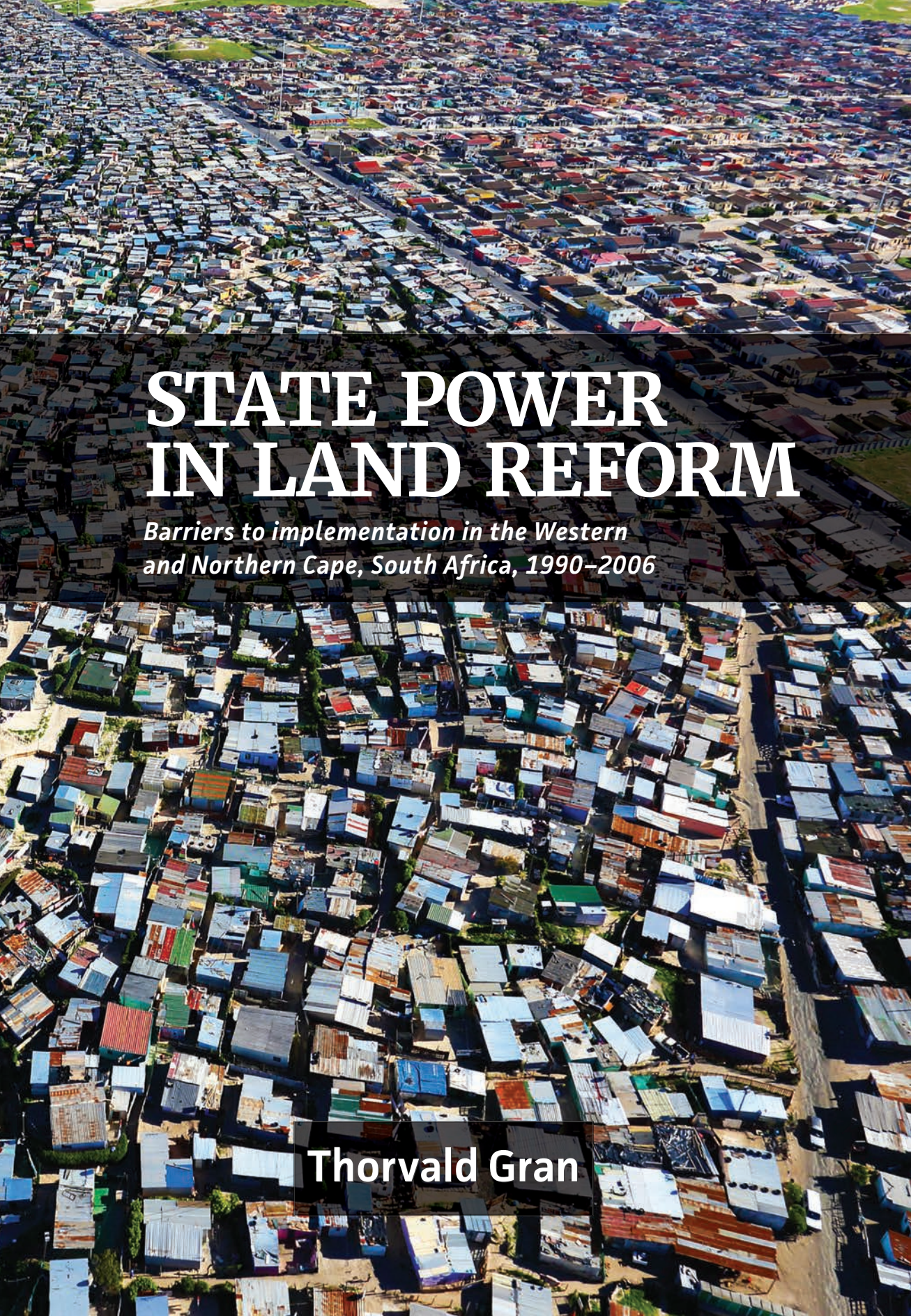


STATE POWER IN LAND REFORM

Barriers to implementation in the Western and Northern Cape, South Africa, 1990–2006

Thorvald Gran

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AFRICAN MINDS

Published in 2024 by African Minds
4 Eccleston Place, Somerset West, 7130, Cape Town, South Africa
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www.africanminds.org.za

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ISBN (paper): 978-1-928502-86-9
eBook edition: 978-1-928502-87-6
ePub edition: 978-1-928502-88-3

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Foreword

This is an empirical study with presuppositions of the provincial state organizations engaged in land reform in the early stages of the project (1990 to 2006) in western South Africa. As part of its election bid in the early 1990s, the ANC put forward a radical plan for land reform in the form of the Reconstruction and Development Programme (RDP, 1994). A program that was to be implemented by the 1994 Nelson Mandela government through the country's new democratic state. It is a study of how the newly democratized state apparatus, at local, regional, and national levels contributed to land reform initially through the ANC's RDP and why this policy was so rapidly abandoned. In other words, implementation failed to flow with the force and calm of the Orange/Gariep River. Other forces made their mark. This is a study of the workings of state power, especially in the Western and Northern Cape provinces.

The materials and narratives that make up this book were gathered as part of the Admin-Africa Project. The project, formally between the University of the Western Cape (UWC) and the University of Bergen (UiB), unfolded between the years 1996 and 2007. Its primary focus was on trust relations between people and authorities in three sectors of the new South African society: in education/schools; local health work; and in agriculture, between farmers, municipalities, provincial authorities, and farm workers in land redistribution. The project was financed by NUFU, the Norwegian university organization for cooperation with universities in the southern hemisphere. The project engaged the expertise of about ten senior researchers, half from universities in Norway and the other half from African universities; and nine PhD students. The latter all from African universities and eight of whom completed their PhDs at their home universities. The nine were: Annie Dzenga, Jaqui Goldin, Michele Esau, Rashid Kalema, Ng'wanza Kamata, Kwame Domfeh, Gideon Zhou, Nazeem Ismail and William Ellis.

The students and researchers published extensively (see Askvik & Bak, 2005 for an early overview). Presentations of work in progress and tutorial meetings were held yearly in either Cape Town or Harare.

Early inspiration and assistance for the present land study came from colleagues at PLAAS – the institute for Poverty, Land and Agrarian Studies – and the School of Government at the University of the Western Cape. Central colleagues there were professors Ben Cousins, Chris Tapscott and

Chisepo Mphaisha. The Admin-Africa Project had the privilege of accepting contributions from Diana Gibson, Neleke Bak, Steven Robins, Clifford Shearing in Cape Town; Jan Froestad, Tor Halvorsen, Steinar Askvik, Audun Offerdal at the University of Bergen and Odd Helge Fjeldstad at the Christian Michelsen's Institute (CMI) in Bergen; the late Francis Appiah (Ghana), Donald Chimanikire and Eldred Masunungure (Harare), the late professor Josaphat Kanwanyi (law) in Dar es Salaam; and Professor Kjell Havnevik (economics) in Uppsala, Sweden. During its course, project funds were misused in Dar es Salaam.

Chris Tapscott and Ben Cousins kindly introduced the land reform study to members of the legislatures and the land bureaucracies in the Western and Northern Cape provinces. This made conducting a written survey among elected representatives and interviews among bureaucrats possible. Meetings and extensive interviews in the Elsenburg agricultural administration (Western Cape) and Ben Saaiman's engagement were of special significance to the study.

The Admin-Africa Project benefitted from strong and engaged administrative support at the University of the Western Cape and the University of Bergen, where special mention must be made of Wendy Stoeffels and Bjørn Andersen, respectively. The Department of Administration and Organization Theory in Bergen was ground zero for the Admin-Africa Project. The late Professor Knut Dahl Jacobsen served as mentor at the start of the project. The project had its own staff in Margot Skarpeteig and Famara Sanyang.

In the past five years (2019 to 2024), the library at the University of South-Eastern Norway, Bakkenteigen, and the Political Culture research group headed by Professor Kai Østberg have been helpful in the production of the present manuscript. Thanks also to Annett Arntzen and Camilla Nereid at the Institute of Economics, History and Social Science for having me as a guest researcher. Thanks also to UiB and USN for funding the study's open access publication by the publisher African Minds. My thanks is also owed to François van Schalkwyk of African Minds.

Lastly, my family and friends deserve a mention for their support and patience; for their companionship and service as pleasant distractions, not least during and in between the longer periods of field work. I'd like to thank Kristin and Lauritz, Martin and Isak, Øyvind and Hugo, Haakon and Birgit Anders, Thor Øivind, Lungisile, Ruth, Jennifer, Anne, Kari, Anne-Mette and Hilde.

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1 Introduction

1.1 Problem and research question

The struggle over access to and ownership of land, its practical and cultural meaning, how to use it, is at the heart of South Africa. It could be argued that the reason why segregation and apartheid became so violent was that the indigenous Africans were such agile and efficient users and caretakers of the land. The European colonists were sure that when 'primitive' Africans met modern Europeans in control of new and more efficient methods of agricultural production, they would throw away their simple tools and come rushing to the European farms to work there. History did not turn out that way.

The present is an investigation of ANC land policy and its administrative implementation. It studies the social selectivity of government land policy and its implementation, the administrative competence and the limits and barriers to effective implementation in the provincial and municipal parliaments and bureaucracies.

The present study is limited to land reform in the western region of South Africa and specifically the first formative period, 1990 to 2006. It poses the following questions: What were the goals of the original Reconstruction and Development Programme (RDP)? How did the policy develop through the phases of GEAR and LRAD, the consecutive Growth Employment and Redistribution (GEAR) and Land Redistribution for Agricultural Development (LRAD) programs? How did institutions in "the land state" (see Figure 2) both change and develop policy and participate in its implementation? What barriers were inherent to the structure of the land state? Which barriers did the implementors meet both upward and downward in hierarchies of power (both public and private)? More specifically: How did the land state in the first period of land reform in western South Africa both forward and limit the implementation of the ANC Government's land reform policies? How did

provincial legislatures and land bureaucrats in the Western and Northern Cape function as instruments of implementation?

This is a study of local and provincial participation in both policy making and implementing national land reform policy. How did local communities, landowners, landowner organizations, black farmers, two provincial land states, their legislatures and bureaucracies, contribute to land reform?

Five background processes

There are five related contributions or insights that inform the study. They identify processes that I assume are at work in the land state. They will be attended to intermittently.

1. The Searle theory that actor freedom, for personal and collective actors, unfolds in the periods of reflection and discussion before decisions are made. Rationality unfolds in mental reflection rooms before decisions on a challenge are made.
2. The Mamdani theory of how post-colonial African liberation regimes have difficulty liberating themselves from the inherited political colonial structures of despotism.
3. The Seligman/Warren theory of how limited trust, limited knowledge and political scepticism in society hamper the development of democracy and can stimulate authoritarian forms of rule.
4. The Hupe theory of incongruent implementation, a critique of the straight line and short distance from policy to implementation, a suggestion that there is more often an inconsistent relation between policy and its implementation and a multiplicity of variables that enter over time between policy and its implementation.
5. Norman Long on gaps, open spaces, interstices between people, institutions, and systems.

1.2 Searle's (2001) theory of rationality: Disjunctions and reflection rooms

Searle suggests that when we are confronted by a challenge to which we do not immediately know how to respond, we enter a reflection room (Gran, 2017); a mental and/or social room where we investigate: what the challenge is, what our situation is, which challenge-relevant knowledge we have, what decision or action possibilities are available, and which alternative is most likely to be our best choice. This theory is important in the present study

because it suggests that we all are rational actors in this sense. When people come together to ponder an accepted challenge, they enter the reflection room. There objectivity is the standard. All are interested in the facts of the challenge, situation, relevant knowledge, etc.

Subjectivity, pressure for a specific response before investigations are reasonably complete, threatens the activity in the room. Therefore, there are no rules in the reflection room. A rule would be an immediate solution. An argued interest would similarly suggest a solution. It is when all are reasonably satisfied with investigations that a person or people move towards a decision. A decision puts an end to the reflections. A decision is a choice. It often specifies actions. It will normally be a choice that favours certain interests, excludes others. A decision is most often an act of power.

In contrast, in the reflection room all are equals, contributors to knowledge, all potentially respected as equals, all with honest contributions to the investigation. That activity serves all. Such reflection rooms and groups are therefore important for social integration and mutual respect. Therefore, the management of reflection groups in organizations is also part of the power play. Persons in the organization hierarchy can favour certain such groups in some cases, disfavour them, hinder their formation in other cases, tasks, and challenges.

1.3 Mamdani's (1996) theory of communal land and political power

Mamdani (1996) suggests that communal landholding in southern Africa contained different individual–family rights to land. Communal authority distributed land and adjusted the distribution to changing conditions, demands and interests. Families could hold a specific area of land for generations (like private ownership). Other people from the community or even strangers could be allowed onto the same land for specific purposes and a specific time. It was difficult for European settlers to understand this complexity. For them land was either public or private. A second European distortion was a misreading of the 'land priests', who were persons assigning grace to land that had become productive (cf. Levi-Strauss, 1996/1966).

> The tendency was for communities to recognize ritual offices reflecting the different uses to which land was put: in Central Africa there were earth priests, priests of the bush, and priests of the cattle. (Mamdani, 1996, p. 139)

Mamdani adds that the colonizers often misinterpreted the communal roles of the earth priests. They saw them as authorities in the allocation of land among families. They were not. That faulty interpretation led to a new one that had dire practical consequences, namely the idea that chiefs distributed land among families. That was a gross and mistaken oversimplification. There were, according to Mamdani, many different systems of authority distributing land in African communities. The colonizers did not understand the existing systems. The consequence was the colonial mode of rule: indirect rule through chiefs. That meant a radical standardization of the system of domination (cf. Scott, 1998) with radical disruptions of established land use systems. Operating on the presumption that land between families was distributed unilaterally by the land priests, the European deduction was that power should be transferred from the priests to traditional secular chiefs. The reality was more complex and varied. Often, land was allocated through negotiations between local authorities and heads of families in the area. A third distortion was that chiefs were seen as heads of tribes. Since chiefs allocated land, land belonged exclusively to tribes. The reality, Mamdani suggests, was often that landholders invited strangers into their households, kin groups or communities to strengthen production and the status of the landholders, making landholding a multi-ethnic arrangement.

In most pre-colonial African societies, status and wealth accrued to those who could attract dependents or followers. Therefore, strangers "were welcomed – as wives, clients, blood brothers, settlers, or disciples – because they enhanced the prestige and often the labour force of the head of a household, kin group or community" (Berry, in Mamdani, 1996, p. 140). By connecting land directly to tribes, colonial land policy often caused havoc to such historical systems. The tendency in the colonial outlook was to implant ideas of private ownership to land, where existing land holding systems were much more complex, multidimensional, and dynamic. The colonial impact was this simplification, standardization, and powerful regulation of an exclusive private/public dichotomy.

While colonial production was directed at foreign markets, and transactions in markets were common among the white colonial producers and consumers, African labour was brought into the colonial system by force. Often, taxes in money were levied on families (e.g. the hut tax), forcing people to take jobs on colonial plantations or in mines. When taxes were not paid, force was used to make Africans work for the benefit of white colonizers (see Iliffe, 1979 on this system in Tanzania). Families could also be forced to labour on white-owned land for 15 to 90 days a year. Mamdani asks the reader to reflect on how such forced labour could continue, for

example, in British colonies when Britain had abolished forced labour from its statutes just after the First World War. The answer is again the dual system, the bifurcated state. British law (common law) applied to the British, to the modern economy, not to activities regulated by customary law in African communities. Forced labour was abolished from common law. However, if the British could get heads of tribes, the chiefs, to force local labour onto the plantations and into the mines, such activity was regulated by local customary law (Mamdani, 1996).

Communal ownership of land under customary law was a porous, flexible, and dynamic system. The system had room for multiple rights for several people on the same piece of land (cf. Dørum, 1996 on the Norwegian landholding system, *skylddeling,* in the 18th century). As colonially forced use of markets expanded, the customary system became a last line of defence for the economically exploited.

> However, as the weight of market relations increased, the customary turned into a last line of defence for those on the verge of destitution. "With the commercialization of agriculture," concludes Martin Chanock in a recent survey, "communalism became the rallying point of the economically weak and was assaulted by the powerful and the development minded". (Mamdani, 1996, p. 169)

The effects of coercion varied. While the problem for the African upper strata peasantry was the market price of crop, the problem for the lower strata was the regime of compulsion, of forced labour at the local level. World Bank structural adjustment programs gave priority to markets, which was appreciated among some segments of the middle peasantry.[1] The market economy reduced the public budgets locally and it "intensifie[d] the regime of compulsion that squeezes the rural poor" (Mamdani, 1996, p. 179). Privatization may serve the interests of the upper peasantry. Democratisation may be the major route for the poor because the problem for especially the rural poor is not market access but power to reduce the deadening force of the colonial and the customary, tradition-bound power at the local level. Mamdani's argument is that markets and compulsion in the African context have very often developed in concert. Therefore, both

1 "Throughout the 1980s and 1990s, the U.S. has been a principal force in imposing Structural Adjustment Programs (SAPs) on most countries of the South" (Oringer & Welch, 1998).

market expansion and the use of force are political questions, questions of political power.

Mamdani defines the colonial state in southern Africa as the bifurcated state. On the one hand it is a (perverted) modern European state, based on ideas of human rights, freedom in markets, democracy, and meritocratic administration; on the other hand, it facilitates the management of colonial interests through the power of African community chiefs, called indirect rule. Mamdani names the system "decentralised despotism". This definition is more appropriate because among the colonizers, the Europeans, the state tended towards corporatism, that is an amalgamation of the power of capital owners in farming, mining, industry, finance, etc., and the government bureaucracy, marginalising elected institutions. The reason for this corporate type of despotism impacting the ruling class itself was the minority colonizers' relation to the millions of Africans. The job of managing that relation, extracting labour, keeping the tribal chiefs under control, managing movements of people between rural communities and white controlled industry, etc., was a gargantuan task for the relatively small colonial state. Corporatism, the amalgamation of state and industrial management was a solution. The task of controlling the African masses overrode the demand for a functioning democracy among the colonist classes and their supporters.

Mamdani concludes that this decentralised despotism transformed to centralised despotism when African liberation movements gained power. The corporatist form of the colonial state can augment the tendency towards despotism, and hamper, or make establishing a democracy a herculean task.

1.4 Seligman (1997): Trust assigns freedom and authority to another

Seligman's argument is that trust is essential for the functioning of the western type of specialised and hierarchic society. The specialisations create spaces, disjunctions, between occupations, institutions, and organizations. Seligman's argument is that personal trust opens for movements into and cooperation across those spaces, for independent and creative mediating activity in those spaces between the institutions.

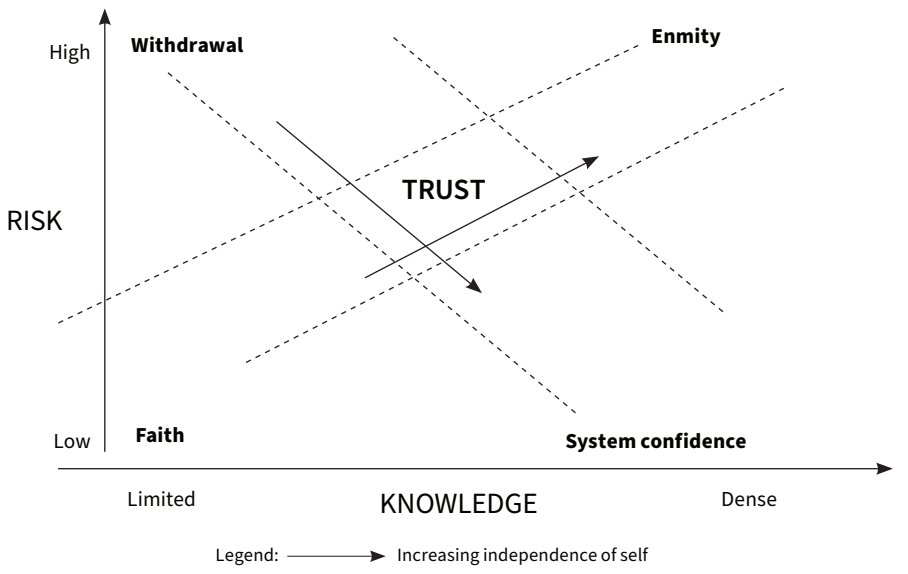
Trust is something that enters social relations when there is role negotiability, in what may be termed the 'open spaces' of roles and role expectations. Another way of saying this is that trust enters social interaction in the interstices in the system, or at system limits, when for

one reason or another systemically defined role expectations are no longer viable (Seligman, 1997, pp. 24–25).

Those unregulated spaces between the different systems or institutions are similar to the Searlean spaces for rational action. Personal trust across those spaces invites rational actions. When those actions strengthen peoples' agreements and obligations across and between institutions, the system of specialised institutions is corrected and strengthened. Distrust, excessive insecurity and/or enmity hinder movements into those mediating spaces, with the result of isolating people and institutions from each other. Here Seligman touches on the theme of pillarization developed by Lijphart (1968) and others in the study of Holland and Belgium. These societies were split into separate communities (or pillars) that took care of themselves and withdrew from national institutions, weakening democracy in both countries.

Seligman argues that what he calls *unconditional trust* (pure trust) is important for movements into and activity in the spaces between roles and institutions. He distinguishes this concept from trust as *interest* and trust as *familiarity*, both important types of trust but which limit the social scope of trusting relations. Trust as interest is calculated trust, developing trust to serve an organization. One develops trustworthiness with people and institutions that function within one's field of interest. Trust as familiarity is

Figure 1: Trust and its transformations



the development of trust relations within the 'family', within, for example, an ethnic community or a political party. One trusts people one knows. One expects they will honour the relationship because they are part of one's cultural/family community.

Seligman argues that trust is especially important in the developed western society because within such societies, persons have an experience of autonomy; they often have a high level of specialised knowledge. Risk is pervasive because people must choose and move rapidly between roles and institutions that are at a distance, are difficult to understand and that can act against your interests. Trust is important in such a setting. When specialisation and critical autonomy is less present and people have dense knowledge of (the few) existing systems, Seligman suggests that *system confidence* is more common. Interpersonal trust is less important. A person living stably under strong family leadership is an example.

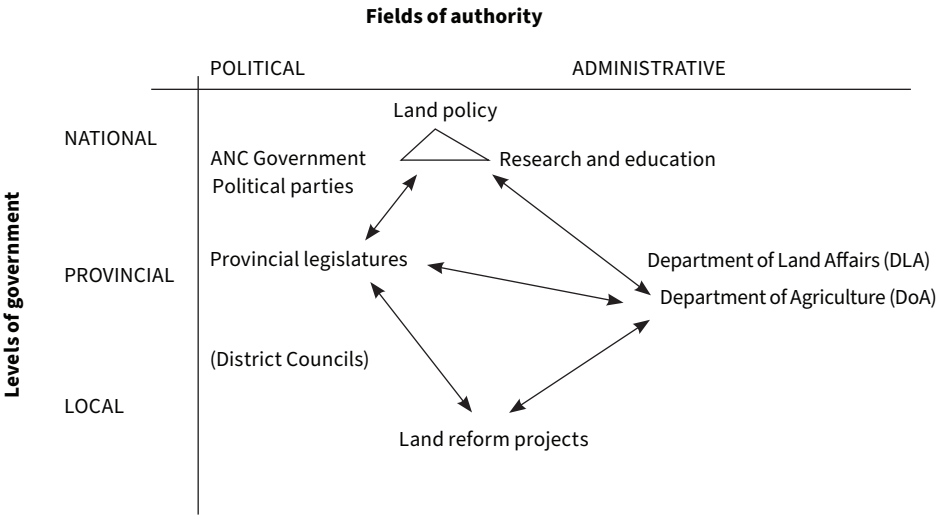
Faith is different from trust. Faith is independent of empirical knowledge. Faith is strong when risk is low. If risk increases, a person will more actively search for worldly alternatives to reduce risk. And when risk becomes overwhelming and one is certain that those one trusted will not act to reduce the risk, trust may be transformed to enmity. Trust emerges in a space of some risk and some knowledge, not in the extreme areas of the two parameters (see Figure 1).

A level of distrust between interest groups is important in a democracy. Distrust is reasonable because harmony between groups cannot be assumed. Distrust mobilizes participation. Without participation democratic institutions collapse. Trust can mean withdrawal from participation. The truster assumes that the trustee will take care of the truster's interests.

Trust is important within government institutions. Max Weber (1930) questioned whether an *esprit de corps* was important for personal autonomy in a vocation. A trusting culture within administrative institutions is important for knowledge-sharing and for setting a standard for the interpretation of rules and regulations.

A finding in the present study is that such internal trust between political parties, between parliaments and in the two investigated departments of land affairs and agriculture was limited. Internal distrust within the state can lead to the obstruction of deliberation. The parties do not know each other. The parties then easily assume that decisions mask other, real opinions, interests etc. A reason for the slow pace of land reform was internal distrust and enmity between government institutions in the 'land state' (Figure 2). They were thus barriers to effective implementation of ANC policy.

Figure 2: The land state: The institutions included in the study



1.5 The Hupe (2011) theory of incongruent implementation

In liberal democracies, with a sharp distinction between law-making in elected parliaments and implementation of government-accepted policies through a public administration, it is easy to focus research on top-down implementation under the norm that bureaucratic implementation should be a direct measurable expression of government intentions. As Hupe (2011) points out, even in strict and consistent liberal democracies, the assumption of direct and exact implementation is rendered seriously faulty when a project is processed in several institutions before being realized. Even at the personal level it takes time to move forward from a challenge, understanding it and the situation, reflecting on what to do about it and finally acting. The relation between intention/project and its implementation is most often incongruent. Implementation is seldom a direct deduction from the policy or the project.

Hupe (2011) suggests that even in a liberal democracy where the norms of policy neutral and loyal implementation are strong, a realistic understanding of implementation is that:

- Policy performance can be seen as the result of multi-layer interactions between various actors.

- Because these hierarchies are multiple, instead of the metaphor of a 'chain' from policy to implementation, the 'thickness of hierarchy' notion seems more appropriate.
- The thicker the hierarchy, the more critical the managerial competence and professionalism of public servants will be in practice. (Hupe, 2011, p. 76)

In the present case of land reform there is reason to assume that implementation was chaotic relative to ANC policy. There were residuals of centralised and power-wielding bureaucracy. The new democracy was searching for its organization. Strong private actors were sceptical of the RDP and the new government. Both policy contents and implementation of land reform policy should probably be seen as contested processes in most places and at most levels of government. In the era of the Government of National Unity (1994–1999), that indeterminacy could have tempted the ANC to more concentration of power in the top echelons of government.

1.6 Norman Long (1989, 2001) on disjunctions between persons, institutions and systems

Long suggests that actions and institutions most often exist with unregulated spaces, gaps or interstices between them. Those spaces can be exploited for change and innovation. That fact is included, if not formulated, in the four preceding narratives.

There is a significant literature suggesting that studies of human societies (in contrast perhaps to studies of processes in physical nature) should include a focus on disjunctions and open, indeterminate spaces between people, between institutions and between communities (Marks, 2002; Blaut, 1993; Hobson, 2004; March & Olsen, 1979; Searle, 2001; Gran, 2017; Long, 2001; Nuijten, 2005). Those disjunctions (called reflection rooms in decision-making) are spaces for investigation, experimentation, and innovation. If there were no such spaces, the systems would most likely melt into one another (Bakken, 2020).

'Intervention', 'interface', 'interstices', and 'life worlds' are some of the defining concepts in Long's work. His focus is on the reactions of different stakeholders to external technical and social impacts on rural communities. *Intervention* is organizing and controlling production within a rural community from the outside. Long questions how people narrate, negotiate and react to such external interventions. How are competing definitions of

interventions between the parties reconciled? Interventions can cause change within the recipient system and create activity, defensive reactions, and new expectations.

Long refers to such effects of intervention as *structural discontinuities*. Interventions can change both the original and the recipient community, creating new discontinuities. Those discontinuities and disjunctions are then spaces for negotiation if the interventions are interpreted as friendly. Negotiations demonstrate whether interventions can be reconciled within existing mental maps, or if those can and should change, to integrate or resist the interventions. If resisted, a new consensus can arise in the community. Here Long suggests a gap, a space between the intervention and the community, not coordinated elements that impinge on the community, and that they must be spoken about, understood, and negotiated/modified if a new functioning community is to emerge. He calls the negotiation an *interface*, which is defined as

> the critical points of intersection or linkages between different social systems or levels of social order, where structural discontinuities, based upon differences of normative values and social interest are likely to be found. (Douthwaite et al., 2002, p. 8)

It is in those interfaces, those meetings in gaps between different community interventions and life worlds that the negotiations take place. Douthwaite et al. (2002) give an example of farmers buying harvesters to reduce the wage cost of workers. The workers boycott the machine, putting iron bars in its way. Negotiation occurs in the interface. A solution is found: workers could, during certain periods, rent the harvester to augment their income.

All these narratives indicate the richness of activity that can enter into the space between any project and its implementation.

1.7 Fields of study, selected institutions

Each province has a unicameral legislature, elected every five years by a system of party list proportional representation, numbers of members relative to number of votes. The legislature elects a premier. The premier chooses members of an Executive Council from members in the legislatures. In some fields – agriculture, education, health and public housing – legislatures and the national government share power. In other fields the legislature has autonomy.

Democratic elections in South Africa were first held in 1994. The ANC won around 63% of the vote and got a majority of representatives in the National Assembly. The New National Party won election to the Western Cape legislature. The ANC won the elections in the Northern Cape and was the ruling party there in the period under study. In the Western Cape the New National Party (NNP) attempted to ally with the Democratic Party (a liberal opposition to apartheid), forming the Democratic Alliance (DA) in 2000. In 2001 the NNP changed horses and allied with the ANC, ruling the Western Cape to 2009. In 2004 the NNP collapsed at the national level. The DA won the municipal elections in Cape Town in 2006. Helen Zille became mayor and DA party leader in 2007. The DA has ruled the Western Cape since 2009.

1.8 The empirical investigations

The empirical investigations are limited to the land state and its relations to society in the two western provinces, the Western and the Northern Cape. The assumption is that the land state system is and was in principle the same there as in the rest of the country, even though there were no homelands in the Cape area under apartheid. The two provinces are interesting because they represent agricultural extremes: the Western Cape with its rich agriculture in an urbanised province; and the Northern Cape with limited commercial agriculture in a vast and rural province with important industrial locations in mining. Key areas of study include the provincial land state, the legislatures and their land bureaucracies, the regional offices of the Department of Land Affairs (DLA) and its provincial departments of agriculture. It is the triangular relations between these institutions that is named the land state (Figure 2). The investigation is into the land state's relations to political parties, civil society organizations and stakeholders in land. The investigation touches ground in two communities, looking into land reform and land use in Saron in the Western Cape and in Paulshoek, Namaqualand, in the Northern Cape.

1.9 World Bank economists Binswanger and Deininger (1996) on organization in agriculture

The economists initially sought to answer the question: "Does the present (1996) distribution of land favour growth and employment in agriculture in South Africa or is land reform and resettlement necessary to achieve those goals?" They established that well-organized family farms are

systematically more productive than corporate organization of large landholdings. They then went on to ask: "If large farms are not efficient, why do owners continue to find it profitable to accumulate large land holdings?" (Binswanger & Deininger, 1996, p. 64). They conclude arguing "in favour of a rapid and large-scale land reform program … using judicial and market-assisted processes for the transfer and resettlement of land" (Binswanger & Deininger, 1996, p. 65).

Their main argument is that farms on plots managed by a single or a few families produce more per hectare than large, mechanized farms. Therefore, it would be beneficial for South Africa if large landlord farms with many tenants and workers were reorganized into as many productive family farms as possible, and with the families already living and working on the farms taking over. The economists make the same argument for land reform on collective farms and state farms. The large-scale farms can simply not compete in efficiency or in farmer well-being with privately owned family farms, with freedom to employ workers when needed and for farm owners to take on other employment when that might be needed or wanted. Large farms hardly have scale as an advantage. Centralised management of large farms activates large transaction costs, reducing the farms' economic efficiency. Exactly how agriculture is organized locally should be left to arbitrage in communities, including chiefs, with conflicts brought up in the judiciary.

This study considers this premise as proven, having also been strongly confirmed in European land history (Senghaas, 1985). Senghaas compared developments in agriculture between Spain and Portugal on the Iberian Peninsula with the Scandinavian countries, finding that the aristocratic large landholdings on the peninsula were systematically less productive than small-scale farming that was prevalent in Scandinavia. Senghaas also found that small-scale private family farms in northern Europe were conducive to political democracy in those states different from the authoritarian conservatism of political organization in Spain and Portugal.

1.10 Farms: The national picture

What has the situation looked like for white commercial farmers? Yes, labour has been cheap, but it has been more of an uphill struggle on the margins of white farming. The instability of the commercial farm structure in South Africa is one indication.

Table 1: Farms in South Africa

Table 1a: Number of farms in South Africa 1930–1991

	Cape	Natal	Transvaal	OFS	Total	Change (n)	Average change per annum
1930	36 650	10 414	29 270	20 606	**96 940**	–	
1974	30 048	8 232	27 388	14 187	**79 855**	-17 085	-380
1991	24 070	6 106	20 654	11 070	**61 900**	-17 955	-998

Source: South Africa Department of Agriculture (1994, p. 7)

Table 1b: Area covered by farms in South Africa 1930–1991 (1 000 ha)

	Cape	Natal	Transvaal	OFS	Total
1930	50 536	4 470	15 624	12 174	**82 804**
1974	55 554	4 233	14 552	11 816	**86 155**
1991	53 195	3 933	14 029	11 384	**82 541**

Source: South Africa Department of Agriculture (1994, p. 7)

The number of farm units was close to 97 000 in 1930. In 1991 it was near 62 000. The total area under large-scale farming was much the same during the 60 years from 1930, 83 million hectares. In comparison with the three other provinces, the Cape had a special structure. Large farms were radically larger, and the total farming area expanded from 1930 to 1991. The farm structure in the Cape in 2000 was more varied and with more small-scale farms than was often assumed (Nofal, 2000, p. 4). The number of commercial farms in 2000 was 54 000 (62 000 in 1991), a reduction of 8 000 farm units over 9 years, or a yearly reduction of 1.7%, confirming the 1974–1991 trend (cf. Tables 1a and 1b), 68.5% of the farms have a production value below ZAR 1 million. "Effectively, nearly 70% of the units are small-scale farmers" (Nofal, in *Cape Times* 28 September 2000, p. 4). 11.3% are part-time farmers with additional sources of income. 40% of the farmers are over 50 years of age. Only 20% are between 16 and 34. Most of the farms were family farms (sole-owner farms).

Table 2: Ownership formats in Western Cape agriculture

Ownership format	Farms	Percentage
Sole owners	39 421	73.5
Partnerships	4 840	9.0
Trusts	4 231	7.9
Closed corporations	2 710	5.0
Companies	2 463	4.6
TOTAL	**53 665**	**100**

Source: Article in *Cape Times*, Company News from 28 September (2000, p. 4) by Justine Nofal. She reports from a survey made by Market Studies and Statistical Analysis.

Table 2 above describes a commercial farm system without advanced specialisation of production, engaged in a set of products and locations to hedge against falling prices in one field and adverse climatic conditions. The farmers were worried about globalisation and competition in international markets. The farmers were not eager about technical innovation and not interested in entering international markets if they could avoid it. The riskiest production was the most usual: cattle farming.

Table 3: Land reform projects as of 1999

	Households			**Hectares**		
	Designated	*Transferred*	*%**	*Designated*	*Transferred*	*%*
Gauteng	2 087	75	3.6	5 303	8 354	157.5
Western Cape	1 826	356	19.5	11 004	1 039	9.4
Northern Province / Limpopo	4 152	1 132	27.3	22 282	7 075	31.8
North West Province	3 019	1 750	58.0	15 416	5 329	34.6
Eastern Cape	5 601	3 395	60.6	965 370	9 834	1.0
Northern Cape	2 766	1 741	62.9	162 434	94 363	58.1
KwaZulu-Natal	7 767	5 562	71.6	71 797	47 191	65.7
Mpumalanga	5 838	4 218	72.3	131 226	22 405	17.1
Free State	4 277	3 329	77.8	70 334	49 951	71.0
TOTAL	**37 333**	**21 558**	**57.7**	**1 455 166**	**245 541**	**16.9**

*Sorted according to % households
Source: May in Cousins (2000, p. 31)

How did the picture of land transfers look in 1999 and how were transfers distributed between provinces? How many hectares of land had landless people gained at that point in time? How many families had received new land allotments? Table 3 presents the information on hectares and households affected, gathered by Julian May from the Ministry of Agriculture and Land Affairs in 1999.

Table 3 indicates the limited implementation of the program (cf. Levin, cited in Cousins, 2000). 'Hectares affected' show both the low ambitions and the low rate of implementation in the four provinces, Gauteng, Western Cape, Northern Province (present-day Limpopo) and the North West. In the Northern Cape, KwaZulu-Natal and the Free State, implementation was above 50% of the designated areas. In Mpumalanga the implementation rate was below 50%. Eastern Cape presented an extreme case, with only 10 000 of the 965 000 designated hectares transferred. 1.5 million hectares

were designated for redistribution. Of the 82 million hectares mentioned above (sum of arable and grazing land) that is about 2% of all arable land. The ambitions on households to benefit seem more equally distributed. Implementation was in most cases above 50%, however, not in the Western Cape, Gauteng, and the Northern Province.

1.11 Rural imbalances confronting the ANC Government

1.11.1 Poverty

South Africa encompasses some 122 million hectares of land.[2] About 45 million people lived in the country in 2003. The vast majority were of African descent; 5 million European; 4 million of mixed (intercontinental) descent and 1.2 million with roots in India. 14% of the land, or 17 million hectares, was designated as Bantustans or 'homelands' for black people at the peak of apartheid in 1985. Some 12% of the land, or about 15 million hectares, is arable and under cultivation.[3] Large-scale farmers, mainly of European descent, own 86% of the arable land, or 13 million of the 15 million hectares. That leaves 14% or 2 million hectares for others, including the 8 million black people that resided within the Bantustans. Around 1990, about one million Africans were farm labourers, making for a population of approximately 5 million Africans living within commercial farms (1 labourer with a family of 4+). Water is abundantly available in highly concentrated locations. Only 10% of the total area of the country has annual precipitation of more than 750 millimetres. 50% of all water is used for agricultural purposes. 1.2 million hectares (of the 15 million arable hectares) are under irrigation (Department of Agriculture, 1995, p. 4).

What was the picture of poverty in South Africa in 1990? Poverty was mainly located in the rural areas. Around 50% of the population resided in the rural areas at the time. About 70% of which could be categorised as 'poor', compared to the 30% poor in urban areas. About 1% of the population of European descent fell into the 'poor' category. Based on official criteria, in 2000, between 30% and 40% of the populations of most provinces qualified as poor (May in Cousins, 2000, p. 22). The province with the largest number

2 According to the South African Department of Agriculture (1994, p. 5), the country spans around 107 million hectares

3 The official estimate is more conservative: 8.7 million hectares are under cultivation, 1.2 under woods and forests and 1.2 established pastures. 70 million hectares are used for natural veld (of varying productivity), a basis for extensive stock farming (Department of Agriculture, 1994, p. 5).

of poor people was the Northern Cape. 62% of all households and 69% of all individuals there were designated poor. The province with the least poverty at the time was the adjacent Western Cape. There, 14% of all households and 18% of all people were poor. Only 11% of the total population in the Western Cape resided in the rural areas. Hardly any people of European descent there met the criteria of being poor.

1.11.2 Livelihoods

How do people in the rural areas survive? Julian May defined eight categories of livelihood strategies. From Table 4 we see that only the two last categories comprised people that were reasonably well off in the rural areas (9.1% of the 23 million).

Table 4: Forms of livelihood in rural parts of South Africa (n = 23 million)

Marginalised	4.3
Welfare dependent	11.5
Remittance dependent	25.1
Secondary wage dependent	19.8
Primary wage dependent	13.6
Mixed income insecure	15.8
Mixed income secure	8.1
Entrepreneurial	1.0
TOTAL	**99.2**

Source: May in Cousins (2000)

With 86% of the arable land under white (European) ownership, and a poverty rate in the population of about 40%, leaving many dependent upon welfare or remittances, such a climate of resource inequality makes for distrust and hostility between black, coloured, and white Africans. The slow movement of the land reform program has likely fuelled the rise of distrust and hostility.

From the information gathered on land reform in the Western and Northern Cape, opposition to the program from large-scale farmers has not been a large problem. Whether white farmer opposition can explain the low ambitions and the low level of reform implementation is not known. Commercial farmers' unions expressed support for the program (see Table 17). Those unions were ranked sixth among eleven supportive stakeholders.

1.11.3 Water

There is a large system of rivers and dams in South Africa. A 2003 map of bodies of water lists 22 major rivers (Oxford Senior, 2003, p. 19). The Orange River catchment area in the north-west of South Africa is huge, with the river emerging from the Drakensberg Mountains and flowing into the Atlantic on the border with Namibia. In the central eastern area, the Vaal River also emerges from the Drakensberg Mountains, runs just south of Johannesburg, and merges into the Orange River near Kimberley. The Limpopo River dominates in the far north and runs along the border with Zimbabwe and Botswana. The rivers generate cooperation and conflict between South Africa and adjacent countries.

The availability of water per person in the country varies. In the mountainous areas that stretch the length of the country along the coast, in the Roggeveldberge inland on the western coast and in the Groot-Swartberge, Drakensberg and highveld in Mpumalanga availability is high. It is lower in the Eastern Cape and north of Lesotho and lowest in the northern desert areas.

2 ANC land policy 1990–2005: A critique

Policy can be seen as making promises to, entering into obligations with selected people. Obligations can be seen as a form of deontic power, as the power of morally binding positions, power that is constructed wilfully. Different from material physical objective power, that is, people using physical instruments to influence, control, or even subdue others. As a branch of logic, deontic logic is of *theoretical* interest for some of the same reasons as modal logic – the logic of necessity and possibility. How do obligations come about? How do they work? Can obligations be seen as an insecure source of trust? (Insecure in the sense of being promises yet to be realized.) How do obligations generate trust? How can obligations not taken care of reduce trust? How can reduced trust lead authorities to use more material instruments of power to get their way?

Land reform policy in South Africa is tangibly about land ownership. Land was taken from black Africans and should as far as possible and when of interest[4] be returned to Africans. That was the ANC's first election program in the new democratic state. Looking into ANC obligations in land systems thereafter is only peripherally about ownership. However, those obligations are still important. For example, if the ANC has no obligations to female participation in an informal use-value production, there is a danger that female participants will not figure, will not be seen, will not be included in a policy of redistribution of land ownership.

4 When of interest to earlier African landowners, that is, people whose land was taken through successive European encroachments under colonialism and apartheid. By the time democracy came, some of these victims of land deprivation may have moved on and thus no longer seen a return to land ownership either as possible or of interest, and may have been happy with simple monetary compensation.

Land reform policy must start with an understanding of the existing land systems, that is how areas of land are occupied and used by people. Early land reform policy touched on existing land systems, seeking to improve them on several dimensions (e.g. increasing common peoples' access through restitution and redistribution, increasing productivity of ongoing production on the land, reforming farm organization, creating nature reserves, increasing areas of common access land, increasing tenure stability, etc.). The Government of National Unity of 1994 (a three-year alliance which comprised the majority party, the ANC, the National Party, and Inkatha Freedom Party) launched a pilot land reform program in all nine provinces in February 1995. Three national programs emerged from the pilot program: restitution, redistribution, and tenure security.

2.1 The Reconstruction and Development Programme (RDP)

In 1994, the ANC published a program for South African development under a democratically elected government. The Reconstruction and Development Programme (RDP) document began by describing the situation in the rural areas:

> The agricultural sector and rural economy are also in crisis. Many white-owned farms are deeply indebted and vast tracts of land designated for occupation by whites are inefficiently cultivated. Many thousands of black rural households are, meanwhile, crammed into tiny plots unable to produce or buy affordable food. Government decentralisation policies have failed to channel resources to the rural areas, which remain the most deprived parts of the country. (ANC, 1994, p. 77)

The program aimed at putting right the injustices of the apartheid-era forced removals of black people from the land they had long lived on and worked. The program stated that redistribution of land should be demand driven. The program aimed to supply land for residential and productive purposes to the poorest sections of the rural population and to aspirant farmers (ANC, 1994, p. 20). The program was to have substantial funding, secure rural infrastructure (transport, water, health services) and secure tenure. The program had to prioritise women's ownership of land. The goal of the program was described in point 2.4.14:

> The land reform program, including costing, implementing mechanisms, and a training programme, must be in place within one year after the elections. The programme must aim to redistribute 30 per cent of agricultural land within the first five years of the programme. The land restitution programme must aim to complete its task of adjudication in five years. (ANC, 1994, p. 22)

These obligations contributed to the ANC's victory in the first elections in April 1994. The ANC received a majority of votes in seven of the nine provinces. The National Party received a majority in the Western Cape. The Inkatha Freedom Party received the majority in Kwa-Zulu Natal.

RDP became an important program in the new ANC-NP-IFP Government of National Unity (GNU). Davids (2005, p. 33) lists early RDP actions: the Government appointed former Cosatu (Congress of South African Trade Unions) leader Jay Naidoo to head an RDP presidential office, with access to a specific RDP fund. President Nelson Mandela announced 22 RDP presidential lead projects in 1994. At the same time, the national Department of Land Affairs was responsible for the land reform policy, and for the use of RDP funds for land reform. The department established a land reform pilot program to kickstart the redistribution of land. Levin and Weiner (1996) criticised the pilot program for having a technocratic, rather than a participatory bent. RDP distributed substantial budgets to each of the nine provinces. The provincial departments of agriculture established RDP units. These early provincial RDP administrations were not uniform in composition and/or organization. They varied on planning and implementation capacity, ability to communicate with stakeholders and competence in responding to political pressure. The lack of uniformity and the prevailing uncertainty on how to go about land reform reflected the legacy of different divisions of institutional responsibility for land and agricultural matters in the past, and between the old 'homeland' governments and the new central and provincial administrations (Bernstein, 1996).

The ANC published the Reconstruction and Development Programme in 1994 (RDP, 1994). It was an election policy program. The establishment of democracy was the main task. The democratic state should implement development especially for the millions of historically exploited and marginalised Africans. It should unite into one nation the many peoples in the country. Politics and development should be "people driven" (point 1.3.3). "Development is not about the delivery of goods to a passive citizenry" (point 1.3.3). Key sections of the RDP were:

- meeting basic needs, including assigning adequate land to poor and landless people;
- education, with the idea that new schools should be rendered more accessible to people in terms of location and their varying livelihoods (point 3);
- developing an economy that could eliminate poverty, restructure imbalances between sectors and between the rich and the poor (point 4.2.2). To achieve this "the democratic government must play a leading and enabling role in guiding the economy and the market towards reconstruction and development." (point 4.2.3)

The program outlined the new semi-federal democracy with a human rights clause in the Constitution, a professional public administration, and a lively civil society. The RDP specified rural development. It centred women in rural areas:

> Development efforts must address the special position of women, as they make up most small-scale farmers, and bear the brunt of poverty, overcrowding and hunger in the rural areas. They take responsibility for all aspects of their families' lives, including the need to obtain food, fuel and water, often over long distances, but are excluded from decision-making structures. They are the bulk of the seasonal labour force in agriculture but receive the lowest wages. Their priorities include accessible water, sewage disposal, infrastructure, land rights, housing, training, local development committees, a disaster relief fund, markets for their production, and good representation in local government. (point 4.3.9)

The RDP suggested devolution of power to the local level. A primary objective was "to pass much of the control of democratic government-funded services to the rural people for whom they were intended ... This will require fundamental changes to institutions and processes" (point 4.3.11). The RDP envisaged the

> opening up and reorganization of agricultural schools to meet the needs of the majority. Training and retraining of new and existing extension workers, community development officers and officials dealing with land reform are critical to the success of our rural development and land reform program. (point 4.3.14)

The RDP also envisioned "a central Ministry of Rural Development and Land Reform" (point 4.3.15).

The RDP was at its core a social democratic program, envisioning as it did a strong democratic enabling and regulating state, an economy that combined democratic management, social and ecological responsibility, lively differentiated markets and a democratic and professional transparent state. The mainstream liberal economic idea of development at the time was growth first in capitalist market economies and accumulation of public funds through taxation and then public welfare and development for the population at large – the trickle-down theory. "In this view, development is a deduction from growth. The RDP breaks decisively with this approach" (point 1.3.6).

Despite point 1.3.6, Hunter et al. (2003) are of the opinion that the RDP of 1994 was a step on the way to accepting a neo-liberal economic policy that later was expressed explicitly in the GEAR (Growth, Employment and Redistribution) program. They argue that it was the apartheid government that around 1980 shifted policy from an inward-looking interventionist (corporate) strategy to "one which became increasingly free market-oriented" (Hunter et al., 2003, p. 8). In 1990, the ANC (in Harare) saw nationalisation of large private industry as a mainstay of its economic policy. By 1992, in its *Ready to Govern* document, the ANC was more market oriented. Several economic research projects (MERG and ISP) developed ideas of economic policy "between old style ANC economic thinking and the dominant neo-liberal ideas of the Washington Consensus" (Hunter et al., 2003, p. 9). The idea of nationalisation without compensation to private owners has seen a resurgence on the political agenda in recent years, principally by Economic Freedom Fighters (EFF) leadership.[5]

The assessment of Hunter et al. (2003) was that the RDP was little more than a compromise:

> But in detail, the RDP proposed sometimes contradictory ideas. For what it did was an attempt to marry the ANC's old social democratic and socialist values (redistribution, basic needs)

5 It was reported in the *Daily Maverick* (26 August 2020) that EFF chief whip and deputy president, Floyd Shivambu argued for the nationalisation of the SA Reserve Bank and the expropriation of private shares without compensation before Parliament's finance committee. More recently, 13 December 2023, *Business Day* featured a contribution in its Letters section referring to how, during a visit with King Misuzulu Zulu, EFF leader Julius Malema had done South Africa a service by clarifying that expropriation of land without compensation would not affect land under the Ingonyama Trust.

> with new neo-liberal ones (trade and financial liberalization, the independence of the central bank), ostensibly held together through (centrist) institutions and accords at which all the 'social partners' would be represented. As Bond and others have noted, it was in the course of its formulation, impacted upon by 'status quo' forces, both South African and international, who had made great efforts since 1990 at influencing the political leadership of ANC. In the end, the RDP reflected an uneasy compromise between 'the feasibility of combining a social welfare state in the developmental sphere with neo-liberalism in the economic sphere.' (Hunter et al., 2003, p. 10)

2.2 The Growth, Employment and Redistribution (GEAR) program

The ANC Government published the GEAR document in 1996. In contrast to the open public debate before the RDP was finalized, the ANC did not hesitate to make the non-negotiability of the program patently clear.[6] The ANC demanded that its trade union (Cosatu) and Communist Party partners toe the new line. The GEAR strategy marked a return to the neo-liberalism the apartheid government of 1980 had tried to implement, well in line with US government and World Bank interests. It was at least a partial return to the mainstream trickle-down theory: growth first, then welfare to common people (Hunter et al., 2003, p. 10). Hunter et al. describe GEAR as a neo-liberal program, "with a slew of supply-side measures in respect of trade, industrial policy and support for new investment, innovation, small businesses, and black economic empowerment" (Hunter et al., 2003, p. 11). The authors question the secrecy around the development of the GEAR policy. Even Mandela was worried. At a trade union (COSATU) conference, Mandela said that the ANC had not discussed GEAR internally until it was too late to make changes (Hunter et al., 2003, p. 12). The authors suggest that GEAR curtailed several poverty alleviation measures that were installed in the wake of RDP. They suggest that the GEAR program in no way managed to generate taxable private activities that could make trickle down a reality: "the real economy is performing nowhere near the levels that are needed to

6 In chapter two, Davids (2005, p. 33) describes the move from RDP to GEAR as a move from a people-centred to a growth-centred strategy: "To some, this clearly signalled a shift in the ANC's policy priorities from an explicit people-centred development approach to a growth-centred approach in line with the Washington Consensus agenda."

address the problems that South Africa inherited from Apartheid" (Hunter et al., 2003, p. 12).

The first phase of policy making was some years up to 1994 and the publication of the RDP. The 'nationalisation-strong state' discourse was thereafter abandoned. The official discourse was set on respecting property rights and transfer of land through land markets. This phase might be named the market integration phase of land reform. Cousins suggests a second phase up to 1999, when the ANC Government entered a broad and complex dialogue with stakeholders in land, to solicit their opinions and to inform them of the officially accepted land reform narrative. Towards 1999, the RDP goals for land reform were substantially reformulated. The Government gave higher priority to land reform through markets and to the 'two-phase development strategy' (trickle-down): first, development of a high capitalist economy; and second, redistribution of surpluses from high capitalism into welfare for people outside markets.

2.3 The Land Redistribution for Agricultural Development (LRAD) program

In 2000, the minister of agriculture, Thoko Didiza, announced the LRAD program. Focus officially changed from the RDP's "favouring the poorest rural people", to the LRAD's emerging farmers. Land reform was to benefit agricultural production and emerging African commercial farmers. Didiza said land reform had been too centralised, too slow in its decision-making on restitution and redistribution and without engagement in necessary infrastructure. The LRAD demanded that beneficiaries put up a minimum of ZAR 5 000 (in money, in kind or in labour, or a combination of these forms). Grants could range from ZAR 20 000 to ZAR 100 000 and more depending on the quality of the business plans proposed for the prospective farming operation. Plans were to be approved at the provincial level. Infrastructure was to be organized at the local government level.[7] The Government reduced the tasks of the Department of Land Affairs (DLA) to planning and oversight. The Department of Agriculture (DoA) was to engage more closely with beneficiaries and new farmers, both in the planning, approval, and implementation of business plans. Tasks for the DoA defined in LRAD included designing the program, providing training for beneficiaries,

7 As to the question of centralisation, the number of municipalities in South Africa was reduced from 800 to 250 in the run up to the local government elections in December 2000.

coordinating policy and intergovernmental relations, organizing approval committees, evaluating business plans, and providing agricultural support services.

The LRAD recognized subsistence production as a way out of poverty. The complexity of rural bricolage livelihoods (different activities generated from specific local conditions) was not recognized. The idea that rural livelihoods could be improved as such, in their various formats, and that development could follow a more interactive, synergetic relation between rural livelihoods and commercial production and trade through markets, was not a concept in LRAD. Transformation, commercialisation and black farmers was the LRAD outlook. The Government adopted the neo-liberal paradigm: the market takes care of distribution of land. Strong government takes care of infrastructure through sovereign institutions (police, military, and judiciary), through management of technical and financial infrastructure (national banks, research, development, and education) and through welfare (*in casu*: welfare payments to older people and unemployed people in the rural areas).

Some (e.g. politicians in the Northern Cape parliament) have suggested that this neo-liberal paradigm has been the frame for Government land policy from the beginning, that is since 1990. Acceptance of that paradigm was key to a negotiated transition with white power to democracy. It left capital distribution in the country untouched. Land redistribution was to be a product of market transactions (willing sellers and willing, capable buyers). This left control of the process in the hands of private landowners, the real landowners. The Northern Cape informants suggested that ANC rhetoric had changed with the ANC in government. The social democratic RDP was an attempt before the elections in 1994 to convince common people of two things: (1) the liberation program of land to the people would be realized effectively and rapidly by a strong ANC Government and (2) the Government would use democratic institutions, including the land bureaucracies, to implement the redistribution and establish necessary infrastructure.

2.4 All LRAD eggs in one basket?

A problem with the LRAD idea of commercialisation of rural livelihoods was the future capacity of commercial farms and industry and service production to absorb unemployed labour. Would the LRAD idea, which had its success history in Europe during the first and second industrial revolutions, lead to enough expansion of wage work to absorb the large exit from the rural areas that the commercialisation policy most likely would

lead to? Since 1990 unemployment in South Africa had been increasing despite a radical increase in jobs in the formal sectors. People had already been moving in large numbers to urban areas in search of work, well before commercialisation of production rurally had even started (Cousins, 2004). A broader policy, improving infrastructure for multiple subsistence rural livelihoods and family farms, expansion of black commercial farming, and expansion of urban industry and services would better benefit land reform. It could be argued that land reform should have always focused on employment, both in subsistence and capital producing production and trade, with expansion of small-scale commercial farming as an element in such a broader program.

The RDP had already defined development as the integration of South African production in global markets. The RDP suggested welfare transfers to individuals outside formal employment as a development strategy. Siegmar Schmidt (2003) argued that the development of national industry was left out of the RDP program and that "the restructuring of the economy, remained relatively vague" (Schmidt, 2003, p. 153). Schmidt suggests that the RDP was a product of compromises in the ruling coalition. The left wing had wanted a radical redistribution of resources, while the Government gave priority to reconstruction of the economy through market transactions between mainly private owners of capital, both large and small. Schmidt suggests that the GEAR program expressed the true model of the new ANC. The RDP was produced in a social democratic format for election purposes, including an open process of consultation. GEAR was set in place without such consultation. The Government ignored protests from the left wing of the movement.

> The ANC and the tripartite coalition represent the interests of the African middle-class, especially the unionized workforce in the formal sector of the economy and the African business and professional community. These well-organized and articulate political forces have only a limited interest in further redistribution or in an expansion of the welfare system. (Schmidt, 2003, p. 156)

The ANC had a limited interest in supporting subsistence production in any form, either rurally or on its own terms in the urban economy. The ANC did not assign political status to rural multiple livelihoods on communally held land.

A major question in land reform is who owns and who should own the land? Private ownership of land and commercial production is at present

common in South Africa. International investors, settlers and Africans of European descent have widely expropriated land from black Africans. South Africans of European descent on some 50 000 farms, own around 86% of all arable land. Expropriation of land from black Africans started as far back as the 17th century. That constituted a significant removal of Africans off the land they had tilled for centuries. It facilitated the transformation of the peasantry[8] to farm labour, living in conditions of slavery within the farms. A second transformation occurred with the British-led industrialisation that followed the discovery of gold and diamonds in the Kimberley-Johannesburg-Witwatersrand regions. That process led to a new wave of peasant transformation, racial segregation, and the creation of migrant labour. The leaders of industry and labour offices recruited male labour from African villages, and put these labourers into hostels near industry or urban centres. When employers no longer needed their labour, they returned to the villages or the reserve areas. These two processes transformed the South African peasantry and ruined autonomous and life-sustaining peasant production. All rural production was commercialized.[9] Underpaid wage labour became common. Male migrant labourers had their families in reserve areas, with a house and a small plot of land. Their families were dependent upon them for monetary income. The migrant labourer, on his side, was economically dependent upon his family in the reserve area for life support and a place to stay when unemployed.

The ANC Government has made major welfare payments to the earlier labour reserves and to poor people in rural communities. At time of data collection, in Paulshoek (see Chapter 8), welfare recipients were powerful people. They were one of the few sources of cash. Their payments gave many people access to marketed products and services.

The new democratic government of South Africa defined land reform in terms of an historical perspective. The policy was to transfer land

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8 The Oxford English Dictionary entry for peasant reads: "One who lives in the country and works on the land, either as a small farmer or as a labourer; especially one who relies for his subsistence mainly on the produce of his own labour and that of his household, and forms part of a larger culture and society in which he is subject to the political control of outside groups; also, loosely, a rural labourer. In early use, properly only of foreign countries; often connoting the lowest rank, antithetical to noble; also to prince. Although modern sociologists agree that a 'peasant' works the land, the wealthier peasants may also be landowners, rentiers, hirers of labour, etc., and in these capacities share interests with different social groups." Hence in the analysis of many rural societies there are social divisions within the peasantry (Shanin, 1990).

9 "Apartheid [put] about eight million blacks on 13 per cent of agricultural land ... these policies caused the virtual elimination of small-scale black agriculture" (van Zyl et al., 1996, p. 6).

expropriated from African owners after 1913, where the owner could document ownership, back to its original owners. The Government defined land reform from a welfare or social security perspective. People both in rural and urban areas should experience increased security of tenure to the land they were employed and living on and using. Government defined land reform as an economic project. The idea was that poor people who wanted to become commercial small-scale farmers could get government grants so that they could buy land. The idea was that grants to individuals could be pooled, making it possible for a group of poor people to buy a piece of land big enough to start commercial farming. In that way the Government agreed with the landowners that land reform should be a market-mediated process, based on the willing buyer, willing seller principle.

The restitution of land to people who could document expropriation has been successful. One reason was the elimination of court procedures on uncontested claims. That being said, the pace of redistribution to new owners has been low. Between 1994 and 2005, 3% of white-owned land changed hands to black African owners. In the RDP election program of 1994, the Government had set out to transfer 30% of the land by 1999.

3 2019 Government-appointed panel on land reform: A critique

In 2019, a government appointed panel (here referred to as 'the Panel') presented the most recent description of land redistribution in South Africa since 2000 and charted a way forward for land reform.[10]

3.1 Introduction

Dag Østerberg (1999) once suggested that taking a detour often brings you to your destination more quickly. That seems a valid suggestion to the Advisory Panel on Land Reform (Mahlati, 2019). The report builds on research. It is encompassing, with many and detailed suggestions regarding the way forward in land reform. The late Dr Mahlati presented an outline:

- Land inequality has its background in the historically brute expropriation of land by colonizers.
- The way forward is through coordinated good governance, and capable and well-resourced institutions supported by skilled and capable officials who are focused and determined to implement policies for the benefit of the people.
- A mixed tenure model is proposed, accommodating a continuum of rights from freehold and communal, as well as multilevel ownership arrangements.
- Reconciliation has not borne fruit.
- Private donations should come forward.

10 Wandile Sihlobo, member of the Panel, responded to a version of this chapter, in *Agrekon* March 2021.

The Panel specifies the three desired outcomes of the implementation of the government's three pillars of land reform: (1) restitution of land lost, (2) redistribution of land through land markets and (3) securing tenure on land worked or held. The 1993 target set by Government was that it should have processed all claims by 2009. People could only make claims on land lost after June 1913. The cutoff date for making claims was set for 31 December 1998. The Panel is critical. No justice for people who lost land before 1913. Apartheid transformed many former customary owners of land into tenants and workers on white-owned land. This included, over time, sharecroppers who worked the land and shared a portion (typically 50%) of their crop with the landowner in return for land access; labour tenants who provided free labour, typically for six months of the year, in return for land access; and farm dwellers who resided on privately owned land with their families, some of whom might have enjoyed part-time or full-time employment (Crush & Jeeves, 1997).

3.2 Land is not a commodity

The Panel admits, as Karl Polanyi suggested long ago (1944), that land is not a normal commodity. Land is a stable base full of life itself for much of all human and animal activity. Making land a market commodity, setting a price on a piece of land, makes access to land either hereditary or dependent on money. The stark difference between urban and rural development globally is therefore partly a product of investor interests. The panel tries to find ways in which basic land values can penetrate and marginalise their pecuniary values (cf. Robin, 2022, on Keynes). Such values are permanent family homesteads; securing land for biodiversity, for industry and food production; women's improved access to ownership of land; tenure security for workers and inhabitants; securing access to water in rural and urban areas; and land as carrier of cultural experiences and beliefs (see South Africa Government land audits I and II, 2015 and 2019). The Panel, like many before it, found that redistribution of land between rich and poor in South Africa had been slow and difficult.

3.3 Land reform has not worked

Despite the insight in the ontology of land, that land is a commodity only superficially, the Panel does not ask how financial power can service the basic values of land. The Panel does try to evaluate the balance between state and market power, between market liberalism and social democracy

in South Africa. It suggests that more state and more social democracy might improve the relation between financial power and the care for popular substantive values in land. However, the Panel's focus is on government land programs and their effects on people's habitats. The Panel acknowledges the post-apartheid ANC Government's numerous programs for land reform. The Panel suggests that they generally have not worked (see list in Mahlati, 2019, p. 33). All the same, the Panel optimistically continues to suggest revised programs for land reform now implemented by what the Panel calls a "consolidated land reform policy framework" (Mahlati, 2019, p. 93).

The government has tested many programs. What has changed? What has made it more likely that new detailed programs implemented now by the same three-level South African government could work? Looking back at the facts, the Panel suggests that the major barrier has been the reduction of government power in land reform. The Panel's main suggestion, therefore, is: effective land reform is dependent on an increase of government power.

3.4 An anachronistic model

It is disconcerting that the Panel's revised program suggestions seem to fit into an old-fashioned model of central government management in South Africa. The assumption behind the model is that government could oversee complex systems in detail and make valid central decisions on implementation within each on-the-ground element in the system. On page 13, the Panel says there is a "lack of a national land-focused vision and plan: South Africa lacks a coordinated approach to dealing with all land for land reform purposes." On page 15, the Panel presents the idea of adding an overview of popular values to the central plan: "It is important to identify the values people have for the land in order to identify a central value system in terms of land." On page 40: "It should be noted that one of the largest drivers of land tenure insecurity in South Africa is the country's lack of a clear and comprehensive land administration system to achieve the goals of the National Development Plan."

3.5 African communalism: In a new presence?

The Panel refers to how *amakhosi* (plural of *inkosi*, 'chief' or 'king') argue for their collective democratic way of land management. They debunk the notion that they are undemocratic, or that their will is imposed on communities. They readily provide details of their land management systems as well as

of their African parliament (*ibandla*/*lekgotla*, etc.) which are deeply rooted in African communalism. There is a strong feeling that there is a lack of understanding of current and historical communal land tenure. As a result, the Panel gives pre-eminence to individual land rights over communal rights, thus undermining communal land tenure (Mahlati, 2019, p. 35).

Maybe such democratic organization could even lead current professional owners, farmers and farm administrators to adapt to the norms of African land and community history, securing also their livelihoods and making life more socially pleasant?

The Panel does not raise the question: Perhaps 'African communalism' can and should be a primary paradigm for land reform? That would connect land reform closer to the dramatic land history of South Africa.

It would raise debates about participation in municipal elections, debates about landholding in cities and on large commercial farms. Maybe a more communal distribution of land space, and a clarification of tasks, costs, profits and tenure systems would emanate from such a program.

No doubt, the Communal Property Associations (CPAs) are a form of communalism – and have proven difficult. Can family farms in an area become more viable if they joined into an interest organization? Maybe large farms could adopt a more democratic organization, creating a community of capital owners, workers and administrators, where the community elects farm leadership, one vote to each permanent member? (cf. Ellerman, 2021). Could such democratic organization make the large farms and companies more communal, perhaps more productive, giving all workers more dignity, more security, more responsibility, and better remuneration? 'African communalism' in all its landholding forms, fits well into the country's democratic system ideals, where every person has both dignity and, those eligible, one vote. The new land and firm/organization democracy might then be a new power at the local level, which might even eliminate the patriarchal tendencies of African communalism.

3.6 Private ownership: A basic value also into the future

The Panel suggests program revisions and some new institutions for implementing land reform, especially in land redistribution. A key background idea forwarded in the Panel report is private ownership of land for everyone outside of communal arrangements. The ideal is sufficient for land owned by African small farmers and their families in rural areas and for individual homeowners on privately or publicly owned land in urban areas. The premise is that private ownership is a basic social value. However, it is

insufficient as a principle in organizing larger firms and farms in a rapidly modernizing South African economy. It secures unreasonable power to the owners of capital. A membership organization, where all permanently engaged in the productive and administrative activity are of equal dignity with one vote each in electing leadership would seem to conform more with the social ambitions of the ANC Government. It would not threaten the interests of those who have invested private capital. They would be paid for that insertion. However, private capital would not have privileged power in the election of leadership and choice of business model.

3.7 Life unfolds locally

Overall, the Panel found that the land situation for black Africans was dire in 2019.

> The current legislative framework, underpinned by an insufficiently resilient and inefficient land administration system has yielded limited results in redressing the land issue. As a result, Africans remain 'outsiders' and 'second-class' citizens in the country of their birth. The African majority is largely landless, and with minimal economic opportunity and security. (Mahlati, 2019, p. 42)

The Panel's active and original attempts at improving government land reform programs are relevant. The Panel underscores popular participation in the definition of government programs. However, the focus is top-down, from national programs through implementing agencies to congruent change in landholdings.

Such an approach would allow the staff of the three organizations (Department of Rural Development and Land Reform, Commission on Restitution of Land Rights, and Department of Agriculture, Forestry and Fisheries), and the proposed Land and Agrarian Reform Agency to focus on the acquisition of land, the approval of investment plans, financial management and implementation of projects, thereby relieving their capacity constraints. With the concentration of power they would be able to manage larger groups of beneficiaries (Mahlati, 2019, p. 50).

The Panel considers land reform a task for government, implemented through government agencies. However, there is one institution the Panel does not offer attention: the municipalities, and by implication, chieftainships, communal landholding and local democracies.

3.8 Municipal organization

The South African Constitution secures in principle the autonomy of the municipal level of government. Apartheid eliminated the municipal level in favour of direct management from central organs of state and the police (Evans, 1997). The establishment of municipal democratic authority since 1993 has been a gargantuan task, with mixed and small results. The democratic South African government describes its local administrative division as follows:

> The transformation of South Africa from a society rooted in discrimination and disparity to a constitutional democracy founded upon freedom, dignity and equality posed, and continues to pose particularly profound challenges at local government level. It is here that acute imbalances in personal wealth, physical infrastructure and the provision of services were and are often most patent. The establishment of non-racial municipalities has not eliminated the divisions of the past, the provision of services and the distribution of resources are thus the challenges that the legacy of apartheid poses to local government. (South African Local Government Association [SALGA], 2017)

The municipalities are thus a formally recognized democratic structure at the local level in South Africa. However, their presence and functionality vary (Tapscott, 2004). Maybe less than half of the 800 municipalities were functioning in 2005. At that level, then, people are formally and in principle assigned dignity, autonomy, and responsibility, independent of any other status they might have. At the municipal local level, the distance between people, government and land is the shortest. At the municipal and ward levels the knowledge of local landholdings and land needs is the most specific. Participation in local elections and politics is therefore of utmost relevance for the redistribution and management of land in the relevant area.

3.9 Democracy at all levels

The Panel does not discuss how participation and land administration at the local level, in different areas of the country, can be improved. That participation must be an important input and a needed counterpart to

central and provincial government administration of land. In certain areas, the relation between municipal power and the power of chiefs and populations in 'African communalism' is important and contested. Democracy, inspired by the municipal system, might become a model for the inner structures of private organizations, industries, and farms. Such democratic organizations, communal private organizations and private family farms may increase engagement, efficiency, and stability in land reform. It could increase security of tenure, social equality, and unity in existing private organizations. All members, equal members in election of leadership, could increase organization and firm competence in complex environments. The Panel does not devote a sentence to the municipal sector or the task of deconstructing large farms into family farms or democratic development of larger private organizations and firms

3.10 People are subjects

The Panel reduces people in South Africa to objects of land reform. The opposite might or should be the task: to invite and support people to be the subjects of their organizations and the drivers of land reform and land redistribution. That mobilization, which would perhaps be most efficient through thriving municipalities and democratic organizations, might be a condition for more efficient land reform. Without that mobilization the chances for a repeated round of government programs managed by bureaucrats that often prioritise their own interests are increased.

3.11 Panel conclusion

Developing municipal and local democracy might be a detour to land redistribution and reform (Østerberg, 1999), but perhaps a real way forward. Apartheid-era administration was legalistic, managed from the top through powerful central bureaucracies and police locally. While deeply critical of the apartheid state, the Panel's model of land reform is reminiscent of the old system: a legally guided central administration with bureaucratic implementation, without regard for the complexities and incongruencies between policy and implementation. The Panel does not see the importance of local municipal democracy and the people as active, dignified equals in organizations and firms. Municipal and organization/business democracy might be a detour. It may require some popular power wielding. It could strengthen, not reduce, the reach and distribution of private property, including in the form of people-managed cooperatives.

4 Powerful inherited structures

4.1 European mission stations

Mission stations established in western South Africa by different European churches in the 19th and 20th centuries played a complex role in black people's relation to authority and land. They were places where black people were drawn into Christian beliefs and rituals. Black people excluded from work on white-controlled farms and business and from their own rural and urban communities could find refuge on church-controlled land.

The research team on land reform collected data from Wuppertal and Saron in the Western Cape, and from Paulshoek in Kamiesberg municipality in the Northern Cape province. Kuruman in the Northern Cape is perhaps the most famous of these mission stations, established as such as far back as 1820. A Norwegian Lutheran missionary to South Africa, Andreas Løken, wrote an article (Løken, 1955) on how European missionaries saw their task and their relation to apartheid authorities at that time.

Løken refers to black Africans as 'Bantus'. The term was used by apartheid authorities. He suggests that in 1951 the South African population could be grouped into four races, of which the natives, the Bantus, comprised 8.5 million; white people of mainly European descent, 2.6 million; 'coloureds' and/or mixed race, 1.1 million; and people of Asiatic descent, 0.4 million. Indigenous people in South Africa at the time were often referred to as 'bushmen' and 'hottentots'. Africans were pushed northwards into the Kalahari Desert and into (German-controlled) Southwest Africa (1884–1915) (later Namibia, after gaining independence from South Africa in 1990), while white settlers moved and forced their way into the country from the south.

There were four large provinces in South Africa after the country became a member of the Commonwealth in 1910 and all the way up to 1994: the Cape, the Orange Free State, the Transvaal, and Natal. "The Bantus are represented in the Senate by four whites, one for each province. In the

Assembly three white members were chosen to represent the 8 million Bantus. In the Bantustans Bantus have 'a degree of self-government'" (Løken, 1955, p. 73). In 1953 there were 1 026 Lutheran schools supported by the apartheid government. About 2% of Bantu children in the mission schools completed grade school. Some teachers in the mission schools were educated in a (Norwegian run) college at Umpumulo in Natal. The apartheid government wanted to reform the schooling of Bantus, as it perceived that the mission schools did not properly prepare Bantu learners for integration into the apartheid system. Verwoerd, minister of internal affairs, said of the new school system for Bantus:

> The Bantu schools should focus on societal organization, not on individual freedom and growth. The many mission schools generate anarchy and do not integrate kids into Apartheid. (Løken, 1955, p. 78, my translation)

> New schools were government responsibility. Churches should concentrate on their own members. Government would in the future only cover 75% of the Church payment to their teachers. (Løken, 1955, p. 79, my translation)

In the religious sphere, the Dutch Reformed Church – with 1 million white members in South Africa – led the charge for the systemization of apartheid. It argued that the separation of the races was the will of God. White Christians were the preferred race to dominate the others. Most missionary churches agreed to 'stay out of politics' and to concentrate their work on people within the physical boundaries of the accepted mission stations.

Løken elaborates on the church–state relation in South Africa in the 1950s. On the one hand was the apartheid government which saw itself as a Christian movement. From this perspective, the superiority of white people and their exploitation of other races did not contradict Christian dogma. The Dutch Reformed Church was a staunch supporter of the apartheid government. On the other hand were the multitudes of Christian missionary churches in the country which, although careful not to confront the government, argued quite abstractly that Jesus did not accept separation of the races. The only accepted separation in Christianity was between "honest Christians and sinful people" (Løken, 1955, p. 83, my translation).

The Løken article provides insight into the workings of mission stations in South Africa in the 19th and 20th centuries. Apartheid pressed on ruthlessly for separation of black and white but allowed the Christian mission

stations among Bantus and their churches to continue their evangelical work, however, only within the physical bounds of the stations. Some of the mission stations then gradually took on a more popular defensive role, becoming safe havens for black Africans that for different reasons had been expelled from their communities and workplaces. The stations owned and controlled land that could be used to safeguard and employ excluded black Africans.

By 1900 colonial rule, commercial farming and industrialisation had all but ruined nomadic pastoralism and decimated the Khoi community in the north of the Cape province (Ellis, n.d.). Nomadism was transformed into state-controlled movements of people in service of ruling class capital production and ruling class home welfare. Migrant wage labour had become a common format of work and income, leaving workers' families in labour reserves. However, some African people managed to settle in and around mission stations, especially in western South Africa, in the Cape Colony. There they could, to some degree, continue their established forms of life without severe and direct intervention from the apartheid state. Those who had entered industry as migrant workers experienced that the hard and insecure work expected of them increased the importance of 'citizenship' and access to land in the mission stations. There they had secure housing. There they had their families and plots of land. There they had assistance when needed, from family, church and friends. Some got employment in handicraft work, in farming in the communal areas, and in trade. Many received welfare.

Twenty-seven such mission station settlements in western South Africa survived apartheid. Saron was one of the smaller stations (see Chapter 8). The six largest such reserve areas were in Namaqualand. Leliefontein was one of them. Despite low rainfall, white farmers and industrialists developed significant economic activity in Namaqualand, copper mines in O'kiep and Nababeep, exploitation of vast diamond deposits along the Orange River and rich fisheries (crayfish) along the coast (Boonzaier et al., 1996).

The European missionaries tried to settle and Christianise the nomads. They were only partly successful. However, the areas surrounding the mission stations soon became overgrazed because of the concentration of people at the stations. Outposts or stock posts, where families could set up house farther from church centres, were a response to this environmental depletion. European mission leaders exploited the tradition of popular councils in the independent African communities, creating area councils with representation from the local population. Gradually these councils came under state control, first through local magistrates, then through

centralised management through the apartheid Department of Coloured Affairs. Their function changed from local conflict administration to development administration, in effect integrating the mission stations as labour reserves for the new apartheid industrial and farming economy (Løken, 1955).

4.2 Myths

Traditional leaders use historical and mythical narratives for decisions on distribution of land. Nkosi (1999) describes how people in KwaZulu-Natal (in eastern South Africa) request ancestors for blessings of their hunting and for rain. People go to mountaintops to pray when disasters hit. People make sacrifices before eating. All such collective actions convey norms and values to people. Myths strengthen norms for exploitation and conservation of resources (Levi-Strauss, 1996/1966). Similarly, the commercial farmers of Boer descent in South Africa often were (and are) strong believers in their own right. For most settlers of Dutch descent, their colonial- and apartheid-era settlement on the continent hinged on an interpretation of the Bible that saw the white race as endowed with a God-given civilizational role in Africa. This operating principle legitimated the Boer appropriation of African land for farming, the confinement of Africans to reserve areas and in concentration camps during war and the forced conversions of others to Christianity.

In the official narratives of southern Africa's former national liberation movements, the concept of a collective, regional solidarity in the struggle against white minority rule – Pan Africanism – features prominently (cf. Getachew, 2019). Since gaining political power in 1994, the ANC has consistently repeated the mantra that the unwavering assistance and solidarity from its kindred movements in Africa was vital to its success. However, lingering beneath this façade, the reality is often different. A picture emerges of interparty disputes, a litany of broken promises and soured relations. There is perhaps an amnesia about African solidarity, replaced by a self-serving mythical portrayal of history designed to suit the ANC's power project. Focusing on the ANC, Mathew Graham (2014) examines the historic origins and contents of liberation narratives, demonstrating the continued importance of the 'solidarity myth'.[11]

11 See Rouanet (1964) on George Sorel on myths as inspiration to heroic action.

4.3 Communal land

Historically, most black Africans in the rural areas, either employed as migrant or seasonal workers, or unemployed, or on welfare, have lived on and tilled communally held land (Cousins, 2002b). Commercial farmers have land as private property, as freehold. An important question is, how different are those modes of production, the organization of agriculture on the ground in the two assumed systems? Are the differences more of scale than of quality? Is the Government's choice of supporting emergent black commercial farmers as the prime beneficiaries of land reform perhaps more a product of a power play, than a choice between incompatible systems of production?

In Paulshoek, for example, communally held land was distributed at stock posts among families and was used for stock production. The main problems were lack of access to markets and overgrazing, two problems most likely related. The tenure system was managed and flexible, adjusting access to land to changes in family needs and opportunities. Some land was sold for small-scale commercial farming. A problem was that too much power was concentrated in the most resource-rich families in the community, limiting the power of the Development Forum,[12] for example, in the regulation of the number of roaming donkeys. However, the community, as the surrounding commercial farmers, tried to produce stock, grain and vegetables for consumption and to amass a surplus for investments; the farmers through regional and national markets, the peasants in Paulshoek for direct family consumption, not because they could not produce for markets, but because the infrastructure for such distribution was not available. Ben Cousins describes this communal tenure system.

> In contrast, African systems of land tenure are based on the principle that everyone within the community of origin has rights to land, but that individual rights are balanced against their obligations to the social group. Rights are shared and relative. Systems tend to be inclusive, not exclusive, and rights and obligations are held at a number of levels of social organization, from neighbourhood to the village and to the larger community.

12 The Development Forum was a voluntary elected meeting for development and land reform within the RDP. While the Development Forum wielded informal political power, it was not integrated in the municipality – ward – structure.

> Rights in community-based land tenure systems can be very secure. Significantly, these systems ensure that access to land is available as a vital safety net for the poor. They are not necessarily a barrier to investment and development, nor to land transactions such as sharecropping, leasing or sale. (Cousins, 2002b, p. 3)

The commercial farmers in the area struggled to produce stock with a surplus. They developed their strategy within the field of exchange-value considerations, that is within monetary categories of cost, income through sales and investments. In Paulshoek use-value considerations seemed primary, not because of a system difference, but because the possibilities for sale were limited. The commercial farmer is perhaps sole owner of a large tract of land, a tract like that occupied by a large number of families in Paulshoek. However, the commercial farmer is also part of a solidarity system, the AgriSA organization in the Leliefontein area. The farmer's actions are developed and legitimised in that collective. The farmer is dependent upon a welfare system of sorts, when he or his family is beset by illness, for example. Seen this way, agricultural production in the Leliefontein area is activity within one economic system with two types of land holding. The system is animal and vegetable production based in specific, ecological knowledge, motivated in terms of use- and exchange-values. A barrier is the lack of cooperation between the different landholders.

Seen this way, the organization of production is not a question of choices and conflicts between incompatible systems (capitalism, socialism, communitarianism). Cooperation over the commercial-communal divide need not be antagonistic. In a community private-communal need not be either or. Seen this way, the differences of scale – high surplus in commercial, low in communal – are outcomes of status assignments, political strategy, power, and choices, and not of system differences (cf. Mamdani, 1996). The distribution of land in Paulshoek and among commercial farmers in the area is more a product of solidarity organizations and power, specifically political power, and their take on obligations, rather than differences between impersonal systems.

If this is the case it is important, because solidarity can transcend class and group differences. Power is best seen as a continuum, from less to more power, while different impersonal economic systems are different value systems, different cultures, with disjunctions, but no continuum between them. Either you are in the one or in the other, practically, and mentally. The terrible aspect of this difference is those who hold power can convince

the less powerful that they belong naturally to a separate system, a different system, a system on its own. Such framing can isolate. No communication, no obligations across the divide. The apartheid idea of homelands was built on such a two-system image where black Africans should make it on their own. The problem for apartheid powerholders was a different reality: they needed black people's labour.

Land is part of the physical, material base for everything human. It is a 'brute' fact (as John Searle would say) in all human activities and relations. Through the power of institutions people in one place can get control of land in other places (e.g. urban dwellers own farmland, the central government owns land, etc.). It is the dialectic between the actual use of land and the power over land that is a theme here. How land is used is dependent upon the institutions and social relations through which land is interpreted and used. Land reform then is not only a question of changing the distribution of landholding, or restitution of land to earlier owners, but also a question of building institutions that support new owners over time.

John Bruce (2000) has developed a set of concepts for the analysis of land ownership and land use systems. The colonial fiat of state ownership of all land – for example, in Tanzania and South Africa – was motivated by control. Through formal ownership the colonial/settler state could regulate community and individual ownership directly. Bruce suggests that the idea of communal tenure was expounded because it kept indigenous Africans from farming privately leaving that format of activity to farmers and corporations supported by the colonial/settler state.

The model of land tenure, where land was held in communal tenure and could not be sold by individuals was essential. All had an equal right to land (Bruce, 2000, p. 23). On the other hand, individual ownership could be supported when people were under the control of apartheid friendly institutions, like church-run mission stations (like Paulshoek and Saron). Such controlled private ownership

> where individualization was forced by State-sponsored reforms, it usually did not have the desired impacts on small farmers' behavior. New investment did not materialize, and land was not used as collateral to secure credit. (Bruce, 2000, p. 18)[13]

13 This comment relates to de Soto's thesis on the importance of individual titling of land ownership as a strategy for rural development, discussed in Cousins et al. PLAAS Policy Brief, no.18, October 2005.

Bruce suggests that the term 'common property' or 'commonage' encapsulates a land area that can be managed by communal authority and where that authority may assign land to individuals under conditions that are close to actual private ownership. Open access land, he suggests, is land without any such community authority in place and where typically the 'tragedy of the commons' (Ostrom, 1990) is likely when the number of users exceeds sustainable use.

Community resource management may also be important when the natural resource is in movement, like rivers, fish and wildlife. Those resources are less conveniently partitioned for management by individual owners or households. Large forests and grazing areas can be difficult to individualise because of the costs of establishing boundaries.Those resources can be termed common pool resources (Ostrom, 1990). Their physical characteristics suggest viewing them as a common pool that can be accessed by many. Common property can be defined as "property of a group held as a common pool that group members use simultaneously or sequentially" (Bruce, 2000, pp. 21–22; Ostrom, 1990). In communities there may be areas used under different tenure systems, for example, land as private property, grazing land as common property and forest and river areas as common pool resources. Bruce suggests the term tenure niche. Bruce evaluated the understanding of regulated land use at the beginning of the 21st century as positive:

> the overall climate at the beginning of the new century is positive: current thinking is less sure of final solutions, more aware of the limits of law and state action, more respectful of indigenous systems, more participatory in its methods, and more ready to accept diversity. This bodes well for the next century of tenure studies and policy. (Bruce, 2000, p. 26)

4.4 Urban–rural relations

Deborah James (2001) suggests that the ANC's focus on black commercial farming overlooks the fact that rural people in South Africa often are dependent on activity in urban areas. The sharp distinction made in the land reform program, that it should concentrate on emergent commercial farming, is contradictory to the integration of the rural and urban in the lives of many Africans. Poor people move intermittently to the outskirts of cities to find work and different kinds of pecuniary incomes. James's point is that land reform in the peri-urban areas may be of high relevance

for improving living conditions in the rural areas. Limiting land reform to increased commercial farming is to overlook the established relation between rural and urban life. James's argument echoes Mamdani's (1996).

The new state is bifurcated. Democratic-type liberal rule in the urban areas. Despotism in the rural areas, managed through co-opted traditional leaders. A system of state domination that continues under the ANC Government. Mamdani's point is that rural poor people were integrated into the colonial urban industrial system through the bifurcated state. The apartheid state managed the migration of labour between industry and the labour reserves. James adds that people in the rural areas have over a long period been integrated into the national, white-controlled industry. For that reason, people want land reform to help them become citizens in a new democratic industrialised society. Becoming a black commercial farmer within the massive system of white commercial farming in the rural areas of the country is a limited and special interest relative to the broad demand for black citizenship and eradication of poverty in South Africa. Movements between the rural and urban areas remain common for perhaps the majority of Africans in South Africa post apartheid

4.5 Land productivity

Sender and Johnston (2004) question the theory that small-scale farming is more productive per hectare than large-scale production. In effect, they question Binswanger and Deininger's (1996) thesis of family farms being by far the most productive. Their point is that small-scale commercial farming within the highly developed system of large-scale production does not increase employment per hectare. Therefore, productivity does not rise above the level common on the large farms. In sum, the inherent disadvantages of larger-scale farming and the immutable advantages of small family farms in terms of labour control and discipline are not evident in sub-Saharan Africa. It is not surprising, therefore, that there is also no convincing evidence that small farms outperform large farms in terms of yields per hectare, or even in terms of input intensity (Sender & Johnston, 2004, p. 154).

They argue that research has shown that small-scale farming has most often been dependent upon remittances from family members going to urban areas to gain incomes there. In support of their argument, they reference James (2001) and Pauline Peters (1983) (Sender & Johnston, 2004, p. 153). The huge cost for the state in the purchase of land through the land markets, in the sum of grants of ZAR 16 000 to individual purchasers of land,

also reduces the economic viability of the small-scale commercial farming focus of the land reform program. With the recent liberalisation of the support program, so that larger subsidies/loans can be given, the demand that the purchaser puts up the equivalent of ZAR 5 000 limits the program to a black community elite. The overall effect of the land reform program is that the huge number of poor people, and especially households headed by women, who often still reside in the earlier homeland areas, cannot benefit from the program. Sender and Johnston conclude "that over the last decade, redistributive land reform in South Africa has had adverse effects on the standard of living of [a] very large number of the poorest rural people" (Sender & Johnston, 2004, p. 158).

Again, a system difference between small- and large-scale agriculture is under attack. Sender and Johnston suggest that the difference in productivity is not present, and that the ANC land reform program therefore does not meet the interests of the rural poor. In Paulshoek, land reform meant the exit of farmers from the village to remote areas where they could set up farms. From being entrepreneurs within Paulshoek who could interact with other forms of economic and social activity in the community, they exited and were absorbed into the commercial farming system, producing for markets, and interacting with other commercial farmers. The same was obvious in Saron, where the four farmers assisted by the extension service from Elsenburg succeeded, in that they left the village.

If Sender and Johnston are correct, then focus of the reform program on commercial family farming is not going to reduce poverty in the rural areas. The program will draw the upper sections of the rural communities out of those communities and into commercial farming, leaving the majority in poorer conditions. If their evaluations are correct, they indicate again the unity of the economic system in South Africa. The institution of migrant labour has generated that unity, that integration of the rural and the urban. Black people in South Africa are workers, either employed or unemployed. Drawing some of them into the ranks of owners, either of industries, large farms, or service companies, does not change the character of the system.

The improvement of the lives of common, poor African people, both in the rural and the peri-urban areas in South Africa is then dependent on the expansion and the improvement of wage labour. Whether Sender and Johnston make a correct argument cannot be determined here.

Having people on communal land in rural areas is valuable because they create buffer communities – not directly controlled by either government or market actors with freedom of organization. Buffer communities have competencies of value in the present transition to a commercial competitive

economy and the transition from the apartheid to a democratic form of rule. They can assign small plots of land to many people, many families. They can manage land flexibly in relation to changes in the demography and the needs of the population. Through welfare payments they can improve living conditions for both welfare recipients and the community more generally (through taxation). They can become places of permanent living for people employed on farms, in industry and services in the cities. They can assist people in the movement into independent family farms. In this way the villages with communal ownership of land are buffer zones in an integrated, but conflict-ridden and difficult process of increasing family farming and increasing the income and the power of wage labour in the country. The ANC's obligation to create black commercial farmers as the centrepiece of land reform is at best a serious social limitation on the program, at worst a pro-capitalist focus that will penetrate, fragment, and weaken other adjacent land systems.

Henry Bernstein (2003) argues that commercial farming in South Africa is becoming doubly industrialised. First, liberalisation and competition lead to a radical introduction of new industrial-type technology into commercial farming, leading to fewer farm workers on each farm; and second, the structural tendency in contemporary capitalism [is] towards increasing determination of farming by corporate agribusiness, upstream and downstream (Bernstein, 2003, p. 504).

The result is that farmers no longer are the key force in agricultural politics. They were increasingly subject to subordination to corporate agribusinesses, including [those] emerging from their 'own' farmer cooperatives. Cooperatives experienced assault on their historic privileges by other capitalists and the state, not least the Reserve Bank, and were weakened by the gathering momentum for deregulation and liberalisation (Bernstein, 2003, p. 505).

In this way commercial farming is on the one hand more exposed to international economic and technological competition and on the other hand under more control and organization of agribusiness. Relatedly, more organized and liberalised capitalisms develop together in South Africa, creating a more unitary system of "organized market capitalism" (Barkin, 1975). If Bernstein is correct, first, the withdrawal of the South African Government from the economy is a choice, not a necessity.

Second, commercial farming is becoming more organized by upstream and downstream corporations. A reduction of state participation in this organization process is then a choice that leaves the organizing corporations with more power.

An increase in state participation in social improvements within all land systems might benefit all parties, including members of corporate capitalism, both the capital owners in the corporations and the industrial workers. In that context the land reform program would naturally engage in a broader set of policies designed to improve both unemployed and employed workers' living conditions, in and out of season, to improve infrastructures in the rural communities and to improve productivity on communally held land. Again, assuming the referred literature is mainly correct, the present focus on emergent black commercial farming on large-scale farms seems a threat to an increased common access to needed land.

From these discussions communally held or managed land emerges as a free space for land reform. Free in the sense that different choices of farming organization are open and possible there. The market model appears to favour large-scale capitalism. That model will move agricultural production towards larger corporate farms and hinder popular welfare. Communal management and stronger municipal and local government appear to increase popular power in an open-choice, sensible setting, where people and organization of farming and industry can move in both directions, towards larger or smaller units, towards communal or private firms and farms. If this is correct, then a key to successful land reform is the development and strengthening of local government. In effect, what can seem a detour to socially fair and viable ownership structures in the economy, the Panel's idea of more planning at the national level and a more centralised efficient government, may be well and good, but perhaps only if better and more democratic local government is a major intention in the ANC Government's land reform policy.

4.6 Bricolage

Peasants live under a landlord, a private or a state/public landlord, working a plot of the landlord's land, paying rent. In South Africa there are hardly any such peasants. In Tanzania, there are many such peasants, with the state as landlord.[14] Peasants in Tanzania are, however, hardly

14 The colonial regime in Tanganyika declared all land public land under the authority of the governor. "Sovereignty and property merged and enabled close control and administration of land by the executive" (Government of Tanzania report, 1994, p. 123). Because the colonial order of the state owning all land was continued into independence, and because codification of customary rights of peasants and villages in land is weak, "village lands have thus become a pawn in the hands of powerful officers and organs of the central and local Governments" (Government of Tanzania report, 1994, p. 124).

taxed. Many live independently in the countryside within clan or family. Many live under the authority of village councils. In Zimbabwe and South Africa, industrialisation and the system of migrant labour eradicated the independent peasantry (Mamdani, 1996). Commercial farms and estates employ farm labour. Farm labourers live in abject poverty in villages within or outside the farm (Ewert & du Toit, 2005). Workers' families have been pushed into 'labour reserves', radically reducing each family's access to land. The workers in industry, mining or on farms have been more severely exploited because of their support-connection to the villages. Surviving under precarious working conditions of low pay and off-season unemployment forces such workers to return home for sustenance during periods of no or irregular work opportunity. The segregation and apartheid took this integration of the working population into farming and industrial production to its extreme.

Bricolage is the life situation of multiple livelihoods, where people find ways of sustaining their lives in a maze of existing and created opportunities and where people develop knowledge of those opportunities and how to exploit them. Levi-Strauss (1996/1966) highlights two aspects of bricolage:

1. The goal and the reference point of livelihood activities is subsistence, finding or producing those goods and services needed for consumption and storage – most often for an extended family. Livelihoods are sought wherever seen and available. Over time that generates complex competencies and innovation. With the goal of family subsistence, such multiple livelihood activities are seen from a perspective of long-term sustainability. Difficulties in securing a basic family livelihood can threaten that livelihood system.
2. Because bricolage is most common in agricultural civilizations, practical knowledge is more common in bricolage than conceptual-theoretical knowledge. Knowledge is built from and within practical experience. Phenomena of importance are named (signified) and placed into narratives of how the phenomena are created and sustained. The narratives are conservative in the sense that their purpose is to help sustain a community. That means organizing for social stability and for sustainability in the exploitation of natural resources. Totems and spiritual values assigned to established social relations, to important things and animals can have a regulatory function. A bricolage community can mean stable social orders without much space for negotiating roles.

Bricolage is the search for livelihoods in any system of production, based in practical knowledge and value considerations. The rural township dweller searching for a job, assisting his neighbour repair her house, finding clothes for his kids; the student in Cape Town or Bergen for that matter, trying to find an appropriate line of study or a highly educated worker trying to find an appropriate workplace are all to some degree bricoleurs. The permanently employed specialist based in a profession is not.[15] The ANC could strengthen its position if its land reform policy in industry and agriculture included support for bricolage, especially among people whose income falls below the poverty line. Bricolage is an activity that may well contribute to innovation in most systems of administration and production.

4.7 Subsistence production in capitalism

If it is accepted that capital production is production to markets, where the produced goods are priced and sold and where the firm computes its success in the difference between pecuniary incomes through sales and production costs, then substantial subsistence-oriented production can be observed in advanced capitalism as well. Such livelihood-oriented activity is then not production of priced products and not directed at markets. It is production of use-values. Thus, much production in the public sector in capitalism or in market economies generally is subsistence production. For example, work in public welfare institutions and in public universities is of a subsistence character. Nothing there is produced for markets. Pricing there is a means of administration, not a means for gathering profits.

Most of the work done in families, in sustaining the family in its different activities, is subsistence production. The value of the work is measured in its use-value. In capitalist firms, there is likewise a larger or smaller amount of subsistence-oriented production. Most of the repair and maintenance work in the firm is of a subsistence, use-value, character. Also, much development work in the firms, the development of the technology and the products to be produced, is subsistence type of work. Nothing there is directly sold. The ability to do the work is stimulated primarily by use-value considerations, although in the next stage, when production speeds up, the effect of new

15 Frances Cleaver, in Benjaminsen and Lund (2003, p. 15), suggests a concept of "institutional bricolage" where institutions absorb a multitude of cultures, ideas and norms and "do the thinking on behalf of people". Cleaver develops a structural definition of institutions at some variance to the concept of institutions and rationality developed here.

established technology and improved maintenance might be measured in profits, however indirectly.

The synergy between subsistence production and monetary wealth generation is then continuously evaluated in advanced capitalism, in all four sectors of activity: (i) the private sector, (ii) the sovereign state, (iii) the welfare state and (iv) the families. The idea that the two systems are contradictory seems false. However, much of the political struggle in advanced capitalist societies is concerned with the distribution of work between the private and the public sector, between directly capital productive work and indirectly productive work. Owners of capital will continuously try to absorb subsistence production into capital production, wage work directed at production of priced objects for markets. For instance, cleaning and repair work in companies outsourced to cleaning and repair companies.

Capital and subsistence production on land are therefore symbiotic. However, the political struggle is such that commercial capital will continuously strive to absorb subsistence-oriented use of land into the capital system. Subsistence-oriented production is much less expansive, much more oriented towards long-term survival under the existing conditions of nature. Capital production has finance capital as a spearhead of integration. Finance capital has been used to purchase land and natural resources under subsistence use. Many subsistence producers are defenseless against such offers, and are not integrated into existing capital markets, so that prices offered by finance capital can seem very high, which they often are not when seen in terms of existing markets.

Thus, a possible important innovation in the South African land reform program could be to venture more systematically into the possibilities of synergies between capital and subsistence production, perhaps finding modes of development that generate trust and cooperation across the urban/capital–rural/subsistence divide and between capital production and subsistence-oriented work within the capitalist firm and/or farm.

5 The ANC's burden of state organization

5.1 Nationalisations

Ben Cousins (2004) suggests that the idea of nationalisation of land in favour of the African rural population was on the political agenda of the ANC up to the publication of the RDP. The Freedom Charter of 1955 defined a radical program of redistribution, with a strong state implementing the program and using nationalisation of land, with or without compensation, as a method of redistributing land. Through the ANC–NP negotiations, a discourse of respecting existing property rights and redistributing land along the willing seller, willing buyer principle was established. The idea of state expropriations of land had disappeared from the program. Why the ANC changed its outlook is an unanswered question.

5.2 Land under chiefs

The ANC had long considered tribal leadership contradictory to a new South African democracy. Around 1994, that changed. The ANC Government suggested accommodation (*White paper on traditional leadership,* 2003). The white paper suggested that traditional leadership (a) was legitimate leadership at the local level; (b) should give council to democratic organs at the local level; (c) could not make decisions that contradicted South African law and (d) that traditional leaders could not have seats in local public councils without being elected.

ANC Government obligations to rural communities changed over this period, from mainly welfare thinking (all receiving the same support) to also supporting business (i.e. support diversified according to business plans); from a focus on only the rural poor to a focus on emergent African farmers; from confrontation with to accommodation of traditional leadership. The

obligations had become increasingly conservative, in the sense that land reform was to happen within the constraints set by existing institutions. In effect, existing institutions limited the scope of land reform.

5.3 Varying views on land reform

Since 1994, there has hardly been an actor or organization in South Africa explicitly against some degree of land redistribution in the country. Perhaps the community of Orania in the Northern Cape is an exception. There, a local organization worked to declare Orania an independent apartheid republic in South Africa, in protest to the ANC transformation to democracy. However, the willing seller, willing buyer principle for land redistribution limited public intervention into the functioning of land markets. Those markets were to an extent active during the apartheid period. The idea of grants to poor landless people does not contradict the principle. Such grants create, hopefully, new 'willing – and able – buyers'. The idea of public expropriation of land without compensation does infringe on the principle. However, with full compensation, the capital position of the owner of the land is not affected by expropriation. The expropriation pushes the owner off the land but does not change his or her monetary-capital position or strength. A more radical policy is to avoid compensation. Taxation of landowners is also a method of redistribution.

Twenty-five people published their views and analysis of land reform in van Zyl et al. (1996). 12 of them were bank employees. 13 were academics and/or employed in the South African Government. The editorial team comprised of Johann van Zyl, at the time professor of economics at the University of Pretoria, on sabbatical at the World Bank. Johann Kirsten was senior lecturer at the University of Pretoria and Hans Binswanger was policy advisor at the World Bank. The group's view was that land reform should take place, and that it should prioritise family farms and redistributions should take place through market transactions, not through state intervention. Their vision was outlined on page 603:

> increase efficiency, equity and employment-intensity by moving towards a more diversified farm structure centered around competitive commercial, owner-operated family farms. These farms should not be dependent on subsidies and government support for their sustainability, but primarily should be supported and serviced by the private sector. The role of government should be to establish a comprehensive legal institutional

> and policy framework which will ensure a level playing field for all players. This framework will include increased reliance on markets, privatization, deconcentration and decentralization. (van Zyl et al., 1996, p. 603)

Markets are mentioned in the following quotation from the RDP (1994, p. 20): "Redistribution [must use] market and non-market mechanisms to provide land"; "Only a tiny minority of black people can afford land on the free market."

There are many economic actors in South Africa that do not speak up on land reform. Those actors are primarily in the urban industrial and financial economy. However, inspired by the Government program of black economic empowerment (BEE), some corporations and smaller companies have been willing to reorganize to increase black employee presence in their organizations. De Beers had an empowerment plan, which saw a major portion of South African operations of the diamond producing company sold to a BEE company (Ponahalo). Ponahalo intended to distribute some of its profits for welfare among present and earlier African employees of de Beers. While land redistribution is not explicitly part of Ponahalo's activity, its economic empowerment and the intended consequences thereof represent an acknowledgement of the harsh exploitation of Africans by multinational corporations in South Africa.

5.4 The Landless People's Movement

A more radical voice is heard from the Landless People's Movement. It demands more direct and powerful interventions in favour of transferring land to poor people, and to people who have built their shacks illegally on private and/or public land. The Movement accused the judiciary of lack of respect for poor people. In 2005, a new voice in land reform came in the form of the Abahlali base Mjondolo, the shack dwellers' movement. S'bu Zikode, the Movement's leader, told of the hardships of shack dwellers in an article in the *Cape Times,* (Zikode, 2005, p. 13). Zikode speaks of shack dwellers as a third force beyond the purview of ANC-NP-DA politics. The Abahlali Movement appeared to herald a new form of popular solidarity. Here is a selection of statements from Zikode's article:

> The third force is all the pain and suffering the poor are subject to every second of our lives. Most of us are not working and have to spend all day struggling for small money. Aids is also worse in the

> shack settlements … Without proper houses, water, electricity, refuse removal and toilets, all kinds of diseases breed … People stay awake worrying about their lives. You must see how big the rats are that run across small babies … The rain comes right in people's houses. Some people just stand up all night. Those in power are blind to our suffering because they have not seen what we see, they have not felt what we feel every second, every day. [Those in power] should come here and stay in our jondolos. They must feel the mud. They must share six toilets with 6000 people … For us the most important struggle is to be recognised as human beings … The poor have been isolated from the middle class. We are becoming more poor and the rest (the top and the middle classes) are becoming more rich … We are on our own. We are completely on our own … We thought local government would minimise politics and focus on what people need, but it all became [party] politics … We discovered in Durban that our municipality does not listen to us when we speak to them in Zulu. We tried English. Now we realise they won't understand Xhosa or Sotho either. The only language they understand is when we put thousands of people on the street … The betrayal [by the new democratic authorities] mobilised the people. The people who betrayed us are responsible for this movement. Those people are the Second Force … [Our Movement] has nothing to do with politics or parties. Our members are part of every political organization you may think of … We are driven by the Third Force, the suffering of the poor. Our betrayers are the Second Force. The First Force was our struggle against Apartheid. The Third Force will stop when the Fourth Force comes – land, housing, water, electricity, health care, education, and work. We are only asking what is basic, not what is luxurious.

5.5 The ANC's state organization dilemma

Historically, South Africa is a state founded on the violent penetration of African rural communities from 1800 by Britain in favour of large-scale commercial farming and industry. The South African state was formally created in 1910 when four provinces unified. A union that was recognized by the British government. British settlers ruled the state through both world wars. In 1948 Boers won the national elections and created the apartheid state. It ruled up to 1990, leading to a new democratic constitution in 1993.

The apartheid state organized the white ruling class. Apartheid was a corporative form of state, rule through corporations of the dominant economic class. The state managed every facet of the white-owned capitalist economy, making most large enterprises state companies and tearing apart black African communities through an extremely oppressive system of migrant labour. The state organized separate living and working spaces for everyone. The state exercised absolute control over movement between those spaces. Between 1989 and 1994 control over that state was won by the ANC in the last instance through the ANC–NP negotiations. The ANC facilitated the drafting of a completely new Constitution that enshrined equal voting rights for all citizens, in a country with one national parliament, one government and one supreme court, a country divided into 9 semi-autonomous provinces, again divided into some 800 municipalities, each – on paper – with elected councils and municipal administrations.

For the social democratic ANC that victory posed dilemmas. The ANC found that, as a political party, it had to perform a juggling act. On the one hand, was the socialist ideal of a strong state, with the capacity for politically motivated interventions in society, a pillar of ANC ideology. On the other hand, was the deconstruction of the apartheid state, a monster, a heavily centralised state with many supporters even in the 1990s. The outcome was a radical, largely peaceful reorganization.

All employees of the apartheid public administration serving at the time were incorporated into the new state organization. No one would be sacked in the first five years (the "sunset clause" proposed by Joe Slovo during transition negotiations between the ANC and NP). In this huge reorganization, the ANC has wavered on the way forward: socialism or capitalism, expulsion or integration of the white population, the rainbow nation vs. black African communities, a federal or a unitary state, balancing urban-modern and rural-traditional development, etc. Part of the problem was that those assigned leadership within the first ANC Government were often people who had been in exile when the apartheid regime strengthened its struggle for survival in the 1970s and 1980s.

5.6 Struggles of state in ANC

Three somewhat destructive forces or sets of ideas appeared to be pulling the ANC in different directions: a strong state, with deep penetration into local communities, and a socialist perspective. Thus, the ANC's love-hate relationship with the inherited heavily centralised and specialised public administration. The ANC's ruling elite closely related to the western

international community at time of data collection. So was the white middle class, still in command of high positions in the country. That community has pushed for neo-liberal ideas, especially a retreat of the state from economic regulation and social responsibilities. Some of the liberalists in the ANC identify with the white middle class. They want to implement the retreat and make use of markets in land redistribution. One consequence of the success of that policy is that the needed reorganization of the state, especially at provincial and municipal levels, gets ever less attention. The danger is a kind of anarchy in public administration.

A third dilemma is between democracy and efficiency. For the social democratic ANC, with nearly 70% of the voters on its side at time of data collection,[16] the interest in effectiveness and efficiency can easily overshadow interest in democracy, especially the interest in giving priority and power to common elected institutions at all levels of government. This weakened interest in democracy can emanate in a neo-patrimonial state (Medard, 1996). That is a state authority produced by a combination of personal/ethnic/party rule and a legalistic bureaucracy.[17] If opposition to the ANC does not become more powerful and legitimate, an entrenchment of neo-patrimonial development is more likely. The danger of neo-patrimonialism increases if the ANC locates itself specifically and exclusively in the black African population (Africanism), and if the leading elite in the ANC becomes part of the liberal middle class in charge of a weakly developed and weakly professionalized public administration (Appiah et al., 2004).

5.7 Ben Cousins (PLAAS): Stages of land reform 1994–2016

Ben Cousins (1996) describes land reform in South Africa across three stages, based on the three democratic South African presidencies at time of writing: Nelson Mandela (1994–1999), Thabo Mbeki (1999–2009) and Jacob Zuma (2009–2016). The latter period is beyond the purview of the present study. The Mandela period had a focus on workers and their families, but

16 The ANC got 50% of the vote to the National Assembly in 2019.

17 Francis Fukuyama reminds us of the real-world effects of the conditionalities contained in donor assistance to poor countries, like the World Bank's structural adjustment programs (SAPs). How, in neo-patrimonial states, such conditionalities can lead to either the elimination or reduction of assistance to the poorest societies within the weakest states: "so enforcement of conditionality rules mean rewarding better-off countries that have succeeded in reforming. Exercising conditionality on bad performers means cutting off the poorest of the poor from external aid or finance" (Fukuyama, 2003, p. 33).

pursued redistribution through the market, along the lines of the willing seller and buyer principle. There were multiple objectives, many defined in the RDP. However, Cousins is critical: those early goals were not met. The broad worker focus was not implemented.

The Mbeki era changed focus from workers to emergent black commercial farmers. The ANC under Mbeki set out to expand government capacity and to develop an integrated land reform policy. Again, Cousins is critical of the results.

The analysis of the Zuma period (2009–2016) is beyond the scope of the present study, but Cousins' rich analysis can be used as a reference to the critique of the Panel, presented earlier in this study in Chapter 3. Cousins (1996) explains why so little progress has been made in all three stages:

- Policy lacks coherence.
- Private ownership is a government baseline.
- Too many assumptions are unexamined.
- Land reform policy is misdirected.
- State capacity is inadequate.
- The Constitution favours land reform.

5.8 Overall evaluation

Policy change has been evident mainly in the realm of rhetoric. In 1994, land reform was to redistribute land to the many common people of South Africa, especially to people in the rural areas. In 1999, land reform aimed at supporting emerging commercial farmers. In the early 1990s land reform had many beneficiaries: land for housing, for public services/amenities, for family farming and gardening. Around 2000 land reform was targeted at commercial farming, especially under black ownership.

The present study has registered a deeper change. Early on it was seen as welfare, with equal public support to all individuals who wanted access to land. Later Government saw land reform from a business or production perspective, with public assistance for the acquisition of land for commercial farming. The Government took on the responsibility for infrastructure (electricity, education, and transport). Why did the Government change both its outlook (from welfare to production) and its social focus (from common people in rural areas to emerging commercial farmers)?

With a radical transformation of the state, manifested in the ANC control of government and majority position in all except two of the nine new

provincial legislatures, a parallel radical reorganization of land distribution between the social classes in the country might have been expected. However, land reform has so far been a complex and slow process. In 2002, Deininger and Songqing wrote that between 1994 and 1999 only about 0.5% of those who had registered a need for land had received land through the land redistribution process. After three years of operation (by 1997) only 200 000 hectares of land had been transferred to about 20 000 households (Deininger & May, 2000).

5.9 Costs of land reform

The authors compared the government expenditures on land reform to expenditures on housing and old age pensions. Between 1996 and 2002 the housing fund was allotted ZAR 17 billion, old age pensions ZAR 8 billion. Over the same period, ZAR 2 billion was dedicated to land reform (restitution, redistribution, and more secure tenure) (Deininger & May, 2000).

> The data from the national Department of Agriculture and Land Affairs speaks to the slow pace of land reform and the contradiction between visions and actual practice. In 1994 the 50000 white landowners owned 82 million hectares of land. That was about 82% of the 100 million hectares of land suitable for agriculture, including stock grazing areas, in the country. There was no black person or family owning a commercial farm. By 2005, after 11 years of land reform, black African farmers had 2,5 million hectares of farmland. They were largely transferred through the land market. That is a transfer of about 3% of the 82 million hectares of agricultural lands over 11 years. (*Financial Mail*, 2005).

5.10 The relevance of the South Africa case

South Africa has implemented a political revolution, creating a new, formally democratic state on the ruins of an oppressive, racist, segregationist and, after 1948, apartheid state. Since South Africans managed that task, other radical moves might be expected, for example, a radical redistribution of land in favour of common urban and rural black Africans.

The struggle over land ownership and land use has perhaps been the most consistent dimension of struggle between the colonizers, the settlers and

the indigenous African population from the very first European incursions into South Africa around 1650.[18] This consistent presence of the land conflict and its changing formats over time, indicates that the land reform program is a centrepiece of South African politics, meaning that the land question engages all actors in South African politics.

The South Africa case might establish radically new ways of using land in a democratic and ecologically sustainable manner in an earlier colonized and now globalised economy. The country maintains extremes of large-scale globalised capital production and communally owned and intensively used land for survival purposes among millions of common people. This tension in South Africa mirrors and can be regarded as a microcosm of a global structure between rich, industrialised and poor, mainly agricultural, countries.[19] With the elimination of formal apartheid through negotiation, the question of how to manage the relation between rich and poor in South Africa is relatively open, with a large space for strategic, innovative decision-making. In its early days, the high international legitimacy enjoyed by the then new ANC regime conferred greater freedom to enact radical policy to the fledgling democratic Government. The likelihood of international sanctioning of even relatively novel and radical solutions and experiments was low. South Africa was rendered a unique laboratory for innovative land reform due to its maintenance of the geographically proximate, highly specialised, globally connected capital-producing industry and farming, and subsistence-oriented use of marginal land among millions of common and poor people. South Africa is a test case of land reform of the highest importance, at least for possible economic developments and self-rule on the African continent.

If South Africa manages a peaceful transition to a stable democracy, it might become a model for democratic developments elsewhere on the continent. If it managed to redistribute land so that 50% of the population that lived in poverty in 2001 could experience social and economic security within reasonable time, its power on the African continent would increase.

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18 Francis Fukuyama (2003, pp. 26, 27) says of land reform: [de Soto's problem of formal titles] "merges into the old and familiar one of land reform, which remains a critical obstacle to both growth and democracy in countries from the Philippines to Pakistan. In such countries, carrying out de Soto's program would require a social revolution. Land reform was a critical condition for the rapid and relatively egalitarian economic growth in post war Japan and Taiwan. But it is easy to forget that this condition could be brought about only through the exercise of political power at the end of World War II."

19 Or between people living under the biological regime, dependent upon solar energy in plant and animal growth, and people living under the industrial regime, where fossil energy is used to motor machines, to use Robert Marks terms (Marks, 2002).

South Africa is a special African case because it has a strong capitalist economy in farming, mining, industry, finance, and services. At the same time, welfare and living conditions among many common people are terrible. South Africa is a test case for the future relations between global capitalism, African democracy, and local survival systems among common and poor people with limited access to markets. With the new national democracy consciously inserted, for the time being between the local level and global processes, it also is a test case for democratic states on the continent.

6 The land state in the western region of South Africa

6.1 Land reform on the ground

What were the main results of land reform from 1994 to 2006? The data from the national Departments of Agriculture and Land Affairs, reported in the *Financial Mail*, 4 November 2005, speak to its slow pace and the contradiction between vision and practice. In 1994, 50 000 white landowners owned 82 million hectares of land. That was about 82% of the 100 million hectares of land suitable for agriculture, including stock grazing areas, in the country. There was hardly a black person or family that owned a commercial farm. By 2005, after 11 years of land reform, black African farmers had 2.5 million hectares of farmland. That land had largely been transferred through the land market. That is a transfer of about 3% of the 82 million hectares of agricultural land over 11 years. That means less than 1/3 of one per cent per year. The number of black people benefiting from the land reform program was stipulated as comprising 1.2 million of the 46 million Africans (of African or other non-European descent) living in South Africa around 2000. That is about 2% of all. At time of data collection, about 17 to 20 million black Africans lived below the poverty line defined by the Government. Of the 1.2 million beneficiaries, 75% benefited from restitution of expropriated land, a process that picked up pace as uncontested cases could be decided through the administrative system, without court procedure.

The target set for 2014 was for 24.6 million of the 82 million hectares of white-owned farmland in 1994 to be transferred to black Africans. That was 30% of the land under white ownership in 1994. The target was to be implemented over a nine-year period. That means approximately 3.3% per year. The 2005 vision was to transfer each year about the amount of land it had previously taken 11 years to transfer. The Government's abandonment of the RDP as early as 1996 seemed to suggest that many of the RDP goals were seen as unrealistic.

> Perhaps the most important reason for the failure of the RDP was that government was too "soft", too hesitant and in the end avoided making critical choices about RDP priorities. One possible interpretation – according to John Luiz – for the government's sudden abandonment of the RDP in 1996, is that the government at that stage accepted its own limitations and also realised that it did not have the manpower and the state capacity to implement the RDP. (Terreblanche, 1999, p. 5)

Although it is an evaluation, the target set in 2005 seemed equally unrealistic, at least if the transfer system remained the same. The Government argued that LRAD would speed things up. To what degree that was the case will be investigated here.

6.2 Livelihood improvements

It is important to see land transfers in relation to other improvements in people's ability to access necessary life resources. Poverty alleviation can take place without people moving to new land. As argued by Lewis and Marais (in *Mail & Guardian*, 16 May 1997), the RDP had spurred policy initiatives and implementation. Lewis and Marais summarised: 160 000 low-cost houses had been erected; the one-millionth water connection had been made, a nutrition program reaching 12 300 schools was functional; 550 clinics had been built and 2 400 upgraded; an increased number of pregnant women and children under six years of age received free health care and about ZAR 1 billion had been approved for new school buildings. All these public works were material improvements in common people's lives (Askvik & Bak, 2005).

Lewis and Marais registered a gradual change of focus in the RDP program. The Government was losing interest in the idea that a strong social democratic state should improve welfare and actively arrange a redistribution of resources to the poorest half of the population. The World Bank supported the idea of pulling the state out of the economy, leaving economic transformation and economic regulation to markets. In this neo-liberal strategy, the state should be responsible for democracy, for transparent administration of approved policies and for publicly financed infrastructure in the fields of energy, transport, and research. This change was forewarned in the Government's RDP white paper "which bristled with thinly veiled injunctions that would later be elaborated in GEAR" (Lewis & Marais, 1997).

Schmidt (2003, p. 157) suggested a major success in the "delivery of basic services", in line with Lewis and Marais' description. Between 1994 and 2000, 4.8 million people were supplied with clean piped water. 85% of the population, then, had access to clean water. However, only 32% had running water in their homes.

Despite advances in health care, the AIDS pandemic did not abate. The RDP contained vague ideas about the development of industry. Schmidt suggested that the omission was doubly serious, as the number of jobs in the formal sector had been going down. "Between 1994 and 2000 most economic sectors shed labour ... A reduction of some 815 000 jobs was reported lost in agriculture, fishing and forestry 1995-96" (Schmidt, 2003, p. 158). (The reduction = the difference between jobs lost and new jobs created.)

ANC policy on land reform and government system competence in that field are related. Policy makers will have an eye to existing competences and the government will itself be active in putting pressure on the party to formulate policies that powerful government institutions can or want to implement. Organized actors in society can wield influence in government and party circles. Those actors who speak the language common in government will have an advantage.

6.3 Study group (SG): The public land elite

Sixty-six politicians and land bureaucrats in the Northern and Western Cape provinces responded to the questionnaire that the study on land politics, trust relations and land reform implementation (an Admin-Africa project) distributed. Of the 66 respondents, 35 resided in the Northern Cape and 31 in the Western Cape. The study group comprised 27 politicians and 39 administrators/bureaucrats. All the politicians in the two provincial legislatures received the questionnaire from the Office of the Speaker.

6.4 The politicians

The researchers distributed a questionnaire to all the elected politicians in the Northern Cape and Western Cape legislatures. 10 politicians in the Northern Cape and 17 in the Western Cape legislatures responded to the questionnaire. The respondents were reasonably representative of all the politicians, as can be deduced from Tables 5 and 6.

How representative of the party membership in the two legislatures were the 27 politicians?

Table 5: Party affiliations in legislatures and in the study group

Absolute numbers

	Northern Cape	NC Study group	Western Cape	WC Study group
ANC	20	6	18	6
NNP*	8	2	18	3
DP**	1	1	6	6
FF	1	1		
ACDP			1	1
UDM			1	1
Total	**30**	**10**	**44**	**17**

Percentages

	Northern Cape	NC Study group	Western Cape	WC Study group
ANC	67	60	41	35
NNP*	27	20	41	18
DP**	3	10	14	35
FF	3	10	-	-
ACDP	-	-	2	6
UDM	-	-	2	6
Total	**100**	**100**	**100**	**100**

* The NNP won 7% of the vote in the 1999 election and 2% in the 2004 election. In 2001, the NNP allied with the ANC in the Western Cape.
** The Democratic Party. Forerunner to the DA which was established in 2001 as a product of a DP and NNP coalition.

If we compare the size of the ANC and DA groups in the legislatures and in the study groups, we get the following result, illustrated in Table 6.

Table 6: ANC and DA in legislatures and in the study group

	Legislature NC	NC Study group	Legislature WC	WC Study group
ANC	20	6	18	6
DA	9	3	24	9
Total	29	9	42	15
ANC in % of total	**69**	**67**	**43**	**40**

As the last row in Table 6 above suggests, the study group sample mirrors the parties well.

6.5 Party leadership

Where in the party hierarchy were the respondents located? The questionnaire asked the respondents about their positions in the party, whether they aligned with either of the following designations: 'common member', 'member with some management responsibilities' and 'members of the party leadership'. The responses indicated that respondents in the Northern Cape were somewhat more top-heavy than respondents in the Western Cape, as can be seen in Table 7.

Table 7: Location of politicians in the party hierarchy

	Top	Middle	Common	Total
Northern Cape Parliament	6	4		10
Western Cape Parliament	8	8	1	17
Total	**14**	**12**	**1**	**27**

Top-level politicians were represented in both groups. That is of course likely, as study group participants were selected from politicians elected to the legislatures.

6.6 Structures in the land state

6.6.1 Gender representation among the politicians

In the whole group of 66, including members from the provincial legislatures, the departments of agriculture, and the provincial offices of the national Department of Land Affairs, the gender distribution was 49 males to 16 females. One respondent preferred to not share their gender information. The Department of Agriculture (DoA), in the Western Cape study group was all male. In the Northern Cape study group, the DoA was represented by 9 males and 3 females. Gender data on the bureaucrats in the departments were not available. Gender data on all the politicians in the legislatures were available. The percentage of males in legislatures was higher in WC than in NC. The study group (SG) was highly representative: NC: 75% in SG, 70% in legislature; WC: 85% in SG, 80% in legislature.

6.6.2 The bureaucrats

The questionnaire asked each respondent in the public administration to identify the position they held in their institution. It distinguished between directors and officers in the departments of agriculture and the offices of the

Department of Land Affairs and between MECs (members of the executive committee) and regular members in the legislatures. The data (not published here) indicate that the members of the Western Cape administration had a higher proportion of directors than in the Northern Cape. While the balance between directors and officers in the Western Cape study group was 9:2, it was 5:7 in the Northern Cape. The balance between MECs and regular members of the legislatures was 6:11 in the Western Cape and 2:8 in the Northern Cape. This difference may be partly explained by the difference in age. There were more lower-level personnel in the Northern Cape study group, roles which corresponded with younger people in that study group. This difference may explain the more unconventional or more radical, innovative positions on land reform in the Northern Cape materials.

The data on years of employment suggest that it is the group of DLA bureaucrats in the Northern Cape that had experienced the shortest service time (none over 9 years). Personnel in both departments of agriculture reported many years of employment, 3 of 12 in the Northern Cape Department of Agriculture (DoA) had more than 19 years of employment, and 6 of 11 in that category in the Western Cape DOA.

6.6.3 The provincial land states

If we assume that the study group of politicians was reasonably representative of the legislatures in the two provinces, we can get an impression of the biographies of legislative politicians in the two provinces through an investigation of the members of the study group. The questionnaire asked for personal data. The responses put together present a biographical profile of the provincial politicians in the two provinces. The profiles are described in Tables 8, 9 and 10.

Table 8: Age distribution in study group from each institution

	Under 30 (*N=5*)	**31-40 (*N=25*)**	**41-50 (*N=15*)**	**51-60 (*N=15*)**	**Over 60 (*N=5*)**	**Total**	**Number (*N=65*)**
DoA Northern Cape		50%	25%	17%	8%	**100%**	12
NC Legislature		50%	10%		40%	**100%**	10
DLA NC	42%	50%			8%	**100%**	12
DoA Western Cape		27%	45%	27%		**100%**	11
WC Legislature		29%	18%	53%		**100%**	17
DLA WC			100%			**100%**	3

Five members of the SG were under 30, all five in the DLA of the Northern Cape. 5 of the 10 Northern Cape politicians in SG were under 40 while 4

were over 60. In the Western Cape, 29% were under 40 and none (of the 11 members) were over 60. Thus, the Northern Cape legislature was composed of young and old, hardly any of middle age. The Western Cape legislature was of the middle aged. While the study group participants selected from the provincial parliament in Cape Town had 71% in the 41–60 age group, the group of parliamentarians in Kimberley had only 10% in that age cohort.

If we call the combination of the legislature, the Department of Agriculture and the offices of DLA at the provincial level, the provincial land state, these data suggest that the economically active and established middle class is important in the Western Cape land state. The land state in the Northern Cape was younger with some prominent older members. The age profile of the Northern Cape land state resembled the structure of the rural community, with elders more likely to be in control. In the Western Cape, the land state was in the hands of the middle aged, perhaps a more mature and powerful commercial urban elite. In the Northern Cape young people, newly educated and perhaps less established, were one half of the study group. That was the case in both the legislature and the Department of Agriculture. Again, in the Northern Cape legislature people aged over 60 years were common, suggesting that the established and authoritative members of the political parties were in the legislature. In this sense perhaps, tradition was weighted more in the Northern Cape legislature than in the legislature farther south, in the highly commercialized and industrialised agriculture of the Western Cape. No member of the Western Cape study group was above 60 years of age.

6.6.4 Education

As we might expect, level of education had a skewed distribution between the institutions of the land state. Generally, high formal education was more common in the land administrations than in the elected legislatures. We distinguished four levels of education: matriculation, matriculation with tertiary training, university degree and postgraduate degree (I, II, III, IV). Table 9 presents the distributions.

From the totals in Table 9 we see that university and postgraduate education is common. 54 of the 66 in the SG had university education. All members of the study group from the departments of agriculture had university education. Most of the selected politicians had university education in both legislatures. Compared to the population at large, the land state is an educational elite. The data describe the legislatures as more representative of education among common people in the provinces, as it should be, according to democratic theory. The land administration should

represent established knowledge in its sectors of engagement. The data confirm that higher education is important for job assignments in the land administrations.

Table 9: Levels of education in the study group, specified for each institution

	I	II	III	IV	Total
Dept of Agriculture (WC)	2	2	3	3	10
WC Legislature	3	3	6	5	17
Dept of Agriculture (NC)			5	7	12
NC Legislature			2	9	11
Office of Land Affairs (NC)		1	8	4	13
Office of Land Affairs (WC)		1		2	3
Total	**5**	**7**	**24**	**30**	**66**

6.6.5 Study group lifetime in rural areas

The Northern Cape is one of the least urbanised provinces in South Africa. The Western Cape (together with Gauteng) is the most urbanised. Therefore, the difference between the two in the study group should not surprise. In the Northern Cape all report more than 11 years in the rural areas. In the Western Cape, 6 of the 10 DoA members reported more than 11 years in rural areas. In the Western Cape legislature, 6 of the 15 reported living in rural areas long-term and 5 of the 15 had no experience with living there.

6.6.6 Occupation before entering public service

Nearly 50% of all the politicians in the study group had previous careers in teaching (12 of 27). In the group of legislators (27 in all), there were, as mentioned, six women. They were all teachers before entering politics full time. Among the male politicians, former teachers were a minority (6 of 13). While the Western Cape legislature had its share of former teachers (7 of 17), this did not compare to the Northern Cape, which can be seen as a legislature of teachers-to-politicians. Businesspersons and lawyers were more likely to have entered the legislature in the Western Cape. Neither of those two job categories was represented among politicians in the Northern Cape. In this sense the Western Cape legislature can be regarded as having been more embedded in provincial society than the legislature in Northern Cape, where business, important in the province, was not represented and the one professional in the legislature was a priest. That said, former farmers were represented among the politicians in both provinces, but surprisingly

few in the Western Cape. (This result may reflect more about the type of person most likely to have responded to the questionnaire; that is, those participants with previous experience as teachers may have understood what participation in such an exercise entailed better than their ex-farmer counterparts.) Other than that, the figures were meagre and the differences unremarkable.

6.7 Agents

6.7.1 Views on land reform from within the state apparatus

The group of high-level politicians and bureaucrats in the two investigated provinces gave their views on the Government's policy on land reform, from RDP, via GEAR to LRAD. They were asked if policy had changed over time. The study asked how the land bureaucrats understood the policy changes and whether the changes affected their engagement in land reform. The study asked about legislature leadership and control of the land bureaucracies.

Asked about the policy effects of the change from RDP to GEAR at the provincial level, the land bureaucrats said that the change had little practical effect on their work with land reform: 13 of 22 indicated 'no change'. The policy change from GEAR to LRAD, however, was seen as having a positive effect on the land reform process. 9 of 19 said the movement from GEAR to LRAD had had a 'positive effect'. However, the 'no change' cohort was still substantial, with 10 of 19 supporting that view. There was a slight difference between the Northern Cape and the Western Cape. The 'no change' group in the Western Cape (12) was double the size of that group in the Northern Cape (6).

Two factors may be at play here: (i) the Western Cape Department of Agriculture is large and established, difficult to manage from the Cabinet. (ii) The Democratic Alliance in power in the Western Cape, a regime that perhaps was less interested in change of the basic land policy than the ANC – which controlled Cabinet in the Northern Cape province.

6.7.2 The importance of land reform according to provincial land bureaucrats

Provincial land bureaucrats seemed quite in agreement on developments at the national level. The movement from RDP to GEAR had not meant much for practical land reform, according to 11 of 22. 6 saw the change as positive; 5 saw it as negative. The policy move from GEAR to LRAD was seen as positive by 8 of 19; and negative by 3 bureaucrats. 8 considered the policy change to have had little practical effect.

The overall picture is that the change of policy from RDP to GEAR to LRAD had not affected the role of the DoAs in land reform. A possible reason was that infrastructure for communal and small-scale production received little attention from the Government. The DoAs would have been participants in improving infrastructure for new landowners, had that been Government policy. 8 out of 19 saw the move from GEAR to LRAD as positive. These data indicate that the land bureaucracy had not experienced much pressure from the Government to develop or expand its competence in supporting new small-scale farming on private or communal land. In practice, Government has focused on paying small grants to potential purchasers of land. Land reform has been defined more as a welfare program than as an agricultural production program. This may explain the frustration over the land reform program and the distrust between units of the land state. The LRAD program may, however, be the first Government recognition of this weakness. In the LRAD, the departments of agriculture were assigned an expanded role in implementation and infrastructure.

If the views of the provincial land bureaucrats are representative of administrative realities, these data suggest that there can be a marked conceptual and ideological program change at the national level without those changes resulting in much change in practice at the administrative and provincial/local levels of government. This may suggest a loose coupling, large interstices between levels of government, or that policy changes become more difficult to implement as the policy moves from the national to the provincial and to the local level. The farther down the chain of governance, the denser the historical legacies, the more difficult innovation and change become.

Such local sclerosis is dangerous in countries in transition from authoritarian to democratic rule. Since sluggishness seems to increase as policy reaches the practical level, provincial government can be tempted to focus on top-level policy making and bypass or even block public attention directed at the practical local levels. The image of radical change and a powerful government is easier to maintain if attention is held exclusively at the national and provincial levels of policy making.

6.7.3 Bureaucrats' engagement in land reform

How did the land bureaucrats in all (25 in the Northern Cape, 14 in the Western Cape) evaluate the Government's engagement in land reform? What do those evaluations reveal about trust relations within the land state, the efficiency of the implementing apparatus and the differences between the provinces on these dimensions? The survey questionnaire asked the

land bureaucrats to evaluate the Government's engagement in land reform in general, at the three levels of government and specifically on restitution, redistribution, and infrastructure (of particular relevance to the poor in rural areas). For the provincial numbers to be comparable, the Western Cape numbers had to be multiplied by 1.8 (1.8 × 14 = 25.2).

The participants were asked: How would you (directors and officers of the two departments in the two provinces) describe the importance assigned by authorities to land reform and to each of its three elements?

Table 10: Bureaucrats' votes for government assigning high importance to land reform

	National			**Provincial**			**District**		
	WC	*All*	*NC*	*WC*	*All*	*NC*	*WC*	*All*	*NC*
Restitution	11	31	19	5	24	19	2	11	9
Redistribution	9	28	19	8	26	18	4	15	11
Infrastructure	4	12	8	7	16	9	5	11	6
Total	**24**	**71**	**46**	**20**	**66**	**46**	**11**	**37**	**26**
Mean vote	8	24	18	7	22	18	4	12	9
Voters (N)	14	39	25	14	39	25	14	39	25

Of the 39 bureaucrat evaluations of the national government's engagement in land reform, 31 votes were for restitution, 28 for redistribution and 12 for infrastructure. Bureaucrats from both provinces agreed that infrastructure was the weakest point (4 of 14 in the WC and 8 of 25 in the NC). The Northern Cape bureaucrats had a higher, more positive evaluation of the national ANC Government in land reform than Western Cape bureaucrats (mean 18 of 25 – 72% in the NC, mean 8 of 14 – 57% in the WC).

Among the 39 bureaucrats the number of votes for 'Government assigns high importance to land reform' trended downwards (from national to provincial to district level, mean 24 – 22 – 12 votes). The closer the program got to the operational level, the fewer bureaucrats assigned the program importance. This can indicate that the ideological element of the program was important. Earlier we mentioned how the national Government saw land reform as a welfare program (small, equal grants to all potential purchasers of land). That fact indicates the same: the bureaucrats saw that convincing the public that land reform was working was important even though changes on the ground were not large and new black farms had been chronically difficult to manage. The national Government assigned land reform high priority rhetorically, but less priority in practice locally, according to the bureaucrats.

Infrastructure deviated. It got the most votes at the provincial level (16). The provincial bureaucrats saw the importance of improvements to infrastructure. Some meant that the provincial legislatures assigned similar importance to the development of infrastructure.

Using the correction factor (1.8 of the Western Cape registrations), we see that the differences in evaluations between the WC and NC bureaucrats were not that great. However, some numbers remained different even after using the correction factor. The difference remained on infrastructure. The Western Cape numbers were markedly higher at the provincial and district levels. Managerial competence in the public sector was stronger in the Western Cape land state. In Table 10 the Western Cape bureaucrats suggested that their government assigned more attention to provincial and local infrastructure. This was consistent with the earlier findings. The difference was also understandable from a factual standpoint, that rural infrastructure has historically been more developed in the rich Western Cape Province, where large-scale agriculture has dominated for a long time.

Written commentary in the questionnaire (A5 not included) was also revealing. While directors in the Western Cape DoA often made comments, their counterparts in the Northern Cape DoA did not (only 1 of 5 there wrote a comment). On the other hand, officers (below the directors) in the Northern Cape often wrote comments. The two younger officers in the Western Cape DoA did not. This may be related to the difference described under 'materials'. The respondents in the Western Cape were concentrated in the Department of Agriculture at Elsenburg. In the Northern Cape most of the respondents were in the many regional offices. But why were the directors in the Northern Cape so quiet?

What were the comments? Were they similar when the two provinces were compared? In the Western Cape, the directors agreed that the problem of land reform was Government funding of land redistribution. The assumption seemed to be that the administration, the organization, needed for implementation was in place. In the Northern Cape hardly anyone mentioned funding. Officer comments pointed their fingers at organization and process. For example, the restitution and redistribution process as being too slow. One mentioned resources. There was no infrastructure to support new settlers. The officers in the Northern Cape DoA had more varied comments than the directors in the Western Cape DoA. Some of the relevant input included comments such as:

> "People in the Northern Cape are contemplating other than official routes in claiming land."

> "The politicians are the problem. They have not come 'through the ranks' and are therefore over-optimistic about the profitability of farming. Farmers have some 24000 rand per year. Who can live on and expand their farms on that income?"

> "Commercial farmers want to sell, but they are not assisted legally – because they are commercial farmers."

The land bureaucracy in the Western Cape was involved in many ways in the administration of large-scale European-dominated farming under apartheid, while such farming was, for environmental reasons, less important in the Northern Cape. The Western Cape bureaucrats had a longer history of experience in agricultural administration under apartheid. Moreover, an ANC opposition party controlled the provincial government in the Western Cape. These are some of the background factors which could explain why the land bureaucrats at Elsenburg saw funding from the national Government as the main problem in land reform. The organization of the bureaucracy was fine, competent to take on land reform. The views of the Northern Cape bureaucrats were the opposite. They had no demands for more funds. Rather, they wanted to reorganize the bureaucracy.

Generally, a politically loyal, competent, and critically engaged land bureaucracy emerged from these data. A bureaucracy that was inherently ready for competent implementation of policy. Two issues that these data did not speak to were:

1. Did the bureaucracy have the technological knowledge needed to manage and assist small-scale and even subsistence-oriented land use?
2. Given that the bureaucracy was attentive and loyal to political authorities (no matter their political profile), was it equally competent in listening to and understanding small-scale farmers, either freeholders or people working land under communal systems? Was the bureaucracy open for and interested in mobilization and participation of small-scale farmers in the decision-making processes?

The weak link in land reform

Where was the weak link in land reform? The view of the bureaucrats, somewhat surprising, was that the weak link was the public sector. The bureaucrats saw the state as closed and not transparent. The state slowed things down and distorted or misinterpreted incoming demands. The

internal decision-making was not rational. Only one among the Western Cape bureaucrats said the weak link was the private sector. In the Northern Cape, opinions were not very different. There, only two of twelve bureaucrats pointed to the private sector as the problem. They said, "the commercial farmers are not involved". The remaining ten were of another opinion. The weak link was the public sector, the state, especially the state at the national level. Named are the Department of Land Affairs, the Department of Agriculture, the Land Commission and the Land Bank. Some mentioned the politicians. Welfare and housing were the weak links in land reform for one respondent. One mentioned a lack of professionals in the government bureaucracy. The system was too complex.

6.7.4 The importance of land reform according to politicians

There was agreement among the 25 provincial politicians that the national Government had assigned high importance to land reform. 19 indicated 'high importance'; 6, 'some importance'. No one claimed it was not important. When asked about the importance of land reform at the provincial level, the evaluations were different. Politicians in the Northern Cape said that the provincial Government (ANC) had assigned high importance to land reform (8 of 10). Only half of the group of politicians in the Western Cape (8 of 16) said 'very important', 6, 'somewhat important', and 2, 'not important'.

Politicians saying 'somewhat' and 'not' important, can be called the reluctants. Where could they be found? They were in both the ANC and DA. In the Northern Cape there were two reluctants, one in the ANC and one in the DA. In the Western Cape the two most critical were members of the ANC. Of the 6 others, 2 were ANC and 4 were DA. This picture is positive in terms of democracy. Reluctants were represented in both government and opposition parties.

When asked about their own party's assignment of importance to land reform, the 'materials' again support the 'democracy is in place' thesis. Answers given did not toe party lines. In both the Western and Northern Cape, ANC and DA representatives said their own party assigned high importance to land reform. However, among the 7 who claimed their party assigned some importance to land reform, 6 of those were DA members.

6.7.5 Politicians' views on relations between political parties

How did members of the main parties – the politicians – view interparty relations? Did the members trust each other or was there rather a gap of distrust, where the other party was regarded as illegitimate or even destructive? The study asked members of the ANC and the DA in the

legislatures to evaluate the other party on three counts: (1) How the other party fared on land reform; (2) how it fared in politics within the province; and (3) how it fared generally, at the national level. The data provided strong indications of distrust.

Table 11: The other main party in land reform

	NC Abs.	NC %	WC Abs.	WC %
Constructive	1	13	6	40
Passive	4	50	3	20
Destructive	3	38	6	40
N=23	**8**	**101**	**15**	**100**

Table 12: The other main party in national politics

	NC Abs.	NC %	WC Abs.	WC %
Constructive	1	13	4	29
Passive	3	38		
Destructive	4	50	10	71
N=22	**8**	**101**	**14**	**100**

Table 13: The other main party in provincial politics

	NC Abs.	NC %	WC Abs.	WC %
Constructive	1	13	1	7
Passive	2	25	2	14
Destructive	5	63	11	79
N=22	**8**	**101**	**14**	**100**

The message is that distrust and enmity between the parties in each of the provinces was common among the provincial politicians. The per cent using the term 'destructive' of the other party was high, lowest on land reform (NC: 38% and WC: 40%), somewhat higher when evaluating the national level (NC: 50% and WC: 71%) and the highest percentage of distrust was between the two parties within the province itself: NC: 63% and WC: 79%. If the term 'destructive' meant 'not willing to participate in policy formulation and implementation', these data revealed major barriers to implementation.

They did not bode well for agreements and for compromises, and thus for democracy.

6.7.6 The smaller parties

How do members of the minority parties in the land elite view the two main parties and their relations? In the Western Cape legislature, the UDM representative saw the main parties as constructive participants in politics. The representative for ACDP saw the ANC in positive terms (constructive) and the DA in negative terms (destructive), except in the field of land reform where the ACDP representative spoke of both main parties as "passive". The one minority party representative in the Northern Cape legislature, Professor C. Boshoff of the Freedom Front, saw both main parties as constructive participants in the political process, including in land politics and reform. The small party representatives in the land elite defined party relations mainly in conciliatory democratic terms. Parties could disagree but work constructively together within common institutions.

6.7.7 The political priority of land reform

A question put to the politicians was: In your opinion, what priority should land reform have? The respondents were asked to consider the national and provincial governments' engagement in land reform, the engagement of own political party and the respondents' personal engagement in land reform. The range of answer alternatives (5) went from much higher to much lower.

The provincial politicians had the following evaluation of the national government in land reform:

Table 14: The national government's engagement in land reform

Government priority should be	Much higher	Higher	It is OK	Total
Legislature in Northern Cape	5	3	2	**10**
Legislature in Western Cape	8	6	3	**17**
Total	**13**	**9**	**5**	**27**

The politicians were mildly impatient with the national government. Only 5 of the 27 were happy with the existing engagement. No one suggested a reduction of priority. The difference between the Northern and Western Cape politicians on this measure was minor. Half of the politicians in each legislature wanted a "much higher" engagement. The same picture emerged when the politicians evaluated the provincial level.

When evaluating own institution, the provincial legislature's engagement in land reform, there was a larger difference between the provinces. The Western Cape politicians were more impatient. 9 of 14 argued for much higher priority. In the Northern Cape only 4 of 10 argued for much higher priority. One lonely voice in the Western Cape wanted land reform to have lower priority.

The politicians' view of land reform in their own parties eliminated any idea of passive and unduly loyal politicians. Only 4 of 25 politicians said that their own party was OK on land reform. If there was a difference between the provinces, the Western Cape politicians favoured somewhat more sober language. More than half of the Northern Cape politicians said their own party should assign much higher priority to land reform. In the Western Cape 37% used that term.

How important was land reform to the politicians themselves? Only one said it was not important. The rest, 23, said it was important (5 'somewhat important', 18 'very important'). This underscores the earlier interpretation that the respondents to the questionnaires were the land reform engaged politicians, the 'specialists' in land reform. When asked what priority land reform should have in their own personal political activity, there was somewhat less enthusiasm. 9 said 'much higher', 10 said 'higher' and 7 said 'the priority I assign land reform is OK'.

6.7.8 Political democracy

These data revealed a lively political democracy at the provincial level. The politicians wanted more land reform from their parties and government authorities. They were impatient, perhaps somewhat more impatient in the Northern Cape than in the Western Cape. The politicians appeared as independent and engaged members of their own parties. The idea of a party machine controlling their actions and evaluations was not supported by these data.

6.8 Politicians' evaluations of the agricultural bureaucracy

6.8.1 Evaluations of the Department of Land Affairs (DLA)

How did the politicians evaluate the national Department of Land Affairs in general and the Department's provincial and district offices? Their evaluation of the functional quality of the department, at the three levels of its organization, is presented in Table 15.

Table 15: Politicians' evaluations of DLA

	In general	National level	Provincial centres	Regional offices
Strong	11	15	7	7
Weak	8	12	18	17
Respondents	19	27	25	24

The politicians' evaluations of the DLA did not jibe so well. In general, and at the national level, a majority saw a strong department. However, when they looked at the provincial DLA (centre) and its regional offices, the evaluation became more negative. Only 1/3 of the politicians perceived DLA offices at the provincial level as strong.

6.8.2 Evaluations of the Departments of Agriculture

How did the politicians evaluate the Departments of Agriculture? The data were parallel to those on the DLA. At the national level, the politicians in the two legislatures were divided into two nearly equal groups (strong:weak): Northern Cape: 5:4, Western Cape: 7:8. But when all eyes were on the provincial departments, the evaluations differed: Northern Cape 4:6, Western Cape 2:14. The politicians in the Western Cape were more critical of the Department of Agriculture than they were of the Department of Land Affairs. However, the overall message was clear: the relation between the provincial politicians and the national-regional DLA and the national-provincial DoA was hampered by lack of confidence in the administrative strength of the two departments. The politicians experienced a breach, a system disjunction between the importance of land reform and the administrative capacity and willingness to implement that policy.

6.8.3 Intergovernmental relations between the DLA and DoA

Should the relation between the DLA and DoA be improved? The Government indicated that the DLA and DoA should improve their cooperation, that the professional agricultural administration, especially, should secure necessary infrastructure for producers in new locations (the LRAD program). How did the land elite, both politicians and bureaucrats, evaluate the cooperation between the DLA and DoA? The study asked them: "Could the cooperation between the provincial DLA and DoA be improved?"

At 36%, the Western Cape boasted the largest number of bureaucrats claiming that the two cooperated OK. The politicians in the Western Cape were more negative. Only 6% of the Western Cape politicians said cooperation

was OK. In the Northern Cape both politicians and bureaucrats wanted more cooperation. Only one of 24 bureaucrats and none of the 9 politicians thought the two cooperated OK. Again, the differences of opinion are less extreme in the Western Cape with 44 and 6, and 0 and 83 in the Northern Cape. The Department of Agriculture group was most positive regarding cooperation between the DoA and DLA. 4 of 11 said the cooperation was OK. Generally, the land elite of provincial politicians and administrators wanted improvement of DLA–DoA relation. Only 10% (6 of 63) thought the two cooperated OK.

6.8.4 Gendered opinions

How did gender affect positions on land reform? Did men have different reality models and evaluations of institutional capacity in land reform than women?

There were, as mentioned, 16 women among the 66 land elite respondents. 7 of the women were in politics, 9 in the land administrations (8 of whom were based in the Northern Cape, one in the Western Cape). Among the 7 female politicians in the land elite, 6 of them were ANC members. One was a member of the DA. 4 women were members of the Western Cape parliament, 3 were members of the Northern Cape parliament. The ratio of university education was not different among women and men in the land elite.

Did the 7 women among the politicians view the field of land reform differently? When asked about political priority of land reform in own party there was no gender difference. Only 1 of 6 women, but 6 of 17 men, saw the other party as constructive. The need for better cooperation between the DoA and DLA was acknowledged in about the same degree among men and women in the land elite.

Overall, gender differences were small. While women were more critical of the farmers' organizations as stakeholders, they looked more positively on the role of the departments of agriculture. If there was a qualitative difference, it was that women in the land elite were more positive to public sector organizations in land reform (departments of agriculture) than the men.

6.9 Democracy in place: The legislatures are more divided on land reform than the bureaucracy

These data indicate that the democratic state structure was in place in the period 1994–2006: plurality of parties, real opposition to the ruling party, elections to legislatures and a professional (land) administration set to manage the implementation of government policies. However, there

were marked differences between the land states in the two provinces. The Department of Agriculture in the Northern Cape appeared less professionalized and less representative of occupations in society than the Department of Agriculture in the Western Cape. That may have meant a relatively weak department in the Northern Cape. Weakly embedded in society and with relatively weak autonomy (and self-esteem). It may have been a bureaucracy that is more prone to bend to external authority and power. Many politicians in both legislatures came to political power from being teachers. However, in the Western Cape legislature, businesspersons were well represented; while they had no representation in the Northern Cape legislature. With businesspersons in the legislature, that can both give business more power in politics but also make business a more responsible actor in the larger development process. As private business is powerful in the Northern Cape province, this void could have indicated a larger distance between business and the everyday politics of the Northern Cape legislature.

In all six institutions of the land state in the two provinces, personnel had experience living in rural areas. In this sense, the land state in the two provinces seemed well-embedded in the rural areas. The Northern Cape legislature had a stronger contingent of young people (between the ages of 30 and 40) and it had a stronger contingent of women. People over the age of 60 were more common in the Northern Cape than in the Western Cape legislature. In this sense, the Northern Cape legislature seemed more radically representative of the broader and largely poor population of the province. However, the Western Cape legislature was definitely more representative of business and the middle-aged men in that province. That meant a stronger middle-class representation in the Western Cape legislature. Representation that has historically been important for organizing state activities conducive to the development of the capitalist market economies of other societies.

These data on how politicians evaluated the Government's performance in land reform contain an interesting contradiction: the politicians were sceptical of the competence and the engagement of the land bureaucracy. It may be that the questions posed to the land bureaucrats in the questionnaire were tilted in a positive direction, in the sense that the land bureaucrats could there express a more positive view of land reform and their own role in it than was possible in questions posed to the politicians. Another possibility is that the politicians were the problem, in the sense that the politicians were reluctant to take leadership roles relative to the land bureaucracy. They provided neither policy guidance nor the necessary funds. To conceal their own neglect, they attacked the land bureaucracy. It may be that the

weaknesses of the policy making system were greater than the weaknesses of the administrative systems. It may be that the gaps, the disjunctions between the political parties, their members, and their constituencies in the field, were larger and more severe than the disjunctions between the land bureaucracies and their clients, be they large-scale producers, large-scale agro-industry, or small-scale commercial producers.

6.10 Obligations on land in the Department of Agriculture at Elsenburg

In 1995 the Agricultural Institute at Elsenburg was renamed the provincial Department of Agriculture. In the 1994 elections in the Western Cape, the National Party won the most seats, 23 of 42, in the new provincial legislature. The elections in South Africa, which gave the ANC a majority in 7 of the 9 provinces, affected how agriculture was conceived. The elections typically represent a disjunction, a challenge, moving people into reflection rooms, trying to find new solutions to the experienced challenge. Two years before the name change, in 1993, the Agricultural Institute wrote of its mission:

> Elsenburg strives to be a dynamic leader in market-oriented agricultural development by promoting effective farming in the region. Its goals include the development of economically sound technology and the exploration of new production opportunities, while taking into account the current and future needs of producers and consumers and conserving natural resources.

Three years after the elections, the new Department of Agriculture at Elsenburg wrote of its mission:

> To promote by means of technology development, technology transfer and agricultural training, sustained agricultural production and marketing within the Western Cape economy to the best advantage of the entire community, by creating food security, improving personal income and general quality of life ... the vision: global success, competitive, inclusive [agriculture] in balance with nature.

How did the land bureaucracy in the most advanced agricultural province in South Africa respond to the new regime and the national ANC-RDP agricultural-land reform policy in the first years after the 1994 elections?

How did an earlier entrenched and powerful land bureaucracy under apartheid respond to the new land reform program in a context of a democratic Constitution, a national ANC government and National Party rule in the province?

6.10.1 Apartheid in Western Cape agriculture

In the early 1980s, the National Party drafted a multi-tiered constitution. The National Party's Constitution Act no. 113 of 1983 created three race-based parliamentary chambers. (1) The Coloured House of Representatives and (2) the Indian House of Delegates were minor chambers with minimal powers relative to (3) the House of Assembly, the parliament elected by the South African population of European descent (Fife, 1996, p. 376). The purpose of this segregated state organization was analogous to that of the earlier established 'autonomous' homelands for black African people. Through separation and separate state organs for each race, the white ruling race could exclude black and coloured people from citizenship in South Africa. Indirect rule could continue. The white community would, through the state, control the whole system, putting black people into 'autonomous' Bantustans. The white rulers assigned a kind of self-determination and autonomy, in effect an isolation, to other, 'inferior and subordinate', races. Each chamber had its own public administration. Black people thus had a perverted 'state autonomy'. They were assigned 'self-rule' through separate nation-state organs and through 'native authorities' in homelands. There was a white-controlled department in Pretoria for 'native affairs' (Evans, 1997). The coloured population, more than half of the Cape population, had a Department of Local Government, Housing and Agriculture located in Cape Town. Under the white parliament, the House of Assembly, there was a General Affairs Department. It controlled the sub-racial departments. There was an own affairs department managing white agriculture, named the Department of Agricultural Development. At the national level there was a Department of Development Aid, with a Directorate of Agriculture for the support of agriculture in the 'black' homeland states (TBVC states)[20] (Adams et al., 1993, pp. 16–17).

The Coloured Labour Preference Policy in the Cape area was historically important in excluding blacks from the region. In 1994 there were 3.6

20 To eschew its responsibility to its black population, the apartheid government declared the homelands, Transkei, Bophuthatswana, Venda and Ciskei (TBVC), independent states (with self-rule). These constructions were never recognized in the UN or internationally.

million people in the Western Cape Province, 38% of whom were under 20 years of age. 16% of those 3.6 million were black Africans; 58% were coloured people, with roots that could be traced back to the Khoi San; 25% were white people of European descent and 1% were Asian (from India). One quarter of the population was engaged in agriculture. 12% of the labour force was in primary sector employment, in effect 190 000 workers, 83% of which were farm workers living mainly on white-owned commercial farms. Most coloureds were farm- and agro-industry workers. However, there were 20 000 rural households of historically disadvantaged, part-time coloured farmers in the country, established in and near mission stations, called Coloured Rural Areas (CRAs). 12 CRAs were within the Western Cape province, encompassing 630km^2 with a population of about 42 100 (in 1995).

> Underdeveloped and overcrowded, at time of writing, the CRAs were characterised by declining agricultural productivity, high levels of unemployment, and deepening poverty. Middle-aged or elderly males do most of the farming on a part time basis. Although most farmers are literate and have many years of farming experience, few have had any agricultural training or tertiary education. Moreover, most of the youth is not interested in farming as a livelihood[21]. In these marginalised communities, managerial, entrepreneurial and leadership skills are scarce and deep rifts and opposing factions holding back social progress. (Catling & Saaiman, 1996, p. 162)[22]

The 9 000 large farm units in the Western Cape were white owned. The size of the farms varied from 700 to 5 000 hectares, a few as large as 20 000 hectares in the arid Karoo region. Most rivers in the province were regulated for irrigation purposes (Goldin, 2005; for farm workers on the large farms, see Fast, 1997).

The Western Cape had the strongest large-scale commercial agriculture in the country. It was expanding. The province has five distinct agro-ecological areas: the semi-arid North West, with intensive agriculture along the Olifants River; Swartland and South Coast, with a climate favouring

21 Michael Lipton reports the same fact: "… most of the demand for rural land has been for residence (including a garden), not for commercial agriculture" (Marcus, 1996, in Lipton et al., 1996).

22 See Information on the Rural Areas Act | Western Cape Government for more information on Coloured Rural Areas (CRAs): https//www.gov.za>documents rural areas act

wheat, barley and sheep production, the high winter rainfall Boland area with intensive production of deciduous fruits and wine and the arid Karoo region with extensive livestock farming.

In the 1990s there were seven agricultural colleges in South Africa. One was at Elsenburg in the Western Cape. The six others were in other provinces, in the Highveld region, in the Karoo, in Natal, in the Eastern Cape, in the Free State and in the Transvaal (old, pre-democratic constitution names, Adams et al., 1993, p. 17).

Agriculture contributed 10% of the province's GDP. Farm workers earned on average ZAR 4 100 per year. Output per farm worker was stipulated to have been ZAR 20 150. Coloured workers were favoured on the white farms, with higher pay and better housing. The black urban migrant workers lived in single-sex hostels. Unemployment among blacks in the urban townships was between 30% and 70%, with a national average unemployment of 33% of the economically active population over 15 years of age. Large settlements of poor black people surrounded (and still surround) Cape Town. The two largest were Gugulethu and Khayelitsha (Wesso, 1995).

Apartheid excluded all black and coloured people from capital ownership, be it economic, educational, or social. The main economic thrust of the segregated system was the creation and control of cheap migrant labour. According to du Toit, conditions for black farm workers were a world apart from urban black industrial employment: "to enter the world of the farm, no matter how close it is to the city, is to enter a different world" (du Toit, 1993, p. 315). It is a world of paternalism, patriarchy, and exploitation, not least sustained through the control of workers' lodgings and their physical movements. Farm workers had rudimentary organizations. They were often local, scattered unevenly in the farming areas, and weak. Some white commercial farmers took on the task of representing farm workers. Farm workers often saw themselves as 'part of the family', without a separate voice, spoken for by their farmer masters.

> The notion of being "part of a family" is often still an integral and genuine part of the world views of not only the white farmers, but also of the coloured farm dwellers they exploit. (du Toit, 1993, p. 4)

Historically white-controlled capitalism in South Africa, with the active support of a strong segregating state, drove rent-paying but economically independent and viable African peasants off their land. They were reorganized and reduced to migrant wage labourers or labour tenants

(Oettle et al., 1997). The idea of separate administration of the races left control of capitalist enterprises fully to the white community. Compulsion was widely used to keep black and coloured people in their lodging areas, and subordinated their 'own' administrations under white leadership.

6.10.2 Elsenburg in commercial agriculture

Elsenburg's history supports the deep unity thesis, that is Elsenburg and the interests of white owners of large-scale apartheid agriculture were one and the same. Elsenburg, owned by Martin Melck from Prussia, was the largest private farm in the Cape province during the 18th century. People under conditions of slavery worked on the farms. There was a school for workers' children within the farmhouse area. The farm had water channelled from Simonsburg through a mill race. In 1898 the Cape authorities purchased Elsenburg. It was rebuilt as the first agricultural college in South Africa. Elsenburg recruited students from Victoria College (which later became Stellenbosch University). In 1917 the Faculty of Agriculture was created at Stellenbosch as an offshoot of Elsenburg. In 1937 a research unit on deciduous fruit, Infruitec, was separated from the Elsenburg farm and college. In 1955 a research unit on wine production was established at Nietvorrbij, just outside the town of Stellenbosch. This signalled the increasing specialisation of institutions in agriculture beginning in the 1950s. The ARC, the Agricultural Research Council,[23] became a large and powerful institution (some 4 000 employees) beside and above the universities and colleges, engaged in financing development projects and improving agricultural and management skills.[24] More specialised research institutes were organized under the ARC.

In the 1960s and 1970s, the demand in agriculture for more specialised research and for publicly employed agriculturalists increased. At that time the Elsenburg Institute and Stellenbosch University were competing for

23 The ARC is the principal agricultural research institution in South Africa. It was established in its current form in 1990 through the Agricultural Research Act 86 of 1990 (and amended by Act 27 in 2001). However, ARCs have a longer history in South Africa and other British colonies, dating back to 1931 in the former. In the 1930s, the independence from government leadership of the agricultural research council established by Great Britain around this time was contested (DeJager, 1993).

24 The 1997 Oettle et al. report points to how the separation of research institutes into the ARC has "isolated ARC research capacity from extension services" and considers the formation of the new ARC has a negative impact on the research system's ability to absorb and understand black farmer needs: "The nett outcome has been a definite process failure in the communication and understanding of especially black farmer needs. Suitable research, technology development and application have subsequently all been retarded" (Oettle et al., 1997, p. 61).

supremacy in this field of education. The university had its focus on research and theoretical science, while Elsenburg concentrated on more practical knowledge, educating engineers, veterinarians, and agriculturalists. Elsenburg was part of the Cape region's farmer community, with specific knowledge of the demands for professional workers and management on the farms and in the agro-industry (de Villiers in interview).

Conforming with the idea of separate administrations for each race in South Africa, since 1979 coloureds had had their 'own' agricultural college at Kromme Rhee, under Elsenburg's leadership. It was a school for short courses for coloured agricultural workers on the large-scale commercial farms. In the mid-1990s Kromme Rhee was formally integrated into the Elsenburg Agricultural College. Black and coloured people had from then no institution catering for their agricultural education. Elsenburg did on demand arrange some short courses for black and coloured African workers, for example, courses in dairy care and the use of tractors. As most land use beyond the large farms was informal production in gardens, the agricultural schools catering to small-scale family farming were non-existent in the Cape province.

By the 1980s, 17 specialised research institutes in agriculture and farming were organized under the National Department of Agriculture. In 1992 they were transferred from the department to the national Agricultural Research Council (ARC), a parastatal, 70% of the cost of which was financed by the Government and by donations from the private sector. These developments left the Department of Agriculture, both at the national and the provincial level, responsible for applied science, in effect, the development of production technology, transfer of new knowledge to farmers and education and training of farmers, farm engineers, farm economists, veterinarians and farm managers.

In 1981 there were 200 students at Elsenburg. The number of students studying and living at Elsenburg was the same in 1997, but with some 25 diploma students (third-year students) not lodged at Elsenburg. The students came from the families of large-scale commercial farms in the Cape area. Elsenburg produced leaders and researchers for the commercial farms and agro-industry in the region. It was a college for development of management skills, practical agricultural production, and veterinary technology.

None of the students, teachers, or research staff at Elsenburg in 1990 were black Africans. Yet all 600 workers on the college/farm premises were black or coloured people, many living in a separate Elsenburg settlement.

In April 1993, in the run up to the first democratic elections in South Africa, President FW de Klerk launched a development project for the

Elsenburg Institute. The board of the project was made up of 12 members. Besides academics and public officials, there were 6 heads of industry. The companies/organizations represented there were: Sasol and Soekor, Vinfruco, Unifruco, Rembrandt KWV Investments, Stellenbosch Motors, a shoe factory (not named), and Stellenbosch Farmers' Winery.

Elsenburg became a management college for large-scale farmers and agro-industry, and Stellenbosch University an institution for higher level, academic/scientific education, and research. That process loosened the bonds between the white farming community and the individual institutions, creating disjunctions for experienced unsolved challenges and innovation. There was a proliferation of systems and new boundaries and time-space gaps between them. That meant more specialisation and competition and more innovation, more institutional autonomy, and a broader orientation towards and responsiveness to clients, perhaps even increased dependency on clients, their interests, and identities.

Institutional specialisation meant more internal professionalization. Professionals are seldom happy when a client group (e.g. large-scale farmers) directly manages what they should do. However, the new agricultural institutions did not attend to small-scale agriculture and bricoleur-type rural livelihoods. That orientation became a problem for the public administration of agriculture around 1990, with the transition negotiations between the ANC and the National Party.

6.10.3 Professional competence in the Department

Among Elsenburg's about 100 professionals in 1998, only four were black Africans. The 600 workers at the College represented only a minority of the four to five thousand black and coloured people in the College area. An informal interview with a female head of household in the Elsenburg settlement shared that farm workers at Elsenburg were not much better off than farm workers on large-scale farms in the province in general.

Zimmerman (1991) investigated the degree of white presence among highly educated professionals (HEPs) in the public and private sectors in the country in the early 1990s. Of a total population of professionals of some 480 000 people (in a population of 40 million), he found that black people at that time held 20% of the posts in the public sector and 11% of the formal job positions in the private sector. Of the total 480 000 HEPs, 15% were black. In other words, Elsenburg was an extreme case of white-only employment in 1998. A clear barrier to implementation of new policy.

Total employment in the private sector in 1993 was calculated to have been about 6.6 million people organized racially under apartheid.[25] Zimmerman (1991, p. 33) calculated that 1.6 million were white, 4 million black, 0.8 million coloureds and 0.3 million Asians. Zimmerman computed the number of highly educated professionals in each group. The white group (24% of all) made up 89% of professionals. The black group, 60% of all, comprised 4%.

6.10.4 Privileged white commercial agriculture

White commercial agriculture in South Africa under apartheid obtained substantial subsidies from the state and higher than competitive prices on its products through a monopoly-type price setting process.[26] White control of arable land was achieved through harsh measures of expulsion of African peasants and their transformation into migrant wage workers. A strong state was part of that expulsion, segregation, and education process (Alden, 1996). White agriculture in the Cape province preferred coloured workers. The beleaguered character of commercial agriculture in South Africa, threatened as it was historically by both small-scale viable, sustainable peasant production, by political pressure from the movements of dispossessed workers, and from the international community, made for strong public corporate organization of white landowners, farmers and agro-industrialists. That organization eliminated competition and functioning markets. The national union of commercial farmers, corporate bodies representing commodity groups and the government, became a powerful, internally unified organizer of agricultural production, distribution, research, and development services. By 1997, that structure had not changed or been made more democratic or more responsive to new clients. Oettle et al. (1997) argue that private production was heavily subsidized:

> Government transfers to the agricultural sector (white commercial farmers) through marketing assistance alone amounted to about R15 million in 1931, and R31 million a year on average between 1948 and 1966. About the same amount is estimated

25 A student at UWC (University of the Western Cape) spoke about the classification system. She had been designated a status as coloured. Despite 8 years into the liberation process, the classification was not seen as anachronistic and irrelevant. The student wondered and worried if she now would be accepted as a black student.

26 How this level of subsidization compares to support to large-scale agriculture and agro-industry in other comparable countries is not known by the present author.

> (Houghten, 1973) to have been transferred to agriculture from consumers. In 1967, the amount spent by marketing boards to subsidize about 100 000 white commercial farmers in the country was almost double the amount spent to educate more than 10 million blacks. (Binswanger, World Bank paper, cited in Oettle et al., 1997)

The National Department of Agriculture was powerful and centralised, commanding the administrations in the four provinces, in the 'independent' areas (TVBC states), and in the homelands. The role of the Agricultural Institute at Elsenburg before 1992 was to support white commercial agriculture with science, technology development, training, and extension services. The Institute was an important, but subordinate body within the tightly controlled corporative state. Pretoria managed Elsenburg's Agricultural Institute to the letter.

6.10.5 The dismantling of the apartheid state in agriculture

With the fall of the tricameral legislature, the 'own affairs' administrations were closed, and the personnel integrated into the Department of Agriculture. On election day, 27 April 1994, a new interim constitution went into effect. It called for a bicameral parliament, with a senate representing the nine new provincial legislatures (the nine replaced the old four: Cape, Transvaal, Natal and Orange Free State). The Government dismantled the homelands. That meant integrating homeland bureaucrats into the national and provincial administrations. The new, democratic Constitution was signed into law in March 1996 and became operational in 1997 (Gloppen, 1997). The Constitution recognized the authority of traditional leaders and chiefs. In 1998 six of the nine provinces had 'houses' of traditional leaders. On 18 April 1997, the Government established an 18-member House of Traditional Leaders at the national government level, to meet in Cape Town. It was to hold its meetings in the building used by the apartheid-era House of Assembly. Its task was to advise Parliament on matters under the authority of traditional leaders (reported in *The Cape Times* that day on page 5; see Nazeem Ismail [1999] on the role and organization of traditional leaders in South Africa and adjacent states).

Due to the negotiated ANC-NP transitionary power-sharing agreement, the old system did not collapse, but was dismantled by decision, moving most of the personnel from the apartheid administrations into the new state structures. That meant a radical reorganization, but at the same time infusing the new structures with many employees ingrained in modes of

thinking and practices established under apartheid. The result was a new, rather large, and ideologically complex Department of Agriculture, with an attempted radical transfer of tasks to the new provincial administrations. New specialised departments at the national level catered to different aspects of the agricultural infrastructure. The new Department of Land Affairs controlled all activities related to the land reform program, land ownership, restitution, redistribution, and tenure security. The Fife, Oettle and Tapscott studies point to how the new local government system, the municipalities, had some difficulty in getting into operation. The slow development of local government was a major barrier to communication between the new state and the people.

6.10.6 Elsenburg's organization

The new amalgamated national Department of Agriculture was organized into two branches, a Production, Economics and Marketing branch and a Programmes, Information and Administration branch. The Elsenburg administration was divided between three directorates, Veterinary Services; Technology Development and Transfer; and Agricultural Engineering. With the national land reform program, a sub-directorate for RDP and Land Reform was added into the Technology Development and Transfer Directorate.

Before 1990, the coloured community in the Western Cape had its administration for agriculture in Cape Town. It rendered limited services to small-scale agriculture and rural livelihoods. In 1992, the government arranged a survey of 10 Coloured Rural Areas in the province. In the surveys 'coloured' farmers could not recall any significant contacts with agricultural officials, except for the visits of livestock inspectors (Land Development Unit, 1992, cited in Catling & Saaiman, 1996, p. 164). Many small farmers and growers had no knowledge of the Elsenburg Agricultural Research Institute or the agricultural faculty of Stellenbosch University. Ben Saaiman (in interview) found that only 10% of the farmers in the CRAs had obtained any information about farming or gardening from an outside source. Several NGOs had been providing some support. The extension office of the Cape Town administration was transferred to Elsenburg in 1992. The extension staff consisted of 12 people, 5 of them with technical education.

There were three initial responses to the land reform program at Elsenburg: (1) the reorganization from Institute to Department, signalling greater responsiveness to provincial government leadership and broader engagement in the administration of agriculture; (2) establishment of a Land Reform Unit within a directorate of the Department; and (3)

reception-integration of 12 administrators from the coloured agricultural administration in Cape Town.

In 1990 Elsenburg said of its extension service:

> farmers are provided with advice on the most modern developments in production technology, while farm planning guidance involving the integration of economic enterprises and resource conservation on a multidisciplinary basis is an important aspect of service to the industry. (Walters, 1990, p. 5)

6.10.7 Permanency and change in the Elsenburg structure

After 1994, the Elsenburg administration was subordinated to ANC authority at the national level and New National Party authority at the provincial level, with the ANC as a strong opposition in the provincial legislature. How did the Department, the Technology Directorate and the Land Reform Unit interpret the land reform program?

The new national ANC-NP government appointed a team of experts to review the Elsenburg structure. The Government instructed the team to downsize administrative units where possible. It should review the relation between tasks and organization. The team interviewed staff in the central administration, in the research and extension sub-directorates and staff/teachers at the Elsenburg College. The result of the exercise was a 10% reduction of staff at Elsenburg, from 1 000 to 890 persons.

The present study was limited to land reform in the Technology Development and Transfer Directorate. The Directorate had 332 posts. It had five sub-directorates in 1997. The Animal and Plant Production unit under de Villiers' leadership, was the largest sub-directorate, with 141 posts. Next in size was the training unit, which included the staff of the Elsenburg College (93 posts). Ben Saaiman headed the Extension Unit. It had 73 posts. The two remaining units were small. Management and finance had 17 posts. RDP and Land Reform had 9 posts.

Small-scale agriculture had, in other words, found a niche within the organization. In 1993, a sub-directorate for *Kleinboerontwikkeling*, (development of small-scale agriculture) was established with Ben Saaiman as leader. He worked with extension services, while Iaan Olckers, in the same unit, was engaged in resettlements. The 12 from the Cape Town administration were included in that sub-directorate. The idea in the Elsenburg administration at large was that all matters related to small-scale agriculture should be handled in the *Kleinboer* unit. Attempts at getting the

whole Elsenburg administration to explicitly accept small-scale production and land reform as a common task failed.

The evaluation team criticised the isolation of small-scale agriculture to small sub-directorates in the organization.[27] It suggested closing the special small-scale unit. Small-scale producers were to be part of the Department's clientele. In 1996, the *Kleinboer* unit was closed. The Department moved its personnel (Ben Saaiman, Iaan Olckers and 5 coloured administrators) into the Extension Unit in the Technology Directorate. The Department appointed Ben Saaiman as leader of the Extension Unit. At the same time, in line with the new RDP department at the national level, the Department established a new RDP and Land Reform Unit in the Technology Directorate. The Department appointed Iaan Olckers as head of the Land Reform Unit. The Unit had the mission of engaging in resettlement and other small-scale land affairs.

In this way, there was a sequence of reorganizations in the Department: initially, small-scale farmers had not been catered for, then came the creation of a special small-scale production unit (*Kleinboer* unit) with mainly the amalgamated (coloured) personnel from Cape Town working there – under white leadership. The Department dismantled that unit. The Department placed its personnel into the larger Extension Management Office. Then the Department established a new specialised Land Reform Unit in the Technology Directorate. The Department was pressured from the outside to expand the clientele to include small-scale producers. Activists inside the Department organized the new clientele interests in the Department. The new national ANC Government and its ANC units in the province were the main political force behind the new program and the expansion of the Department's clientele. The limited niche for small-scale producers and land reform gained within the Department was an expression of the limited power of black and coloured people in the province and in the nation. It also reflected the limited knowledge of small-scale production in Western Cape commercial agriculture.

6.10.8 Conceptions of authority among land bureaucrats at Elsenburg

How did top-level bureaucrats in the Department of Agriculture at Elsenburg define the tasks of the Department in 1997? What priority was assigned to

27 The evaluation team was a parliamentary commission of the Western Cape established in 1996. Views of the commission referred to here are those Ben Saaiman attributed to it in an interview in 1997.

the redistribution of land to new or emerging small-scale farmers and to poor people generally in the rural areas, compared to further developments of large-scale agriculture? Leaders of the four sub-directorates, Animal and Plant Production, Extension Services, Education and Training and RDP and Land Reform were interviewed.[28]

de Villiers, head of the directorate of Animal and Plant Production, started work as a research scientist at Elsenburg in 1970. His family had been farming in the Cape area for generations. He saw himself as an African of European origin. Elsenburg was a department engaged in the practical problems of managing large-scale commercial farms. In 1982, the Department appointed him leader of the Animal Production unit. According to de Villiers, under apartheid, the interests of small farmers, gardeners and farm workers were taken care of by the two other administrations, the Department of Agriculture in Cape Town for coloureds, under the special assembly for coloured people and by the national Native Administration for black people's affairs. In de Villiers's mind at that time, the problems of agriculture among black and coloured people were distant, out of view, "were taken care of by others". His professionally defined world was the world of white commercial agriculture. That 'white' image of South Africa was part of his *habitus* (Bourdieu, 1993; Gran, 2005, 2017), his frame of mind, a metaphor that hardly was conscious at that time.

> My background was in the natural sciences. My engagement was in production problems in commercial agriculture and the use of applied, practical scientific knowledge to improve production. Social and political tensions of the time were not part of that world. (de Villiers in interview)

Thus, it seems that the bifurcated apartheid state, rule through a corporatist state in the urban areas, and rule through traditional leaders under ruling class control in the rural areas (Mamdani's (1996) indirect rule), eradicated the existence of the oppressed people from the minds of ruling administrators. There was no obligation, in practice or in principle, to peasants, small-scale farmers and/or migrant labour. Those people were taken care of elsewhere,

28 The interviews were administered originally in 1996. Transcripts were returned to the interviewees and discussed and corrected for mistakes in 1997. An occasional paper on the materials was published by PLAAS, the Program for Land and Agrarian Studies in the School of Government at the University of Western Cape in 1997. That text is the base for parts of the present analysis.

by their own authorities. Would the new small-scale clientele affect the Department's activity or organization in any way?

> No, not at all. Our endeavours on cattle, dairy and ostrich production, on wheat and barley, on pasture and soil science is not up for social modification. What we know and do about those things is of interest to all in the rural areas, no matter what their livelihood situation.[29] (de Villiers in interview)

This scientised, socially neutral world of an administrator/scientist at Elsenburg was probably common. The sub-directorate was organized into five sections, each one like an applied research institute. Take the section for dairy production as an example. No staff was engaged in the analysis of and counselling of government on policy in the field of animal and plant production. The Directorate had no obligation to produce materials for policy making at the provincial level of government, at any level of government for that matter. de Villiers was seconded by an assistant director and a secretary. The Directorate was a technical directorate *par excellence*. Who the Department should serve was given. It served all – by tacit definition. That the Department engaged hundreds of coloured and black workers itself, and had done so for years, did not change that matter.

6.10.9 The budget

The Animal and Plant Production unit had a yearly budget of ZAR 3 million. It had incomes of about ZAR 750 000 through sale of services. In addition, it had incomes of ZAR 300 000 (some 10% of the total budget) from private sources. That money financed applied research projects. Projects mentioned included sheep breeding; wool production, projects financed by the Wool Growers Association; ostrich production; a project for the Red

29 This view is in conformity with the Oettle group's statement on the National Department of Agriculture. "However, as in the homeland services, sociological aspects were not considered to be a concern of the Department of Agriculture, which did not regard the farm family as an integral part of the farming system, but rather regarded the farmer (typically male) as the system operator. Participatory methodologies per se were not practiced." (p. 57 in draft document). de Villiers' idea that existing knowledge is potentially relevant for all categories of rurally productive people is a viewpoint generally confirmed in the Wageningen Report: "The Wageningen Mission Report of 1994 also found that within the Agricultural Research Commission (ARC) and the universities, a strong belief existed that the existing stock of knowledge could easily be transferred to smallholder farmers to spur-on rural development" (Oettle et al., 1997, p. 61).

Meat Producers' Association; and research on fodder for the Animal Feed Companies Association.

De Villiers meant the outlook for small-scale farming as a normal activity for coloured and black people in the Western Cape was bleak. Capital was the main problem. Because productivity in large-scale agriculture was high, and was expensive. Foreign investors, rather than the rural poor, were the most likely purchasers of land put up for sale in the land market. Research was increasingly dependent upon the ability to pay for it. It was industry and its organizations that had the money and the leadership needed to develop agricultural research. The Department at Elsenburg could at best use public funds to support the dispossessed and land reform.

6.10.10 The Extension Services Directorate

Ben Saaiman was head of the Extension Service. It worked with groups of farmers. The farmers' associations and organizations were important partners. They often suggested new problems that Elsenburg should engage in, problems often specific to commodity groups. The Extension Service attempted to help small-scale farmers into interest groups and associations.

> Those organizations were important for the large-scale farmers. We try to develop the same type of cooperation between small-scale producers, essential for their ability to gain access to public resources and services, like our extension organization. (Ben Saaiman in interview)

With the amalgamation of the coloured peoples' administration into Elsenburg in 1993, the number of potential clients increased by some 2 500 small-scale coloured farmers in the province (located in CRAs and on land owned by churches and other institutions). That expansion did not affect the evaluation team's general counsel: to seek a reduction of the number of officers in the Department (Ben Saaiman in interview).

The official arguments for having a special sub-directorate for everything pertaining to small-scale farmers in the Western Cape was that transfer of knowledge from Elsenburg to them, and information from them, required a special competence, a special channel of communication. Throughout its history, Elsenburg had developed a discourse with large-scale commercial farmers. The organization had no training in communication with coloured small-scale producers, home gardeners, and the like. Small-scale farmers had difficulty formulating their demands

in terms that the Elsenburg administration could understand. Therefore, a separate unit was necessary.

The evaluation team accepted those arguments, but not the idea of separate organization inside the specialised department for small-scale producers. Small-scale coloured producers were a segment of Elsenburg's normal clientele that was to receive attention when appropriate from all units in the Department of Agriculture.

Ben Saaiman had a vision. Small-scale farmers lacked organization. The Elsenburg administration should assist such organizing. Each municipality was to produce a plan for agriculture and rural development. The plan had to specify the relation between different users of land and the infrastructure needed for sustainable land use. Saaiman saw the 17 extension stations in the province as important participants in that planning process. Interest organizations among small-scale producers were crucial for their voice to be heard and for power in the political and administrative processes.

Ben Saaiman pointed to the problems of channelling credit to the small-scale producers. In 1997, no public credit scheme or credit institution in South Africa or the Western Cape was directed specifically at small-scale producers. The Agricultural Credit Board was open for all types of credit demands. Several NGOs catered specifically to small-scale producers.[30] Saaiman spoke of the limited education facilities. Elsenburg/Kromme Rhee was the only agricultural college in the Western Cape. It educated some 200 students per year (including students enrolled in short courses) since the early 1980s. The Government had hardly considered the idea of smaller, more practical schools for small-scale producers. There were special courses in, for example, the use of agricultural machines by farm labourers. There were a few research projects on technology improvement in small-scale production. At Elsenburg it was the head of the Department, Dr P. van Rooyen, and the three heads of the main directorates, who took care of policy questions. However, the leaders of the extension units across the country had a national forum under the ITC (Interdepartmental Technical Committee). Questions of general interest, including policy questions were discussed. An example of ITC's coordinating function was the production of

30 Oettle et al. (1997) agree. Credit to disadvantaged farming communities has been "extremely inadequate". But the authors point to change. The Strauss Commission suggested that the post office should be used to disseminate relevant information and that "the state should foster a number of rural financial institutions such as NGOs and community banks" (p. 62).

an extension manual for use throughout the country.[31] Saaiman arranged a visit to the extension officer Henry Cook in the Malmesbury region and a visit to Saron with him. Cook was one of the five technicians transferred from the 'coloured' agriculture administration in Cape Town.

6.10.11 Education and training

In 1997, around 300 applicants competed for the 100 student places at Elsenburg College. Acceptance depended on school results and the outcome of a psychometric test. Tuition had covered about 25% of the Elsenburg costs of the educational program in the early 1980s and about 40% of the costs in 1997. Tuition had increased from ZAR 6 000 to ZAR 10 000 per year for all students, including those from the Kromme Rhee institution. Elsenburg had limited ability to reduce fees for less fortunate students (some 4 students were assisted each year). However, some students were seconded to Elsenburg/Kromme Rhee by their employer or by organizations interested in their education. There was no public institution for student loans.

There were only white students at Elsenburg College until the early 1980s. In 1980, all the students were sons of farmers. In 1997, 40% came from that background. 30 of the 225 students were coloured or black. Education in the 1980s Kromme Rhee institution consisted mainly of short courses. In 1997 the status of the Kromme Rhee farm and school changed. It was organized as a college for 'slow lane students', students that fell below the qualification standards of those normally admitted to Elsenburg. They were offered introduction courses to reach the normal qualification level.[32] When asked about the number of students at Kromme Rhee, the Elsenburg College administration was not quite sure how to count. The conclusion was that there were some 35 slow lane students, 2/3 of them white students.

The Elsenburg administration described the mission of the College in 1997:

> It is generally accepted that the economy of [the] Western Cape is dependent on healthy agricultural development in the province. Successful agricultural development on the other hand,

31 The manual was important, and the Western Cape's experiences in extension were important nationally because of the disarray in public services. The land and agriculture administrations in the earlier homelands were defunct and in need of assistance. In the Eastern Cape there were hundreds of extension officers catering to the huge rural population, compared to the 44 officers in the Western Cape (1997).

32 In 2004 the Kromme Rhee School was closed.

> is dependent on skilful agriculturalists and farmers over the whole spectrum of commercial and non-commercial farming.

In 1997 the College was conscious of and interested in its new tasks of educating people that could return to small-scale agriculture. However, inherited structures are not easy to change. The number of students in 1997, some 200, seems small, given the size of agriculture in the province. Marincovitz argued that the limited number followed the commendable principle that education should be hands-on. The cooperation between agricultural industry and the white farm community was strong, exclusive, and rigid.

Arrangements inhibiting a democratisation of agricultural education at Elsenburg included the students' dependence on private funding, and the limited public contribution to student costs, the continued social separation of Elsenburg and Kromme Rhee, and the tight bureaucratic management of the Elsenburg College through the hierarchy of the provincial agricultural administration.

6.10.12 Infrastructural support to small-scale producers

The new RDP and Land Reform Unit was a conspicuous innovation in the Elsenburg structure. According to its director, Iaan Olckers, the Unit engaged in new, politically defined activities: broadening the client base of Elsenburg and empowering disadvantaged people in the rural areas.

The Unit's mode of operation was the development of resettlement projects. In 1997, the Unit was engaged in 10 projects, several of them trying to secure irrigation to small-scale farmers. There was a settlement project in Thembalethu, a cold storage project in Haarlem, Oudtshoorn, a cooperative development project between small- and large-scale farmers in Ebenhaezer and a demonstration project for a small settlement community at Elsenburg.

Project initiatives often came from the Elsenburg extension officers. Approval of projects was dependent upon explicit community support. Each project was unique. The Unit worked on all dimensions of each project: organization, mobilization, management, planning, financing, finding suppliers, etc. The Unit cooperated with the Engineering Directorate at Elsenburg on material infrastructure and with the Department of Land Affairs on legal questions of resettlement.

The difference between de Villiers' large technology development unit serving "all" through animal-plant related science and Olcker's RDP unit working to finance, organize and assist place- and people-specific development projects was great. While de Villiers' organization and

thinking was that of a science institute, the functions of Iaan Olcker's RDP unit resembled more that of a development consultant, it seemed more like an activist type of community development organization. de Villiers's organization was highly specialised in function (science), while Olcker's organization was highly specialised in clients. Organized to serve specific people in specific communities.

6.11 The new Elsenburg (1997): Miniscule but creative land reform within commercial agriculture

The South African democratic transformation inundated the provincial Department of Agriculture in the Western Cape. Everyone was clear that Government had set a new policy: the organization should have obligations towards all rural people, whether large-scale commercial farmers, small--scale farmers or people demanding land for their livelihood, including gardening, to assist in securing food for their families. The Extension Service unit and especially the Land Reform unit, took the obligations towards small--scale producers seriously. However, the obligations were taken less into the Education and Training unit, and it was hardly noticed or taken into the operations of the main sections of the Elsenburg organization, in effect the top management, the Animal and Plant Production unit, the Management and Finance unit, the Veterinary Services and Agricultural Engineering units. The message was that when questions of small-scale production arose in those units, they were summarily and without further notice transferred to the units of Extension and Land Reform.

An important idea in the organization's mainstream was de Villiers' view: the existing competence at Elsenburg was available to all. There was neither room nor need for a socially inspired modification of the knowledge base of the organization. In an interview with the head of Elsenburg, van Rooyen, he said that what the Elsenburg management needed was not knowledge of the opinions on land redistribution among the employees. He wanted hard facts about how to expand and improve commercialisation of agriculture in areas where production and agricultural markets were weak. The idea of synergetic cooperation between rural communities and large-scale farming was present in one of the land reform projects but was not an important idea in the Department of Agriculture at Elsenburg in 1997.

This interpretation of the new land reform program, combined with the general demand from the provincial government for downsizing the organization, put the creative, activist Extension Service and Land Reform units in a difficult situation. The Elsenburg organization wanted to be

present in the implementation of land reform projects. The downsizing program put the Department at Elsenburg on the defensive. Government demanded a radical expansion of the clientele while at the same time, through its evaluation team, demanding downsizing. The personnel placed in the activist units were themselves transfers from apartheid administrations. Under a downsizing strategy that import of personnel was seen as threatening to many established bureaucrats in the organization. The challenge and disjunction created insecurity. Many high-level professionals left the organization. The Government land and agriculture program reeked of unsolved challenges.

In 1997, the leadership of the Department was engaged in a privatization program, in effect a program to transform units at Elsenburg into independent corporations, with responsibility for covering their own costs (in accordance with the principles of new public management). Corporate organizing meant changing directorates to autonomous units responsible for their own tasks, incomes, and costs. The corporations would formally report to the provincial government but be liberated from the daily leadership and control from the national Department of Agriculture. The idea was to increase cost consciousness, improve planning of future activities and reduce red tape bureaucracy. The provincial parliament did not approve the Western Cape Agricultural Development Service Bill in 1999.

6.12 Weak support for reorientation

The National Party regime in the Western Cape was wedded to privatization of the agricultural administration. It favoured the development of commercial farmers as the mainstay of land reform. The provincial ANC was unengaged in the administration of agriculture and land use. The ANC was against creating corporations of the directorates at Elsenburg, but not engaged in the reorganization of those directorates so that they could better serve all groups of clients in the rural areas of the province. Both the policy of corporate organizing of agricultural support services and the lack of interest and knowledge in the ANC, indicated weak political support for the reorientation of the agricultural administration towards more small-scale production in the province.

7 The power of a transformed bureaucracy in land reform: Professionalism in the public sector

The RDP defined state building as a struggle to dismantle apartheid oppression, to transcend the inherited fragmentation of the legal and administrative system (RDP, 1994, pp. 4, 119). The program demanded professionalism at all levels of state administration. However, the definition of professionalism was ambiguous. On the one hand "the ethos should be professional" and the administration should be based "on merit, … on skills, competence and qualifications". On the other hand, "these standards should not be interpreted to further minority interests, as in the past" and "the public service must internalise the concept of 'serving the people'" (RDP, 1994, pp. 126–127). These qualifications to the principle of professionalism are problematic. Public administration that puts forward knowledge-based interpretations of how to implement democratically and legally defined programs and sticks to those interpretations and suggestions is important for a functioning democracy.

If the bureaucracy changes its loyalty from parliaments and governments to specific parties and/or movements in society demanding that the bureaucracy 'serve the people', that can marginalise parliaments and weaken the democratic process. It is critical for both government and "the people" for the bureaucracy to respond to the government on best knowledge and practice on how approved government programs should be implemented. The 'interests of the people' are also inherently difficult to define in reasonably objective and inter-subjectively accepted terms. The problem of democratic public administration is threefold:

1. It is a question of the strength of the administration's obligation and loyalty to law-making democratic institutions and its ability to apply best knowledge to policy implementation.
2. Democratic administration is dependent upon having knowledge of and respect for client group interests, its embeddedness.
3. A democratic administration must have autonomy, both from government and other groups in society. That autonomy is a condition for its internal professional unity, its professionalism. Without such autonomy, strong private interests in civil society and in the economy can penetrate the administration, capture it, privatize it (Evans, 1995).

The RDP suggested affirmative action to make the public administration demographically representative of the country in terms of race, class, and gender. However, such representation and professionalism are different, even contradictory, status principles in the public administration. The classical ideals of public administration in democracies are loyalty to democratic political authority, neutrality to party programs and ideology and administrative autonomy built on the application of a transparent system of scientific knowledge to questions of how political programs are to be implemented. An autonomous professional and democratic administration speaks its mind even when the message does not please the principal. The public administration should primarily be representative of professionally established knowledge in its different spheres of management. Social class, gender, and geographic representation in the population of bureaucrats is important for that reason. Experience generates knowledge. Experience affects interpretation and evaluation of knowledge systems. Class, race, gender, and location affect experience. A population of bureaucrats representative of the larger population augments in this sense the professional capacity and quality of the public administration. In principle, merit should be the primary selection criterion to jobs in the public administration. When candidates are equal on merit, then political and social criteria can come to bear. The RDP of 1994 turned that principle on its head: serve the people first, merit second. The RDP did not highlight the importance of autonomous bureaucrats.[33]

33 The 1997 sacking of the housing director Billy Cobbett by the housing minister Sankie Mthembi-Mahanyele of the ANC government suggested a lack of understanding in ANC circles of the importance of an independent and professional bureaucracy. Source: Mail & Guardian vol. 30 no. 20, 23–29 May 1997.

7.1 Democratisation of the land administration

The Land Claims Commission, with its five regional offices and the Land Claims Court, is the hub of the restitution system. The commissions are organized under the Department of Land Affairs (DLA). After ratification of a claim, the DLA purchases the land after a 'valuation' process. Claimants must establish a legal entity that can own and manage the land on their behalf. The most common entities are trusts or communal property associations (CPAs) (Ellis, n.d.). The DLA and its provincial offices handle the redistribution program and the formalities of land transfers. The land reform agents are the Departments of Agriculture (DoAs) and the Local Government and Housing (LGH) department. The DoA monitors the development of business plans for new farm enterprises and evaluates their feasibility. The LGH has a statutory obligation to plan for and provide housing and infrastructure to the new farm enterprises. In other words, a complex set of government institutions handles the different tiers of the land reform program, making cooperation indispensable.

The DoAs in both provinces established Land Reform Units. Their task was to ensure post-settlement support to owners of new farmland, including facilitation of funding. They supported equal access to and use of state-owned land. They were secretariats for land reform coordination forums, a Land Reform Co-ordinating Sub-committee, with members from all engaged agencies and NGOs. By May 2000, only the Northern Cape province had established such a forum (From *Evaluation Report, Northern Cape Province*, undated).

The central administrative institution responsible for land reform is the Ministry of Land Affairs. Between 1997 and 2000, its outlook, its interpretation of the land reform policy and its top leadership changed. Under Director General Budlender, the Ministry was engaged in the three tiers of the land reform program, organizing restitution and redistribution of land and in securing land tenure. Budlender expressed the Department's perspective:

> Land reform is not only about transferring ownership of land to those who need it, or who lost it through Apartheid. It is also about strengthening the land rights of vulnerable people and changing legal and social relations in areas where poor people are vulnerable to the abuse of power. (Budlender, quoted in Department of Land Affairs, 1997, p. 17)

He gave priority to the implementation of the Extension of Security of Tenure Act (ESTA). The redistribution and restitution programs were beginning to show substantial results. By 1997, people in the former homelands had more security of tenure. However, he lamented the slow pace of change. There was a gap between high ambitions and the relatively few results on the ground. He saw complex legal processes as contributing to the slow pace.

Under the regime of Glen Thomas, the definition of land reform in the Ministry changed. Budlender had been intent on improving the status of secure tenure in the legal codes and on supporting specific restitution cases and increasing the number of families on new and better land. Glen Thomas saw land reform as an element in a more general strategy for rural development. In the 1999 *Annual Report* (Department of Land Affairs, 1999) Glen Thomas wrote:

> In the year under review, the focus of land reform has moved perceptibly from notching up beneficiary numbers and hectares distributed, to land reform practices that are agriculturally sustainable and economically viable. The DLA seeks to contribute to poverty alleviation and economic development, which is the theme of this annual report. Creating pockets of poverty through large numbers of people accessing grants to buy a piece of land that cannot sustain them, is not what land reform is about. (Department of Land Affairs, 1999, p. 2)

This statement raises the question of what economically viable land reform is and how land reform specifically can help people out of poverty. However, what exactly does the term 'economically viable' mean? What are the standards hidden in that concept? Is it viable in markets or viable in the sense of producing sustainable livelihoods for rural people?[34]

The 1999 annual report confirms that the struggle over implementation policy between the regime of Budlender (security of tenure and ownership of land) and the developmental perspective of Thomas (transfers of land should stimulate economic growth and poverty alleviation) divided the Department. The struggle had racial undertones.

34 An answer to that question requires a more detailed study of the activities of the Ministry of Land Affairs and its provincial offices, and the departments of land and housing as implementing institutions.

> The Department continues to struggle with a negative power culture that reinforces conflict and unhealthy management styles marked by poor relations with and among staff. The racial divisions in the Department are still a formidable barrier to celebrating and respecting diversity. The desired final state of a transformed DLA has not yet been attained. (Department of Land Affairs, 1999, p. 11)

The Department of Agriculture has a long history of organizing large-scale commercial (white) agriculture, both farming and agro-industry, in South Africa. With the cheap and abundant African labour under apartheid, the Department established a rather massive physical and science/technology infrastructure for commercial agriculture in the country.

7.2 Administration of water

The Department of Water and Forestry (DWAF), like the Department of Land Affairs, has regional offices in the provinces, bypassing the provincial governments. The DWAF is engaged in a complex of water related tasks: geohydrology (ground water), hydrology (surface water), control and development of water quality, water services (water use and water conservation management) and forestry. The regional DWAF office in the Northern Cape was organized in three units, each responsible for major catchment areas: Benede Oranje (Upington, Orange River), Vaal Gamagora and Benede Vaal. The regional office had some 730 employees. The Department engaged in redistribution of water to underprivileged clients, peasants, and urban dwellers. However, the task of redirecting water flows to common people and to small-scale agriculture was a daunting task.

Large-scale agriculture was the main benefactor of the water flow system under apartheid. The water infrastructure is massive and has been difficult to reorganize and redirect to small-scale producers and landless people. Therefore, the DWAF has appeared to be more tied to its socially neutral, technical engineering knowledge than the land affairs department with its focus on tenure rights, ownership, and communal management systems.

7.3 The Water Research Commission

In 1997, the public Water Research Commission spoke to the difficulties in reorienting water flows in the country.

> The motivation for 'economy of scale' kind of arguments leading to bigger and bigger schemes because of financial benefits may not be the most economical in the long run. These days we must design for total systems and optimise the total system and not only a single element of the whole. Environmental, social, aesthetic and equity arguments are gaining weight. Since there is water scarcity in South Africa, accordingly water management must change from supply driven to demand driven approach. Attention must, therefore, focus on design of appropriate institutions, organizations, and policy instruments to achieve objectives of more efficient and equitable conservation and reallocation of available water resources. (Water Research Commission, 1997, p. 23: Water management)

The Commission was frank on catchment conservation. The Water Act (of 1997) established the catchment as the optimal land unit for the sustainable management of water resources (p. 2). The Working for Water movement had established a base for integrated catchment management. That management should activate local knowledge. "Also, this is the place where the considerable indigenous knowledge and wisdom that can be found among rural people should be brought to bear" (p. 24).

The Act modified the riparian principle that water flowing on privately owned land was under the full control of the landowner. The Act established new principles for water management. For example, local management institutions should have autonomy.[35] The Water Act lists stakeholders in irrigation that the Department would cooperate with:

- Private irrigators in full control of their own waterworks, at own expense.
- Group-controlled irrigation with a collectively owned infrastructure (dams, canals, etc.).
- Irrigation boards with ownership/control of infrastructure.
- DWAF as direct supplier of water to boards and private irrigators.
- Waterworks belonging to boards, to water supply and sanitation committees and private water supply companies.

35 According to the *Government Gazette* (Republic of South Africa, 1998), under Part 1 of the Water Act, a catchment management agency may be established for a specific water management area, after public consultation, on the initiative of the community and stakeholders concerned (Act No. 36, 1998 national).

In 2000, there were around 300 water boards in South Africa. They could own and/or manage water on behalf of other owners. They had different types of authority: protection, prevention of water loss, control of lawful use, supervision and investigation of rights and water supply. The Act suggested a market and investment principle for water pricing: prices should cover production costs, contribute to drought recovery, and secure necessary investments. A basic principle was the minimisation and decentralisation of regulation, encouraging regulation only when needed, with as little public intervention as possible. Communities were to have freedom of contract, given a democratic and professional contract process, and on condition that the contracts conformed to the Act and other public regulations. State control of water was to be devolved to provincial and local authorities, where feasible.

The document indicates that there was wide agreement in society on the principles for water management established in the new Water Act. These principles were: the catchment as unit; several bodies can manage within one catchment; stakeholder forums for management, with some executive power; and impact on land use should be taken into consideration.

Technical and administrative management had to be strong and efficient but subordinated to the policy making organs. According to the Act, control could be delegated to Water User Associations (WUAs). The World Bank model of participatory irrigation management (PIM) can be useful, especially when there are many small-scale users. Whether a basic amount of 25 litres per day should be free to all citizens was contested. Many pointed to the RDP as speaking to that free amount. Minister Karder Asmal argued a market position: people should also pay for the minimum daily amount. The debt related to the water transfer part of this project would be redeemed by South Africa through income generated by the project. In other words, the end users would pay for the project at tariffs well within the capabilities of the beneficiaries, making it economically viable (in Bond, 2002, p. 129).[36]

Water and land are related. In the arena of government policy and administration the two policy areas are separate. There is bureaucratic

36 NORAD, the Norwegian government's development agency, issued a manual in 1994 for "Initial Environmental Assessment of Water Supply" including wastewater and irrigation (NORAD, 1994). The manual followed recommendations by the Brundtland Commission. It included experiences in water management from other countries, from the OECD and the World Bank. Central questions formulated in the manual for environmental assessment were: 1. Will project lead to excessive exploitation of water resources? 2. Will it cause pollution problems? 3. Will it cause health problems? 4. Cause soil erosion? 5. Cause inundation of large areas through dam construction? 6. Cause waterlogging, salinization or other damages to soil? 7. Affect vulnerable ecosystems or conservation worthy landscapes and cultural relics? and 8. Cause user conflicts or other impacts for the community?

cooperation, but across strong boundaries. The documents on land reform policy concern land, not water. It would seem logical to incorporate water in policy making on land reform. More generally, as Ben Cousins suggests (Latif, 2002, p. 57), party/government power should be genuinely interactive with the communities:

> In the Western Cape, land reform would not take place at the level of local government. Land reform is national, implemented by provincial officers and has a progressive outcome. A balance of power between the central and local level is appropriate.[37]

7.4 The development perspective of the Agricultural Research Council

Science and technology development can be seen as a top-down or bottom-up process. The first is the technocratic model, where the bottom element in the chain of production is the expert teaching a local community about newly developed technology. The bottom-up model considers both science and technology development as a process of continual interaction between experts and technology owners/users (Long, 1989; Douthwaite et al., 2002).

Van Rooyen et al. (1996) argue for a participatory and bottom-up approach to transformation of farming systems.

> Planning committees focusing on farming systems, research and development should identify and interpret problems at grassroots level (developing communities) in a participatory manner and in such a way that it can be related to technological needs. (van Rooyen et al., 1996, p. 21; cf. de Villiers in interview)

When production technology is in focus, van Rooyen et al. see science as technology transfer from producer to user as a task for the experts (the transfer of technology approach, see Long, 1989). Two arguments favour this top-down approach. Science is scale neutral and experts should transfer to and teach users.

1. *Science is scale neutral*: A large component of ARC technology is scale neutral. With appropriate focus on farm adaptation, it is

37 See also Nkomana (2008).

equally applicable to all aspects of development of the South African agricultural sector, ranging from subsistence to large-scale commercial agriculture (van Rooyen et al., 1996, p. 20).

2. *Transfer is a task for experts*: The ARC is a large organization. In 1996, it had 4 559 employees. Of these, 707 were professionals and 672 technical staff. The agricultural departments of the different provinces and the ARC are interdependent on technology development and transfer. Each has a specific role to play. The provinces, for instance, identify specific technological needs at grassroots level. ARC researchers develop the technology to address these needs. The ARC then transfers the developed technologies to those who need them and provides continuous extension services to ensure effective application and community development (van Rooyen et al., 1996, p. 20).

7.5 The land and water management regimes

The apartheid legacy weighs on the present land reform management regime in two ways. (1) The apartheid regime had a radical program for land reform and an administration for handling it. Apartheid authorities moved millions of people to reserve areas and later into 'homelands'. In the urban areas, housing schemes separated Africans from people of European origin. Apartheid regulated in detail the movements of people in the grid of managed areas. (2) The apartheid state was cooperative. The state, the government, the bureaucracies, and the employers' organizations in the European- controlled economy cooperated in policy making. The parliament, the House of Assembly (the white rulers' parliament), transformed such policies into legal codes and acts. The African population, the large majority, had no representation, was not in any way considered a legitimate opposition or accepted as a political movement. The African population put their labour power into industrial and agricultural production and got nothing back but a meagre wage. There was no reciprocity. There was no system confidence, no relations of trust between people in the central state and in society. Enmity, fear, and suppression of the black and white worker populations was widespread.

The public and private management of land and water in South Africa has been extremely interventionist over the centuries. First, Africans were pushed off their land and forced into labour reserves. Under the ANC, the goal became restitution and redistribution, with the idea of private ownership being significant all throughout. The willing seller, willing buyer principle guarantees such ownership. When an owner sells a piece of land, the idea is that they should get exactly the equivalent value of the land in payment.

Capital changes form but is not diminished. A difference between apartheid and ANC rule is that, while the apartheid regime produced a massive infrastructure for private large-scale agriculture, the ANC has so far been restrictive on infrastructure for new African settlements on new land.

However, there has been an improvement of the legal rights of vulnerable people (the unemployed, township dwellers, squatters, industry and farm labourers, etc.). While the land and water reforms require movements, funding and interventions from government, the legal rights improvement (tenure reform) does not, but makes it easier for individuals and families to mobilize assistance when in difficulty. This difference mirrors a difference between a liberal legalistic and a social democratic developmental state.

The management organization for land and water reform, described above, is characterised by heavy and complex public management of the transition (restitution and redistribution) and a private ownership model on the ground (trusts, CPAs and equity schemes). The public system is rational, hierarchical, and worked out (on paper) in logical detail. It has incorporated organs and forums where agencies and NGOs meet to coordinate.

However, despite formal democracy – elected representatives – in pronvincial parliaments, the regional democratic institutions are weak. The political parties and the legislatures seem to be passive, in the background of the process, with the ANC Government vigorously developing policy for land and water reform with the assistance of the two land-reform departments, the DoA and the DLA. The New National Party was a passive onlooker in the Northern Cape, with the legislature taking care of 'oversight' and control and scant participation of CPA leaders in decision-making. Interviews in the Northern Cape Legislature indicated that there was trust and cooperation between the ANC party, the Government and the farmers' and miners' employer organizations.

7.6 The land administration: Devalued and fragmented

The image of the land administration that emerged from these data was an administration in transition, struggling to adjust to the new national ANC land regime. Three tasks were central: (i) incorporate bureaucrats from the earlier homeland administrations, (ii) open the administration for new African rural clients and (iii) continue to develop large-scale commercial agriculture. Land administrations in both provinces were trying to be loyal and understanding of the demands of the new political regimes, but were also fragmented, nearly chaotic, organizations internally. Racial conflicts emerged in the data from the national Department of Land Affairs. The Agricultural Research Council

was struggling to widen its research programs to include the problems of the rural poor. In the Northern Cape, the land bureaucrats were too thinly spread out in the huge, largely arid province, trying to assist poor people in organizing themselves on newly acquired land. They were optimistic, they were ideologically engaged in the new land reform program, they accepted provincial government leadership and felt that many of the problems could be solved if the land bureaucracy was reorganized. In the Western Cape the culture among the bureaucrats was different, related to their enagement with large-scale commercial farming and having to relate to NNP power in the provincial government. The main problem was funding. The organization and the knowledge needed for land reform infrastructure was in place.

Ideological heat and the struggle between opposing values should stimulate political mobilization and an interest in gaining power in parliaments, in the common elected institutions of the democratic state (Pizzorno, 1990; Gran, 2005). However, that mobilization may not occur because rural people generally are too poor and destitute to become active and independent members of social and political movements. This is in line with Charles Tilly's argument that political mobilization among poor people is difficult, due to lack of resources and time to organize. Poor people tend to organize defensively. When their interests are threatened, they try to secure what they have. Rich people organize early on, offensively, exploiting new opportunities for gain (Tilly, 1978, pp. 72–76). Without such mobilization, the political struggle can be limited to a struggle between organized elites. They can fragment the state. The power of elites can lead to privatization (capture) of public authority, to alliances between sections of struggling elites and private interests in the economy, alliances used in the internal power struggle. A lack of external demands from rural social and political movements can also explain the registered tendency to assign high importance to land reform at the national level of politics without assigning resources and status to the implementation of land reform on the ground. Without external demands, land reform can deteriorate to a welfare program (grants) combined with a specialised program for support to a few black commercial farmers (LRAD).

The land administration found itself in a knowledge trap. On the one hand, much of the corporate knowledge of large-scale farming under apartheid far from competitive markets was devalued. On the other hand, the lack of rural mobilization gave the ANC regime the chance to orient land reform mainly to emerging black commercial farmers. The mobilization and activation of local knowledge for the development of infrastructure for small-scale agriculture and multiple livelihoods on communally owned

land, a knowledge base present as potential in the land bureaucracies, was aborted. That trap weakened the culture of professionalism. The likelihood of more frustration, infighting, and privatization of public authority in the land state increased.

These views indicate a lack of interactive integration in the state system, distrust, even enmity between ministries and levels of government. Public bureaucrats see the state system as the main problem in land reform. These are important, strong data, because these voices are from provincial bureaucrats, relatively close to the 'ground' and from people (bureaucrats) that we might expect to be the most loyal and least willing to criticise government policy and authority.

7.7 The land state's conceptions of state authority, markets and stakeholders in land

Tables 13, 14 and 15 described a seemingly destructive distrust between the members of the ANC and the DA (NNP+DP). They saw each other as destructive, as illegitimate participants in the democratic process. The questions this part of the chapter seeks to explore are: How did members of the land state conceive of or define the political organization they thought could improve land reform? How did the members of the land state see the various stakeholders in land? To what degree were the stakeholders seen as supportive, passive, or even destructive to land reform? In other words, how would the members of the land state suggest reform or improvement of the land state to make land reform more effective? Which operations were needed to improve the implementation of land reform?

First, how did the members of the land state view the stakeholders? Columns III and IV of Table 16 describe the views among the study group (the land elite) on how supportive the 11 identified stakeholders were of land reform.

Table 16 registers the number of votes given to each stakeholder as supportive of land reform. In column IV, it registers the total number of votes of the entire study group. Column V represents the Northern Cape land elite's votes and column VI, the votes of the Western Cape land elite. In column I the rank of the stakeholder in each of the three voting groups is registered – the stakeholder with the most votes equals the most supportive, highest rank. In column II the ranks in column I are summed. That produces a precise ranking because the variations in the provincial voting are in the index. The numbers in parentheses in column II (presented in order in Table 17) express this final ranking.

Table 16: The land elite's ranking of supportive stakeholders

I	II	III	IV		V		VI	
Ranking All, NC and WC	*Ranks summed and ordered*	*Stakeholder*	*Study group (N =66 persons)*		*Northern Cape group (N = 35 persons)*		*Western Cape group (N = 31 persons)*	
			Abs.	*%*	*Abs.*	*%*	*Abs.*	*%*
1 1 6	8 (3)	Non-governmental orgs	40	61	22	63	18	60
6 9 1	16 (6)	Commercial farmers' orgs	30	46	10	29	20	67
5 8 1	14 (5)	Commercial farmers	31	47	11	31	20	67
3 3 1	7 (2)	Subsistence producers	38	58	18	51	20	67
4 6 1	11 (4)	Farm workers	36	55	16	46	20	67
1 2 1	4 (1)	Farm workers' orgs	40	61	20	57	20	67
6 5 7	18 (7)	Labour unions	30	46	17	49	13	43
9 7 10	26 (9)	International donors	20	30	14	40	6	20
8 3 9	20 (8)	Financial institutions	27	41	18	51	9	30
10 10 8	28 (10)	Industry	17	26	7	20	10	33
11 11 11	33 (11)	Industrial employers' orgs	11	17	6	17	5	17

Table 17: Ranking on support to stakeholders (column II of Table 16 ordered)

Rank	Stakeholder
1	Farm workers' organizations
2	Subsistence producers
3	Non-governmental organizations
4	Farm workers
5	Commercial farmers
6	Commercial farmers' organizations
7	Labour unions
8	Financial institutions
9	International donors
10	Industry
11	Industrial employers' organizations

The land elite's ranking of stakeholders can be regarded as a factual description of the social and organizational power structure in land reform at the time. An alliance of African workers, subsistence producers and NGOs were regarded as the driving force in land reform. Commercial farmers together with labour unions were in-between, while the representatives of the urban economy, financial institutions, industry and industrial employer organizations and international donors, were seen as retarding forces, barriers to implementation on the ground.

The ranking can, however, be read normatively, as how the land elite thought the power base of land reform should be. Seen that way, it is a radical ranking. Land reform is not top priority for the urban, capital producing society. It might well have been so, in the sense that commercialisation of rural areas has the potential of benefiting the urban economy (higher demand for industrial products, better educated labour force, more land used commercially and an expanded agro-industrial sector, etc.). It is the farm workers' organizations, the subsistence producers and the farm workers assisted by non-governmental organizations that the provincial land state elite thinks should be the main forces and are the main forces behind the ANC policy.

There are marked differences in the stakeholder rankings between the Northern and Western Cape land elites in Table 16. The Western Cape elite saw all the rural stakeholders – from commercial farmers to farm workers organizations – as equally supportive (20 or 67% for each). The less supportive were all the urban stakeholders. The Northern Cape elite placed a section of the rural stakeholders, the commercial farmers, and their organizations, as among the least supportive (11 and 10 votes). Only industry and its organizations got a lower vote (7 and 6). The NGOs, the farm workers, the subsistence producers, and the financial institutions were seen as the most supportive.

This suggests a difference between the provincial land reform regimes. In the Western Cape, the public land elite was allied with the farming sector, while the urban industrial and financial sectors were seen as unsupportive. The Northern Cape land regime was connected more to the urban stakeholders, like NGOs, farm workers' organizations and financial institutions. The Northern Cape regime was more urban, the Western Cape regime was more rural. Both saw subsistence producers, those that normatively should be prime beneficiaries, as supportive of land reform.

These findings can support the hypothesis that mediation between institutions, exploiting the disjunctions constructively, creates trust. Because of the strength of the NNP and its historical connection to the

white farming community in the Western Cape, there is more mediation and communication between commercial agriculture and the provincial government there than in the ANC-dominated Northern Cape. In the Northern Cape, with an ANC majority in the legislature and an ANC executive council, the mediation between government and urban institutions like banks and labour unions is more developed. The same is probably the case with government–donor relations, more cooperation in the poorer Northern Cape, and therefore more trust in that relation.

The disturbing finding is the overall negative evaluation of land reform in industry and industrial employers' organizations. That finding can indicate that there remains a disunity between agriculture and industry, between commercial and communal agriculture, and historically British industry and finance and Boer agriculture in the country. In land reform, government, agriculture, and financial institutions cooperate, with industry not on board in this early period of land reform

7.7.1 Passive and destructive stakeholders

In Table 16 column IV, 61% of the land elite saw NGOs and farm workers as the most supportive stakeholders. However, that implies that the other 39% of the elite saw even the NGOs and farm workers as passive or even destructive. A minority in the elite described some stakeholders not only as passive, but as destructive to land reform. The figures are presented in Table 18.

Table 18: Destructive and passive stakeholders

Stakeholder	Destructive	Passive
Industrial employers' organizations	3	50
Industry	3	43
Financial institutions	5	32
International donors	3	38
Labour unions	7	25
Farm workers	0	28
Farm workers' organizations	2	22
Subsistence producers	4	21
Commercial farmers	8	27
Commercial farmers' organizations	9	25
Non-governmental organizations	6	18
Mean (N=66)	4.5 (7%)	30 (42%)

Few used the term destructive (mean 4.5 of the 66 possible scores). Commercial farmers' organizations got the highest number of destructive votes, 9. Nine translated to about 14% of the public land elite (66 in all). Commercial farmers got 8 votes. Labour unions, 7, NGOs, 6, financial institutions, 5, and subsistence producers 4 votes. Then several stakeholders got 3 or less votes on their perceived destructive role. However, 50 or 75% of the public land elite saw industrial employers' organizations as passive in land reform. The percentage was a few points lower for industry. Even for the farm workers' organizations that overall were evaluated as the most supportive of land reform, 24 members of the elite, or 36%, saw them as passive on land reform.

Overall, the constructive relationship between the land state and stakeholders in land appears weak, indicating weak cooperation and distrust, with even some in the public land elite considering a few stakeholders as destructive to the land reform process.

7.7.2 The way forward: Land reform obligations

The study asked all members of the land elite, both politicians and bureaucrats, to specify how they thought the land reform process could be improved. The survey suggested 14 fields or foci for improvement. The respondents were asked to select seven of them and to order them according to priority.

The question posed to the participants in the survey read: "Assume the national government wants your personal counsel on policy/focus priorities for improving the land reform process. You are asked to choose 7 (seven) policy foci from the following list of 14. Which 7 (seven) would you choose? Give the numbers of the items – in their priority – from left to right columns 1, 2 and 3."

Table 19 registers the results. How did the land elite think within the alternatives about improvement of land reform? Columns I to III register how many chose the improvement field as first, second and third priority. The votes given are summed in column IV. The percentage of the total number of votes (180) is listed in column V and the percentages are ranked from highest to lowest numbers of votes in column VI.

Interpreting counsel to Government is not straightforward. Do you speak your mind, or do you want to support 'your' government or political party? The survey did not check on that possible variation in meaning. The ANC Government, through its move from RDP to GEAR, has given priority to commercialisation of land use and a focus on emerging farmers. However, the Government has not explicitly excluded a focus on the rural poor and people struggling with multiple survival strategies on communally held land.

Table 19: How to improve land reform: Distributions on first, second and third priorities

	1	2	3	4	5	6
	First	*Second*	*Third*	*1+2+3*	*%*	*Rating*
1 Communally owned land	3	5	3	11	6	7
2 Emerging farmers	21	7	8	36	20	1
3 Commercialisation	4	6	5	15	8	4
4 Farm workers		14	5	19	11	3
5 Rural development	10	3	10	23	13	2
6 Environmental protection	2	6	4	12	7	6
7 Local participation in politics		2	1	3	2	9
8 District level of government	5	3	7	15	8	4
9 Political parties						
10 Provincial level of government	5	8	6	19	11	3
11 Public administration	4	3	1	8	4	8
12 The democratic process	1		2	3	2	9
13 Civil society associations		1	1	2	1	10
14 Education and research	5	2	7	14	8	5
Total	**60**	**60**	**60**	**180**	**101**	

From the year 2000, the ANC Government land reform policy, LRAD, focused on commercial farming and emerging black farmers. The politicians and bureaucrats in the two provinces supported that focus.

In Table 19, first column first priority, 25 of 60 possible votes (line 2 and 3 in table) were given to 'commercialisation' and 'emerging farmers'. The remaining 35 votes were spread out over 8 (of 12) other foci (4 got no votes). The data on first priority suggest that the provincial government land elite was in line with the national government on commercialisation and emerging farmers in land reform. However, the elite internally, including second and third priorities, had a broad, multidimensional understanding of successful land reform.

In column II, on second priority, the votes for 'emerging farmers' were reduced to 7 and the votes for prioritising farm workers was 14. 'Environmental protection' moved from 2 to 6 votes. Production on 'communally held land' got 5 votes. 2 mentioned 'participation'.

In the third priority column, column III, votes were spread out evenly. The highest number was 10 votes for 'rural development'.[38] The focal area that did not get any attention as a priority was the development of the political parties. This is perhaps disturbing, given the high level of perceived distrust between the main parties. The four foci that got below 2% of the 180 votes were 'local participation', 'the democratic process', 'civil society associations' and 'political parties'. This could be interpreted as a technocratic bent (focus on instruments rather than process) in the political-bureaucratic land elite's perceptions on land reform.

The combination of data reflecting distrust across the industry–agriculture divide and the scant interest in communal subsistence production indicates that important conditions for the implementation of a sophisticated policy of land reform, with a focus on the large numbers of common people in the rural areas on communally held land, are not in place. The data in Tables 21 and 22 indicate that cooperation and trust between the land state and the stakeholders in land was low. Even if the land elite had a sophisticated understanding of how to improve land reform, the institutional integration and cooperation with stakeholders needed to implement land reform, was not in place. This could indicate that the number of people willing to mediate between the institutions, in the disjunctions, was low. The movement from conditioned, limited trust to general trust could not be observed.

7.7.3 Four reality models

There were 14 possible priorities for improvement of land reform defined in Table 19. Those elements can be ordered into four reality models or four strategies for improved land reform.

The *social model.* It identifies the social group that should be the main beneficiary of Government land policy. The possible choices within the defined 14 foci for land reform were: people living on communal land, emerging farmers, farm workers or the rural population in general (elements 1,2,4,5).

The *government model*. It suggests that improvement of government structures at the district, provincial, and national levels, and engagement

38 'Rural development' is here interpreted as assistance towards building infrastructure for commercial farming in rural areas, with a weak focus on rural multiple livelihoods and the cultural economy of subsistence. This interpretation is corroborated by the scant interest in subsistence-oriented production and common ownership of land.

in strengthening political parties and public administration, are of prime importance (elements 8, 9, 10, 11).

The *participation model.* It is the idea that increased and broader popular participation in (land) politics is most important. The elements are local participation, the democratic process and civil society (elements 7, 12, 13).

The *policy model*. It represents a more limited outlook. It suggests that the main problem in land reform is to get policy right. The policy definitions in this model are commercialisation, environmental protection and education and research (elements 3, 6, 14).

The models are defined at different levels of abstraction. They are not disjunct. Answers can be placed into more than one model. However, the social and the policy models are similar, with a focus on group identification in the social model and on ideas, programs, and directives from government in the policy model. The government and participation models are similar in the sense that they assign attention to government organization internally and to society.

What did the data reveal? Which reality models did the members of the public land elite subscribe to, deducted from their selection of first priorities in land reform?

Table 20: Reality models drawn from first priority votes on improvement strategy (from Table 19)

	Members	%
1. The social model	34	52
2. The government structure model	14	21
3. The participation model	1	2
4. The policy model	11	17
No answer	6	9
Total	**66**	**100**

Over half of the respondents thought about the improvement of land reform in terms of the social model. That indicates a strong class-group consciousness in the land elite. Land reform is class-group contentious. The content of the land reform program has been dependent upon changing class-group power relations, their organizations' ability to speak out, get hold of more and new land, and make (infrastructural) demands on the state.

The limited subscription to the participation and policy models could indicate a technocratic bent among the land elite. The policy is in place. The land state's task is to implement it efficiently. Popular participation is

in place or disturbs that implementation. If such a technocratic bent was evident, then it could have been an inheritance from apartheid and/or from socialist ideas on the role of the state ('the masses need leadership'). Who the state should serve was a given under apartheid rule. In socialist thinking, once the working class (read: ANC and its class allies) were in power, participation lost its significance. It then became the task of the class leadership, the most knowledgeable (read: the ANC and its state), to implement policies. If this interpretation is correct, there should have been relatively more ANC than DA votes for the social model. This was borne out in the data on first priority votes: 8 of 9 ANC members chose the social model, and 4 of 11 DA members.

How many votes did the four reality models get when we tallied the votes on first, second and third priorities? Since the 60 respondents voted three times, the total number of votes was 3 × 60 = 180 votes. Six did not respond.

Table 21: Reality models within 1, 2 and 3 priority votes (from Table 19)

Priorities	First	Second	Third	Total
The social model	34	29	26	**89**
The government model	14	14	14	**42**
The participation model	1	4	4	**9**
The policy model	11	13	16	**40**
No answer	6	6	6	**18**
Sum	**66**	**66**	**66**	**198**

Table 21 indicates stability of reality models among politicians and bureaucrats in the land elite. The numbers did not change much, moving from first to third priority. However, the social model declined somewhat in support. The policy model gained supporters (up 2, up 3, to a total of 40 votes). The government model was stable at 14 votes. The participation model got a moderate hike upwards. The elite overall considered the social identification of land reform beneficiaries as the most important dimension of improvement. Overall, the social model was perceived as the most important way of thinking about improvement of land reform. Government structures and policies got less than half as many votes each, but the two are of equal importance at 42 and 40 votes. Participation got only 9 of nearly 200 possible votes. This supports the suggested technocratic bent in the 2019 Government-appointed Panel analysis (Chapter 4). This indicates an ideological land state, thinking in terms of beneficiaries. The data indicate,

again, that the land elite was technocratic, thinking in terms of top-level policy making and top-down management of land reform.

7.7.4 Reality models within the institutions

The data allow a description of the reality models across the three main institutions, the Department of Agriculture, the legislature, and the Department of Land Affairs in the two provinces.

Table 22: Total votes for each model across institutions in the two provinces

	NC				**WC**				**NC WC**
Reality model	*DoA*	*Leg*	*DLA*	*Total*	*DoA*	*Leg*	*DLA*	*Total*	*Total*
Beneficiary	20	20	12	52	15	18	4	37	**89**
Government	3	2	8	13	10	14	5	29	**42**
Participation	1	1	1	3	2	4	–	6	**9**
Policy	12	4	9	25	6	9	–	15	**40**
Total votes				**93**				**87**	**180**

The major difference between the provinces is on the importance of government organization – 29 of 42 votes among WC members 13 of 42 votes in the NC.

The government and participation models got a total of 16 votes in the Northern Cape. The same models got 35 votes in the Western Cape. That difference is significant, even though the Western Cape public land elite was more engaged in the organization of the land reform process than that of the Northern Cape. The same difference is present in the legislatures. Government and participation got 3 votes in the Northern Cape legislature and 18 votes in the Western Cape legislature. This could be reflective of a difference in culture. A difference that may be related to a more developed capitalist, industrial economy and therefore a stronger managerial middle class in the Western Cape. Although the interest for popular participation in the land reform process was low, it is noteworthy that most of the few votes for participation were in the Western Cape.

As mentioned earlier, the Western Cape land bureaucrats lamented the low level of Government funding for land reform. They felt that the administrative competence to implement land reform was in place. The Northern Cape land bureaucrats saw themselves as on the frontier of land reform. Public identification with land-hungry people was in their opinion weak. The administrative competence was inadequate. They saw their task

in terms of a ruler-opposition discourse. The difference is important. We can discern two administrative cultures. While the Northern Cape culture may have been more innovative and vocal, these characteristics may have led to less efficiency in regular administration. On the other hand, the Western Cape culture may have rendered the organization more prepared for large tasks, but at the same time, less innovative on policy contents.

7.8 The land state: Competent, but poorly integrated and distrusting of stakeholders

The priority that got the highest number of votes was the focus on emerging farmers (36 of 180 votes, Table 19). That was the central focus of the national ANC Government in land reform in 2005. That meant that a third of the land elite wanted to connect the rural areas, and the black farmers there, to the capital producing system. Commercial farming was the model for land reform, for rural use of land. Interviews with members of the elite corroborated agreement on emerging black farmers. Only 11, or 6%, of the 180 votes were assigned to small-scale livelihoods on communally held land.

The democratic condition of a real opposition to the Government was in place in both provinces. However, there was a degree of animosity in the relation between parties, which does not bode well for democratic development. There was an animosity, if not enmity, between the ANC and the DA/NNP as illustrated in Table 13; 16 (5 + 11) of 22 politicians, or 73% of them, described the other main party as 'destructive'. That animosity is rooted in the country's socio-political history, no doubt.

That animosity weakens the authority of a democratically elected government. Decision-making in Parliament assumes the ability to compromise. Members of both main parties conveyed that the other party threatened the democratic character of the state. The animosity hampered communication and dialogue. The legitimacy of the legislature was at stake since the main political contenders viewed the other as an enemy. There was a degree of destructive distrust (as opposed to constructive distrust). Opposition – and therefore an amount of distrust – to a ruling government is essential for democracy to work (Hardin, 2002; Warren, 1991; Touraine, 1997). If a major party suggests that the other is 'beyond democracy', the struggle can weaken the engagement and the common trust in the institutions of the democratic state.

Lack of legitimacy blocks the development of trust. When such destructive distrust extends to civil society, to groups here called stakeholders in land reform, the democratic process is threatened. The data indicate that about

4% to 12% of the politicians and land administrators saw some stakeholders as destructive.

The evaluation of the national Government's engagement in land reform varied. Few were happy with the engagement: 22 of 27 politicians, or 81%, said that Government engagement should be higher; 13, or just below 50%, said it should be much higher. The political section of the provincial elite considered the Government as less engaged or more withdrawn from land reform than it should be. In the same vein, when the members of the SG were asked about relations between the Department of Agriculture (DoA) and the Department of Land Affairs (DLA), many felt they should be improved. Out of 63 respondents, 9 (or 14%) thought that those relations were 'OK'. The rest, 86%, wanted to improve relations, while 54% wanted 'very much' to improve relations.

Together, these data indicate a fragmented and distrusting land state, and a land state not very optimistic about cooperation from stakeholders in land reform. Perceiving stakeholders as illegitimate will favour withdrawal rather than reorganization and improvement of the system. Perhaps Lijphart's concept of pillarization[39] is relevant. Each institution seemed to take care only of itself, mistrusting others. Government was isolated from stakeholders. South African capital production was a pillar on its own in society, separate from a vast rural cultural and political economy of small-scale land use and industry, unemployment, migrant labour, low-paid wage labour and microscopic capital production. Pillarization reduces exchanges of relevant information and cooperation and reduces intergovernmental dynamics in policy making and implementation.

Most of the public land elite at the provincial level thought of improvement of land reform in ideological terms. 129 of 180 votes fell into the social and policy models. The social model alone had just under 50% of all votes, 89 of 180. The government and participation models had 51 votes in all. Only a few thought that the organization of government was a prominent variable in

39 Cf. Lijphart (1968) and Post (1989) on pillarization of the Dutch and Belgian societies. Pillarization has four traits. One is the separation of large sections of society from each other, with integrating mechanisms within each section, but with increasing cultural-religious differences between them. The other trait is that the pillarized society reduces or saps the power of the modern national government. The third trait is that with cooperation (consociationalism) between the leaders of the pillars, stability and cooperation with the national government can be secured (the Dutch case). Fourth, it was the expansion of participation in and loyalty to political parties that weakened the pillared system and restored a modern form of democracy. "National Party politicians had been in contact with ... Arend Lijphart" (van der Westhuizen, 2007, p. 116).

driving land reform. However, the organization variable had more support from the Western Cape than from the Northern Cape land elite (Table 22).

If the preceding paints an accurate portrait, there were strong indications that democracy was working and that at least a few members of the land elite saw the importance of subsistence-oriented livelihoods. The politicians were talking to each other across party lines. The legislatures were open institutions with easy access for the public, with information on debates and decisions in records of proceedings. There was a general outreach to the public through an EU-supported program for democratisation of legislatures, internet access to public documents, speeches etc. There were different voices in the legislatures, with ANC rhetoric tilted towards a strong state, giving voice to working class/migrant workers and with the Democratic Alliance (DA) more generally positive towards the commercial classes, to markets and to limited government. It was seldom possible to reduce positions on specific policy questions to party membership. There were often members of both main parties supporting specific policies, for example, support for labour unions in land reform. In both legislatures, both ANC and DA members saw labour unions as a constructive stakeholder. In the departments of agriculture there were officers engaged in developing infrastructure for rural poor subsistence-oriented communities, without pushing them towards commercial family farming. The picture was complex, indicating dynamics of change and development inside the new state.

The two departments of agriculture demonstrated obligations and capacities in land reform. The bureaucrats were conscious of land reform and had relevant information and viewpoints on the complexities of the program. Both had assigned strategic importance to land reform. The organizations in the two provinces differed, as one would expect. The Western Cape DoA was the 'male' department. It was moderately responsible in its rhetoric. Not one of the land bureaucrats from the Western Cape DoA used the word destructive about any institution or participant in the land reform process. It was a department imbued by a management culture oriented towards commercial farming and agro-industry. In the Northern Cape, the Department of Agriculture was a younger organization, with more politicised (ideological) conceptions of tasks and ways of doing things. The technocratic management element was, as mentioned, not prominent. The engagement with land hungry people was stronger. This difference can mirror the concerns of those who chose to respond to the questionnaire. In the Northern Cape DoA, the questionnaire had been distributed to the regional offices, while in the Western Cape it went mainly to the

central administration at Elsenburg. The Western Cape DoA was well into cooperation with large farmers and agro-industry, which was not the case in Northern Cape.

The land bureaucracy – seen from these data – gave competent support to commercial farming. The bureaucracy appeared as a reasonably transparent system with outspoken employees. However, the units in them were divided and distrustful, or at least passive, in relations to each other and towards land stakeholders. The government setting was new. There were wide and strong demands for land and improvement of living conditions in rural areas. The new government system was poorly integrated. Local government, the ground and perhaps the decisive level for effective land reform and for government engagement in infrastructure was weak (cf. Tapscott, 2001). The high pressure and new expectations from the international community and the global economy created insecurity. Developing trust, getting people to connect across the lacunae of inaction and distrust, in and across the disjunctions, without being sure of how those connections would work, seemed important. Trust and active reform are related. Trust increases government efficiency. The commitment and the obligation to land reform expressed in provincial legislatures and departments of agriculture in this study testify to that trust. However, Government contact with and knowledge of rural communities was limited. That may explain the strong and sole focus on emerging farmers/commercialisation policy.

8 Land reform in Paulshoek and Saron

From the foregoing it is apparent that land reform in the period 1990 to 2006 was a top-heavy exercise, where national policies were interpreted and specified regionally in the provincial legislatures and land bureaucracies but had difficulty transitioning into engagements at the local municipal levels. To get an impression of land reform locally two communities were selected, Saron in the Western Cape with a mission-station history, located in rich large-scale agriculture and close to large industry, and Paulshoek in the Northern Cape, close to a long history of mineral mining and a community that had been studied by several academics for its interpretation and organization of land reform. The Admin-Africa investigation team visited both Saron and Paulshoek several times between 1998 and 2004.

8.1 Land politics in Paulshoek

The route from Cape Town in the Western Cape to the village of Paulshoek, up in the mountains of Leliefontein in Namaqualand in the Northern Cape province, passes by the shack township of Khayelitsha, through the lush, intensely yellow, and endless wheat fields of the Western Cape, through Citrusdal and Klawer, by the beautiful and efficient Olifant River irrigation canals and the surrounding fruit orchards. The route goes past Clanwilliam at the foot of the Cederberg mountains and upward into the semi-desert of Namaqualand, to Garies and Leliefontein. Paulshoek is a village located about 50 km from Garies, high in the northern part of the Bokkeveldeberge, in the foothills of the Kamiesberg mountain range.

In Paulshoek the team noted the stark contradiction, the lack of connection, between production for local consumption and production for external markets. In Saron, wide stretches of fertile communal land were not used for farming, despite large unemployment and poverty. The team

discussed the potential synergy between market functions in subsistence production and subsistence production increasing the quality and value of products for markets. The team noticed the social solidarity and informal welfare at work in Paulshoek. Increased welfare payments were appreciated. The team found that persons of authority in the municipalities had limited contact with their constituents. The team observed the strength and influence of powerful families on local government in both communities.

Droves of privately owned donkeys roamed freely in Paulshoek, despite evidence of overgrazing. The local Development Forum did not seem to be managing those responsible for the donkeys. Some families – probably those with the largest number of such donkeys – opposed regulation. Allotted provincial funds to development projects in Paulshoek did not reach the projects. The development projects lay barren.

Mervin Cloete was a leader of the local development committee. He lived with his family in a house in the centre of Paulshoek town, near the school and the community centre. Ben Cousins of PLAAS and M. Timm Hoffman of the National Botanical Institute (NBI, now the South African National Biodiversity Institute (SANBI)) suggested the active Development Forum as a good reason for the Admin-Africa team to visit Paulshoek.

Leliefontein was a known end station for early Khoi San migration into northern South Africa from east Africa. It was also a refuge for Africans pushed northward from Cape Town by Dutch Boer colonizers as they expropriated land from Africans for permanent commercial farming. At time of data collection, Paulshoek bordered commercial farmers.

Many authors have written about land in Paulshoek (Rohde et al., 2003; Boonzaier et al., 1996; Marinus, 1997; Lebert, 2004, Wisborg, 2002; Kleinbooi & Lahiff, 2004; Benjaminsen & Lund, 2003). In these works, Paulshoek is a community with well-described struggles over land and land use. Paulshoek is a manifestation of attempted land reform on the ground in the thinly populated Namaqualand, where Africans had sustained life there over the ages. Commercial agriculture and industry had gradually taken hold from about 1700. In 2000, there were about 400 commercial farms in the area.

Namaqualand spans around 5 million hectares of land. At time of investigation, commercial farmers owned half of those hectares. Less than one-tenth, some 400 000 hectares, were mined by private companies for diamonds and minerals, while 1.3 million hectares, around 25% of the area, was communally held land. The village integrated 2 000 into the new Kamiesberg Municipality (Wisborg, 2002). Paulshoek comprised about 140 households, some 800 inhabitants and around 28 stock posts scattered about the 20 000 hectares of commons.

Land in Paulshoek was disbursed to families according to family needs. A family farm had a simple house/hut with a fenced area nearby for sheep and/or goats during the night to protect from predators. The bushed grazing area around Paulshoek was brownish. There was a long fence on the border to the neighbouring white commercial farmer. On his side of the fence, the bushed grazing ground was green. A land care project managed by NBI was trying to find the best ways of regenerating growth of edible plants on the communally held land.[40] Why the Development Forum could not manage sustainable grazing was unclear. The team's informants could neither confirm nor deny the hypothesis that there perhaps were powerful families in the community that could expand grazing beyond sustainable limits with impunity.

Suddenly several large, beautiful donkeys came roaming quite on their own among the houses in the village. The team was told that the donkeys had special status. They were an economic backup, a security, a saving, a form of capital and a potential for commercial transport. Mervin confirmed that there were too many donkeys roaming the area, consuming a large amount of fodder without families using donkeys in production or transport. The development committee's demand that donkeys be marked and their number limited was not accepted.[41]

There were about 10 to 15 incompletely built new houses. There was no labour on them. The land care project, testing how different combinations of plants could regenerate growth, was at a standstill. Funds appropriated in Kimberley, the provincial capital, for project maintenance did not reach Paulshoek. Thus, no activity, no employment on the land and housing projects. The story was that many bureaucrats transferring funds from Kimberley, pocketed the money along the way. Corruption was rampant. At best, the Development Forum received funds piecemeal on the presentation of specific payment receipts.

Close to the village, some fields were planted with vegetables. Paulshoek had recently received ownership of a tract of land at some distance from

40 Wisborg (2000, p. 15) refers to a statement made in 2002 by the Department of Agriculture in Springbok on overgrazing in the Namaqualand area: "Let us say all the private farms in Namaqualand were bought up and added to the six communal areas. Now, if the communal farmers spread their livestock on all these farms, I have calculated that the land would still be overstocked!"

41 Nancy Jacobs (2001) writes about the struggle over donkeys in South Africa, demonstrating how they could be used productively in some white-controlled production. In other contexts, they were seen as a threat to commercial cattle farming, making for state-controlled slaughter of donkeys. The most dramatic example was the massacre of some 20 000 donkeys in 1983 in the homeland of Bophuthatswana.

the village, an example of successful redistribution. The Forum had allotted the new area to potential black farmers from Paulshoek, in line with Government policy. Six of the 150 families in Paulshoek would be assigned new farmland.

Elections had recently produced a new leader of the large Development Forum. The former leader lost his position on a charge of corruption. The new leader was a young, overtly educated, urban type of person. He was the son of an important family in Paulshoek. An open meeting of the Development Forum elected him. However, he did not live or work in Paulshoek. He usually visited Paulshoek one day a week. He lived in Springbok, the major town in Namaqualand, where he was employed as secretary to the town clerk of Springbok.

Rohde and colleagues (no date; cf. Rohde et al., 2003) investigated the socio-economic structure of Paulshoek in 1996 and 1999. Using income data, they identified five groups among the 140 households, distinguishing between pensions and income, and from more or less permanent jobs. There was an emerging middle class (n=17) with good education. 50% of monetary incomes in Paulshoek came from work outside the village and 40% from jobs and business in Paulshoek. Mean household income of the middle class was ZAR 2 000 a month. The mean was ten times the monetary income of the poorest families. There was a group of ex-migrant labourers earning ZAR 13 000 annually, mainly through pensions. Pensioners (n=20) received 80% of their income through pensions. Average annual income overall was ZAR 5 600. Twelve of the households had female heads. The two poorest groups were young people, one group employed in casual labour, the other group unemployed, with an overrepresentation of female members. Average annual income among the poorest was ZAR 2 200. Since 1999, incomes had risen by around 25%, wealth differentials were reduced and casual employment in Paulshoek had increased through the RDP housing and the NBI land care projects. The investigation found an interaction between people in different clusters which actively took care of specific family needs.

Households clustered according to kinship and exchange relation – the poorest households were dependent on wealthier neighbours. They were insecure due to unemployment, the death of a breadwinner or, conversely, the career advancement of younger, educated children who tended to leave and sometimes remit money back to their families. The clusters ameliorated what might otherwise have been absolute poverty and destitution (Rohde et al., 2003, p. 81).

8.2 Public management in Namaqualand

In August 2005, Harry May of the Surplus People's Project (located in the Observatory district of Cape Town), told of a serious lack of integration and cooperation between different public institutions in Namaqualand. There were hardly any funds at the operation level in these institutions to follow up on the ambitious goals of land reform set by the national Government. Mervin Cloete had made a similar observation about Paulshoek village in 2000. Corruption and rent seeking in and between the institutions were rampant.

In 2000, the town clerk in Garies (110km south of Springbok, the capital of Namaqualand) told the same story about the external aid consultants working to assist Namaqualand communities. Projects and operations were not coordinated. The municipal authorities had hardly any say in the activities of the external aid organizations. If the public administration did not cooperate, interested parties in regional politics would seek alliances in the private sector for effective use of the experts. Such organization on the side of public administration can sap regional parliamentary institutions of their integrative energy and their ability to guide and control public bureaucracies.

8.3 Saron: Survival and commercial pressure on land

In 1997 and in 2002 Henry Cook visited Saron, a village in the open wheat- and fruit-producing area north of Cape Town. Henry Cook was an extension worker located at the Malmesbury extension station under the Department of Agriculture at Elsenburg. Saron was a village long governed by a German church community under the Coloured Rural Areas Act.[42] Since local government structures under the new democratic Constitution were only beginning to emerge in the late 1990s, the church and the minister were the real local authorities. Land reform was radically different from Paulshoek. Saron had large tracts of flat, potentially productive land, but the community had not managed to use it for farming. The selection criteria used to recruit families into the new cooperative agricultural project in Saron were opaque. Saron, located near Gouda, Wellington and Tulbagh, had difficulty holding on to its young people. Four families worked on developing commercial

42 An act from the 1950s set to manage people's locations so as to keep the races apart and specifically to delimit areas for coloured locations near their usual employment in white-controlled industry. Mission stations were exempt from the physical separation principle.

farming in the area, assisted by the Elsenburg extension service. They worked small fields with mechanical irrigation. When they had made profit, they had left Saron. The Saron Community Service Organization was trying to develop a land improvement project and initiate/sustain some handiwork and small-scale industrial activity. The Organization managed an old age day-care centre and assisted the establishment of a restaurant in Saron. Elections generated conflict in Saron. Older people were especially enraged when the National Party came to Saron to recruit members and argue their case. Some people felt that an enemy, an oppressor of the people, had entered the village. They did not want to speak to them. On the other hand, local authorities had welcomed them. They spoke to people and tried to recruit votes and members, as did the DA and the ANC. For the elders, the presence of the National Party was a provocation. Why should people respect arrogant oppressors just because a new democratic state was in place? The incomprehension generated conflicts in the community. Families split in two. Violence erupted among old friends.

By 2003, a learning process appeared to have occurred. Internal enmity had subsided. The idea that all should have a voice and that democratic elections should determine who was in municipal government had become more common. However, a new conflict had arisen after the local elections of 2001. In the Saron Municipality, established in 1994, the DA had had the most representatives. People in Saron supported the DA. However, before the 2001 elections, municipalities had been amalgamated and new borders between municipalities were established. Those new borders led to an ANC majority in the new Drakenstein municipality. This upset many in Saron. They saw the reorganization as gerrymandering. Saron joined a neighbouring town, Gouda, with a large ANC majority.

Henry Cook was one of the five technicians/extension workers transferred from the apartheid-era coloured administration in Cape Town. He joined the Land Reform Unit in the Department of Agriculture at Elsenburg. By 1997, only two of the five remained in the Elsenburg extension team. The three others had left for better jobs. Elsenburg had not recruited new coloured extension workers to take on their tasks. Henry Cook was the small-scale agriculture specialist in the extension team. About 600 to 800 small-scale farmers were potential 'clients' of the Malmesbury extension office. Only a few received assistance. Only some were interested in or ready to receive assistance. Extension workers had to go to the rural dwellers and to those few who might become farmers. Gathering them to meetings, which was common in extension work among white, educated commercial farmers, did not work as well among people in poor rural households.

Most of the farmers in Saron had multiple livelihoods, tending to their plots of land in season and securing incomes through several other sources like trade, wage labour on adjacent farms, work for the local church, the school, the shop, the post office, etc., out of season.

Historically, Saron had been a mission station and was therefore located on church land. The 1996 Constitution had established elected municipal institutions. In Saron, the highest authority was the elected Management Council. Farmers had access to land on contract with the Council (for 5, 10 or 20 years). Hardly any of the farmers and their families lived on the land. Their homes were in the Saron village. Houses were small and built of cement. Much of the land was under-utilized. Some areas of land were littered with garbage.

Water was gathered in a catchment area just beneath the adjacent mountain range and channelled to a dam. With the new democratic government, water to Saron was piped. Water meters were installed in houses with running water. The water fee was contested. Most of the water from the dam was channelled to the commercial farmers. Substantial water was channelled to neighbouring towns.

Gardening supplied each family with some food. However, beyond gardening, the successful agriculture in Saron had a collective nature, received extension services from the provincial Department of Agriculture at Elsenburg and had financing from abroad, from some type of development assistance.

One successful project was a collective enterprise in vegetable production, with the priest of the local church as entrepreneur and organizer. The project managed to irrigate some water to Saron's fields, making for good growth of vegetables in the dry and sandy earth in the area. Produce was sold in Cape Town. Some of the revenue from the project went to supporting elderly people within the church community and funding youth activities. The collaborators/workers on the project took out a reasonable wage, independent of the size of the profit of the season's production. Henry Cook acted as an advisor to the project.

A second relatively successful project was a communal gardening project. 30 farmers and land workers had a plot each. They elected a committee to manage their affairs, in the form of a Communal Property Association. A development organization in Taiwan supported the project financially. That meant the project could afford a tractor. One of the farmers wanted private ownership of land. That would secure investments and more engaged and intensive production on the land, the farmer argued. Communal ownership

of land and a Management Council controlling its distribution and use would stifle efficient and demand-related use of the land.[43]

Henry Cook visited a supported family farm in Saron. It was a cattle/dairy farm on the verge of collapse. Two of the farmers had managed to buy plots of adjacent land and establish a commercial farm. One of the farmers had been a teacher in Saron; the other, the leader of the African Farmers Union in the area. Both had managed to convince their ranks that they had security beyond the land they were buying. One of the emerging black farmers was a multi-entrepreneur. Therefore, no one lived on the dairy farm. The workers lived in Saron. The new owner rarely visited the farm. Henry Cook assured the members of the Admin-Africa research team that the dairy products were of high quality.

The Management Council had been elected in multiparty elections in 1995. The ANC took five of the six positions on the Council. The Council controlled access to communal land. Because Saron was an ANC stronghold, Henry Cook felt that the National Party, which controlled the provincial cabinet after the 1994 elections, deliberately withheld public funds from the Saron Valley. The Management Council was, according to the garden farmers, active in making plans for Saron. However, the Council had limited ability to deliver resources like education and irrigation to Saron. There was no parliamentary organ in Saron. As Henry Cook put it, "they do not want to become a municipality, because then all the regular levies to the state and the province will be collected". In this sense the Management Council was an institution lingering between parliamentary democracy (the future) and the traditional church/chieftain system (the past). It may well be that a management council is more authoritarian than traditional rulers. However, Management Council membership, despite its power, had more norms and values in common with the community than the new party leaders. The latter may also have been more dependent upon the state bureaucracy in wielding their power locally than were traditional leaders.

Henry Cook thought that Saron demonstrated the viability of multiple livelihood strategies in the black/coloured rural areas. In 1997, it seemed that some form of communal ownership of land was effective for the poor, given that investments, finances and materials were available and that there was democratic management of the project. Of the three projects, the

43 This argument is developed in de Soto (2000). Ben Cousins et al. (2005) argue against the functionality of de Soto's suggestion that formalising and individualising property rights in rural areas would be effective at bringing people out of poverty.

one managed by the Church was the most viable and productive. The priest was the leader, both administratively and ideologically, giving the project a broader social and cultural meaning and connecting the project to welfare support for elders, mothers and youth in the community. The second-best project was the collective garden project. Its weaknesses were its isolation from the broader society, its many (30) members making decision-making more cumbersome, and the high degree of autonomy for each producer, each gardener within the system creating variation in the quality of land care. The project nearest to collapse was the farming project, with a private owner managing external finance and technology singlehandedly.

In 2005, some of the land in Saron and in the surrounding commonage was utilized. But large areas were still not exploited. Julene Alkaster shared that the social activities of the Community Service were functioning well, the day-care centre, the kindergarten and the health station. But the Service's attempt at stimulating and organizing economic activity had collapsed. The land improvement project was no longer. The micro-industry, the textile sewing unit, had collapsed. A Community Service yearly operation to clean the area for litter had lost its government financing. Julene told of an improved economic situation for many people in Saron. However, the improvement was largely a consequence of increased welfare payments, especially the new program of supporting families with children under 15 years of age.

8.4 The Del Monte fruit company

At time of study, drought in the Saron region had in recent years threatened fruit production. During packing season, around 500 workers were employed by the packing plant in Gouda. Many of them lived in Gouda, some in Saron. Fruit farming in the area had produced less quantity per hectare compared to the areas of the Western Cape with the best land. That meant less ground rent for Saron farmers, with the extra profit gained by better placed farmers. Standard product price meant zero ground rent to the most marginal producers, 50% ground rent to those farmers on moderately productive land and 100% ground rent to those on the best land, often close to large markets. A commercial farmer adjacent to Saron told the same story. The combination of drought and less than maximum productivity on the area's land, and open global competition for South African fruit growers, meant that running his farm, producing table grapes ecologically, was difficult. He was therefore interested in selling part of the farm to his workers, which would make public funds available to buy part of the farm. In that way, the farmer could

reduce his debt and continue production together with the new co-owner workers. The provincial government was not willing to assist the workers. Its argument was that the arrangement would not give the workers any real ownership of the farm. It was an arrangement that would only alleviate the commercial farmer's debt.

In Paarl the team visited AgriSA, the commercial farmers' organization. Its representatives had noticed that the Elsenburg extension to Saron had been reduced from 2000. In 2005, several new extension workers had been employed in the Department of Agriculture. However, their level of competence was low, and it would take time for the extension work, organized through the regional Elsenburg offices, to be functional. In the meantime, Elsenburg had participated in a new Association for Agriculture in Saron. Around 100 families had joined the Association. The idea was to organize cooperative farming, assisted by private consultants. A member of the ANC in Saron told of serious conflicts in the party over leadership and the selection of candidates for the upcoming local government elections in 2006. He argued that the ANC had good plans for economic development in Saron. He mentioned that the ANC had managed to get funding for a new police station, a large building on the road into Saron. He was optimistic that a new shopping centre and a new stadium would be built after the elections, given that the ANC continued to hold the majority in the Drakenstein Municipality.

The train that passed Saron on the way to Porterville had been discontinued. The train to Gouda, from Cape Town, left at about five o'clock in the afternoon. It came to Gouda at about seven o'clock, packed with black people on their way home. One train went from Gouda to Cape Town each day. It departed from Gouda at six o'clock in the morning. On Saturdays, the train was packed, crowded, some sleeping, most talking animatedly, making jokes and laughing. The trip took two and a half hours, some 120km. It cost ZAR 6 each way, and ZAR 4 for a bicycle as special baggage.

With liberation from apartheid, the new state and government introduced programs that would reduce the need for migrant labour. Since the unbanning of the ANC as a resistance movement and its transition into party politics in the 1990s, the ANC, NP and DA settled, so to speak, into their respective constituencies. The new democratic state had difficulty transferring land project funds into local African communities and difficulty in opening communication across the class–race divides. The new local government institutions were either not present or weak. They easily fell prey to corruption. In this sense, the field visits to Paulshoek and Saron can suggest that: (a) the two worlds, the white and black worlds, continued to exist without much horizontal communication and trust; (b) the migrant

labour system continued unabated, but with an increase in welfare transfers to families in the two communities; and (c) the new state was a significant innovation, but in the late 1990s the state was still distant and remote from the two communities, hardly embedded in them (Evans, 1995). The Development Forum in Paulshoek, the Drakenstein District Council (in Saron) and AgriSA were vertical mediators with limited potential for bringing parties closer together.

9 Conclusion: The barriers to land reform in the state: Lack of municipal democracy and administrative competence

Three assumptions constituted the paradigm of this investigation.

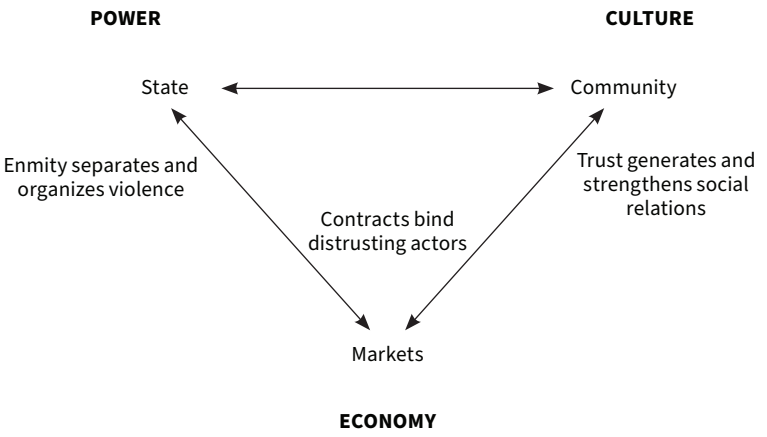
1. The separation of three institutional fields, as in Figure 3.
2. Policy and implementation are riddled by intervening variables, and that implementors can be policy makers along the way.
3. Political democracy is dependent upon the legitimacy of common political institutions, especially parliaments. It is essential that political actors accept participation in such institutions even when they are voted down (Przeworski, 1979, p. 11).

Those assumptions confronted with case materials suggested that:

- government obligations should be an important source of information about the contents of government policy; that land reform policy would be heavily influenced by the obligations the government and the governing ANC party over time had taken on; and
- that the strength of the new democracy in South Africa would be dependent upon the status people and political participants assigned to parliaments and to representatives of political parties, to other common institutions like the public bureaucracy, municipal authorities and chief-managed communities.

Following liberation from apartheid, redistribution of land ownership affected people's trust in the government and, more generally, trust in the new democracy.

Figure 3: Three related institutional fields



In 1990, farmers of European descent owned about 86% of all arable land in the country. In 1994, in its RDP (the Reconstruction and Development Programme) election program, the African National Congress (ANC) set the goal for redistribution to 30% of land back to African people over five years. In 2005, 11 years later, around 3% had been transferred. What were the ANC's and other stakeholders' obligations in land reform and how did they go about making good on those obligations? What kind of energy, attention and resources did the ANC Government put into land reform? How was the transformed state, from apartheid to democracy, organized to implement land reform?

9.1 Findings

A finding is that the emerging black farmer focus stifled the land reform program. The program became fully merged with the development and reform of privately owned, capital-producing agriculture. The focus on black entrepreneurs weakened the reform program relative to people's demands for productive land, the demand for land workers' secure tenure, training and education, and workplace/farm democracy.

Hardly any attention was given to popular development within other land systems, small-scale private and communal production; land questions addressing communal societies, church communities, and in contexts where bricolage rural livelihoods are prevalent.

- Political democracy was in place in the land state (the public organs engaged in land and water management), especially in the provincial parliaments. However, with relations between the ANC and the DA on the brink of collapse.
- Both politicians and land bureaucrats were outspoken. Politicians were willing to openly criticise their own parties. Land bureaucrats could speak critically about their own departments.
- Democracy, in the sense of people electing their own leaders in firms and organizations, was hardly present.
- In a brief period, 1994 to 2006, ANC obligations in land reform shifted from the RDP declaration of land to the people, with a transfer of 30% of arable land to black people in 5 years' time, to the GEAR and LRAD programs for land to black entrepreneurs in commercial agriculture.
- A program for communal land for commercial agriculture – managed through CPAs – was largely unsuccessful.
- A land reform competent land state was in place, given the Government program of commercialisation. The land state understood and supported the Government's emerging farmer focus. It represented a complex, multidimensional understanding of how to develop commercial farming. However, the resources for supporting emerging black farmers in the Departments of Agriculture were limited. The idea that the land state should support productive activities on communally held land had hardly any adherents in the Departments of Agriculture. It was somewhat more represented in the provincial offices of the Department of Land Affairs.
- The land state was active in transferring land to emerging farmers. The Government's ambition of developing infrastructure necessary for productive activities on transferred land was formulated, but hardly implemented. The land state at the provincial level was aligned with the government program of commercialisation of rural land use, but the land state saw other dimensions of a viable rural development program. In one sense, the provincial land state was more competent on the complexities of existing social relations and instruments needed for viable rural development than was expressed in the national government's land reform programs.
- The provincial land state did not emerge as the main explanation for the slow pace of land reform, the main barrier to implementation of land reform. The Government's rather dogmatic focus on commercialisation and the lack of assigned resources to implementation and the lack of

development of local municipal government were more important explanations.

- There was limited cooperation between the main units of the land state, between the legislatures, the offices of the Department of Land Affairs and the Departments of Agriculture. Distrust both within these units and between them was widespread. Attempts at working with colleagues across institutional boundaries were few and far between.
- The idea that improved land reform required more popular and civil society participation in policy making and implementation was not supported by land state representatives.
- A technocratic bent, the idea of top-down administration of land reform, with bureaucrats transferring established 'modern' knowledge to 'uninformed local people' (cf. Nuijten, 2005), was common. Members of the land elite (in effect, the study group) did not consider their trustworthiness among common people as important for successful land reform.
- Among members of the main parties, the ANC and the DA, trust as familiarity was strong, stronger among ANC members than among DA members. That is perhaps a general mechanism. New rulers with the majority of votes up against a party based in the institutions and the economic power of the old regime tend to easily become defensive of its political power. That can lead to selective trust, trust 'in the family', trust limited to party members, or to a section of the population, *in casu*, trust only in the black African section of the South African population.

9.2 The welfare state

It is ironic that only a few years after gaining power in 1994, the ANC abandoned the idea of a strong social democratic state engaged in powerful redistribution of resources and land in South Africa. The ANC converted to the comparative advantage and free trade ideas in mainstream western economics and neo-liberal ideology. That reality model can explain structures in the data of this investigation. It leads to scant attention being given to home markets and a low willingness to protect and develop entrepreneurs in those markets. It leads to incomprehension of the values of subsistence-oriented production on communally held land.

The outlook of the provincial land state was different, nearly the exact opposite on some questions, to the national Government. The land state identified with the rural community, saw the commercial farmers and

their organizations as only partly supportive of land reform and identified modern, urban industry as the least supportive (some referred to it as 'the enemy of land reform'). The registered competence of the provincial land state can suggest the following explanation for the slow pace of land reform.

The combination of the comparative advantage perspective and the idea of a weak state, subordinated to the dictates of global markets, led to a lack of attention to land reform on the ground. The rather sophisticated knowledge of methods for rural development among land state representatives was devalued, if not denigrated, for that reason. That devaluation of local-provincial public knowledge limited the flow of resources to land reform and generated frustrations and relations of distrust inside the land state. Land reform was defined as welfare policy (grants to all). Local government was not activated as planner-manager of land reform. Grants gave many formal access. Lack of local government participation left the regulation of land reform to market mechanisms. From 2000 to 2005, the Government's improvement of rural living conditions was observable. The data from Saron and Paulshoek suggest that improvement had come about, not through job creation on land or in industry, but through increased welfare grants.

The urban-oriented land regime in the Northern Cape and the rural land regime in the Western Cape mirror Government market focus. The Western Cape had a strong class of commercial farmers and a strong land bureaucracy. They cooperated and had political clout. The demand for land reform from the ground was limited in the Western Cape. That made the land elite less dependent upon financial institutions and NGOs for implementing land reform. The opposite was the case in the Northern Cape. With a small group of commercial farmers and large swaths of common people on communal land, the provincial government was dependent upon financial institutions and NGOs for implementation of land reform. The ANC regime in the Northern Cape supported the national Government's market policy. The DA regime in the Western Cape allied with the rural community, both the rich and the poorer sections of that community.

The national Government, in its land reform policies, does not recognize bricoleurs, people providing for themselves through multiple use-value-oriented livelihoods, seeking subsistence, with limited connections to the formal economy. The Department of Land Affairs, although it springs from the apartheid history of land administration, had the potential freedom to identify bricoleurs on communally held land as an important group in government land reform policy. As a national department with provincial offices independent of provincial parliaments, it had the potential to develop methods for economic and social development on communally held land.

The departments of agriculture are large operational administrations within provincial government. They have been engaged in large-scale commercial agriculture/farming for a long time. To reorient their activities towards bricoleurs is at best a long-term project, at worst, not possible. The technical, biological, and economic knowledge (the knowledge regime) in that department is set within a paradigm of state-managed large-scale commercial agriculture. That regime would be refined and developed when commercial farming was set as standard for organizing production among emerging black farmers.

Commercial agriculture in South Africa is confronted with the heat of international competitive markets. However, the departments of agriculture allowed space within their preserves for RDP offices in the 1990s and for rural development projects on communally held land and extension to small-scale emerging farmers. If that space was to be expanded with training facilities, more local agricultural schools and private sector engagement, the departments may facilitate a fruitful, congenial interaction between rural communities on commonages, markets and capital-producing large-scale agriculture.

Some conditions for the development of trust in the spaces between institutions of land reform and between state and society emerged from this study. It was when the ANC was insecure about the electorate in the early 1990s that it most clearly spoke of common and poor people's interests in land and proposed a strong regulatory government to respond to those interests. At that time the development of a new democracy was important.

It was in the province ruled by the opposition to the ANC that the largest number of politicians viewed the other main party as supportive of land reform. It was in the province with developed agriculture and a high level of agricultural education (the Western Cape) that the commercial farmers were more positive towards the idea of land redistribution and where the commercial farmers' organizations were seen as among the most supportive of land reform.

Trust based in expectations of government delivery to poor people was high in 1994. That trust was waning in the period studied here. As unconditional trust is reduced to 'calculated interest' (within existing administrations) and to familiarity (in the ANC), the power of parliaments is reduced, and the power of markets and bureaucracies increases. Trust among rural people, that a surge in the urban economy will benefit them, was not strong. The ANC directed its attention primarily to the urban and the international economy. The RDP rhetoric on rural development did not materialise into substantial land redistribution. The devaluation

of production on commonages, the devaluation of traditional authority and the devaluation of professional knowledge on rural development in the provincial land state, reduced rural trust in Government. The ANC commercial-competitive policy has regenerated rural people's faith in traditional leadership and paternal authority in extended families, in landholding communities and regional ethnic groups. Unemployment and landlessness increase the feeling of risk, even a feeling of danger for survival, and leads many to withdraw from the democratic process.

This strategy of overlooking rural subsistence communities and hoping that commercialisation and support to emerging farmers will lead to economic and social improvement in the rural areas, may be unrealistic and may harbour more open conflict. Drawing the millions of rural poor people in South Africa into the democratic process seems to be dependent on an appropriate and diversified infrastructure for multiple livelihood communities.[44] It seems important to connect such communities gently, carefully, into the capital-producing market economy.

In the Northern Cape, strong government was in place, but the ANC's distrust of opposition hampered the democratic process. In the Western Cape, the land elite wanted to privatize the public administration of agriculture, most likely with the effect of reducing the administrative capacity to absorb the demands of rural subsistence communities and to intervene constructively in them. However, the ruler-opposition relation was more active and institutionalised in the Western Cape. For that reason, the possibility of a rural voice in politics was higher there.

9.3 Emerging black farmers

The 1990 to 2006 land reform program focused increasingly on emerging black commercial farmers. That focus emerged from both empirical materials and other studies of South African agrarian and land questions. The task was to try to understand why the ANC Government chose that focus. A finding was that the ANC Government had entertained obligations in the international community to develop the South African economy as part of

44 In a presentation that includes a longer historical description of the program by Cousins' colleague, Edward Lahiff, Ben Cousins (2002a), makes this point: current agricultural development programs tend to favour "emergent" black farmers, who conceive of their enterprises in terms of large-scale commercial farming. The National African Farmers Union (NAFU) has argued that they should receive the same kind of intensive government support that white farmers received from the apartheid state and from earlier rulers.

the global market system. That meant support to the development of large-scale agriculture and to assist entrepreneurial poor people into commercial farming. In the urban areas, it meant an obligation to participate in the development of capitalist industry and service production. Members of the ANC thus became legitimate and important members of the urban middle class in South Africa. The obligation to support black commercial farming is well described in the literature. How did that selectivity work? The finding here was that the focus slowed land reform and led to a reduced engagement in small-scale agriculture, family farming and popular development in other land systems. The focus implied and was partly explained by the low prioritization of the development of municipal and local government.

The ANC prioritized a policy of urban capitalist development as a condition for rural development and poverty alleviation. ANC enmity towards the DA and its white and coloured class constituencies, understandable in an historical perspective, was destructive to a necessary cooperation between farmers and poor people in subsistence-oriented communities. A cooperation that probably was a *sine qua non* for the formation of functioning, democratic local government.

9.4 The ANC as a rational actor: Making good on its obligations

John Searle (2001) has argued that obligations – rather than desires – are the main materials of rational actions. How does that theory tally with ANC policy and actions in land reform? That the ANC has been a rational organization, making choices in the field of land reform, is easily documented in the flow of explicit policy documents, developing the profile of the land reform program over time. In the case of the RDP, there was a wide national political discussion about the contents of the program. That discussion was not activated prior to the adoption of the neo-liberal GEAR program. The ANC leadership probably knew that such a discussion would not mobilize a majority for scrapping the RDP and adopting GEAR. The ANC's obligation to the middle-class project of opening and developing the modern urban economy was probably stronger than its obligation to redistribute land to common people. With mainstream economic education, the ANC leadership believed that urban modern development had to come first. Assuming the ANC as an isolated rational actor with a stable preference scale acting to maximize its own utility does not explain the policy choice. The combination of reality models and obligations works better. That combination also explains why the ANC leadership that did not leave the country during the

anti-apartheid struggle has been more social democratic in its orientation than the 'foreigners'. That section developed its reality model in the struggle, amidst migrant workers and common, often poor, black Africans, against apartheid oppression. That rendered the program of a radical reorganization of the state and the powerful redistribution of land a high priority to them. Self-interest is thus not an encompassing orientation. It is rather moulded by experience, knowledge and obligations. Deontic power, the power of promises and obligations, is at least as important as material power. Engaged promises to others is as important as capital.

When the ANC land reform program took on the abstract market model – let the market determine land distribution – it seemed logical to open the economy to global markets and to choose markets as the main institution for redistribution of land (the willing seller, willing buyer principle). As documented, that has led to few common poor people involved in the land markets. They had to pool their capital, their meagre grants to become buyers of land for commercially viable farming. The collective ownership that resulted made for severe problems of management. The CPA farms were in most cases stuck in the periphery of viable agriculture. LRAD was a logical consequence: fewer richer entrants with more commercial success. People with little capital in subsistence-oriented production would need a strong state willing to build infrastructure in their communities to survive. It would have been in their interest to define land reform much broader than just acquiring land, as a differentiated policy for the improvement of livelihoods, education; formal employment and living conditions in townships, in villages with communal ownership of land, on commercial farms and in agro-industry, transport, etc. Such a policy would perhaps have transcended land reform to become an underclass livelihood reform. It would have demanded a stronger regulation of markets, so that capital would be managed selectively and carefully in the development process, so that local authority, negotiated and financed redistribution of land and local entrepreneurship was allowed space and time to unfold. A key in that policy would be municipal empowerment and democracy.

An irony of ANC history is that after a prolonged struggle to amass enough power to topple apartheid and establish a new democracy in South Africa, just after reaching that heroic goal, the Party adopted a policy of land reform with the market as the main driver. That policy implied a retraction of state power from negotiated developments of an ANC-social democratic society. The ANC abandoned the idea of an actively reorganizing state to a state primarily guarding the markets from opportunistic behaviour. In land reform markets were drivers. ANC leaders argued that it was a necessary

compromise with capitalist South Africa. That was a choice, not a necessity. The ANC and its surrounding organizations and allies had enormous legitimacy in 1990. The ANC in power first chose a welfare strategy in land reform, small grants to poor, land hungry people. Then the ANC moved to a public banking strategy. LRAD meant lending substantially to nascent commercial farmers that could produce realistic and acceptable business plans for farming on newly acquired land.

The LRAD policy meant integrating new land use into regional, intercontinental, and global markets. The consequences shocked the ANC membership. The multinational companies in the country, most of them historically positive or neutral to apartheid, were suddenly ANC-legitimate and prime actors in the Government's macroeconomic policy. National industry and farming, which had been closely regulated and managed by state corporate bodies under apartheid, were shocked. They were largely unfamiliar with and unadjusted to business organization in a competitive market setting. The rush of new technology available internationally led to pressure for radical reorganizations of the companies and the commercial farms, with the logical consequence of reduction of formal employment. Capital-intensive production flushed uneducated workers into unemployment. A consequence was a spurt of new investments. However, the new jobs absorbed only a fraction of the number of people seeking employment. Unemployment has increased and, in 2005, was estimated at between 30% and 40% of the employable population.

However, the poverty producing effect of integrating the economy into international markets has been smaller in South Africa than, for example, in Tanzania. South African industrialisation and differentiation of the economy is advanced. A problem is that the land policy is embedded in a liberal market economy. A political problem is to generate reasonable livelihoods among the ANC's primary supporters, common people – in the millions – in rural and urban South Africa, an underclass livelihood reform. The task is to get the economy to expand inward, into the huge societal underclass. A key there is probably a detour: a powerful intervention and funding of municipalities, multiple forms of farms, firms and organizations and a functioning democracy. Land reform should perhaps be negotiated freely locally. Programs developed there for redistribution and development should be liberally publicly funded. The modern capitalist urban economy should be pressured to understand its own self-interest, namely that real local wealth creation and social development would 'trickle up' to the urban rich and probably open for social democratic developments also at the middle and top levels of the economy. Hardly any of such new investments

would in the short and medium term be competitive on international markets. Large industry and large-scale farming is competent in those markets. Differentiation of commercial farming into more small-scale family farm production and with black African ownership is part of such a development program.

However, as this research has shown, a major problem in the rural areas in the short term is to improve conditions for subsistence-oriented production, where there are no profits and where market transactions occur according to opportunity and need and not as an imperative of production (Wood, 2003). That task is important because the possibility of wage labour in capital-producing farming, industry and services in the rural and peri-urban areas absorbing most of the unemployed in the short to medium term is limited. That task demands new forms of public-private cooperation and probably a strong, social democratic state.

The economic policy of the ANC, opening the economy for competition from actors in international markets, has had repercussions in the land state. Established technical knowledge of farm management and of infrastructure needed to sustain the differentiated agriculture in the country has been devalued. The LRAD policy directed attention to emerging commercial farmers under a strategy of making South African agriculture more competitive in international markets. That strategy meant a need for radically new knowledge both within the large farms, about how to organize a competitive business in international markets, and within the agricultural land bureaucracy. How could it assist large-scale farmers organize for international trade and competition? That meant a reorganization of the commercial farming sector and the land state. Both the policy of support to emerging black small-scale farmers and assistance to subsistence-oriented multiple livelihood production got inadequate attention.

Generally, the macroeconomic policy meant a devaluation of established, historically developed knowledge of collective livelihoods, family farming, irrigation and small-scale agro-industrial production in the land bureaucracy. The Departments of Agriculture were specialists in technology for large-scale commercial production. However, there were variations in farm sizes, producing under different conditions in coastal areas and inland, on plains and in mountainous areas. Much of the frustration, distrust, and enmity between units in the land state, and between it and stakeholders, is a product of the strategic devaluation of established knowledge of agriculture in the land state. That void invites corruption. Private interests capture public employees.

In the data on priorities in land reform, ANC members of the land state highlighted emerging farmers, while the opposition was more interested in improving the management of land reform. Six of eleven DA members in the group of politicians gave priority to improved management. Only one of the nine ANC members did the same. The politicians were sceptical of the land bureaucracy's competence. ANC members defended the DoA's and the DLA's competence. DA members were critical of both. A possible interpretation is that the land bureaucracies did not get the attention, or the resources, for autonomous policy implementation. The ANC elite defended both the commercialisation policy and the land bureaucracies. The DA elite supported the emerging farmer focus but felt that the ANC strategy should assign higher priority to the management of land reform. Government attention was elsewhere.

Put more positively, the land state at the provincial and national levels had a broad and place-specific knowledge of agriculture and, to some extent, of multiple livelihoods on communally held land (the RDP land reform units). A knowledge that could have been activated constructively if the Government had given that land system higher priority.

Historically, the formation of nation-states was conducive to the development of capitalism within the national territory. England was undoubtedly an early example (Marks, 2002). Capitalism generated class differentiation, which again fed into the development of (some) democratic states (where elections mobilized classes and where dialogue established government policy). With globalised, high-technology capitalism, the connection between nation and development of capitalism appears to have been reduced. Globalised capital enters marginal areas, non-capitalised areas, with the special interest of exploiting natural resources and cheap labour. Development of an autonomous, national class of capitalists is generally not in the interest of globalised capital. That capital section gives priority to autonomous global corporations. Therefore, the historical connection between national capital formation and democracy has often been broken. Therefore, there is a danger of an unholy alliance between a national government, adopting neo-liberal policies, opening the economy for participation in global markets and global capital interested in resources and cheap labour under its own control. That alliance can marginalise both autonomous national capital and subsistence production – both urban and rural – in economically underdeveloped countries.

For land reform to become a substantial reality for a majority in South Africa, the Government would have to combine globalisation with more

attention to the development within multiple land systems, home markets and subsistence production. Entrepreneurs and their investments in production for home markets would have to be supported. Effective land reform would mean regulation of the export economy, allowing access to companies that are ready for that kind of competition, and major support for production to national and local markets. It would mean an expansion of the funding of land reform and an expansion of the program, from the present narrow focus on emerging black farmers to a broad policy based in heavy taxation of successful companies and farms, of land to subsistence producers, to emerging small-scale industry, to public infrastructure, like roads, schools, community buildings, to housing projects, etc., especially in rural areas.

The implementation of the land reform program should then be distributed more widely in the public administration, networking with the different participants in the implementation process. Such an outward/inward-looking development program would also see strong local government as an important system for land use planning and land reform. It would mean a radical expansion of elementary and trade-specific vocational education especially in the rural areas, perhaps with the expansion of multi-disciplined regional colleges catering to local production and employment.

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Mervin Cloete (Poelshoek Development Forum) and Hilde Ibsen (Admin-Africa project) at the fence between a commercial farm and the common land of Poelshoek, Leliefontein in the Northern Cape of South Africa. Green pastures on the commercial side, dry burnt pastures on the poelshoek side. [Photo: Thorvald Gran]

ANC land reform started on a good footing with the RDP, but has since moved to a policy of supporting entrepreneurial emerging middle-class black farmers rather than the immiserated rural subsistence farmers. This has shifted government funding and support towards the urban areas leaving rural areas destitute.

In ***State Power in Land Reform***, the author relies on a robust theoretical frame, extensive policy analysis and empirical data to advocate for a new engagement with local communities through rejuvenated municipalities, that is, through strong local institutions.

State Power in Land Reform provides provides a valuable analytical account for both the historian and the archive.

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