of key problems in land redistribution for agricultural development. These are: (i) the issue of people's own contribution, (ii) the inadequacy of the grant to purchase the land for agricultural development, (iii) access to finance (iv) the lack of interest and cooperation from the land-holders to assist in the land reform programme, (v) excessive demand for land reform from the communities against lack of capacity in the LRAD department (vi) training of successful land claims applicants (vii) participation of women, and (viii) the problem of communal property ownership.

(i) Own Contribution

The issue of grants and an applicant's own contribution as it stands now has been identified as deterrent in the process of land reform. The programme is not benefiting those who cannot raise their own contribution of R5 000 and who may not be able to contribute labour meaningfully due to age or physical ailments. The other predicament is that the own contribution is difficult to monitor. According to the *Integrated Programme of LRAD, (A Response to Land NGO)* it is stated that, "Contribution of labour is limited to R5 000 for each applicant" (2000:10). But what does own contribution mean? According to *The Final Draft Document: Integrated Programme of Land Redistribution and Agricultural Development in South Africa* (2000:3):

Own contribution by beneficiaries in labour can be calculated in terms of the labour input that an individual or member of the family or household would contribute to the project. This can be calculated by taking average or minimum wage rate within agriculture or the industry within agriculture. The contribution in kind could be calculated by costing assets like machinery and equipment, farmland and other assets that a beneficiary may possess. The cash contribution is fairly straightforward. These three forms can in various proportions meet the required own contribution from the beneficiary.

Given the status of many rural people especially women who have no machinery to declare or R5000 to put forward as an own contribution - what will be the upshot? After all, own contribution in labour is *only* for those who are getting the R20 000 grants and this implies that those who need to apply for more grants above R20 000 may not be able to have an own contribution because the government does not have such a facility for those who need grants above R20 000. This limits the number of participants in land reform due to strict mechanisms put by the Department of Land Affairs. This is because the greater the grant the more the own contribution expected which is difficult for aspiring farmers to raise.

(ii) The Inadequacy of the Grant

The government of South Africa has clearly stated in the *LRAD Document Version 3* (2000:19) that the: “LRAD Programme is demand driven and the total programme costs will depend on demand for grants of various sizes”. The idea from the document suggests that the grants given should cover the land purchase cost and development. However, since the minimum grant given is only R20 000, and given the system of the willing-buyer willing-seller which allows the landholders to sell the land at market value, the system will not be viable. Let us take for instance a landholder who is selling his/her farm for R2 million and the applicants are for the smallholder agricultural plots. It means that within one farm there will be one hundred applicants resettled. The resettled people would need farmland, residential land and pastoral land for the livestock. And if development is allowed they may need a clinic and a school for the children. The question is how big will the farm be? And given the sizes of many farms they may not be able to accommodate one hundred applicants. We also need to remember that applicants are not just coming as individual people but they have families and properties.

The minimum grants which a lot of people are applying for may not be enough to provide bigger pieces of land which would provide sustainable livelihoods for the communities. People may be happy with the programme but it will not sustain their future because the grants are insufficient to provide adequate land for agricultural development. The land price has continually been increasing since the start of the land reform programme. It is believed that land transfers under

the redistribution programme attract higher prices than normal land transactions. Ankomah (1998:19) argues that:

If the call for land redistribution was triggered by historical dispossession, then why should the government redistribute the land through the willing-buyer-willing-seller approach?

The notion that redistribution could negatively affect economic efficiency has been the driving force behind the adoption of the market-based-approach and it is not unfounded. Ankomah (1998:19) further argues that:

Studies done in Mpumalanga, Northern Province and the Free State in 1998 revealed that one hectare of land in South Africa cost R63 000 on average and can be as high as R83 000 in some provinces. Therefore, a single household cannot afford to have even a hectare of land.

Often, land that is affordable has been overused or unproductive which may not be useful for LRAD projects. Madonsela (LRAD Officer based in Pietermaritzburg; interviewed 6/09/2002) reveals that the willing-buyer willing-seller system is being hampered by the fact that there are a lot of buyers but no willing sellers. The aspiring farmers are very enthusiastic about having land but there are not enough farmers to negotiate with.

Whilst the programme is a noble one, the reality seems to be that the present landowners are not willing to part with their properties because property is a source of power and is also their livelihoods too. If there are those who are willing to sell their land it could either mean that the prices are too high for the communities or that the land is not arable unsuitable for agricultural cropping, which is a common agricultural project that is easier for a lot of people. Madonsela (interviewed 6/09/2002) reiterated that, 'the price of land has become so high that many people who qualify for the minimum grants may not be able to buy'.

(iii) Access to Finance

Pillay (LRAD Officer, interviewed 24/08/2002) explained that, South African white commercial farmers have always been living in fear from attacks by 'hooligans'. The reason has not been

established as yet why farmers have been targets for attacks. However, some farmers are realizing the benefit of the LRAD Programme to them as well as to the communities. Some farmers are encouraging their labourers to engage in the LRAD Programme knowing that they can access money from the government through the grants.

This is regarded by Pillay as an easier way of dealing with the redistribution of farmland since the farmers save time on negotiations with a private buyer. The farmers are also realizing that they will be guaranteed payment as soon as the paper work is finalized. In as much as it is an advantage to the landholder, it is also easy for the applicants because they will be settling in a place which they have already been staying with other farm workers. As they are familiar with the land they will be more conscious about what particular projects would be viable to undertake on the land.

(iv) Lack of Interest and Cooperation from Landowners

According to Pillay (interviewed 24/ 08/ 2002) there is, however, a problem of seemingly sabotaging the LRAD Programme in some instances. He argues that: “some farmers want to be out of the programme”. Initially some landholders have been very supportive of the programme offering some ideas and expertise on how to expedite the land redistribution for agricultural development programme. A feeling among LRAD officials is that landholders could be sabotaging the programme or they are afraid that the programme would create some competition in the market. The discomfort could also be caused by the fact that they feel that it is *an elimination by substitution programme*, which seeks to subtly remove them from the industry. Hence they are offering minimal support to the programme.

However, this is not unique to the LRAD Programme. Husy (1995:13) has argued in general that:

Government intervention [in land reform] does not promote landowners' contribution to land reform. At present they are merely beneficiaries of a programme which emphasizes compensation, rather than their active participation. The government needs to explore and

emphasize the incentives for this contribution including debt relief and tax inducements, but also establish directly persuasive mechanisms for achieving settlements.

Husy's argument is significant because in South Africa, the government seems to take the landholders as passive participants in the LRAD Programme. There is a need for cooperation between the landholders, the government, and the landless as stakeholders so that the programme can be successful. The programme should not only be regarded for black communities' empowerment. Landholders need to feel that they have a part to play and that their contribution is recognized.

(vi) Excessive Demand for Land Reform

Communities in KwaZulu-Natal Province (with the most underdeveloped rural areas in South Africa) have always had an interest in the land. Walker (1997:62) argues that, "at the time when the provincial government was dealing with the restitution claims; KwaZulu-Natal had the highest claimants among all the regions". Pillay (interviewed 24/08/2002) explained that there are at least seven other projects with six thousand hectares for one thousand beneficiaries. The applications have already been conditionally approved by the grant committee pending the finalization of the documentation and the issue of own contribution. There are other volumes of applications yet to be processed by the department.

Even if the KwaZulu-Natal-LRAD department had more personnel it will not be able to allocate all the applicants with land. Even if applications could be processed the problem will still be in processing and allocating land which may not be as fast as the application processing system. This reduces the speedy progress in land reform. Hence Pillay (interviewed 24/08/2002) says that, "with the current staff they find it difficult to cope with the work load".

There is a critical lack of capacity in the KZN-LRAD Department evidenced by resettling only eleven applicants in 2001. It seems that there is a problem somewhere. Can the programme be regarded as a viable project that resettles eleven applicants in a region of over fifteen million people? The other question is whether it is progress to consider budgetary expenditure over

against the tangible progress. For instance, Pillay (LRAD officer in Pietermaritzburg, interviewed on the 24/08/2002) argued that:

In 2001 the KZN-LRAD office spent about two million rands for the Ugu district project where only twelve people were allocated projects.

More often than not, the national office considers the allocated funds spent with little emphasis on what has been achieved. If there were delays in operation or delays in decision-making why was there such a quick expenditure? It has been argued that there is a lack of capacity within the LRAD department that needs to be addressed. But what does the word capacity mean? Turner and Hulme (1997:90) argue that:

Capacity in government is the process of identifying and developing the management skills necessary to address policy problems; attracting, absorbing and managing financial, human and information resources; and operating programmes effectively including evaluating programme outcomes to guide the future activities.

(vii) Training of Successful Land Claims Applicants

The *LRAD Document Version 3* (2000:8) stipulates that:

Successful applicants will be required to participate in training courses and activities designed to assist them in successful operation of their farms and gardens.

However, during an interview with Pillay (interviewed 24/08/2002), he pointed out that a training programme is still being designed. The Department of Land Affairs is still considering the various components of the course, such as competitive commercial farming, marketing, types of crops and understanding of seasons. What does this mean for those applicants who were resettled previously? Did they ever receive any training at all? The possibility is that they could have been given the land without training on the pretext that as soon as the training programme is finalized they will be the first to receive it. However, there is no guarantee that they will ever receive training.

(viii) The Participation of Women

Women can apply for grants to acquire land individually or can pool their grants with whomever they choose. In order for the sub-programme to accomplish its overall goals in respect of women it must ensure that women are participating on an equal footing with men in the course of all aspects of implementation and no less than one third of the transferred land resources must accrue to women perhaps they are regarded as economically, socially, and educationally deprived. However, the LRAD Document Version 3 (2000:4) argues that:

The sub-programme will serve as a means of creating opportunities to enable women to develop in numerous spheres of life thus giving them security against poverty and providing them independent economic status.

Pillay (interviewed 24/08/2002) pointed out that, last year among the eleven recipients of land resources in the Ugu District Municipality (DC21) five recipients were women. According to Ngcobo (a field worker of the NGO: Farmers Support Group, interviewed 21/08/2002), the Confield and Thembalihle agricultural development projects women claimed that they were not being taken seriously. Every activity was regarded as men's business. Women were not allowed to talk during land development related issues.

What is the role of women in the land redistribution programme? Should they only be recipients of the programme or should it start from the beginning of the entire programme? Ngcobo (interviewed 21/08/2002) said that, "the projects were a complete disastrous failure due to poor management, conflict and corruption". How involved were the women in Ugu district as far as the decision-making was concerned during land development debates? It will be useless to allocate women the pieces of land just because the LRAD Programme says they must be given a third of the allocated land when they are not participating in the developmental process. The communities are just as they were yesterday, very traditional and there is a need to encourage the community leaders to be considerate by giving women special preference.

On the other hand Davies (2001:31) points out that:

The new approach to redistribution seems to offer a better opportunity for women to access land as individuals compared to the previous redistribution system. Concern has however been noted regarding the inability of women who do not belong to women's clubs to access irrigated plots. There are fears that the LRAD sub-Programme could end up only benefiting women in strategic positions.

Just as women are continuously fighting against the cultural odds so they need to beat the internal segregations found among women's groups as Davies claims above. If it continues like this it means that the programme might well not meet the target of giving land to the landless and less empowered communities.

(ix) The Problem of Communal Property Ownership

The LRAD Programme has adopted (as a response to help overcome the burden of R5 000 own contribution) a legal entity that allows people to pool their small land reform grants to buy land communally. The community property or the community property regimes (as they are regarded in Brazil) is defined by Forni (2000/2:29) as:

Those resource management systems in which resources or facilities are subject to individual use but not to individual possession or disposal, where access is controlled and the total rate of consumption varies according to the number of users and the type of use.

The aim of the communal properties is to ensure better management of projects with a leadership that is accountable to its members. Swanby (2001:11) has argued that:

The word community denotes a group with cohesion such as the same cultural background, values and needs.

However, implementation has been tricky. The common scenario is that a group of people who come together from different tribal groups and loyalties pool their grants together to buy a particular piece of land. Quite often people venture into such projects without full knowledge of what they are getting themselves into. It is only after they have bought the land and are participating in developing the group vision and assigning tasks to reach their goal that they

realize what owning land communally entails. It is not always the best way or easiest way of owning or managing property or land.

2.13 Conclusion

Part Two dealt with issues pertaining to the Land Redistribution for Agricultural Development Programme in South Africa where the writer explored the spheres of government particularly those that deal with the LRAD programme such as the national and the provincial governments and their collaboration in the land redistribution programme. The writer further considered the introduction to the land issues, the history of land in South Africa, the constitutional imperative for the redistribution of land and the South African government's LRAD Programme under which the writer discussed the purpose of the LRAD Programme. The writer further looked at the acquisition of land and its forms such as the ESTA, the willing-buyer-willing-seller system and the disposing of the state owned land. Other issues considered are the giving of 30% land to black people by 2015, gender equity and land reform, the beneficiaries and their contribution, the success of LRAD in KZN and the problems of LRAD in KZN which are: the problem of own contribution, the inadequacy of the grant, access to finance, lack of interest and cooperation from the land owners, excessive demand for land reform, training of success land claims applicants, the participation of women and the problem of communal ownership of property.

However, the next section will look at a particular case study, which is an analysis of Moshesh (a communal farm acquired by the community as part of LRAD Programme). It is located in Loteni in the Roman Catholic Diocese of Marianhill.

PART THREE

THE CASE STUDY

3.1 Introduction

In this part the writer is going to analyze the area of Moshesh which is situated in Loteni in Marianhill in the Underberg District. The writer has examined this area because it is the first LRAD Programme in KwaZulu-Natal under the communal property ownership scheme established in 2001 under the Communal Property Association Act 28 of 1996. The analysis of Moshesh will look at how the LRAD Programme has been implemented in this particular area.

3.2 Case Study of Moshesh in Loteni

Area of Study

Moshesh is in KZ224, the municipal area of Loteni is in District 22 in KwaZulu-Natal. Loteni is some 45 kilometers north of Haniville. Moshesh is some 3 kilometers south of the Loteni Natural Reserve. According to the religious demarcation, Moshesh is under the Roman Catholic Church's Diocese of Marianhill. The Roman Catholic Church decided to sell the land to the nearby communities as part of the land redistribution for the agricultural development programme and was the church's contribution to the land reform programme. The various Church organizations in South Africa have realized the need to venture into land redistribution by giving away some of the land the church had owned for years. Through the Church Land Programme (a Non-Governmental Organization based in Pietermaritzburg), churches are taking a more active role in the redistribution of land to the landless communities. Philpott (cited in Draper 1999:4) argues that:

To varying degrees, churches have benefited from the centuries of dispossession of black people of their land, and at the beginning of the new millennium, the church as an institution is a significant landowner whilst the majority of its members do not have access to land and there remains gross inequality in the land ownership patterns in South Africa.

Some NGOs such as the Church Land Programme (CLP), the Pietermaritzburg Agency for Christian Social Awareness (PACSA), and the Association for Rural Advancement (AFRA), just to mention a few, are actively trying to persuade some church denominational organizations to see the need of assisting in the land redistribution in South Africa. The Roman Catholic Church, the Evangelical Lutheran Church, the Anglican, the Moravian Church and other denominations are active participants in the land redistribution in South Africa.

Madonsela (the LRAD Officer in Pietermaritzburg; interviewed 6/09/2002) confirmed that the farm area had about 137 people and all could not be absorbed into the LRAD Programme because the farm is small, so the project was redesigned to take only fifteen people. The people stay in the nearby farms and they commute daily to the projects. The community has named their project the *Sibonginhlanhla Communal Project* which literally means *we are thankful for our luck*.

The *Sibonginhlanhla Communal Project* is a communal property¹⁵ where the resources and facilities are subject to individual use but not ownership, and access to property is controlled. Indeed, given the fact that there were as many as 137 people in the community, to be the selected fifteen was by no means coincidence but luck. The total area bought by the communities is three hundred and two hectares. The LRAD officials decided to reduce the number to fifteen people. The main reason was that they felt it would be easier and more efficient to manage the project with a smaller group. *Sibonginhlanhla Communal Project* was regarded as a pilot project within the province of KwaZulu-Natal. Each of the fifteen participants was the recipient of a R20, 000 grant which altogether amounted to R300, 000. The land cost R203, 000. Coming from a poor farming community they could not qualify for any other amount apart from the minimum grant given by LRAD Office. The remainder of the money, R97 000 was used as starting-up capital. The participants have given own contribution in the form of labour.

According to Xulu (the professional extension services officer; interviewed 17/10/02), the farm is mostly composed of red soils of Hutton origin. The soil is well drained with a clay percentage

¹⁵ For further reading on Community Property Regime see Forni, N 2000/2. *Common Property Regimes: Origins and Implications of the Theoretical Debate* in Groppo, P 2000. *Land Reform: land Settlement and Cooperatives*. p 29.

of 15-35%. These soils are of good cropping potential. The average rainfall received in the farm is in the region of 900mm and it falls during the summer season. Moshesh has mild to cold winters with snowfalls every three to four years. It has slight to heavy frost during winter periods.

Madonsela (interviewed 6/09/2002) explained that, apart from good soils, the area has a river called the Nhlamba Masokha (meaning *a man with many girlfriends*) that runs through the farm, which is the source of water and it never dries up. The water could also be used for irrigation in future. However, the area seems to have been overgrazed which means that there is a need to reduce animal units per hectare. This means that there is a need to have supplementary food for the dairy cows, if production of milk is going to be sustained.

3.3 The Objectives of the Project

The fifteen members of Sibonginhlanhla Communal Project have designed some seven objectives which the chairman, Mr Duma (interviewed 17/10/2002) explained as:

- (i) Agricultural development on the farm;
- (ii) Processing of agricultural products;
- (iii) Job creation for the poor communities;
- (iv) Building agricultural training facilities;
- (v) Encouraging youth to participate in agricultural activities;
- (vi) Developing a stable market for agricultural products; and
- (vii) Improving the health and nutritional status of the members of the projects and their dependents.

In order to achieve these objectives the members had to divide themselves into three groups of five people each. The groups are respectively responsible for: (i) ploughing arable land, (ii) stock keeping (diary cows, sheep, and poultry), and (iii) the processing and training centre. As can be noticed from the given objectives, the goal of the project is sustainable and participatory development aimed at job creation and food production. The centre is becoming an agricultural

production and supply centre for the surrounding areas. The responsibilities of the respective groups will be summarized now.

(i) Plowing

The Moshesh farm has at least 40 hectares of arable soils. The Agricultural Scientists and CEDARA Agricultural College have tested the soils. Duma (the project chairman interviewed 17/02/2002) confirmed that the agricultural project is progressing well, but the problem is that the participants have not yet received training in agriculture, an issue that hinders the progress of the projects. To date, participants have been growing vegetable such as carrots, beans, cabbages, lettuce, and other types. They take their produce to a market in the town of Underberg.

They also have been growing maize. The area that they have covered so far is about two hectares for agricultural projects. But they have not yet received training on cropping which means they cannot grow crops in different seasons. At the same time they need machinery such as tractors for the projects to be successful. Madonsela (interviewed 6/09/2002) feels that they need more training and machinery for agriculture, so that they can utilize the land to the fullest.

(ii) Stock Keeping

The Sibonginhlanhla Communal Project has a number of plans such as having broilers, layers (for eggs), sheep and dairy cows. Duma (the project chairman interviewed 17/10/2002) explained that they managed to build the chicken-pens that can accommodate about twenty-five thousand birds. They want to do the chicken project first because it is easier and it generates money faster than the other three projects. The number of cows and sheep will be determined by the finances available and also by the grazing land available. The major market for the chickens will be the surrounding communities and the town of Underberg.

They have already drawn up a business plan for the chicken project. According to Montoung (Sibonginhlanhla Communal Association Secretary interviewed 17th /10/2002 at Moshesh):

25 000 birds will be sold at R16.00 per/bird to raise R400 000 to offset their expenditure of R85 027 and realize a profit of R319 973.

This project seems promising and has the potential to boost their income in a much quicker way. Part of the money that remained after the participants bought the land from the Roman Catholic Church has been used as start up capital for the poultry project. The other three projects are put on hold until the poultry project succeeds to raise enough capital for the dairy cows, sheep and the layers.

(iii) Processing and the Training Centre

The aim of the Sibonginhlanhla Communal Project is also to process the products from their fields and land. It is unfortunate that the money is not enough to start up all projects at once. The desire of the participants is to acquire machinery for processing chips, making popcorn from maize, making butter or cheese from milk and canning broiler meat. Some of these projects need big start up capital that the participants do not have at the moment. The making of butter or cheese would require expensive machinery to be installed on the farm. Such machinery would also require expertise and engineering skills to be operated which the people do not have at the present moment.

As progress is made towards processing, there is a need to have a centre that will be used for training the people in project management, agriculture, and the skills required for processing the products. It will also be used as a youth training centre and women's club. Duma (interviewed 17/10/2002) explained that the training centre could be used as a tourism centre where the craft and handiwork of the participants and other community members could be displayed and sold. Members and non-members will pay a levy for selling their commodities that will ensure the running of the centre and will raise money for the project.

The training center is a crucial component of the programme to be established in the Sibonginhlanhla Communal Project scheme, but due to financial constraints they have been

obliged to start with those projects which can raise money quicker and faster before venturing into bigger projects.

3.4 Management of the Project

For better effective and efficient management, the fifteen participants have elected a project's committee of seven people, a recommendation given by the LRAD office. The responsibility of this committee is to ensure the smooth implementation of the projects. Duma (the project chairman interviewed 17/10/2002) explains that the committee has a responsibility of ensuring that the following happens:

- (i) The provision of the right and suitable choice of crops to be planted according to the prescriptions of the agricultural extension officers;
- (ii) The availability of chemicals such as fertilizer for the treatment of crops;
- (iii) That the available seeds are certified;
- (iv) The proper harvesting, processing and selling of the crops;
- (v) The building of the fowl-run structures according to the scientific advice of the Extension Officer;
- (vi) The provision of the certified day old chicks;
- (vii) The chickens are going to be raised and sold within the period of about 39 days for broilers;
- (viii) There is a ready market for chickens at time of selling; and
- (ix) The proper keeping of the project records.

Furthermore, the committee's responsibility has been enhanced by the provision of a group constitution. Sibonginhlanhla Communal Project has been established as an Association in terms of Section 2 (1) (b) of the South African Constitution on Communal Property Associations Act.28 of 1996. The Sibonginhlanhla Communal Project's Constitution has been established to govern the activities of the project members in the Moshesh farm.

3.5 The Sibonginhlanhla Communal Project's Constitution (2002)

The purpose of the Simbonginhlanhla Community Project Constitution is to maintain the principles of fairness and equity, requiring the members of the Association to administer all assets of the Association only for the benefit of its members in a participatory and non-discriminatory manner. The LRAD office assisted the Association to formulate the constitution.

(i) Objectives

The Constitution of the Association (2002: Section 6 of 24) lists the main objective as:

Holding, administering and managing the Moshesh farm Number 8399, on behalf of all its individual members, subject to the conditions of the Constitution and the Act.

The secondary objectives of the Association according to the Constitution (2002. Section 6 of 24) of Sibonginhlanhla Communal Project are:

- (i) To acquire in its own name for the benefit and on behalf of its members property, whether movable or immovable, to further the objectives of the Association;
- (ii) When necessary the Association may take whatever lawful action to alleviate poverty, unemployment and other socio-economic;
- (iii) To manage and administer the affairs of the Association in a manner consistent with the provisions of the Act, non-discriminatory, equitable and fair, democratic, accountable and transparent;
- (iv) To protect members of the Association against abuse of power by other members;
- (v) To strengthen and maintain peaceful relations amongst the members and promote good external relations; and
- (vi) To preserve and protect the resources on the property of the Association.

One of the objectives is to protect members of the Association from abuse of power by other members. Duma (the project chairman interviewed 17/10/2002) claimed that such a clause is very important especially with regard to the protection of women's rights. Women within the Association grew up within the farm community environments where cultural values and norms,

especially those that dehumanize women, are always prevalent. Men could easily manipulate women despite the fact that there are more women than men in the project. The advantage of men comes with the ability to read and write which most women have not been exposed to.

Therefore, the protection of the members in the Association is a way of trying to ensure justice and equal treatment of the members. The committee has a responsibility to maintain management of assets and projects, justice, peace and order within the community.

(ii) Membership

The *LRAD Document Version 3* (2000:6) requires that, “project participants should apply as individuals to obtain grants”. However, the Sibonginhlanhla Communal Project Association claims that individual membership is vested in the household.

According to the Constitution (2002: Section 7 of 24) of the Sibonginhlanhla Communal Project Association:

Individual members shall be all individual households stipulated on the beneficiary list of the Department of Land Affairs reflected in the Schedule A of the Constitution where members shall mean ‘the applicants and their family members within their households that are registered with the Association’.

Duma (the project chairman interviewed 17/10/2002) said that such a legal clause is needed for future members of the Association in case one member withdraws from the programme. He felt that the association’s Constitution should guide how the Association must deal with the issues of incorporating future members to maintain the fixed number of fifteen.

Anyone who will replace any member of the Association has to be registered with the National Department of Land Affairs. It should be emphasized that the Association will not allow outsiders to be members of the Association unless the applicant has followed the application procedures required by the LRAD and the Association Committee. Determining factors could be whether the individual has qualified for the LRAD grant, how the individual contribution will be

made and whether the Association committee and members are satisfied with the applicant's ability and capability. The Association's Constitution makes it clear that the admission of new applicants is decided at the General Meeting of the present fifteen members of the Sibonginhlanhla Communal Project Association. The Association's Constitution (2002: Section 9 of 24) stipulates that:

The proposed admission of a new member shall be put to vote at a General Meeting and shall only be authorized if it satisfies the required majority vote.

If an existing member is no longer interested or wants to withdraw from the project he/she must sell his/her shares to one of the other 15 members.

(iii) Rights and Duties of Members

The Association's Constitution reiterates that, all members, irrespective of gender or sex, have equal rights that have to be respected by all other members. In general meetings, each household has a right to cast one vote, but all household members are allowed to attend and contribute at general meetings. Furthermore, the Constitution (2002: Section 10 of 24) says that:

- (i) Members shall have equal rights to residential, grazing, cropping plots and other natural resources that are on the property, including water, firewood and thatch grass;
- (ii) Each household will have the right to graze livestock and the committee will decide about the maintenance of common areas and the number of livestock each household is allowed to keep in consultation with agricultural experts;
- (iii) Each household has a right to make a resolution and elect or nominate someone who will inherit the rights of the household head in the event of his or her death or when he or she has voluntarily left the farm;
- (iv) But no member shall sell his or her rights; lease his or her grazing, cropping or residential rights to a person who is not a member of the Association; and
- (v) [And] if a member voluntarily leaves the Association he or she has a right to sell his or her rights to anyone of the existing members wishing to purchase that member's rights. And

if no member of the Association wishes to purchase the rights, then the rights of the departing member will revert to the ownership of the Association¹⁶.

The Sibonginhlanhla Communal Project is thus a communal property where each household member has the right and duty to preserve and maintain the property. The basic principle of management is partnership. It can be seen as a united community company where all the fifteen members are regarded as shareholders.

(iv) Termination of Membership

As in any association, members have the right to terminate their membership at any time they want to. This latitude is also provided in the Sibonginhlanhla Communal Project Association. The Association's Constitution (2002: Section 11 of 24) stipulates that:

All members have the right to leave the Association and terminate their membership, provided that the member intending to leave shall serve a written notice of his or her intention to terminate the membership on the committee, at least two calendar months prior to the date upon which membership will be terminated.

This kind of termination is voluntary when a member decides that he or she wants to stop serving as a member of the Association. As long as the member has followed the right channels, the Association will allow the termination and the member will be entitled to his or her benefits from the shares. Duma (interviewed 17/10/2002) explained that they have agreed for a period of two months so that the committee will be given enough time to work out the dues of the individual who is terminating his services. It will also help the committee to seek replacement in consultation with the Department of Land Affairs [DLA] that directly monitors the project.

However, there are instances when the Association could force someone to terminate his or her membership. The Constitution (2002: Section 12 of 24) highlights that it happens when a member has been found guilty of committing the following offense:

¹⁶ For the other rights and duties of the members of Sibonginhlanhla Communal Project see 2002. Sibonginhlanhla Communal Property Association. pp.11-12.

- (i) Granting any person rights to the property in violation of the Constitution;
- (ii) Abuse of power or authority or encouragement of any person to do so, in such a manner that the benefits of a member are harmed;
- (iii) Continued non-compliance with the community rules;
- (iv) Nepotism, corruption and any other related conduct;
- (v) A committee member who does not act in the best interest of the Association;
- (vi) [And] no payment of lawfully imposed fees, levies and fines.

Although the committee has no power to terminate membership, the consensus of the general meeting gives the committee the mandate to begin legal action to have the member terminated through the courts. This means that the final power to terminate membership rests with the legal system. Therefore, the Association must have adequate and convincing evidence that can be verified by the courts for a member to be terminated from the Association.

(v) The Authority of the Committee

The Sibonginhlanhla Communal Project consists of seven committee members: the chairperson; vice-Chairperson; the secretary; the vice-secretary; the treasurer and two other committee members. Mr. N.D. Duma chairs the current committee. Members of the committee are elected at the Annual General Meeting for a period of one year after which they can be re-elected. When a special need arises the committee has the power to co-opt an extra person. The Constitution (2002: Section 14 of 24) elaborates that:

The committee is hereby empowered to assume, take control and oversee the implementation of the constitution subject to the aims and objectives thereof. The committee will be solely responsible for the management of the affairs of the Association, subject to the instructions of the members through the general meetings.

The Constitution (2002: Sections 15-16 of 24) lists the following powers of the Sibonginhlanhla Association Committee as:

- (i) To manage, control and regulate all the affairs of the Association;
- (ii) To take decisions, enter into and sign agreements;

- (iii) To buy and hold property on behalf of the community;
- (iv) To manage finance, which shall where applicable include borrowing;
- (v) Lending money, open banking accounts, collect or receive money owing or donated to the Association;
- (vi) To sign all deeds, power of attorney and other relevant legal documents;
- (vii) To institute and defend any legal proceedings for or against the Association. The committee has the power to choose attorneys of their choice to these purposes;
- (viii) To employ agents, staff or other people to carry out designated work to further the objectives of the Association;
- (ix) To implement and enforce rules approved by the majority of the members of the Association; and
- (x) And to do all things that may be lawfully done in order to achieve the aims of the Association.

It has to be noted that, under all circumstances, when the committee acts on behalf of, and in the interest of the Association, the committee members are not individually liable for the debts incurred by the Association. The committee would have acted within its power on behalf of the Association.

Management of the project is done in a formal way. Duma (the project chairman interviewed 17/10/2002) explained that they have at least two meetings every month in addition to special or urgent meetings that he may call as chairperson. They hold two general meetings and one annual general meeting per year. To instill discipline, a member who misses three consecutive meetings is required to give valid reasons for his or her absenteeism to the committee¹⁷. Electing members onto a committee is done through a secret ballot. But in the event that the secret ballot is not available the members would vote by show of hands.

The Sibonginlanhla Project Committee is responsible for financial management. Duma (the project chairman interviewed 17/10/2002) feels that there is a good financial management

¹⁷ As for other responsibilities of the committee see 2002. Sibonginlanhla Communal Project Constitution on the Committee p14 of 24 to p19 of 24.

system. All payments due to the Association or donations received on behalf of the Association are deposited into the Association's account within a period of seven days of receipt. They have a current account system with a local bank of which the chairperson, the treasurer and the secretary are the signatories. Any payment requires two of the signatories to sign and approve payment.

For the day-to-day minor payments, the Sibonginhlanhla Communal Project Constitution (2002: Section 21 of 24) states that:

The treasurer may keep a cash float not exceeding R500 for the use by the committee in the interest of the Association. And proper records of all the purchases made from the cash float is kept by the treasurer.

Each year the treasurer's books audited by a professional auditor appointed by the committee or an accountant from an established firm. The auditor or accountant prepares the financial statements for the Association. The adoption of the financial statements is one of the main issues on the agenda of the Annual General Meeting. The committee also gives report back on how the funds had been used in the past financial year. Furthermore, the committee is accountable to the Association for any mismanagement of funds. All of this ensures transparency, efficiency and effective use of funds, accountability and proper management of the project.

(vi) Dispute Resolution

How does the Association resolve disputes among its members? The committee secretary, Mr. Mottoung (secretary of the project, interviewed 17/10/2002) explains that to date they had not yet encountered a dispute that needs to be resolved. However, the committee has been mandated by the Association's Constitution to settle disputes amongst and between members. The committee acts as facilitator and mediator in resolving disputes among its members. But if the dispute is between the committee and the members, an independent mediator has to be appointed

by the Director-General of the Department of Land Affairs in terms of Section 10 (2), (3) & (4) of the Communal Property Association Act¹⁸.

There may be instances when the disputing parties might feel that they are not satisfied and that the appointed mediator has not been fair or just. They are free to appeal to the Director-General or to the courts. It should be noted that the regional or provincial offices of the LRAD can assist and they could be used as mediators if so instructed by the Director-General. Mottoung (project secretary interviewed 17/10/2002) says that the committee desires to meet the interests of individuals. It should be emphasized that the committee will endeavor to settle and resolve disputes on its own and ensure that all the available remedies and the internal tribunal have been exhausted before they can involve the external mediator and the courts.

The availability of channels for dispute resolution are part of the overall democratic procedures adopted by the Association, so that members would not feel suppressed to the extent that they would have nowhere to turn to when the situation becomes tense in the community. The LRAD office and the extension officers have invited the members to report any problems experienced in the community. Sibonginhlanhla Communal Project is a pilot communal project in KwaZulu-Natal and the LRAD Office want to ensure its success. But if the project fails what will happen? This question introduces us to the subject of the dissolution of the Association itself.

(vii) The Dissolution of the Association

In the event that that the project collapses, what will happen? The committee could deliberate whether to dissolve the Association. The Constitution (2002: Section 22 of 24) stipulates that:

The Association may be dissolved by the decision of all members present at the General Meeting called by the committee for the purpose of dissolving the Association. The decision will only be valid and effective if supported by two-thirds majority members of Association.

¹⁸ See Sibonginhlanhla Communal Project Constitution under Dispute Resolution, p21 of Section 24 to p 22 of Section 24.

Although this is not a pleasant thought to contemplate, the community must nevertheless be informed of the project's closure and what this then entails. Mr. Mottoung (the project secretary interviewed 17/10/2002) thinks that they must share the property amongst themselves". But the Constitution (2002: Section 23 of 24) is more specific and elaborates that:

All assets that were and have always been for exclusive use by a particular member or household will instantly be owned by that member of the household. And all communal assets shall be distributed equally amongst all members after the payment of debts and obligations of the Association. The Association shall apply to the Director-General in terms of Section 13 of the Communal Property Act for the Association to be de-registered after the resolution to dissolve the Association has been adopted by all members.

The most obvious thing is that each member will be entitled to deal with his or her own property and they could end up with individual family projects, but the assets acquired as group would be divided accordingly.

However, it is imperative that the Association should have all the above rules and regulations as a guideline of how the organization is supposed managed. They also guarantee good governance and proper management of the project as a whole. It also indicates that good management structures are fundamental to projects of this nature.

3.6 LRAD Project Evaluation and Monitoring

When the South African Government ventured into the LRAD projects for sustainable development there was a need to ensure that such projects become successful. But success can only be assessed through proper monitoring systems and project evaluation. However, according to Madonsela the LRAD Office is not responsible for the mentoring and monitoring of projects. Madonsela (LRAD officer in Pietermaritzburg interviewed 6/09/2002) explained that soon after the transfer of the land to the project participants, the LRAD Office surrenders the project to the Provincial Department of Agriculture Extension Services to monitor and evaluate the progress and development of the projects. She explains that for instance, the Sibongihlanhla Communal

Project is actually being monitored by the Department of Agriculture, Extension Services of South West Region, through the Underberg Extension Office.

The Underberg Office offers basic supervisory skills in animal husbandry, modern broiler and egg production. The advice and help given from the Department of Agriculture Extension Services is free of charge. The engagement of such offices has helped in planning and adopting several methods of diversifying agricultural programmes and not least, to curb disasters. For example Duma (the project chairman interviewed 17/10/2002) said that the maize disease cannot affect dry beans, and that one cannot have Newcastle Disease (of broilers) in dairy cows.

Furthermore, the Agricultural Extension Officers will also assist in livestock and crop insurance. They advise participants as to what chemicals to use according to the type of soil in the area. At the same time, they will also assist with information with regards to the types of vaccination for chickens as well as monitor the production of poultry. Based on my interviews the government respondents felt that there is cooperation between the National Departments of LRAD and the Provincial Department of Agriculture's Extension Services, especially in the Sibonginhlhla Communal Project, to ensure the success and development of the project. The efforts from the two departments aim to ensure that the project is sustainable and that the poor communities are empowered.

However, does the programme meet the needs of the people and is it an empowerment programme that can bring sustainability of the previously disadvantaged communities? The cooperation of the Association's members, the support of the Agricultural Extension Office and the determination of the committee challenged the author. The one major drawback is the delay in training from the Extension Office for the participants to be fully equipped to utilize the land to maximum ability. From the interviews given the author observed the excitement of the project members which is a positive sign for future progress and development.

However, the writer's assessment, based on the interviews conducted, there is a lot of development that needs to be done within the community of Sibonginhlhla Communal Project. For instance, after the inception of the project, much progress should have been made between

the 2001 and 2002 agricultural season. One of the most important issue that does not appear on the business plan of the association is the duration of the project after which people could assess the success or the failure of the programme. The chairman of the Association could not even confirm the time frame of completing the project. Poor funding and poor monitoring of the project causing a further delay in the real evaluation of the programme could have caused this.

Delay in completion of the project could have been caused by the lack of a number of necessities such as the tractor for the tillage of the fields and other ploughing implements to prepare for the planting. The Sibonginhlanhla community also lacks dairy and broiler equipment for the projects to be fully operational and economically productive. They need infrastructure that could be used for the development of the training centre, which is one of the core programmes of the project.

The development of the road network is imperative, which will help the community to link with other surrounding areas such as Underberg where they will market their products. There is a need for household electrical power at the training centre. Chickens also need light in the evening for feeding. Electricity is also needed for the use of the operation of the milk-processing machine, butter and cheese-making machines. Some of the machines are heavy plants that need more electric power to function. It is imperative to have electricity for the viability of the projects. They would later need a water pump for development of an irrigation scheme using water from Nhlamba Masokha River.

The writer did not manage to interview a lot of people and get their opinions about the Association and its project. Due to limited time the focus of the writer's research was to give a critical analysis of some of the issues in the LRAD Programme. This research then cannot be a real assessment of the Sibonginhlanhla Communal Project. But nevertheless, the Sibonginhlanhla Communal Project is a project of good governance in the sense that it is a reform strategy that seeks to make the government more responsive in its democratic endeavours. Therefore, it has to be given continuous support from all stakeholders for its success. What follows is an analysis of the research conducted on the issues of good governance and development in reflection to the South African government's comprehensive land redistribution programme in order to meet the needs of the previously disadvantaged communities.

PART FOUR

FINAL ANALYSIS: GOOD GOVERNANCE AND DEVELOPMENT

4.1 Introduction

It has been argued in this portfolio that government is supposed to exist for the good of its people. A democratically elected government is obliged to fulfil the promises made during election campaigns and must ensure the effective use of resources to achieve better levels of social and economic development. Such programmes of good governance should be done in an open, responsive, accountable and democratic manner. It is often argued that good governance is a recipe for development. To reiterate, Liebenberg and Stewart (1997:92) provide a definition of development as:

A process by which the members of a society increase their resources to produce sustainable and justly distribute improvements in their quality of life.

The idea of a better quality of life for the people should be the whole purpose of good governance and in particular development. In any case, development should hinge around the aspect of sustainable development of the previously disadvantaged groups. The South African government adopted the land redistribution for agricultural development in order to develop the capacity, establish equity, and to allow participation and empowerment of the poor communities. Therefore, good governance and development have been the core idea in the process of land redistribution that keeps in mind human development through capacity building. The question comes to what extent has good governance and development been exercised in the process of land redistribution for agricultural development. The writer will divide this section into two: (i) the elements of good governance which are democracy, being a responsive government, coordination, transparency, efficiency and accountability, exercise of discretion and the challenge of policy and implementation; and (ii) the elements of development that are the empowerment of women, youth participation and national and provincial government collaboration, just to mention a few that have been considered in this document.

4.2 The Elements of Good Governance

(i) Being Democratic

Good governance has the ability to uphold democratic values. Democracy is upheld through political will of the leaders who enforce high performance. The democratic government of South Africa adopted the Land Redistribution for Agricultural Development Programme as a way of consolidating the democratic principles and values. Diamond (1999:192) argues that:

The growing evidence from many countries and regions suggests that, in forming beliefs about regime legitimacy, citizens weigh independently---and much more heavily---the political performance of the system, in particular, the degree to which it delivers on its promise of freedom and democracy.

The performance of the government in dealing with the political and social policy problems, together with the observance of the rule of law, is what gives the people some hope in democracy. Therefore, the South African government adopted the land reform programme to deepen the democratic principles, to demonstrate the quality and stability of democracy, and to be a democracy that is participatory in development by offering the best prospect for accountability, for responsiveness, and for effectiveness.

(ii) Being a Responsive Government

The idea of LRAD is to develop a safety net programme for poverty alleviation. This is what Minogue (1998:6) has argued that in good governance there is need to have:

Open and predictable policy-making, a professional policy and management capability and the effective use of resources to achieve improved levels of social and economic development.

The change of policy by the government in centralizing the LRAD Programme was to lessen the bureaucratic procedures and to ensure transparency within the provincial government, aspects that assisted in efficiently and effectively speeding up of land redistribution programme. The

government changed the land policy as a measure to respond to the needs of the poor communities.

Turner and Hulme (1997:231) believe that in good governance the government must have:

The competence to formulate appropriate policies, make timely decisions, implement them effectively and deliver services and the government must depend on the existence of participatory processes and the consent of those who are governed.

There is no doubt that the South African government's LRAD Programme has the desire to meet the needs of the poor communities. The government responded well to the demands of the Community Land Conference Charter held in Bloemfontein in 1994. Nobody would have expected a better progress than what has happened so far. The Land Redistribution Programme is a costly exercise that cannot be solved overnight. What has happened during the past eight years since the democratic regime came into power is commendable.

(iii) Coordination and Networking

Above all, the South African government as it reduced the bureaucratic system attempted to have a better coordinating procedure that would enhance transparency, accountability and the efficiency in delivery of service. Grindle (1997:46) highlights that:

Coordination among those individuals who set policy and those who implement it is critical if an overall framework is to guide development tasks. In service delivery in particular, coordination is required if the service is to reach the intended beneficiaries.

This means that when the South African government had to make decisions for land redistribution for agricultural development and implement them, the whole idea was to be a responsive government that delivers services to its people which is a sign of good governance. The government realized bureaucratic problems, which have been reduced by the LRAD Programme. The provincial LRAD Offices have been put directly under the national office, a scenario that improved the coordination and network in the whole land reform programme. This means that all provincial LRAD offices are no longer answerable to the provincial government.

One of the important components that assist in the success of policy implementation is to have a network. Agranoff and McGuire (1999:20-21) understand a network as:

Structures of interdependence involving multiple organizations or parts thereof, where one unit is not merely the formal subordinate of the other in some large hierarchical arrangements. Network structures can be formal or informal, and they are typically intersectoral, intergovernmental and based functionally in a specific policy or policy area.

This is one of the areas that the LRAD office has so far failed to put in place. There was a need to link the Sibonginhlahlala Communal Project with other non-governmental agencies that would assist them in several ways with resources and expertise.

(iv) Transparency, Efficiency and Accountability

Minogue (1998:32) believes that:

The ideas of good governance incorporate democratic and participative values which give greater weight to accountability than efficiency, while recognizing that citizens want government to be efficient too.

The South African government had to demonstrate its efficiency in the provision of grants and accountability to the people by effectively administering the LRAD Programme. It would not be effectively administered unless there is transparency and accountability to the people.

Minogue (1998:6) further argues that:

Good governance aims to achieve much more than mere efficient management of economic and financial resources, or particular public services; [it] is also a broad reform strategy to strengthen the institutions of civil society, and make the government more open, responsive, accountable and democratic.

Though some community members of Moshesh farm echo sentiments that the allocated grants of R20 000 are not enough considering the fact that they have to buy and develop the land, the commitment of the government to the land redistribution process is greatly appreciated. Of course, there is need to have a constant review of the grants so that the programme can be more

productive. The systems of application and selection process and the understanding of own contribution are very clear and transparent and have contributed to the progress of the LRAD programme.

(v) Exercise of Discretion

Under good governance the civil servants or street level bureaucrats are allowed to effectively exercise discretions for the good of the organization. For instance, the LRAD officers allowed in Moshesh farm to have four members from one certain family. The idea was to have people who are able to work together with fewer hassles. As Lipsky (1980:13) argues that:

Street-level bureaucrats have considerable discretion in determining the nature, amount and quality of benefits and sanctions provided by their agencies.

The LRAD office has had to decide who were to be participants in the Sibonginhlanhla Communal Project. It was a matter of the discretion of the office. It was implemented after having realized the importance of success of the pilot project where the officers could not afford to allow people who perhaps would cause misunderstanding leading to the failure of the project.

According to Madonsela (LRAD officer interviewed 6/09/2002), engaging more than one person from a family was initially considered as a benefit that was going to allow better management of the projects. The selection to participate in the project was transparent with an aim of success without prejudicing any part to enter into the project. Care was taken not to destroy the integrity of the programme and the purpose of equity and empowerment. The giving of 2015 as the target of completing land redistribution has been selected by the government of South Africa as a way of improving the safety net for the entire region. The implementation of the LRAD Programme is ensuring that more people are engaged in agricultural programmes.

(vi) The Challenge of Policy Implementation

One of the issues realized in the Sibonginhlanhla Communal Project is the separation of implementation programme from the policy. Pressman and Wildasky (1973:xv,143) argue that:

Implementation must not be conceived as a process that takes place after, and independent of the design of policy; implementation may be viewed as a process of interaction between the setting of goals and the actions geared to achieving them.

It is imperative for government to coordinate policy and implementation if the LRAD is going to achieve the intended results. Failure to coordinate and integrate the two will create inefficiency and unresponsiveness of the programme. Pressman and Wildasky (1973:147) further reiterate that:

The more directly the policy aims at its target, the fewer the decisions involved in its ultimate realization and the greater the likelihood it will be implemented. A fast train is worse than a slow one if it takes you in the wrong direction.

The Department of Agriculture and Land Affairs has reduced the number of decision-makers in the process of application approval and the release of grants. It has greatly assisted in speeding the implementation and improving the coordination of the programme, given the number of projects awaiting finalization. However, the author would urge the government to be cautious and not to rush without adequate analysis, otherwise it will be like a speeding train going the wrong direction. The effects will be adverse and irreparable.

4.3 Elements of Development in South Africa

One of the objectives of LRAD is the issue of distributing not only 30% of South Africa's agricultural land to the previously disadvantaged communities, but 30% of the country's high and medium quality agricultural land to black people over the next fifteen years. This is done to empower women and to allow the youth to participate in the development of their capacities and it is also the motive of the national and provincial governments in their collaboration.

(i) Empowerment of Women

Hulme and Turner (1997:215) see empowerment as:

The extension of social power (access to bases of productive wealth), political power (access to and influence over the processes by which decisions are made) and psychological power (the sense of personal potency and self-confidence) of poor individuals and households.

The principles are echoed in the LRAD policy and documents as well as the White Paper on Local Government. The government through land redistribution for agricultural development has made it clear that it aims to give social power, economic power and psychological power to the previously deprived communities in this regard women.

According to the *LRAD Document Version 3* (2000:8):

Men and women will have equal access to all benefits under the LRAD and women will be actively encouraged to apply. Successful applicants will be required to participate in training courses and activities designed to assist them in successful operation of their farms and gardens.

Women are the backbone of the society and South Africa has a greater percentage of women in rural areas (about 57%) than men. It has been argued that women suffered a double tragedy during the apartheid regime such as forced removal whilst they were regarded as housekeepers in the locations and rural areas and yet they had no land. They have been discriminated against by patriarchal cultures that would not allow them to have the right to acquire education as their male counterparts did. The new democratic government acknowledged and ensured that there was a need to create equal opportunities for both men and women as a way of recognizing women's rights. Hence Davies (2001:31) points out that:

The new approach to [land] redistribution seems to offer a better opportunity for women to access land as individuals compared to the previous redistribution system.

In one of the LRAD projects in Ugu (District 21), eleven people were awarded the land in 2001 of which five were females. In Sibonginhlanhla Communal Projects where fifteen people benefited from the LRAD grants, seven are female participants. About 49% of women who are being considered in each project are to be given land. It can therefore be said that LRAD is helping to bring about equitable opportunities for both men and women. In fact, the government

had mandated that at least 30% of all land allocated should be given to women. The *White Paper on Local Government* (1998: Section 2 of 15 and Section 3 of 15) states the responsibility of the government as:

Setting the overall strategic framework for the economic and social development of the nation; providing overall legislative framework for local government [such as] in their capacity building.

In summary, Fotheringham and Harley (1999:158) reiterate that:

The land redistribution must therefore target women. Institutions, practices and laws that discriminate against women's access to land must be reviewed. Land reform must take into account men and women's different interests in land.

The South African government's commitment to social and economic development, especially in the empowerment of women, has been greatly noticed in its various policy frameworks. This is why Marais (1997:60) has argued that:

The government has supported the efforts to increase women participation in decision-making on the acquisition of land and has committed itself to address the specific needs of women by removing legal barriers to women's access to land. It has decreed that land assets must be registered in the name of beneficiaries and simply the household head [even single women].

Given the fact that most women in South Africa are located in the rural areas, the participation of women in agrarian reform will not only benefit their immediate families, but also the entire nation of South Africa. The South African government has adopted gender-sensitive and responsive policies in an attempt to create an environment that is conducive for the empowerment of women. Such a programme will contribute to family stability, guaranteed education for children, provision of food, and health in the entire country.

Therefore, unwavering support is needed from all sectors of society for the development of agriculture, empowerment and equity of women and the development of self-sustainability among women. To reiterate, the national Department of Agriculture and Land Affairs should

collaborate with some NGOs to facilitate the empowerment programmes for women and would directly benefit from them as upcoming farmers and further develop agriculture as an industry in South Africa. And supporting women empowerment programmes would be a sign of good governance and a step towards the development of the previously disadvantaged groups.

(ii) Youth Participation

With regard to the youth, the LRAD Programme's objectives given in the LRAD Document Version 3 (2000:3) include:

Expanding employment opportunities for promising young people who stay in rural areas; empowering [those] beneficiaries to improve their economic and social well being.

However, Duma (the Sibonginhlanhla project chairman interviewed, 17th/10/2002), says that some youth consider agricultural programmes to be for elders, and they do not think that their future could be in agriculture. Given the economic environment in South Africa and the unemployment rate, there is a need to facilitate Land Redistribution for Agricultural Development Programme to meet the needs of the growing young population. Pillay (interviewed 6/09/2002) pointed out that the youth is also one of the targets of LRAD and failure to distribute land to the youth will be a recipe for disaster including political unrest, high crime rate, and high levels of unemployment.

Therefore, for LRAD programmes to succeed there is need for the government and the relevant bureaucracy to make sure that individual participants will be able to contribute to the development of the agricultural industry, the sustainability of the poor and the empowerment of the youth.

Diamond (1999:18) further argues that, " democracy should be viewed as a developmental phenomenon". This means that democracy does not fulfil its purpose if it does not cater for the growing generations. The youth should be part of the programme because the future belongs to the youth and the youth belong to the future. There is a need to motivate the youth that their future could be in agriculture, an industry that will never shutdown, unlike shoe factories or

clothing manufacturing companies. Hence, the consideration for land redistribution for agricultural development does incorporate development and economic opportunities to the youth. To begin with, the Provincial Department of Agriculture's Extension office could motivate young people, especially those coming out of agricultural colleges and high schools by having an annual agricultural youth competition. This could be done as a similar programme to the Woman of the Year Award Programme but with the aim to motivate young people in agriculture to produce competitively. Agricultural industries and some organizations could donate some wonderful give-away prizes to young people in the agricultural industry. The youth should be given priority in agricultural development programme. The government's commitment to youth development through land redistribution is a sign of the government's responsiveness to the issues of sustainable livelihoods of the young generation.

(iii) National and Provincial Government Collaboration

The national and the provincial governments in South Africa have collaborated by both spheres of government reaching a consensus on decisions concerning land redistribution. Indeed, other land redistribution programmes such as the Extension of Security of Tenure Act System (which allows the long-term land occupiers the privilege of farming the land in which they are staying) could be under provincial management. However, the LRAD Programme has been given to the national government as a way of reducing bureaucratic difficulties. The understanding behind the agreement was for the development of the agricultural industry as well as the development of the landless communities. Hence, Venter (1998:165) has pointed out that national government specifically exercises power in the event when:

A competency cannot be regulated effectively by provincial government, [then] there is need to ensure uniformity and minimum national norms and standards for the sake of maintaining economic unity.

Pillay (LRAD officer in Pietermaritzburg interviewed 24/08/200) also argued that there was poor allocation and distribution of land. Because of such and other inadequacies, the LRAD Programme was returned to the national government sphere in order to ensure uniformity in developmental standards.

PART FIVE

CONCLUSION

The central question constantly referred to in this research was whether the LRAD Programme is meeting the demands of the landless poor communities in KwaZulu-Natal. It has been shown that the Land Redistribution for Agricultural Development Policy is greatly needed in KwaZulu-Natal given the majority of poor communities in the province. The success of the programme could curb the growing poverty caused by high unemployment in rural agricultural areas in the province. However, it seems as if the success of the LRAD Programme depends on: the effective and efficient implementation of the programme, which will ensure that more people are engaged in agricultural programmes; the transparent allocation of land to project participants so that every aspiring landowner has a chance of benefiting from the programme; the establishment of training programmes in various areas of need in order to benefit the aspirant farmers. Furthermore, the Department of Land Affairs should establish, coordinate and implement the training programmes to beneficiaries before the projects start. They also need to ensure that monitoring and evaluation takes place to determine what works and what does not work and also measure what needs to be done.

Good governance and development can be achieved by looking at a number of issues including: giving youth priority in agricultural development programmes as this will foster employment creation and entrepreneurial opportunity through agricultural development programmes; empowering women by giving them equal access to land and resources as men; emphasizing implementation and policy in order to achieve the desired results and establishing collaboration of the national and provincial government. This would depend on the recruitment and engagement of more human resources in respective government departments. Furthermore, there still is a huge need of capacity development through continuous institutional reform, human resources development and organizational strengthening. Nevertheless, progress made to date, seems positive. After all the LRAD Programme is a relatively young initiative since 2001 and will hopefully improve over time.

There is also a need to encourage even more co-operation between the government and non-governmental organizations that are involved in land reform and farmer support programmes, especially in the area of training. However, lack of cooperation and coordination of the Department of Land Affairs with some non-governmental organization is a cause of concern. Better coordination would develop a greater capacity to deal with land reform issues from all angles.

The advantage of networks is that it allows participation from both profit-making and non-profit-making organizations. Therefore, the use of networks should be part of the policy implementation system if the Land Redistribution for Agricultural Development Programme is to succeed in KwaZulu-Natal. This would allow civil organization to participate and the public sector to be actively involved in the land redistribution Programme, thus further yielding better results for landless communities.

Good governance and development are noble principles but very difficult to implement. The South African Government of National Unity embarked on such practical principles of land reform as a democratic gesture. Through political will and commitment of the bureaucracy in the implementation of the land reform policy, perhaps after some few years the nation will be realizing some great development and enjoy the fruits of the land redistribution programme.

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