The Politics of Land Reform in Post-Apartheid South Africa, 1990 to 2004:

A Shifting Terrain of Power, Actors and Discourses

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Where a policy may fail in practice, it may succeed as composition and code.
(Apthorpe 1997 p. 45)
Abstract

This thesis investigates how, why and through what processes the programme of land redistribution evolved and changed in South Africa between 1990 and 2004. Through document analysis, in-depth interviews and participant observation it traces the evolution of policy and investigates the actors and networks involved in formulating and challenging policy, and the policy discourses that they adopted and employed, and through which interests were defined and pursued.

This period witnessed two policy cycles through which land reform, initially defined by a focus on multiple livelihoods for the rural poor, was transformed into farmer settlement for “emerging” black commercial farmers, pursuing a limited deracialisation of commercial agriculture rather than a process of restructuring to overcome agrarian dualism. The thesis identifies two distinct discourses through which policy was contested: one about rights, justice and economic restructuring, and the other about growth, markets and economic efficiency, and depicts how actors came together to form ‘discourse coalitions’.

Those who made, interpreted, and used policy followed patterns of thinking and doing that had historical roots, reviving discourses and imagery that in previous historical cycles of policy were used to defend against expanded black settlement in the white commercial farming regions, and notions of proper farming which underpinned policies from the Glen Grey Act in the nineteenth century through to Betterment planning in the twentieth. Transcending political divides was a deeply-felt antipathy towards state-planned and state-implemented resettlement among South Africa’s activists and new bureaucrats who had witnessed the ravages of forced removals, villagisation and Betterment, which converged with the suspicion of state intervention among the ‘market’ believers. Although ostensibly adopted as part of rural restructuring, the re-making of land redistribution in South Africa may be understood as a continuation of a modernising ideology that has long historical roots.
Acknowledgements

This thesis has the imprint of many people. It was made possible by the guidance, insight and generosity of several people and institutions. Among them are the many people involved in issues of land and agricultural policy in South Africa – in government, farmer associations, non-governmental organisations and academia – who, in the midst of often-polarising debates, openly shared their experiences and observations with me. I am deeply grateful to my supervisor, Gavin Williams, for his thoughtful input throughout this project, for enthusiastically pointing out to me what it was I was trying to say, and for sticking with me through several iterations over an extended period of time. I would like to thank the Rhodes Trust for a scholarship that made the privilege of a period of study at Oxford, and this thesis, possible. Colleagues at the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape provided inspiration for the thesis, by valuing the role of engaged scholarship. As well as providing a base from which to engage in some of the policy processes I described here, PLAAS provided me with time off for writing and became my intellectual home. Through it, the Norwegian Centre for Human Rights also supported this endeavour, enabling me to spend a month of uninterrupted time writing in Oslo. The foundations of the thesis lie far back in childhood, in my parents’ insistence on taking ideas and politics seriously and engaging critically with the world around. Those who bear the day-to-day brunt of a thesis are often listed last, but must be recognised and thanked. I would like to thank my husband, David Dunton, who knew that I had to do it and graciously bore with me, and our daughter Lola for being a delightful counterpoint to this thesis, and for dealing with my absence with a happy spirit.
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<tbody>
<tr>
<td>ACB</td>
<td>Agricultural Credit Board</td>
</tr>
<tr>
<td>ACLA</td>
<td>Advisory Commission on Land Allocation</td>
</tr>
<tr>
<td>Act 126</td>
<td>Provision of Certain Land for Settlement Act 126 of 1993</td>
</tr>
<tr>
<td>AFRA</td>
<td>Association for Rural Advancement</td>
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<tr>
<td>AgriBEE/AgriBBBEE</td>
<td>Agricultural broad-based black economic empowerment</td>
</tr>
<tr>
<td>AgriSA</td>
<td>Agri South Africa [formerly SAAU]</td>
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<tr>
<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>ARC</td>
<td>Agricultural Research Council</td>
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<td>ARDC</td>
<td>Agricultural and Rural Development Corporation</td>
</tr>
<tr>
<td>BAASA</td>
<td>Black Agricultural Association of South Africa</td>
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<tr>
<td>BATAT</td>
<td>Broadening Access to Agriculture Thrust [of the NDA]</td>
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<tr>
<td>BEE</td>
<td>Black economic empowerment</td>
</tr>
<tr>
<td>BRC</td>
<td>Border Rural Committee</td>
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<tr>
<td>CALS</td>
<td>Centre for Applied Legal Studies</td>
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<tr>
<td>CASP</td>
<td>Comprehensive Agricultural Support Programme</td>
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<tr>
<td>CBOs</td>
<td>Community-based organisations</td>
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<td>CFP</td>
<td>Commercial Farmer Programme [of the NDA]</td>
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<tr>
<td>CLC</td>
<td>Community Land Conference</td>
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<tr>
<td>CODESA</td>
<td>Convention for a Democratic South Africa</td>
</tr>
<tr>
<td>COLA</td>
<td>Commission on Land Allocation</td>
</tr>
<tr>
<td>COSATU</td>
<td>Congress of South African Trade Unions</td>
</tr>
<tr>
<td>CPAs</td>
<td>Communal property associations</td>
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<td>CPIs</td>
<td>Communal property institutions</td>
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<tr>
<td>CRLS</td>
<td>Centre for Rural Legal Studies</td>
</tr>
<tr>
<td>CSIR</td>
<td>Council for Scientific and Industrial Research</td>
</tr>
<tr>
<td>DANIDA</td>
<td>Danish International Development Agency</td>
</tr>
<tr>
<td>DBSA</td>
<td>Development Bank of Southern Africa</td>
</tr>
<tr>
<td>DDG</td>
<td>Deputy Director-General</td>
</tr>
<tr>
<td>DEP</td>
<td>Department of Economic Planning [of the ANC]</td>
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<tr>
<td>DFID</td>
<td>Department for International Development [UK]</td>
</tr>
<tr>
<td>DG</td>
<td>Director-General</td>
</tr>
<tr>
<td>DLA</td>
<td>Department of Land Affairs</td>
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<tr>
<td>DRLA</td>
<td>Department of Regional and Land Affairs</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>FAO</td>
<td>Food and Agriculture Organization of the United Nations</td>
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<td>FAWU</td>
<td>Food and Allied Workers’ Union</td>
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<tr>
<td>FSPs</td>
<td>Farmer support programmes</td>
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<tr>
<td>FSG</td>
<td>Food Studies Group, Oxford</td>
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<tr>
<td>FSN</td>
<td>Food Safety Net programme [of DLA]</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross domestic product</td>
</tr>
<tr>
<td>GEAR</td>
<td>Growth, Employment and Redistribution macroeconomic strategy</td>
</tr>
<tr>
<td>GNU</td>
<td>Government of National Unity</td>
</tr>
<tr>
<td>HBNG</td>
<td>Household Basic Needs Grant</td>
</tr>
<tr>
<td>IDASA</td>
<td>Institute for a Democratic Alternative for South Africa [currently Institute for Democracy in South Africa]</td>
</tr>
<tr>
<td>IFP</td>
<td>Inkatha Freedom Party</td>
</tr>
<tr>
<td>IP</td>
<td>Integrated Programme [of DLA and NDA]</td>
</tr>
<tr>
<td>IPLRAD</td>
<td>Integrated Programme of Land Redistribution for Agricultural Development</td>
</tr>
<tr>
<td>ISPR</td>
<td>Inverse size-productivity relationship</td>
</tr>
<tr>
<td>ISRDP</td>
<td>Integrated Sustainable Rural Development Programme</td>
</tr>
<tr>
<td>ISRDS</td>
<td>Integrated Sustainable Rural Development Strategy</td>
</tr>
<tr>
<td>LAPC</td>
<td>Land and Agricultural Policy Centre</td>
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<tr>
<td>Land Act,</td>
<td>Natives Land Act 27 of 1913</td>
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<tr>
<td>1913</td>
<td></td>
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<tr>
<td>Land Act,</td>
<td>Natives Trust and Land Act 18 of 1936, whose title was later amended to the Development Trust and Land Act 18 of 1936</td>
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<tr>
<td>1936</td>
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<tr>
<td>LPM</td>
<td>Landless People’s Movement</td>
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<tr>
<td>LRAD</td>
<td>Land Redistribution for Agricultural Development programme</td>
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<tr>
<td>LRC</td>
<td>Legal Resources Centre</td>
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<tr>
<td>LRPP</td>
<td>Land Reform Pilot Programme</td>
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<tr>
<td>LRCF</td>
<td>Land Reform Credit Facility</td>
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<tr>
<td>LRSP</td>
<td>Land Reform Support Programme</td>
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<tr>
<td>MAFISA</td>
<td>Micro Agricultural Finance Institutions of South Africa</td>
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<tr>
<td>MALA</td>
<td>Ministry for Agriculture and Land Affairs</td>
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<tr>
<td>MALR</td>
<td>Market-assisted land reform</td>
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<tr>
<td>MDM</td>
<td>Mass Democratic Movement</td>
</tr>
<tr>
<td>MEC</td>
<td>Member of the [Provincial] Executive Council [provincial minister]</td>
</tr>
<tr>
<td>MERG</td>
<td>Macro Economic Research Group</td>
</tr>
<tr>
<td>MINMEC</td>
<td>Meeting of the Minister and the nine provincial MECs</td>
</tr>
<tr>
<td>MST</td>
<td>Movimento dos Trabalhadores Rurais Sem Terra [Brazil]</td>
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<tr>
<td>NAFCOC</td>
<td>National African Federated Chamber of Commerce</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>NAFU</td>
<td>National African Farmers’ Union</td>
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<td>NAMC</td>
<td>National Agricultural Marketing Council</td>
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<tr>
<td>NCAR</td>
<td>National Committee Against Removals</td>
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<tr>
<td>NDA</td>
<td>National Department of Agriculture</td>
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<tr>
<td>NDR</td>
<td>National Democratic Revolution</td>
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<tr>
<td>NEC</td>
<td>National Executive Committee [of the ANC]</td>
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<tr>
<td>NEUM</td>
<td>Non-European Unity Movement</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
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<tr>
<td>NLC</td>
<td>National Land Committee</td>
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<tr>
<td>NP</td>
<td>National Party</td>
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<tr>
<td>NUSAS</td>
<td>National Union of South African Students</td>
</tr>
<tr>
<td>ODA</td>
<td>Overseas Development Agency [UK]</td>
</tr>
<tr>
<td>PAC</td>
<td>Pan Africanist Congress</td>
</tr>
<tr>
<td>PDOAs</td>
<td>Provincial departments of agriculture</td>
</tr>
<tr>
<td>PLAAS</td>
<td>Institute for Poverty, Land and Agrarian Studies [formerly Programme for Land and Agrarian Studies, University of the Western Cape]</td>
</tr>
<tr>
<td>PLAS</td>
<td>Pro-active Land Acquisition Strategy</td>
</tr>
<tr>
<td>QOL</td>
<td>Quality of Life survey [of DLA]</td>
</tr>
<tr>
<td>RDF</td>
<td>Rural Development Framework</td>
</tr>
<tr>
<td>RDP</td>
<td>Reconstruction and Development Programme</td>
</tr>
<tr>
<td>RDS</td>
<td>Rural Development Strategy</td>
</tr>
<tr>
<td>SAAU</td>
<td>South African Agricultural Union</td>
</tr>
<tr>
<td>SACP</td>
<td>South African Communist Party</td>
</tr>
<tr>
<td>SADT</td>
<td>South African Development Trust</td>
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<tr>
<td>SANNC</td>
<td>South African National Native Congress</td>
</tr>
<tr>
<td>SANT</td>
<td>South African Native Trust</td>
</tr>
<tr>
<td>SLAG</td>
<td>Settlement/ Land Acquisition Grant</td>
</tr>
<tr>
<td>SPP</td>
<td>Surplus People Project</td>
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<tr>
<td>TAU</td>
<td>Transvaal Agricultural Union</td>
</tr>
<tr>
<td>TEC</td>
<td>Transitional Executive Council</td>
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<tr>
<td>TRAC</td>
<td>Transvaal Rural Action Committee</td>
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<tr>
<td>UDF</td>
<td>United Democratic Front</td>
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Chapter One

Introduction
1 Aim of the thesis

The objective of land redistribution articulated in the Reconstruction and Development Programme (RDP), adopted by the African National Congress (ANC) as its first election manifesto in 1994, was to transfer ownership of agricultural land in the white commercial farming areas to poor black South Africans (ANC 1994b). The RDP’s target was to transfer 30 percent of this land within the first five years of the programme. By 1999, less than one percent of commercial farmland had been made available to black South Africans, and ten years after the advent of democracy, just three percent had been transferred through all aspects of the land reform programme combined (Hall 2004a; MALA 2004). In 2001, a revised policy, Land Redistribution for Agricultural Development (LRAD), was adopted, which removed the pro-poor bias of land redistribution and introduced the new aim of establishing a class of black commercial farmers.

The aim of this thesis is to investigate how, why and through what processes the programme of land redistribution evolved and changed in South Africa between 1990 and 2004. Its focus falls on two cycles of policy making in the democratic era. The intention is not to compare their programmatic outcomes in terms of land delivery, but rather to analyse the interests, actors and discourses that structured these policy processes. The thesis aims to uncover the factors that shaped the evolution of land redistribution policy by investigating: 1) the political interests at work; 2) the actors and networks which formulated and challenged policy; and 3) the policy discourses that were adopted and employed, and through which interests were defined and pursued. This analysis of policy as process explains in part why, after ten years of democratic
rule, land reform had fallen so far short of both official government targets and the public expectations of the early 1990s.

The analysis presented challenges two conventional wisdoms about land reform in South Africa that prevail within both academic analyses and public opinion: first, that the policy framework was the product of participatory processes in which social forces were able to agree on the broad objectives and parameters of reform (Weideman 2004); and second, that the primary political constraints facing the programme were the result of compromises struck in the course of negotiating the transition to democracy (Ntsebeza 2007). In exploring and contesting these claims, I draw on theories of political economy and analytical approaches to public policy processes, as tools with which to scrutinise the empirical material, and to provide a nuanced understanding of the evolution of policy.

The thesis also aims to contribute to the literature on ‘failed’ development policies, by reconsidering what constitutes failure and how analysis can explain policies as the results of political and discursive contestation; and shedding light on the interests served by outcomes other than those ostensibly intended in policy. In doing so, it draws attention to long historical continuities in official government thinking about the redistribution of land, and the modernisation of African agriculture.

The focus of this enquiry is on the land redistribution programme, but reference is made where relevant to other aspects of the post-1994 land reform programme, namely land restitution to people dispossessed under apartheid, and land tenure reform in respect of
residents of communal areas falling under tribal authority and farm dwellers on commercial farms.

2 Research questions

The primary research question addressed in this thesis is *how, why and through what processes did the programme of land redistribution evolve and change in South Africa between 1990 and 2004?* In responding to this question, it explores a number of secondary research questions.

1. *Through what processes were land redistribution policies formulated?* The enquiry addresses how different people and institutions envisaged land redistribution and its purposes from 1990 to 2004 and why, how and through what processes the vision of land reform contained in the RDP had by 2001 been replaced with another vision, exemplified in the LRAD programme.

2. *What has been achieved through land reform?* The thesis presents a synthesis of available information about the outcomes of land redistribution during the two cycles of policy, not for purposes of comparison, but to analyse how actors selectively drew on and interpreted this information to advance their interests and discourses.

3. *In what ways did the politics of transition shape the land reform programme and to what extent has it been remoulded in the post-apartheid era?* The thesis explores the interaction of actors and interests during the period of political negotiation and transition, and in what I define as two policy cycles in the first ten years of democratic rule, in order to specify the continuities and
discontinuities in policy thinking. In this sense, the aim is to historicise land policy in the ‘new’ South Africa.

4. Why has land reform in South Africa failed to meet its objectives? The thesis explores the ways in which policy was framed and reframed, the stated government targets, and the public expectations of the early 1990s. It therefore draws attention to the ways in which policies were refracted through discourses and institutions and produced outcomes other than they intended.

The thesis thus seeks to illuminate how competing visions of what and whom land reform is for have been promoted, why the dominant vision for land reform was reframed in the first decade of democracy, how this came to be, whose discourses prevailed, and whose interests were served.

3 Rationale

The rationale for this thesis is threefold. First, by analysing policy processes and participants’ perspectives, it addresses gaps in the existing literature on land reform in South Africa. Second, the specific contribution of the thesis is an insider perspective on the processes of policy making, from the point of view of a participant, observer and actor in the debates over some of this period, as well as that of an external academic analyst. Third, the timeframe from 1990 to 2004 allows for the analysis and comparison of what are characterised in this inquiry as two distinct cycles of policy making which coincide with the period between the start of negotiations in 1990, through the 1994 election to the adoption of a White Paper in 1997; and the revision of policy in the period 1999 to 2004.
3.1 Addressing gaps in the existing literature

There is a large and growing body of literature on land reform in South Africa. South African and foreign academics and students have produced numerous case studies of land reform projects, of land restitution claims, and of contestations over rights to land on commercial farms and in the communal areas. Government and independent bodies have conducted several national reviews of programmatic outcomes (CDE 2005; Hall et al. 2003; MALA 2003b; May and Roberts 2000; McIntosh et al. 1999). Non-governmental organisations (NGOs) working on land rights and rural development have also monitored and reported on specific projects as well as district and provincial trends (Bradstock 2005; Wegerif 2004).

With a few notable exceptions, much of this literature focuses on the implementation of policy and its outcomes. Relatively little has been written on legal and policy processes, and what does exist has focused largely on the early 1990s, for example Chaskalson (1995) and Klug (2000) on the constitutional negotiations, and Levin and Weiner (1994) and Williams (1996a) on the early policy discussions between the ANC, other South African actors and the World Bank.

A small number of published and unpublished articles have addressed more directly the nature of policy making (Husy 2001; Weidemann 2004) or the politics of land reform (Jara and Hall 2009; Levin and Weiner 1996), though none have attended in detail to the formulation of policy in the second policy cycle. This means that there is a significant gap in the literature: an analysis of the trajectory of land redistribution policy-making over time. This is warranted by the remarkable contraction during the first decade of
democracy of the official vision for land redistribution as part of rural restructuring; the spectacular failure of the programme to create either the class of black smallholders it initially envisaged, or the class of black capitalist farmers it later pursued; and its failure to realise its ultimate and consistently stated goal: the resuscitation of the rural economy.

3.2 Contribution of this thesis

This thesis explores the roles of state institutions, political parties, farmers’ associations, NGOs, social movements, academics and advisors. It traces the movement and impact of these groups of people, and their ideas and discourses, in policy-making institutions and processes. Analysis of land reform has tended to take a highly statist view, presuming the state to be the central actor. While acknowledging that the (new) South African state had its own interests in land reform – and these were internally contested within government, the ruling ANC and its partners in the Tripartite Alliance, the South African Communist Party (SACP) and Congress of South African Trade Unions (COSATU) – this analysis also looks at the roles of state actors in interaction with non-state interests and social forces.

The ways in which land redistribution policy has been analysed does not explain policy change over time and instead treats political transition to democracy in South Africa as some kind of ‘end of history’ (Fukuyama 1992). While many writers have argued that the political context of the transition in South Africa constituted a political constraint to land redistribution, few have explored why or how it came to be that certain policy choices were made while alternative possibilities were marginalised in policy making.
Assumptions that policies adopted were merely the necessary outcomes of international market constraints, or of the constitutional constraints established during the transition, are reductionist and ignore the dynamic and contested nature of policy making itself. By telling the story of the making and remaking of land policy over time, both before, during and after ‘transition’, this thesis serves as a corrective to this tendency in the literature. It aims to provide a compelling and textured history of how diverse interests built a common policy language – even on which to disagree – and how actors used discourse to influence and change policy.

The thesis builds on my M.Phil thesis in Development Studies (1998) which addressed the period 1990 to 1997, and expands on this in three directions: deepening the analysis of this period with substantial new material, engaging with different theoretical and conceptual frames, and expanding the timeframe over a further seven years to 2004, in order to depict the ending of one policy cycle and the start of another. The particular contribution I bring to this subject is an insider perspective as a participant-observer of the unfolding debates about land reform over ten years. Further detail on the insights gained through this experience, and my roles as academic and actor, are addressed below under research methods.

### 3.3 Timeframe

The timeframe of study is from 1990 to 2004 – from the start of negotiations towards political transition, and through the first ten years of democratic rule. This allows the analysis to span two distinct periods, or cycles, of policy. The first cycle involved the development of a Settlement/ Land Acquisition Grant (SLAG) as its primary

4 International theories and practices of land reform

Land reform is ‘a many-splendoured thing’ (Griffin et al. 2002 p. 279). The term has been used to denote a wide array of initiatives to alter the distribution of property, tenure regimes, the structure of production and social relations in rural areas. Land reforms have historically been associated with political and economic upheavals, including popular insurgencies and violent revolution (Barraclough 1999; Byres 2004a).

Significant land reforms in the twentieth century in China and Cuba followed revolutionary changes in political regime that drew on peasant mobilisation. Nationalist, militarist and authoritarian states have undertaken land reforms in South Korea and Taiwan, as have democratically elected governments in Guatemala, Venezuela and Chile (Barraclough 1999; Borras 2007; de Janvry 1981; Lipton 2009). Land reform in the post-1945 era was a project of ‘developmentalist states’ of diverse ideologies (Byres 2004a). State ownership and collectivisation was a ‘socialist attempt to resolve the agrarian question’, while capitalist land reforms combined political aims (to stave off radicalisation and the spread of communism) with economic ones (to intensify land use and increase output): ‘[p]erhaps no other policy issue is more susceptible to shifts in ideology and the balance of political power than the transformation of land property rights’ (El-Ghonemy 2001 p. 105). Thus, Griffin et al. (2002 p. 317) claim that ‘land reform is not a technocratic exercise; it is a transforming political event’.
The classical tradition in development economics addresses the ‘agrarian question of capital’ which has two inter-related concerns. The first is the capitalist transformation of agriculture and how this can be brought about. Central to this is the reinvestment rather than non-productive consumption of surplus (Rostow 1960). This leads to a second concern, which is how agriculture can be made to yield an investible surplus to stimulate industrialisation, and how this surplus may be extracted and appropriated (Lenin 1917; Rostow 1960). Resolving this latter agrarian question is the basis for transition from a predominantly agrarian economy to an industrial one. This entails the demographic movement of people to urban centres and requires state planning and social engineering. These formulations are founded on an \( a \ priori \) teleology which holds that there exists a necessary and universal relation between these stages of development, though history shows that societies have experienced different paths of agrarian transition, which are contingent on class formation and class struggle (on politics) as well as on the distribution and redistribution of landholdings. Bernstein has described these agrarian questions of capital as:

first, the historical processes through which capitalist social relations are established in agriculture, with resulting transformations of production and productivity; and, second, the mechanisms through which increased agricultural production and productivity contribute to the formation and development of industry. (Bernstein 1996a p. 29)

Bernstein’s (1996a, 2007) distinctive contribution challenges the teleological tendency in both traditions, first, by showing how in South Africa industrialisation did not emerge from the capitalist transformation of agriculture, but rather from the mining revolution, which enabled completion of capitalist transformation on the ‘Prussian path’; and second, by introducing a further variant, which he terms the ‘agrarian question of labour’ or the ‘agrarian question of the dispossessed’ in an era where urban job growth
cannot absorb rural surplus labour. The latter emerges from the crisis of reproduction brought on in both the ex-Bantustans and the labour-shedding commercial farms, and suggests an alternative potential dynamic of ‘accumulation from below’, a democratic agenda that contests the existing order on two fronts: the positions of dominance in capitalist agriculture occupied by white farmers and agribusiness, and the structures of bureaucratic and chiefly power that enforce and control access to land.

4.1 Radical and reformist land reforms

East Asian land reforms in mid-twentieth century Japan, Taiwan and South Korea were successful capitalist reforms which undermined landlord classes in the aftermath of foreign dispossession and the military defeat of Japan. By favouring the claims of tenants over those of owners, these ‘land-to-the-tiller’ reforms severed feudal land relations and prompted changes in the mode of production (Griffin et al. 2004 pp. 378–382). Although far-reaching, these were reformist rather than revolutionary initiatives, aimed at curbing the rising discontent of the peasantry and so preventing the spread of communism in the region (Dorner and Thiesenhusen 1990). While these reforms were successful in stimulating agricultural production and driving economic growth in the industrial sector, some analysts argue that their confiscatory methods, feasible within that historical conjuncture due to political, military and economic support from the United States and its allies, are not replicable in the geopolitics of a post-Cold War era (Ghimire 2001).

In many developing countries through the latter half of the twentieth century, concentrations of land ownership alongside extensive rural landlessness motivated
policy measures intended to redistribute landholdings or to reform the terms on which tenants gain and retain access to land owned by others – including the state (Ghimire 2001 pp. 1–2). Struggles for independence and decolonisation formed the backdrop for many of these initiatives, some of which were implemented as modest reformist initiatives intended to stem the radicalisation of the rural poor as a political force, while others were adopted by newly independent post-colonial states engaged in nationalist projects of indigenisation, as in Kenya and Zimbabwe (El-Ghonemy 2001). In Kenya, the Swynnerton Plan of 1954 and the reforms it introduced were intended both to promote agricultural development and to contain rural rebellion (Heyer et al. 1981 pp. 102–103; Sorenson 1967), as were Stolypin’s 1907 reforms in Russia. The later Kenyan reforms from 1962 onward, including the Million Acre Scheme, were to manage the post-colonial transition (Leo 1984; Leys 1975). The ‘first’ reforms in Zimbabwe in the 1980s, then, were analogous in many ways to the ‘second’ Kenyan reforms (Cliffe 2007).

In very broad terms, land reforms have taken two forms. First, land tenure reforms have redefined the status of rights to land among owners and non-owners, and introduced new systems of land administration. Second, redistributive land reforms sought to transfer land from wealthy landowners ‘either to those with no land at all (landless peasants and wage labourers) or those with tiny holdings (poor peasants)’, and in the process to subdivide large landholdings, estates or latifundia (large estates) into smaller farms that these new owners, with limited access to capital, can cultivate (Byres 2004a p. 3). They have aimed to address landlord bias in agricultural policy and to overcome the constraints of fragmented factor markets, thereby breaking the monopoly of landlord
classes in both land and labour markets (El-Ghonemy 2001). Redistributive land reforms have also imposed land ceilings to restrict the sizes of farms and prevent agglomeration of holdings, though these have sometimes been circumvented by reverse rental markets, in which poor peasants have leased their land to wealthy producers able to cultivate many holdings (Griffin et al. 2002). Redistribution has therefore entailed changes not only in who owns land, but also in the scale of operation, factor inputs, and sometimes also the terms on which land is held. It is therefore a component of wider tenure reforms and agrarian reforms.

Among the intended objectives of land reforms are to realise human rights, improve social justice and equity, reduce rural conflict and violence, improve food security and incomes for the poor, and increase aggregate agricultural production (Byres 2004a; Ghimire 2001 p. 2; Griffin et al. 2002). Economic justifications have centred on the potential to increase agricultural production, to improve equity by raising the incomes of the poor, but also to enable development of other sectors in the economy by increasing food supply. This logic is premised on a hypothesised ‘inverse size-productivity relationship’ (ISPR) or ‘diseconomies of scale’ in agricultural production, namely that yield per hectare tends to be inversely related to the size of the farm (Berry and Cline 1979; Binswanger and Deininger 1992; Griffin et al. 2004 pp. 367–372; World Bank 1994a; and criticised by Dyer 2004; Sender and Johnston 2004, among others). This thinking has origins in Chayanov’s (1925) argument that peasants are more efficient until the marginal productivity of labour is zero and that they save on reproduction costs. More recent versions of the ISPR present neo-classical arguments about the supervision costs of labour (Binswanger et al. 1995). Another variant of the
ISPR that would prove influential in the South African context was Lipton’s view (referencing rice production in the Punjab) that because peasant or small-scale farmers are efficient but lack capital, they substitute capital for labour to increase output (Lipton 1977 pp. 30–31; Williams 1981 p. 39).

There is Kenyan evidence that the ISPR does hold, certainly in tea and sugar (via contract farming) and even maize (Heyer et al. 1981). Agricultural processing and marketing have economies of scale, while primary production seldom does (Cowen 1981; Francis 2000; Hayami et al. 1990). In post-colonial Africa, opening production of key commodities like coffee and tea to Africans was critical to the post-independence boom in exports, and allowed for the intensification of land use; such marketing reforms were at least as significant as the redistribution of land in some regions (Bates 1981; Heyer et al. 1976, 1981). Later, in the context of structural adjustment liberalisation, the ISPR as expounded and promoted by the World Bank (and epitomised in Binswanger et al. 1995) provided a justification for opening markets, which would liberate small-scale African producers, because they were more ‘efficient’.

As will be argued further in this thesis, whether or not the ISPR holds true in capitalist agriculture depends on the nature and even variety of the crop, the crop- and technology-determined demand for labour, the availability of family or hired labour at different times of the year, the costs of labour and of tools and machines, the structure of commodity markets, and changes in prices. While its relevance and application is varied and contingent, its ideological function, as expert policy advice for market liberalisation, hinges on a dubious universalising logic.
4.2 Democratisation and land reform

The relationship between redistributing land and processes of democratisation has been largely untheorised, with the literature on restorative and transitional justice focusing more narrowly on specific group-based and historical claims to restitution, or on welfarist arguments. Some writers have concluded that globalisation and technological advancement have rendered redistributive land reforms irrelevant; even the most ardent proponents of (market-led) land reforms appear sceptical about the scale of its potential impact.

The rural poor, they believe, will have to wait until livelihoods become available in other activities. Meanwhile, some might be helped by market-assisted land reforms that promote voluntary sales of land by large holders to low-income buyers who use the land more “efficiently”. The majority of the poor who could not benefit from such real estate transactions could be tided over by social “safety nets” and emergency aid until they find other sources of income. (Barraclough 1999 p. iv)

One important contribution to this literature is Riedinger’s (1995) examination of the links between political liberalisation (transition to democracy) and the reduction of socioeconomic inequalities, drawing largely on experiences of transition from the authoritarian regime of Ferdinand Marcos in the Philippines. He draws attention to the importance both of political economy and policy discourses in understanding the evolution of land reform during political transitions, concluding that “[t]he transition imagery ought not, however, to mask the persistence of important structural and cultural features’ (Riedinger 1995 p. 214). Given the ‘glacial pace’ of land redistribution in the Philippines, he questions whether democratic states can conduct fundamental land reforms, when the political limits of token reform will be reached, and how political actors respond to policy failure (Riedinger 1995 pp. 215–217). Contestation over policy
parameters in the Philippines suggests the importance of discursive analysis, in conjunction with political economy, to explain policy outcomes:

By manipulating the terms of public discourse, opponents of agrarian reform worked to portray reformists as extremists threatening the well-being of the nation… Meanwhile, the legislative process afforded landed interests ample opportunity to defuse reform initiatives. Such was the perceived political urgency of agrarian reform that few went on record as being against it; for the most part, resistance was couched instead in terms of support for the concept of reform, but opposition to program specifics. Practicing a landowner version of ‘everyday forms of resistance’, Philippine landowners manipulated language to mask their antipathy to reform and their efforts to subvert the reform process. (Riedinger 1995 p. 225)

The constraints imposed by democratic governance on land reform are by no means deterministic. Borras (2004, 2007), in his studies, also on the Philippines, presents a more dynamic analysis of structural and institutional settings in democratic and democratising states. He concludes somewhat more optimistically that outcomes are contingent:

political actions and strategies of pro-reform state and societal actors can influence land reform policy processes and outcomes by defeating anti-reform resistance and surmounting obstacles erected by structural and institutional factors, usually resulting in highly varied and uneven outcomes both spatially and temporally. (Borras 2007 p. 281)

He demonstrates how, even in the face of anti-reform structures and institutions, peasant movements were able to gain influence beyond their localities through strategic alliances with progressive political parties, progressive elements within civil society, including the churches and rural NGOs, middle-class intellectuals, and even progressive fractions within the state apparatus, thereby mounting a relatively effective countervailing force to anti-reform lobbies in the private sector and state (Borras 2007 pp. 289–291). Such empirical studies (including this thesis) draw attention to the complex nature of state-civil society interactions as determinants of the character and
scale of land reform. This justifies attention to individual actors and their networks, including in policy-making bureaucracies.

Counter-examples of relatively successful reforms enacted by democratically elected states include the tenancy and redistribution reforms of the Community Party India (Marxist) (CPIM) in Kerala from the late 1950s and the land-to-the-tiller reform of the Left Front government in West Bengal in the 1970s, which broke the power of landlords in favour of the bargadars [sharecroppers] through Operation Barga (Dasgupta 1984). In situations of reverse tenancy such as existed to some degree in West Bengal, though, land-to-the-tiller reforms can have adverse equity outcomes, as the rights of better-off tenants are privileged over those of owners too poor to engage in cultivation themselves (Dasgupta 1984 p. A91). In West Bengal, the political impetus was also to create a class of tenants of the state to keep the party in power (Dasgupta 1984). These examples illustrate the ways in which the interactions of and symbiotic relations between social movements ‘from below’ and state reformists ‘from above’ have produced substantial redistributive reforms even in a context where democratic politics is heavily influenced by the interests of landowning classes (Borras 2007). These experiences suggest that, rather than discounting the possibility of far-reaching reforms in a political context of democracy, the attention of analysis should focus on the wider configurations of interests and, in the case of states in transition to democracy, the terms of that transition and the nature of the ruptures of, and continuities in, institutional and class power.
4.3 Market-assisted land reform: Proponents and critics

Following the decolonisation era of the 1950s and 1960s in much of sub-Saharan Africa and Asia, land reform waned on the agenda of international development and financial institutions, and donors, during the 1970s and 1980s (Borras 2003). Byres (2004b) notes the virtual disappearance of land reform from policy agendas in this period and then its reappearance in ‘market friendly’ form in the 1990s.

The prime advocate of land reform in this new incarnation has been the World Bank, which credits itself with having brought land reform back to the centre stage of development thinking in the 1990s (Binswanger et al. 1995; Binswanger interview, 2006; Deininger 2003; Van den Brink et al. 2006). The Bank’s position was embedded in its own history and its role in justifying pre-emptive reforms in East Asia. In 1968 Robert McNamara was appointed President of the World Bank, directly after being Secretary of State for Defence, with the experience of rural rebellion in Vietnam at the forefront of his concerns (Williams 1981 pp. 37–38). Under his leadership up to 1977, the Bank emphasised the need for ‘redistribution with growth’ (Chenery et al. 1974), and shifted its focus towards rural development and the rural poor (McNamara 1973; World Bank 1975). Its call for investment in agriculture was overtaken by its own promotion of structural adjustment policies in the 1980s, until elements of its earlier agenda for smallholder growth were revived in new terminology by the start of the 1990s.

The World Bank’s position has been described variously as ‘market-assisted land reform’ (MALR), ‘market-based land reform’ (MBLR) and ‘market-led agrarian
reform’ (MLAR). Its main proponents are Hans Binswanger and Klaus Deininger, two senior economists from the Bank who revived and refined its previous policy prescriptions through much of the 1990s. By 1999, they defined the four key elements of the World Bank’s land policy as:

- The desirability of owner-operated family farms on both efficiency and equity grounds
- The importance of secure property rights to land in eliciting effort and investment and in providing the basis for land transactions
- The need for a policy and regulatory environment that promotes transfers to more efficient land uses
- The positive impact of an egalitarian asset distribution and the scope for redistributive land reform where nonmarket forces have led to a highly dualistic ownership and operational distribution of land, that is, a distribution characterized by very large and very small holdings. (Deininger and Binswanger 1999 p. 2)

The MALR literature contains a complex mix of progressive arguments in favour of redistributive land reform, which emphasise the need for the transfer of assets and wealth to the poor, and conservative formulae for how this should be pursued, which focus on the need to minimise state intervention in land markets and to remove market ‘distortions’ (World Bank 1994a, 1994b). Based on their experiences in the Philippines, Colombia, Brazil, Zimbabwe and South Africa, and in response to their critics, the Bank’s key agricultural economists articulated a range of permutations of this MALR model, including ‘negotiated land reform’ (Deininger 1999) and more recently ‘community-driven land reform’ (Binswanger and Aiyar 2003; Binswanger and Nguyen 2004). Since redistributive reforms pit the interests of the landed directly against those of the landless, the emergence of a ‘consensual’ model of MALR in the early 1990s was a departure from prior land reforms and something of an anomaly. The task undertaken
by the Bank’s economists during the early 1990s was to explain how and why inefficient large-scale agriculture displaced or excluded efficient peasant agriculture, and to convince governments to adopt a market framework through which to pursue a smallholder path (Williams 1994, 1996a).

Hans Binswanger led the World Bank’s mission to South Africa on land and agricultural policy in the 1990s. He articulated the menu of options for land redistribution as threefold: 1) a ‘willing buyer, willing seller’ approach, backed up by state land purchase grants; 2) expropriation coupled with compensation at market price; or 3) expropriation with compensation just below market prices, taking into consideration past subsidies, and thereby eliminating ‘distortions’ created by the past state support (Binswanger 1996 p. 139; Binswanger and Christiansen 1993). Arguments against expropriation included the cost of political opposition this was expected to elicit, and lengthy and protracted processes of judicial appeals by landowners, which would lead to delays and high administrative costs to the state (Binswanger 1996 p. 140). The Bank argued that state-dominated land reforms had tended to be coercive and led to bureaucratic inefficiencies and inappropriate top-down planning (Deininger and Binswanger 1999). On this basis, it advocated the first option as the primary means of land reform in South Africa and elsewhere (Binswanger and Christiansen 1993; Deininger 1999; World Bank 1994a).

The defining feature of the MALR model on which these options were derived is the promotion of redistribution in a ‘demand-led’ or ‘demand-driven’ approach where potential beneficiaries who lack capital are provided with land purchase grants or subsidies to partially offset the cost of buying land on the open market. These are
considered to compensate for the gap between the market price of land and its productive value – a gap created by market ‘distortions’ (Binswanger 1996). Consonant with structural adjustment prescriptions, the MALR model reflects the World Bank’s advocacy of market reforms as a precondition for development.

Accordingly, poor peasants and landless workers wishing to purchase a piece of land have to search for a willing seller, negotiate the sale price of land, compete with speculators and rich landowners to secure credit, and even bid at land sale auctions. (El-Ghonemy 2001 p. 106).

A further feature of the MALR approach is the promotion of privatisation through registration or titling of communal lands as a means to facilitate market transactions from less to more efficient producers. This position was later moderated as the Bank recognised the importance of securing land rights within customary systems (Deininger 2003), though Williams (1981 pp. 26–27) argues that the Bank was always in favour of tenancy on irrigation and contract farming schemes, and regularly ‘rediscovered’ that private title was not necessary to secure land rights.

Its progenitors recommended MALR as a model to South Africa and Namibia based on experiences in Kenya and Zimbabwe, and then recommended the South African model to Colombia in 1993 (Bernal 1996; Williams pers. comm., 1997). Deininger (1999) later reviewed experiences in Brazil, Colombia and South Africa, arguing that slow progress and disappointing outcomes in South Africa were the result of the incomplete application of the model by the South Africans, and that the results nevertheless endorsed the model itself. In a critical review of market-assisted land reforms in Brazil, Colombia and South Africa, Borras (2003) showed how Deininger and other proponents of MALR characterised the demerits of state-led land reforms. They claim that the inefficiencies emerging from state-led reforms include the selection of inefficient
producers, resistance by landowners, land market distortions, low levels of state accountability, inefficient state extension services, low investment on redistributed land, and ongoing dependency of producers on the state (Borras 2003 pp. 368–370; Deininger 1999). In contrast, MALR has been described as the antithesis in all respects of the state-led model in that it is expected to circumvent landlord resistance by offering full market prices, attract only efficient producers by being ‘demand-driven’, promote accountability through decentralisation, and enable appropriate post-transfer support to producers through privatisation of extension services (Borras 2003 pp. 370–374). Most of these claims regarding the merits and demerits of MALR and state-led land reforms, respectively, have been challenged in extensive critiques of MALR, summarised below.

4.4 Critiques of market-assisted land reform

A growing empirical and theoretical body of literature critiques the market-assisted model of land reform advocated by the World Bank, but is internally divided on the deficiencies of this model and alternatives to it. Critics have focused on the high transaction costs faced by beneficiaries, problems of slow progress and elite capture, as well as land titling programmes that have privatised communal resources, dispossessing poorer households and women (El-Ghonemy 2001). They generally agree that little land can be redistributed through markets, these programmes are likely to have unintended consequences and no successful land reform has been based on a willing buyer, willing seller process (Borras 2003; Riedinger et al. 2001). Although the MALR model may be new, its underlying argument that class structure can be changed through the market has its own history. This argument led to this response by Stalin, in his 1906 treatise on agrarian reform:
No! Buying out the land will not save the peasant. Whoever advises them to accept ‘purchase on easy terms’ is a traitor, because he is trying to catch the peasants in the real-estate agent’s net and does not want the emancipation of the peasants to be brought about by the peasants themselves. (Stalin 1954 p. 218)

In a significant article that spurred intellectual debate in the *Journal of Agrarian Change*, Griffin, Khan and Ickowitz (2002) set out the case for radical redistributive land reform as an alternative to MALR – a position that founded what became known as the GKI debate. They argued that confiscation of land holdings is a key element in successful land reforms; by themselves, market-friendly experiments are unlikely to make major inroads into landlord power or distribution of holdings (Griffin et al. 2002 p. 308). They cited fragmented labour markets and systems of labour control as reasons why land markets cannot ‘work’ in favour of the poor, and thus bring limited change in the distribution of landholdings. Based on a comparative review of land reforms, they concluded that ‘strong and determined governments [are] necessary to implement such radical redistributive reforms’; a precondition is that governments are free of dependence on landowners (Griffin et al. 2002 p. 308). The inherent limits of market-based redistributive reform are thus that:

the financial cost to the government of a ‘market friendly’, full compensation land reform is bound to be onerous and the government is likely to feel compelled to shift as much of the financial burden as possible on to the beneficiaries. (Griffin et al. 2002 p. 321; also cited in Byres 2004a p. 5)

In response, Bernstein (2004) and Byres (2004a, 2004b) issued a rebuttal: while the methods by which land should be redistributed (acquired and transferred) and the scale at which this is needed, appear radical, in fact the Griffin et al. (2002) case is argued within the framework of neo-classical economics, in that it adheres to the dominant World Bank interpretation that inequalities in landholding persist due to market failure
or market distortions, which can be largely reduced to high transaction costs. It therefore amounts to ‘neo-classical neo-populism’, denoting the contradictory elements of pursuing a radical development ideology while relying on the theoretical constructs of neo-classical economics (Byres 2004b p. 17). It emphasises radical means of redistributive land reform which are not grounded within a radical political economy, thereby eliding what Bernstein (cited in Byres 2004b p. 12) calls the ‘real politics of land’.

Byres (2004a pp. 7–8, 2004b) critiques the GKI case on methodological and ideological grounds, arguing that it is ahistorical in that it ignores ‘the processes associated with capitalist transformation in the countryside, ie. agrarian transition’; that the ISPR hypothesis on which Griffin et al. (2002) premise their argument does not necessarily obtain following capitalist transformation due to the adoption of new technologies that do exhibit economies of scale; and presupposes the possibility of perfect competition. By itself, Byres (2004a) argues, the foreseeable outcome of the type of confiscatory redistribution advocated by the GKI case is a reconcentration of land ownership in the hands of the few as a direct result of the operation of market forces. Markets, though, work in ways that are shaped by their contexts and there is no convincing evidence that land redistribution in a market economy always leads to reconcentration.

Beyond the theoretical debates, most of the literature critiquing MALR relates to specific country experiences; there have been few attempts to review in comparative perspective the implementation and outcomes of the MALR model. An exception, Borras’s (2003) three-country review, concludes that the prime beneficiaries have been the elite among peasant leaders, which he terms an ‘agrarian bourgeoisie’. Contrary to
the claims of the model, land prices have been higher than in state-led programmes and overpricing is evident or suspected; no land taxes have been imposed; there is little or no evidence of increased investment or access to credit; farm planning prior to purchase has been poor; and the resulting pace of development has been slow and uncertain (Borras 2003 pp. 387–388). On this basis, Borras (2003 pp. 386–390) challenges the assumptions that willing buyers and willing sellers can negotiate freely in a context of asymmetric power relations; that landowners will not attempt to overprice land; and that decentralisation ensures accountability.

Civil society organisations have compiled a substantial grey literature refuting MALR on theoretical, empirical and ideological grounds, notably NGOs working alongside social movements such as the Landless Workers’ Movement [Movimento dos Trabalhadores Rurais Sem Terra or MST] in Brazil, the Landless People’s Movement (LPM) in South Africa and La Via Campesina, the international network of peasant farmers. These actors express their views through public protest, popular materials such as pamphlets and press statements, and through actions on the ground, including the illegal occupation of private and state land. They have called on peasants to resist the attempts by the World Bank to privatise the land reform agenda by encouraging market transactions that, even when coupled with land purchase grants, saddle poor producers with unsustainable debt (for example, Frank 2002; Rossett 2001; Wright and Wolford 2003, academics who have maintained close links to the MST in Brazil, and convey the sentiments of this movement through academic articles, popular writing and internet publishing). The International Seminar on the Negative Effects of the World Bank’s Market-Based Land Reform Policy in Washington in April 2002 brought together
activists and representatives of 30 peasant, research, environmental, religious and human rights organisations from Brazil, Colombia, Guatemala, Thailand, South Africa and other countries. Its final declaration charged that MALR ‘is another attempt to evade the true redistribution of landed property and creates more problems than it solves’ (Worldbunk 2002 p. 1).

The international debate concerning the theoretical coherence and empirical outcomes of MALR appears to be growing and fracturing, as the scope of debate extends beyond the mechanisms for the acquisition of land and the selection of beneficiaries to its location within processes of agrarian and even macroeconomic change. This unfolding debate therefore forms a highly contested context for policy discourse on the parameters of land reform in South Africa.

5 Political transition in South Africa

Analysis of public policy of necessity involves locating one’s theoretical understanding of the nature of the state and its relations with social forces and classes. While Marx and Engels (1848 p. 82) considered the modern state ‘but a committee for managing the common affairs of the whole bourgeoisie’, Weber (1919 p. 82) characterised it as ‘a compulsory association which organizes domination’, both of which influenced Gramsci’s (1971) concern for how to confront hegemonic power and penetrate the bulwarks of the bourgeois state. In contrast, pluralists like Robert Dahl (1961, 1971) see the state as a mediator or representative of the various and often conflicting interest groups in society, while Whitfield (2003) and others have similarly characterised civil society, and NGOs in particular, as mediators and self-appointed representatives. Like
‘markets’, ‘states’ cannot be theorised in abstract but are shaped by contingent contextual factors. Understandings of the South African state have been informed by competing views about the nature of apartheid and racial capitalism and the nature of its transition to democracy (Gumede 2005a; Marais 1998; O’Meara 1996). Two schools of thought in the analysis of political transition in South Africa are structural transformation and elite pacting.

In 1992, John Saul argued that transition to democracy in South Africa must involve structural transformation which cannot be achieved from above, by the state, but must emerge from popular initiative and struggle: ‘each individual reform is seen as part of an ongoing process of opening up the political space for agitation and further reforms’ (Levin and Weiner 1996 p. 95). This perspective appears more useful as a prescription than as a framework for analysis. Reflecting on the nature of the transition in 2000, and in contrast to his earlier assessment of the unfolding transition, Saul conceded that it had not exhibited the features of a structural transformation; instead, given the demobilisation of democratic forces outside the state and their increasing alienation from the ANC, it had seen ‘a tragic leap to the right’ (Saul 2000). Patrick Bond (2000), in contrast, characterised South Africa’s transition to democracy as brought about through ‘elite pacting’, and subsequent policy decisions reflect the terms of this compromised political transition. Neo-liberal analysts have endorsed the compromises involved, which they argue were necessary (Sparks 1994). Both liberal proponents and radical critics of elite pacting therefore agree that the term describes the situation where ‘reformers within the authoritarian power bloc’ and ‘moderates within the democratic opposition’ form an alliance (Levin and Weiner 1996 p. 95, citing Przeworski 1991).
The ANC has long proclaimed the view that the post-apartheid state is not a neutral arbiter with the aim of maintaining stable relations within society. Borrowing from Lenin’s formulation in his ‘Draft Theses on National and Colonial Questions’ for the second Congress of Comintern in 1920, the ANC defined its historical project as a ‘National Democratic Revolution’ (NDR) which would see formal democratisation of the state as the first stage in an unfolding restructuring of economy and society in preparation for the second stage – the full democratisation of the economy. The ambiguity of the ‘two-stage theory’ provided the ideological underpinning for a formal alliance between the ANC, COSATU and the SACP. Differing viewpoints in the Tripartite Alliance could be accommodated by focusing on stage one and obscuring and deferring questions about the timing, character, purpose, mechanisms and intended outcomes of stage two.

Against this background, in 1996, the ANC adopted a ‘neo-liberal’ agenda, the Growth, Employment and Redistribution (GEAR) framework, which embraced liberal macro-economy policies on marketing and international trade, foreign exchange controls and conservative fiscal policies (National Treasury 1996b). Neo-liberal policies presuppose a limited role for the state in the economy, and its limitation to regulating society. In this sense, the label ‘neo-liberal’ has been used too loosely in relation to the ANC government, and fails to capture its complexity, since aspects of its programme are clearly redistributive, at the same time that it protects property rights, even while transferring or (at times) monopolising control over them.
5.1 Land reform in the democratising new South Africa

The ANC evolved in part in response to the theft of land. The South African National Native Congress (SANNC), which became the ANC, was founded in 1912 in response to the anticipated promulgation of the Natives Land Act 27 of 1913 [commonly known as the 1913 Land Act], which designated land on a racial basis and prohibited purchase or transacting of land rights by Africans outside of demarcated reserves (see Chapter 2). The ANC engaged in civil disobedience and mass actions in the 1950s and 60s, launched an armed struggle, and developed into a mass movement through the United Democratic Front (UDF) in the 1980s. The ways in which the ANC has over time framed the ‘land question’ or the ‘agrarian question’ and its location within the ‘national question’ (relating to race) are essential to understanding its changing positions on land reform, agriculture and rural development during the era of political transition and under an ANC-led government from 1994 onwards (see Chapter 3).

The status of property rights under a new dispensation was among the most contentious issues in the course of negotiating the terms of political transition in the 1990s (Klug 2000). The 1993 ‘Interim’ Constitution protected existing property rights from the time of the first democratic election, while mandating the state to undertake land reforms (RSA 1993b). This three-pronged programme of land reform was specifically provided for in the ‘final’ Constitution of 1996 (RSA 1996a, Sections 25(5), (6) and (7)). Protection of property rights was tempered with provisions to empower the state to expropriate property, including land, in the public interest (and not only for public purposes), and clarified that this included ‘the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources’ (RSA
1996a, Sections 25(2) and (4)). Expropriation would be subject to the payment of ‘just and equitable’ compensation, taking into account five criteria of which market value was but one; in addition were the history of its acquisition, past state subsidies in its development, its current use, and the purpose of the expropriation (RSA 1996a, Section 25(3)).

The Constitution established a right to restitution for a specific category of dispossessed people and their descendants:

A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress. (RSA 1996a, Section 25(7))

A wider process of land redistribution to broaden access to land, and the subject of this thesis, was made a constitutional imperative:

The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis. (RSA 1996a, Section 25(5))

The Constitution also obliges government to take steps to secure land tenure rights in contexts of insecurity, such as among people living on commercial farms, in informal settlements, and in the communal areas of the ex-Bantustans:

A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress. (RSA 1996a, Section 25(6))

After ten years of democracy, the controversies surrounding land reform had become more prominent in the political arena and in the media. Fast-track land reforms in Zimbabwe from 2000 onwards had inflected these disputes with the question of whether
or not South Africa’s slow progress with land reform would result in ‘another Zimbabwe’ (Bridgland 2002; Gibson 2001; Pheko 2000; The Star 2000). The political temperature surrounding the land question rose between 1999 and 2004. This period saw the formation of the LPM demanding decisive action from government and threatening illegal land occupations, the repositioning of commercial agriculture in support of black commercial farmers, and the impending statutory requirements of black economic empowerment (BEE). NGOs with a history of defending the land rights and land demands of rural black communities called for white-owned land to be expropriated in pursuit of redistribution, for the poor to be prioritised for access to modest parcels of land for basic livelihood purposes, and for state provision of production and marketing support.

By 2004 there was a substantial level of dispute among these policy actors about whether the failure of land reform would lead to political crisis; whether land reform was a prerequisite for continued economic growth; or whether, in the context of an industrialised economy and rapidly urbanising population, land reform had become largely irrelevant to economic transformation.

6 Theoretical frameworks and methodology

The theoretical frameworks informing this thesis and the logic of its methods address both theories of how policy is made, and theories of how to analyse how policy is made. Though closely linked, these are not the same. The literature on public policy analysis provides a framework within which theories of political economy are used to address power and ‘interests’, together with actor network theory and discourse analysis.
Following the work of Keeley and Scoones (1999, 2003), the framework therefore comprises three dimensions: interests, actors and discourses. Each approach has developed in response to positivism and public choice theory.

6.1 Positivism and public choice

Harold Lasswell, in *Politics: Or Who Gets What, When, How* (1936), is widely viewed as the originator of the ‘policy sciences’, which attempted not only to analyse, but also to inform policy decisions and so to harness science in the interests of improved public policy. Buchanan and Tullock (1962) characterised public choice as the aggregation of private interests, though McClean (1987) argues that this is no straightforward amalgamation, and explored how public choice provides a framework for understanding how government policies are shaped and by whom. In contrast, both Comte’s positivism and Bentham’s utilitarianism sought to reduce policy making to scientific investigation and measurement, and policy makers themselves have frequently attempted to frame their own actions in these terms.

The word ‘policy’ comes from the Greek word *polis* [city]. There is no distinction between policy and politics in the French, *la politique*, and the German, *das Politik*. Lasswell and others adopting a positivist approach espoused the possibility of arriving at technical solutions to problems of policy, and therefore the possibility of analysing policy decisions as the expression of scientific process. Policy making has been widely depicted as following sequential stages in a unidirectional cycle, involving agenda setting, policy formulation, decision making, policy implementation and policy evaluation (Howlett and Ramesh 1995), though many studies show that the ways in
which policy is actually made are not rational or logical, and real world policy making is seldom, probably never, linear. Yet these are pervasive notions and perhaps even ‘necessary illusions’ without which one cannot make sense of complex processes (Chomsky 1989). They represent the policy process as being conducted according to rules under the direction of authority to serve public purposes, thereby legitimating the claims of office-holders and policy makers (Weber 1914). Consequently, while these stylised models of policy cycles may bear little resemblance to actual processes, they retain significant influence in state bureaucracies, including in South Africa.

In contrast, Charles Lindblom’s (1959) influential notion of ‘incrementalism’, also described as ‘the science of muddling through’, describes a pattern of policy making in which ends cannot be separated from means. Genuine attempts to separate them and objectively weigh up options are infrequent and unlikely to inform policy decisions. In making public policy, it is normal for only a few options to be considered and, even then, there is seldom comprehensive evaluation of these alternatives. Instead, policy consists of a succession of small decisions, rather than one major decision, and the achievement of rationality in public policy remains an unattainable dream (Lindblom 1959). Policy decisions reflect those options on which interested parties agree and which involve minimal change from existing policies – thus policies ‘branch off’ from pre-existing policies, which is why policy changes are usually incremental, taking the form of small steps and adjustments (Lindblom 1959).

Lindblom’s perspective suggests that political manoeuvring and messy processes are precisely what make policy, and attempts at rationality are merely likely to ignore, rather than remove, these realities. Policies are usually based on incomplete analysis and
incomplete information (Colebatch 1998; Lindblom and Woodhouse 1993). They reflect choices that are sufficient for their political ends, and are ‘satisficing’ (Lindblom 1959). Policy is therefore informed by rationality, but this is necessarily constrained. Lindblom’s ‘muddling through’ may still be considered within the ‘classical’ school of policy analysis, in that it presupposes ‘bounded rationality’ and posits an objective reality which it accepts as valid. Within this ‘bounded rationality’, he argues that actors find the most effective ways of achieving their contending ends, within the constraints they face – which include the limits of their knowledge and their assumptions about the world and how it works. The rational actors change, in unpredictable ways, the situations in which they and other rational actors are bounded. ‘Muddling through’ therefore involves policy actors reconstructing their understandings and representations of the world in which they operate and which they hope to influence.

6.2 Postpositivist critiques

The 1960s and 1970s witnessed the growth of policy studies as a field of applied social science and the growth of a ‘postpositivist’ critique of the rational choice school and its claims of scientific method and prediction. The most radical critique of positivist theories of social action was made by Talcott Parsons (1937), who criticised any form of rationalist or positivist explanation, whether based on causal mechanisms or utilitarian calculation, for being unable to account for people’s preferences and the values, proximate and ultimate, that shape their actions. This perspective was not wholly new; its roots can be traced to the distinction between the cultural and social sciences, and to Max Weber’s 1905 essay Objectivity in social research (Weber 1949). In the first chapter of Economy and Society, Weber (1914 p. 3) defined sociological
explanation as the ‘interpretive understanding of social action’, which is action that ‘takes account of the behaviour and actions of other actors’.

In opposition to the separation between facts and values, dating back to David Hume in the mid-1700s, postpositivists state that attempts to deal with facts as if they have no basis in values is depoliticising and decontextualising. Analysis must be understood as partial, informed by values, and interpretive. This is not to suggest that policy analysis is wholly subjective, but rather that an analysis is a narrative, a version of events that attempts to account for other possible versions of events. Postpositivist policy studies do not attempt to provide answers to the question of how best to make policy, or what policy should be made, and therefore rescind any claims towards producing knowledge that can be used for the purposes of improving policy processes. Informal logic and practical reason are important elements of a postpositivist approach to policy analysis.

6.3 Implications for policy analysis

Attempts at positivist policy science have failed either to generate predictive generalisations or to provide solutions to problems in social policy. Policy studies have struggled without success to define a method for value-neutral investigation. As Fischer (1998) argues, this is because policy is a normative sphere, in which process and outcome are assigned value, both by decision makers and by analysts. For this reason, where one stands influences what one sees. In arguing for a postpositivist approach to policy analysis, Fischer (1998 p. 132) views a conjuncture of methods: a mode of inquiry that is discursive and contextual, and embraces uncertainty by emphasising ‘participatory interminglings’. In other words, honest accounts of participant
observation may be the best way to explain what policy actors do and what they think
they are doing.

Of necessity, therefore, policy analysis relies on interpretation. Interpretation in turn
relies on coherent explanation. Fischer (1998 p. 136) defines this as an attempt to
capture the ‘indeterminedness of empirical propositions’. In contrast to positivist
approaches, accommodating contradiction can produce a ‘learned conversation’ and a
‘rich perspective’ (Fischer 1998 p. 136). The emphasis falls on interpretation and
compelling explanation rather than empirical proof. This is not to say that theoretical
rigour can be abandoned: ‘[p]ostpositivism substitutes the formal logic of neopositivism
with the informal deliberative framework of practical reason’ (Fischer 1998 p. 137).
Here, the incompleteness and imprecision of information is acknowledged, and so the
analysis probes and questions explanations in order to elucidate, and to decide which
explanations are most compelling and useful, using rather than denying multiple
interpretations and competing understandings. This deliberative approach seems
particularly apt for the study of policy processes, which are complex in themselves and
influenced and shaped by forces both internal and extrinsic to the formal process itself,
many of which are not susceptible to empirical testing. A conclusion is thus,
socratically, an argument rather than a proof.

Keeley and Scoones (1999, 2003) demonstrate how and why certain types of knowledge
get established in policy, by analysing political interests; the roles of actors and agency;
and policy discourse (Keeley and Scoones 1999 p. 7). Their first approach focuses on
political interests as the drivers of policy change. Three major strands are evident in the
literature. Society-centred accounts focus on the distribution of power among social
actors. State-centred accounts focus on the expression in policy of the interests of the state, and some emphasise the interests of the bureaucracy. *Actor-oriented* approaches view policy change as reflecting the actions of actor networks (Latour 2005; McGee 2004). Of importance in these approaches are the interfaces and interactions between actors; the existence of ‘epistemic communities’ which frame knowledge, understandings and beliefs about the world that is to be shaped by policy; and ‘policy entrepreneurs’ – key individuals who are able to influence policy (Keeley and Scoones 2003 p. 36). The third approach is understanding policy as a product and expression of *discourse*. ‘Discourse coalitions’ are groups of actors that share and promote a policy discourse, though they may deploy this to different ends. Contesting the terms of policy agendas occurs not only between, but also within, discourse coalitions. Attention must be paid to the function of policy discourse as an enterprise to depoliticise development policy.

Keeley and Scoones (1999) conclude that these explanations are compatible and, using a ‘structuration’ argument, can be combined: discourses and interests shape each other, as interests are discursively defined, and are influenced by the evolution and changes in actor networks. This view combines an appreciation of both agency and structure in the policy process, and observable interests and subjective understandings.

### 6.3.1 Anthropology of power and policy

Proposing an ‘anthropology of policy’, Shore and Wright (1997) argue that policy has a legitimising function. Where public policy is explicitly ‘political’ in the sense that it foregrounds the need to redress, change, restructure, restore, transform and redistribute,
it is essential to look at the ways in which the language of change sits astride and masks the entrenching of interests and structural continuities under a new name – in fact the normal operation of state power. The converse may also hold, when questions of power and wealth are addressed in policy in neutral and technical terms (Shore and Wright 1997 p. 8).

Drawing on Foucault’s concept of political technologies, they argue that policy is one such technology in that its effectiveness ‘lies in its ability to mask itself and “hide its own mechanisms”’ (Shore and Wright 1997 p. 25). Via policy, a political problem may be removed from its political context and recast in neutral terms, such as the language of science or economics. Shore and Wright (1997 p. 9) argue that this political technology of policy is reflected in managerialism in the state, and has been directed towards constituting a conception of political subjects as self-activating economic agents.

Policy is often far from hegemonic. It is sometimes unclear what constitutes a policy, or what policy has been adopted. Policy may ‘fragment’, or contradictions may appear within policy documents, between them, in the language employed in political speeches and official statements (Shore and Wright 1997 p. 5). Policy documents themselves should be a key object of investigation. Apthorpe (cited in Shore and Wright 1997 pp. 20–21) emphasises language and writing style, though this must be treated with some caution, as policy decision making can be far removed, across people and institutions, from the drafters of policy documents: ‘it is rare to be able to identify a clear-cut group of decision makers, or an event which can be pinpointed as the moment when the decision was made’ (Shore and Wright 1997 pp. 15–16). The task for the academic, in analysing the construction, evolution and revision of policy, is to ‘unsettle and dislodge
the certainties and orthodoxies that govern the present’ (Shore and Wright 1997 p. 17). This anthropological analysis can ‘reveal how policies work as instruments of governance, as ideological vehicles, and as agents for constructing subjectivities and organizing people within systems of power and authority’ (Shore and Wright 1997 p. 35).

6.3.2 Actor interaction model of policy

The actor interaction model of policy analysis is an alternative to rational choice theory; here the multiplicity of processes through which policies emerge is the subject of investigation, rather than merely the formal statements of policy themselves (Stone 1988). Theorists of the interaction model argue that attention should not be fixated on policy as the product itself (its text, for instance), but rather on the patterns of how things are done and what determines how things are done. In a further layer of ‘messiness’, policy itself may be only a broad guide as to what happens, as interaction in the process of implementation may diverge from, or differentially interpret, policy (Clay and Schaffer 1984). All this suggests that policy makers make it up as they go along but pretend, to themselves as to others, that they know precisely what they are doing. Actors interact to form and re-form networks which adopt and adapt discourses, forming discourse coalitions (see Latour below).

Classical rational choice models have tended to see the state as arbiter of individual rational actors, while interaction models tend to emphasise the multiplicity and heterogeneity of state institutions, and to de-emphasise the difference between state and non-state actors. Allison’s (1971) seminal work on decision making exemplifies and
was the frontrunner in establishing analysis of the multiplicity and heterogeneity of state institutions, and the need to ‘read’ policy as the articulated product of the interaction and relationships of these institutions. The ongoing interaction of participants in the policy process includes those with formal powers and responsibilities – such as cabinet ministers, senior government officials and other public servants – and a range of other actors whose influence on policy is via informal means, which may not be publicly recognised. Policies are therefore outcomes of political processes, of interaction, between arrays of actors with differing interests, powers, resources, leverage and status. Actors and their ideas interact to generate, shift and claim discourse (Stone 1988). They may employ different language and terminology in support of their interests, and bring these to bear on policy processes. For this reason, the mode of policy making shapes the nature of policy.

Viewed in this light, the adoption of a new policy should be seen not as a discrete event, but rather as a moment in a longer trajectory of policy contestation, and one which represents the ascendancy of one view over previously dominant views, of how enduring social questions should be framed, understood and addressed. Policy is less of a ‘solution’ than a moment, an expression of discursive power and interaction at a particular point in time. To understand why certain policies have been adopted, therefore, or why they have changed, attention must turn to the processes through which these policies came to be, and the actors ranged around these processes. This poses a danger of tautological argumentation: policy processes should not be mechanistically interpreted in hindsight to reflect the relative powers of groups whose interests policy turns out to serve. Indeed, Hirschman’s (1970) work on ‘exit, voice and loyalty’ draws
attention to the ways in which clients, citizens and interest groups do not merely ‘exit’ institutions and processes with which they are dissatisfied, but also exercise the option of ‘voice’ to attempt to remedy poor performance or to influence future outcomes.

6.3.3 Discourse analysis

Conflict over policies centres not only on how a problem is to be addressed, but also how it is to be defined, the categories that are relevant, and the vision for what the policy is to achieve – all of which are defined discursively. ‘[P]olicy politics is itself about establishing definitions of and assigning meaning to social problems’ (Fischer 1998 p. 135). While ideology refers to the assumptions with which we think, discourse is the form of language in which ideology is expressed and is therefore constitutive of power. Discourse involves the ‘naturalisation’ of certain subjective and political presuppositions, through ‘frames’, ‘tropes’ and ‘narratives’. Discursive momentum explains the persistence of policies even when these are known to be inadequate, including by the policy makers themselves.

Discourse analysis may therefore provide insight into political determinations of what can be done (and by implication what is unfeasible or unreasonable), who should do it, and how it should happen. Postpositivism draws attention to attempts by policy actors to cast one among many possible responses to a ‘problem’ as the self-evident ‘solution’, and to declare the premises underlying a particular policy as \textit{a priori} positions. These are discursive expressions of power. The extent to which these tenets are adopted, embraced and repeated by other actors demonstrates the success of this depoliticising project, as the progenitors of the policy are distanced from its outcomes, and its
language acquires a reinforcing logic of its own. Thus the spheres of contestation, argumentation and opinion are diminished, being replaced by the ‘universe of the undisputed’ – in Bourdieu’s (1977) terms, the ‘doxa’. This may be achieved through a process of associating policy choices with values that have currency, or with expertise, undermining from the outset those who might seek to contest the policy and so draw the doxa back into the realm of opinion – ‘heterodoxa’, the universe of the disputed.

Escobar (1995) argues that the use of the language of economics in development discourse functions as one such mechanism of control, foreclosing debate and promoting ‘learned ignorance’; this in turn serves the ideological purpose of expanding the sphere of the doxa and limiting the extent of the heterodoxa (Bourdieu 1977).

Foucault (1980) describes how themes of discourse become established as discursive objects and how discourse defines a topic, providing a language for talking about a particular topic at a particular moment in history, within a larger ‘episteme’ (Foucault 1980 p. 197). For Foucault (1980 p. 131), nothing has meaning outside of discourse. Discourse refers to a thematic field where meaning is exchanged and he emphasises its institutional dimensions. The relation between discourse and actual interests is tenuous and inferred; Foucault, though, would deny the distinction between discourses and ‘actual interests’, as interests (actual or otherwise) are constructed discursively. This thesis looks at how actors defined and pursued their interests discursively and therefore draws on elements of Bourdieu, Escobar and Foucault.
6.3.4 Integrating the analysis: Actor networks and their discourses

Bruno Latour’s (2005) version of actor network theory explains in part how I have gone about this study. As Latour insists, instead of establishing a conceptual framework populated with categories, and then trying to demonstrate how the actors in the policy processes described here fit into these, and so prove the conceptual framework to be an accurate depiction of reality, I have attempted to give primacy to the categories and networks described by the actors themselves.

Whereas for sociologists the first problem seems to settle on one privileged grouping, our most common experience, if we are faithful to it, tells us that there are lots of contradictory group formations, group enrolment – activity to which social scientists are obviously crucial contributors. The choice is thus clear: either we follow social theorists and begin our travel by setting up at the start which kind of group and level of analysis we will focus on, or we follow the actors’ own ways and begin our travels by the traces left behind by their activity of forming and dismantling groups. (Latour 2005 p. 29)

The thesis draws conclusions about: 1) the ways in which actors pursued their interests; generated, adopted, deployed and distorted categories; 2) how these evolved into (and drew on earlier) discourses through which actors spoke about the world as they saw it and the task of land reform as they envisaged it; and 3) how those sharing these discourses constituted discourse coalitions, related to one another and formed networks. In this way it aims to uncover the mediators of policy discourse. Mediators reassemble information, knowledge and versions of the world, translating local realities for the purposes of national policy making, creating the categories and concepts used to construct social realities and the languages in which they are both made and understood: ‘their input is never a good predictor of their output; their specificity has to be taken into account every time’ (Latour 2005 p. 39).
For Latour (2005 p. 61), concreteness comes from increasing ‘the relative share of mediators’ in our accounts of social action. He suggests that bureaucrats are usually not ‘mediators’ but ‘reproducers’, who merely send along information, knowledge and versions of the world. This thesis, though, shows how the new bureaucrats of the Department of Land Affairs (DLA) were indeed mediators, drawing on their own practice as NGO activists and academics, and reassembling their experiences for the purposes of making policy. Social analysis feeds off controversies; in analysing complex realities, social scientists should not attempt to impose order and so simplify them.

7 Research methods

In addition to being a student and analyst of redistribution policy in South Africa, I have been involved in policy debates on land redistribution in the capacity of a researcher, from 1999 to 2001 at the Centre for Rural Legal Studies (CRLS), an NGO working on farm workers’ land and labour rights and based in Stellenbosch and, since 2002, at the Programme for Land and Agrarian Studies (PLAAS, now renamed the Institute for Poverty, Land and Agrarian Studies), a research institute in the School of Government at the University of the Western Cape. I am therefore an actor in some of the policy processes described here.

As a researcher in these organisations, both of which have explicit commitments to promoting pro-poor land reform, I have contributed to policy advocacy and shared information and perspectives with fellow researchers, NGOs, government officials, parliamentarians, leaders of the LPM, farm worker trade unionists, and organisations
representing black and white farmers. This amounted to an ‘immersion’ in the land sector, bringing with it both advantages and challenges for the writing of the thesis.

Among the advantages were access to key forums at which the policies under discussion were debated; acquaintance with, and access to, key players in government, NGOs, the private sector, and social movements; and observation of this wide spectrum of actors engaged in policy influencing and legitimating activities over a period of time. An enduring problem in understanding public policies is the extent to which the processes leading up to the adoption of certain policies are obscured from view. Insiders, too, whether in positions of political power, in state bureaucracies, or among advisory groups, have a necessarily partial view of the forces influencing the decisions ultimately adopted (Fischer 1998). Access to a wide array of actors, with diverse perspectives, has enriched the analysis that I have been able to construct, though this too derives from a ‘necessarily partial’ view of the actors and their interests.

My close proximity to and participation in the processes described here, and my close relationship with the subject matter and the protagonists, raise questions of bias. Gunnar Myrdal (1958) argues that the only way of resolving the question of bias is to state one’s bias at the outset. I started this project with a set of values, commitment and policy views, specifically in favour of non-market methods of land redistribution and a pro-poor smallholder model. For this reason, I supported the policy objectives of the first cycle of land policy described here, while criticising its methods. A further challenge is influence on the field of study and on respondents. In the course of preparing this thesis, there has been a need for reflexive consideration of my own position, and the impact of my role in this evolving debate on my access to informants, their responses to my
questions, and my analysis of their responses. While my own position on the policies discussed in this thesis may be well known to many of my informants, I have been able to retain constructive and pleasant relations with almost all of them over more than a decade.

The process of study shifted my understanding of the period in which I was participating. Analysis of the material I collected, and engagement with other actors in the course of extensive interviews as well as in more informal conversations, led me to revise the views I had initially developed, both of the limits of the SLAG programme and of the shift from SLAG to LRAD. My analysis now contains a wider perspective on continuities; a deeper appreciation for the ways in which the degree of change from 2000 onward was exaggerated for political effect both by opponents like myself as well as by advocates of the new policy direction; and an understanding that, with a shared history with the ‘new bureaucrats’, NGOs directed their attention unduly towards those who remained in the DLA, who by now were, in Latour’s (2005) terms, the ‘reproducers’ of policy discourses, rather than the creators or mediators of the newly-dominant discourse among the agricultural economists and agricultural bureaucrats in the National Department of Agriculture (NDA) and in parastatal organisations.

The three primary research methods used in this thesis are documentary analysis, in-depth interviews, and participant observation as an actor in the unfolding policy debates between 1999 and 2004.
7.1 Documentary analysis

Through the duration of my study of land redistribution in South Africa, I have gathered a vast amount of literature on all facets of land reform in the country – well over 10 000 documents, most of which may be described as ‘grey literature’. Included are over 2 700 government documents (legislation, policy documents, annual reports, budgets, speeches, draft policies, policy briefings, internal memoranda, portfolio committee minutes, policy reviews and raw financial and project data), and a larger number of documents from other sources, including research data, activist literature and academic analysis on poverty and inequality in rural South Africa, migration patterns, agricultural production, processes of agrarian change, class formation and social mobilisation.

This collection formed the basis for documentary analysis. The challenge was choosing where to focus the analysis, and selecting the key relevant documents for that investigation. I chose to focus on public policy making on redistribution policy, and specifically the formulation of SLAG and LRAD.

The first analysis was of several iterations of redistribution policy, as it evolved and changed form through a series of drafts – in the policy framing period preceding 1994, and then in the mid 1990s as the broad policy direction in the RDP was translated over three years into the White Paper on South African Land Policy (DLA 1997a). The second was the development, through many iterations of internal policy documents, of LRAD. Much less is generally known about this second process as there was very little public engagement, and the many iterations of internal policy documents were not easily accessible. These government documents formed the basis for analysis, together
with my knowledge of some aspects of policy processes, information from interviews with those at the centre of some of these processes, and an appreciation of the networks through which these were produced and amended. A few of the documents I was able to obtain were provided on condition that they would not be cited, and some people interviewed asked me to keep some of their comments anonymous. I have honoured these agreements.

For empirical detail and understanding of the ways in which practices of land reform diverged from the letter (or spirit) of the written policies, I have been able to draw on some of the literature that I have produced, most of which has been concerned with the implementation practices and outcomes of land reform. I have referred to these publications where appropriate. In 2002 and 2003 I led the national ‘Evaluating Land and Agrarian Reform in South Africa’ (ELARSA) project in partnership with Peter Jacobs, funded by the European Union Foundation for Human Rights. During that time, we conducted research in eight of South Africa’s nine provinces, commissioned further specialised studies, and produced a series of nine research reports on land redistribution, restitution, farm dwellers, agricultural support, municipal commonage, rural settlement, joint ventures and rural livelihoods. In 2003, I published a joint paper with my supervisor Gavin Williams (Hall and Williams 2003), concerned with the development of specific policies by the DLA. In preparing that paper, we each drew on our own research. The contribution of Williams derived mainly from studies, cited separately in this thesis, published between 1993 and 1996. During 2004, I conducted a series of case studies of LRAD projects in the Eastern Cape for DLA, as part of a national ‘rapid systematic LRAD assessment survey’, and in the same year also conducted extensive
primary and secondary desktop research, involving telephonic interviews with provincial directors of DLA in each province and with the directors of all the major land NGOs in the provinces (at least one per province), in order to produce a national *Status Report on Land and Agrarian Reform in South Africa* (Hall 2004a).

### 7.2 In-depth interviews

I conducted 61 in-depth interviews with policy actors for the purpose of this study, while also interviewing at least a further 50 practitioners for the purposes of other studies of my own, some of which are referenced here. These were semi-structured interviews that did not rely on any standardised formats. I developed interview schedules for each informant ahead of time, as a guide to the interview rather than a strict questionnaire. In practice, the interviews were wide-ranging conversations, as I wished to be led by the priorities, emphases, and terminology of my informants. I wrote hand-written notes in all interviews, and recorded some on a digital voice recorder for later transcribing. All ‘personal communication’ quotes in the text are the product of a meticulous distinction in my notes between portions paraphrasing an informant and verbatim quotes. None of my informants refused to be identified at all, and only a few indicated some information and opinions which they requested that I not attribute to them.

Only three actors in these policy processes refused my request for an interview: Bongiwe Njobe, former Director-General (DG) of NDA; Stan Nkosi, former Deputy Director-General (DDG) of DLA; and Robert Christiansen of the World Bank. Njobe and Nkosi were no longer in the employ of these departments, did not want to answer
questions about what had happened while they worked there, and referred me to the current incumbents. Christiansen refused my request on the grounds of my association with my supervisor who was known to have been vocally critical of his institution’s position and advice on South African land and agricultural policy.

7.3 Participant observation

In my capacity as a researcher in organisations with advocacy and policy engagement strategies, I participated in some of the processes and events described in this thesis. As an Honours student in 1995, I attended the Constitutional Assembly hearings on the property clause, and witnessed the debates that took place over its formulation and inclusion in the Bill of Rights in the Constitution. Later, from 1999, I participated in meetings that led to the creation of the Western Cape Alliance for Land and Agrarian Reform comprised of researchers, NGO and other activists, trade unionists and human rights lawyers, among others. For a period, I acted as the co-ordinator and secretariat for this group and co-authored one of the civil society responses to the new policy direction (CRLS et al. 2000) which was presented at the Minister’s Indaba in November 2000, at which I was present. Building on this provincial initiative, I worked with the National Land Committee (NLC) to hold a national meeting of its affiliates together with trade unions, church groups, NGOs, social movements, activists, lawyers and researchers, to constitute the National Alliance for Land and Agrarian Reform which performed a similar national co-ordinating and information-sharing function for a period.

My input into policy also extended to more informal engagements directly with the DLA, such as providing verbal and written input into evolving policy documents,
including the ‘Integrated Programme’ (IP) during certain of its iterations prior to the adoption of LRAD. It also took the form of more formal policy input, including being commissioned as a consultant by DLA to lead the final phase of the review of communal property institutions (CPIs) in land reform being conducted by the Council for Scientific and Industrial Research (CSIR) in 2004, and serving on DLA’s reference groups on alternative dispute resolution in land reform and on communal property associations (CPAs).

In the period 1999 to 2004 (the end of the period under study), I participated in various other meetings, workshops and conferences organised by civil society organisations and government departments, parliamentary portfolio committee meetings, and meetings with social movements. These included, among others, the ministry’s National Land Tenure Conference in 2001; the annual congresses of the National African Farmers’ Union (NAFU) in several successive years; the ‘Week of the Landless’ organised by the LPM at the United Nations World Summit on Sustainable Development in 2002; the Trust for Community Outreach and Education’s Tribunal on Landlessness in 2003, and the Harold Wolpe Memorial Trust’s conference on ‘The Land Question in South Africa’, which I co-organised and from which I co-edited a book (Ntsebeza and Hall 2007). In addition, I participated in international fora where comparative experiences with market-based land reform were debated, including the Women and Land Lobby Group’s Conference on Women’s Land Rights in Southern Africa in 2001, and the World Bank’s Regional Consultation on Land Policy in Africa and the Middle East in 2002.
Through the processes and events described above, I participated extensively and observed intensively. I was able to observe what I term ‘political theatre’ and to act in it. I made it well known to those I engaged with that I was pursuing doctoral studies on the processes in which I was involved, and on the wider politics of land reform in South Africa.

8 Structure of the thesis

The thesis is organised somewhat chronologically, moving from the history of dispossession and ‘Betterment’, and precursors to current attempts to ‘develop’ black (or African) farmers in South Africa and elsewhere in the settler colonies; to defining parameters for land policy in the transition to democracy; to specifying and testing policy through the 1990s; and then to redefining the purpose and nature of land reform through new policy a few years later. The penultimate chapter draws together reflections on what I argue should be considered two policy cycles in the period of analysis and relates these to the theoretical understandings of policy making introduced in this first chapter. It also suggests that multiple further cycles and moments of policy changes were embedded within these cycles and that they, in turn, formed part of much longer historical processes, reviving and returning to prior categories, worldviews and discourses.

Chapter 2 provides a historical review of land and agricultural policies under segregation and apartheid. The Glen Grey Act of 1894, the Natives Land Act of 1913 and processes of Betterment planning are central to this analysis, as is the plethora of state attempts over an extended period to control African tenancy on white-owned land.
The chapter considers the literature on the transition to capitalist agriculture and the nature of agrarian dualism. It introduces some of the key themes that are carried through the rest of the thesis, notably the ways in which successive governments have, since the nineteenth century, sought to resolve questions of land and labour and create paths to develop and modernise African farming, and the justificatory language and concepts that have been used in the construction of laws and policies to achieve these aims.

Chapter 3 describes political negotiations and policy processes which shaped the ANC’s emerging position on land reform in the transition era, the intervention of the World Bank and international experts, and the efforts by organisations representing landowners and the landless to influence this process. For context, the analysis briefly recounts policy positions and thinking within the ANC and other key groups that immediately preceded this. It analyses why confiscatory options for land redistribution were discarded and how market-based land reform came to frame the policy agenda in the period between the unbanning in 1990 of the ANC and other political organisations and the release of key political prisoners, and the first democratic election in 1994.

Chapter 4 addresses the making of policy and the start of implementation in the period 1994 to 1999, under the first democratic and ANC-led government. It addresses how the vision for pro-poor land redistribution came to be consolidated, how policy was formulated, how policy mechanisms were chosen, developed and implemented through a pilot programme, and were enshrined in the White Paper on South African Land Policy. The chapter traces the actors in these policy processes and their interests, roles and relationships, how the early outcomes of the programme were assessed by different actors, and whose interests these were seen to serve. The chapter also focuses on
developments in agricultural policy and rural development that unfolded largely in parallel to land policy during the 1990s. It explores the changing context in which land redistribution was being implemented and the gaps and overlaps between actor networks engaged in the making of agricultural policy and land policy.

Chapter 5 analyses the processes launched by new political leadership under President Thabo Mbeki to review the existing programme, leading to the development and adoption of a commercially-oriented land policy, its implementation and initial reviews in the period 1999 to 2004. It considers how this new land policy came to be shaped, reflects on the actors, interests and discourses that pursued and justified this change in policy, and investigates the perspectives of actors themselves. It draws attention to the underlying ambiguity of the policy, the polarisation of actors, the marginalisation of certain discourses, and the resuscitation of old discourses that had informed state policy to modernise and develop African farming for more than a century.

Chapter 6 reviews the two policy ‘cycles’ that gave rise, by the mid-1990s, to a land redistribution programme centred on provision of small Settlement/Land Acquisition Grants to poor households and, by 2001, to the new policy of Land Redistribution for Agricultural Development which offered larger grants on a sliding scale to the poor and not-poor, with the aim of providing ‘food safety nets’ for the poor while promoting a new class of black commercial farmers. It considers both the formal and informal policy making processes that shaped these two policy frameworks, how the two diverged, which actors and interests were able to define the policy agenda and policy discourses, and which were marginalised in the process. It considers how these actors, interests and
discourses in these two periods shaped policy outcomes, how they interpreted and contested these outcomes, and identifies longer historical cycles of policy thinking.

In conclusion, Chapter 7 returns to the question of why development policies frequently fail to achieve their objectives and have outcomes that diverge from, or contradict, the stated aims of policy. It considers what interests have been served through the reformulation of land redistribution policy and practice, and how the invoking and normalisation of certain discourses have facilitated the dominance of certain interests.
Chapter Two
Land and Agricultural Policy under Segregation and Apartheid
1 Introduction

This chapter reviews the history of land dispossession in South Africa, focusing on the period from the late nineteenth century through to the creation of two distinct agrarian sectors in the twentieth: one based on white-owned commercial farms, the other situated in the ‘native reserves’, later termed ‘homelands’ or ‘Bantustans’.

First, the chapter describes the variety of means by which Africans were alienated from the land. It addresses the interconnected processes of defining – and restricting – property rights and political rights; the formalisation of territorial segregation through legislation and the creation of ‘self-governing’ Bantustans; and successive attempts to improve and modernise black agriculture in the Bantustans from the Tomlinson Commission in the 1950s, through parastatal development corporations, to farmer support programmes in the 1980s. Second, it describes the creation of commercial farming through measures to limit African sharecropping and labour tenancy on white-owned farms, direct and indirect state subsidisation of agricultural production, and the gradual demise of market regulation and subsidies during the 1980s. Third, the chapter revisits theoretical debates about the influence on state policy of different fractions of capital in pursuit of a supply of cheap labour; dualism in the agrarian structure and economy; and the role of apartheid in the development of capitalism.

This historical review identifies forms of dispossession and resistance to it, the interwoven nature of rights to land and political rights and the centrality of modernising notions of ‘farming’. These notions shaped state expenditure on and policies towards both ‘white’ and ‘black’ agriculture. They were used for political ends and justified the
coercive measures by which state policies were imposed. The review demonstrates both continuities and changes in the political economy of agriculture and agricultural ‘development’, and how these policies were framed ideologically in ways that justified coercion in the name of ‘development’ of both ‘white’ and ‘black’ agriculture. These themes are returned to in later chapters of this dissertation.

2 Dispossession and Betterment

Extensive land dispossession took place in South Africa from the beginning of white settlement. Through a range of coercive measures – military, legal, administrative and economic – black South Africans were forced off and excluded from access to and ownership of land, and moved to or remained in what came to be defined as ‘native reserves’. This coerced movement of people reached its highest levels between 1960 and 1983, during which period the Surplus People Project estimated that 3.5 million people were forcibly removed (Platzky and Walker 1985). ‘Betterment’ planning and ‘Bantu authorities’ formed focal points for rural resistance to the apartheid regime, influenced by interaction with the urban-based politics of migrant workers (see, for instance, Delius 1997 [on Sekhukhuneland]; Lodge 1983 [on Thembuland]; Mbeki 1984; and Platzky and Walker 1985). In this context of resistance, the call of dispossessed communities to return to the land and the call for a restructuring of land ownership and agrarian production emerged as popular demands.

A rich historiography describes the dispossession of indigenous South Africans by colonial immigrants and the creation of ‘native reserves’ (Bundy 1988; Davenport and Hunt 1974). Sociological analysis and social histories of land dispossession through the
late nineteenth and twentieth centuries have focused on rural class formation, forms of resistance and struggles for survival (Beinart and Bundy 1987; Jeeves and Crush 1997; Van Onselen 1996). Davenport and Hunt’s (1974) chronology shows that dispossession cannot be properly considered a historical moment, but rather the outcome of multiple complex processes in a long historical trajectory of dispossession, the methods of which included outright coercive force, treaties, cattle theft, forced sales and taxation. Beinart (1982) has also pointed to the role of ecological factors such as drought and disease which compelled people to leave the rural areas. These are neglected indirect factors which, combined with economic conditions and coercion, prompted the alienation of Africans from their land in the nineteenth century.

The context for a new wave of dispossession in the late nineteenth century was the rapid creation of a demand for labour in the booming mining industry following the discovery of diamonds in 1867 in the Cape Colony and then of gold in the Transvaal in 1886. Bundy (1988) described the relative successes of African agriculture in the late nineteenth century and the responses of white mining and agricultural lobbies, which prompted a sequence of legal and economic measures that undermined independent African farming in order to ensure a supply of cheap labour to these growing industries.

2.1 The Glen Grey Act

The centrepiece of late Cape land legislation was the Glen Grey Act of 1894, initiated by the Government of the Colony of the Cape of Good Hope under Prime Minister Cecil John Rhodes. It introduced rules defining the tenure of land, the size and forms of holdings, succession, taxation of land and labour, and limited the franchise. The Act
also initiated a new system of indirect rule and local councils. It was intended to serve the different, and not always consistent, aims of different political parties, economic interests and colonial administrators – aims which were only partially realised if at all (Trapido 1980). Its elements, and the thinking behind them, recurred in different combinations through the twentieth century in South Africa, as well as in Kenya (Berman and Lonsdale 1992; Leo 1984; Sorenson 1967) and what was then Rhodesia (Alexander 1994, 2006; Palmer 1977).

The Cape’s Glen Grey Commission proposed the allocation of 55-morgen plots (about half those proposed by Swynnerton in the later Kenya reform and more than double the ‘half-economic units’ later proposed by Tomlinson). Its proposals would establish an African farming class but dispossess of or exclude many families from their land. Surveyed plots with quitrent title (originally limited to 15 years and later extended to perpetual quitrent) would encourage agricultural improvement. ‘Quitrent’ was a form of individual land tenure in which a nominal rent was payable by a tenant, in this case to the colonial state, in lieu of (to ‘quit’) other services. Quitrent had its origins in the Dutch East India Company (VOC) forms of land tenure, such as leningspaatsen [loan-farms] for burghers (Shell 1994), a system taken over by the British and, from 1813, converted into quitrent for which the state could extract a rent. The British adapted the model to serve their ‘native’ policies on the frontier (Freund 1989), where they allocated quitrent land to reward their ‘Fingo’ (Mfengu) allies, while making its effective use a precondition for continued permitted use (Wotshela 2001).

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1 A morgen is 0.856 532 hectares (LSSA 2007).
Like many before and after it (Ashforth 1990), the Commission’s proposals were rejected. The Glen Grey Act, by contrast, introduced individual tenure on four-morgen plots, closer to the proposals of the Afrikaner Bond for ‘hut and garden’ allotments, constraining the expansion of African commercial farming on anything but a small scale (Bundy 1988). The Act instituted a ‘one man, one plot’ principle in most of the Transkei area. This notion resonated over time, and emerged in the post-1994 era as a popular demand for ‘one family, one farm’. Under the Act, plots would be inherited in accordance with the principle of primogeniture (which was not customary) and were not to be divided on inheritance; of course families continued with informal redivision into smaller plots to allow the next generation to maintain access to rights in land. These principles were paradoxical, reflecting the varied political purposes they served: primogeniture would push younger men into the labour market (addressing the mining industry’s need for labour supply) while also enabling them to retain some access through kinship to land for reproduction, reducing the reproductive cost of labour (Bundy 1988 p. 135; Lacey 1981 p. 15). The Act withheld the vote from Glen Grey tenants and limited the African franchise, but resisted pressure to allow further settler encroachment through purchase of Glen Grey lands in Thembuland (Davenport 1966 p. 154). Finally, it established district councils to raise money for local public spending and to represent rural African elites within a form of indirect rule under colonial officials (Walker 1957 pp. 432–433; see also Beinart and Bundy 1987).

Contested interpretations of the Glen Grey Act revolve around the extent to which its purpose was agricultural improvement in the reserves or securing a supply of labour,
particularly for the mines (Bundy 1988; Lacey 1981). The mines were desperately short of labour, and land was expensive. Lacey states forthrightly that:

Rhodes’s policy had nothing to do with the granting of political and civil rights to Cape Africans. His aim was to reduce a growing African peasantry to a labouring class and yet keep them from becoming fully assimilated and proletarianised. (Lacey 1981 pp. 15–16)

But the politics of the Glen Grey Act were more complicated. Stanley Trapido (1980) recognised the importance of Cape liberalism in the extension of the franchise to Africans, but also that these ‘friends of the natives’ were informed by material and political interests in the survival of the peasantry, not least as a market for traders from the Colony. The qualified franchise explicitly wedded political rights to property rights (Trapido 1980; Davenport 1966; Davenport and Saunders 2000). The direct link between the franchise and the dispossession of Africans was evident when the limited franchise of Africans in the Cape Colony was further reduced in 1887, as was the exemption from carrying a pass.

They [the Africans] are aware that the object [of the government] is, by means of defranchisement to pave the way to doing what it likes with the rights and privileges of Natives, especially with rights to land. (Imvo, cited in Mbeki 1984 p. 24 – text in square brackets as in original Mbeki text)

Glen Grey marks a key moment in the disenfranchising of Africans and restricting civil and land rights. The Glen Grey Commission and the Glen Grey Act involved complex elements: they were intended to serve different, often contested, and not necessarily compatible goals. These generate different explanations as to the reasons for Glen Grey, and what it was really about. Any such explanations can, at best, only be partial; to put it differently, all of them may be correct in part.
2.2 Formalising territorial segregation

The Natives Land Act 27 of 1913 was promulgated shortly after the formation of the Union of South Africa in 1910. It defined the territorial segregation of the country on a racial basis and designated native reserve areas listed in a schedule to the Act, which amounted to about seven percent of the country’s surface area (Union of South Africa 1913). It prohibited Africans from acquiring rights to land through purchase, rental or any other means outside these ‘scheduled areas’, and prescribed that:

   a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a person other than a native, of any such land or of any right thereto, interest therein, or servitude thereover. (Union of South Africa 1913, Section 1(1)(a))

The Act was designed to serve the claims of and reconcile conflicts among different mining and farming interests. It was prompted in part by the resentment among Highveld farmers of syndicated African purchases of land, settlement of African tenants on land owned by mining companies, and share and labour tenancies by African farmers and farm workers. Sol Plaatje, reflecting at the time on the 1913 Act’s implications, invoked economic discourse to contest the plausibility of the Act he abhorred, observing that:

   Any policy that aims at setting off a very small proportion of the land of the country for the use and occupation of the very vast majority of the inhabitants, and reserving for the use and occupation of a very small minority of the inhabitants the great majority of the land of the country, is a policy that economically must break somewhere. You can start and move in that direction to a certain extent, but you will be driven back by the exigencies of a law that operates outside the laws of Parliament – the law of supply and demand. (Plaatje 1916 p. 405)

In terms of the 1913 Act, black tenants on white farms were to be given notice to leave. Violation of the terms of the Act could elicit a fine of 100 pounds or six months’
imprisonment, among other penalties (Plaatje 1916 p. 131). In the Orange River Colony, prior to the South African War and the British occupation in 1900, Presidential permission had been required for ‘natives’ to purchase land but, according to Plaatje (1916 pp. 130–131), this was readily granted. The eviction of black tenants in the Orange Free State, where absentee ownership had been common, prompted sizeable migrations of black livestock owners eastwards into Basotholand and northwards across the Vaal. It also prompted the conversion of sharecropping arrangements into labour tenancy. Plaatje gives an account of the response by the Secretary for Native Affairs, Edward Dower, to a few thousand concerned African farmers at a public meeting in ThabaNchu on 12 September 1913, and describes how the Secretary presented the available options for sharecropping farmers under the new Act:

The old practice of “sowing on the halves” might continue so long as the lawfully executed contracts lasted; but at the expiration of those contracts the practice should cease, as Parliament had decided on its abolition. It amounted to a partnership between a white man and a black man. With a civilized Native the system might have been good, but a raw Native always got the worst of the partnership. He would advise them to make the best temporary arrangements within the four corners of the law. It might be by adopting one of three alternatives: (1) Become servants (in which case it would be legal for a master to give them pieces of land to plough and graze a number of stock); or (2) move into the reserve – (voices: “Where is the reserve?”); or (3) dispose of the stock for cash. (Sensation). (Plaatje 1916 pp. 134–135)

Already recognising that the area set aside as reserves was inadequate to meet the needs of Africans and the labour requirements of the mining industry (Lacey 1981), the Union government appointed a Native Lands Commission (the ‘Beaumont Commission’ after its chair, Sir William Beaumont) to identify additional land that could be incorporated into the reserves. The proposals of the Beaumont Commission, reporting in 1916, earmarked a further seven million hectares to extend the reserves which would
constitute 12.7 percent of the country’s surface (Union of South Africa 1916). White farmers criticised the report, arguing that its recommendations to expand the reserves would disturb white agriculture; its proposals were shelved and instead local committees advised on more limited ‘released areas’ (Patzky and Walker 1985 p. 87). The land allocated to Africans under the Beaumont proposals would accommodate four million people, while 86 percent of the country would be set aside as white farming areas for a white population of 660 000 (Plaatje 1916 p. 409). As always, the realities were more complex: a large number of black people continued to live in the areas designated for white farming, but ignoring this fact has tended to endure even into the democratic era.

2.3 Hertzog’s governments and a second Land Act

The government of JBM Hertzog which came to power in 1924 was founded on a pact between the National Party (NP) and Colonel Cresswell’s Labour Party, strengthened by the 1922 Rand Revolt by white mineworkers (Beinart and Dubow 1995). The Pact government introduced amendments to the 1913 Land Act that rendered the released areas available to white buyers, and prohibited African purchases by groups larger than ten, unless by ‘a recognised tribe’ (Lacey 1981 p. 21). Nearly 80 years later this distinction would be revived under the Land Redistribution for Agricultural Development programme which, in many commercial farming districts, limited land purchase groups to ten members, while the Communal Land Rights Act 11 of 2004 promoted group freehold ownership by ‘tribes’ or ‘traditional communities’ in communal areas, without limitations on size.
Hertzog’s reforms allowed a degree of competitive buying by blacks and whites in the released areas. White farmers objected to the release of prime land to Africans, arguing that they would be unable to work it (Lacey 1981 p. 30). Even at this time – as was the case later after 1994 – opposition by the established white farming sector to the transfer of land to blacks was couched not in terms of opposition to the principle, but to the specifics, on the basis of economic considerations and the optimal use of the land. Escobar (1995) would not have been surprised. ‘Whites were prepared to sell bad land to Africans sometimes. That is about as far as they would go’ (Lacey 1981 p. 33). Those African land purchase movements that bought land, often in syndicates or by chiefs on behalf of a group or community, were among those who withstood the threat of forced removals for the longest, along with the freehold owners of land ceded by the British Crown during the nineteenth century in return for support during the frontier wars (Platzky and Walker 1985). Areas where Africans held land in freehold became known as ‘black spots’.

Hertzog was unable to push his bills through parliament, despite his second victory in the ‘swartgevaar’ [black peril] election of 1929 (Walker 1957). With blacks being forced off the land and prohibited from urban settlement, overcrowding in the reserves became more severe. In 1932, the Native Economic Commission chaired by Dr JE Holloway, Director of Census and Statistics, warned that environmental disaster was imminent (Ashforth 1990 p. 74). Holloway had been the first appointee to a position in agricultural economics at the University of Pretoria, despite having no formal training in the discipline, and the first incumbent in a long line of agricultural economists of that university to influence official policy on agricultural development (as detailed in later
chapters of this thesis). Urgent steps were needed to stem and reverse soil erosion and the degradation of grazing land, to prevent conditions in the reserves from rendering the migrant labour system unsustainable (Platzky and Walker 1985 p. 93; Union of South Africa 1932).

Holloway argued that segregation was ‘uneconomical’ and that, to stem urbanisation, conditions in the reserves would have to be improved to allow successful farming (Union of South Africa 1932). Two initiatives were taken to address this, without discarding the reserve policy. The first was ‘Betterment’ planning to reorganise land use within the reserves (see below). The second measure was the promulgation of a further ‘Land Act’ to expand the reserves. The Natives Trust and Land Act 18 of 1936 [commonly known as the 1936 Land Act] further entrenched the segregation policy of the reserves. Widely seen as a compromise within Hertzog’s coalition government, it traded the limited African franchise in the Cape for the expansion of the reserves (Platzky and Walker 1985 p. 89). The Act was made possible by the formation of the Fusion government of the United (South African National) Party, led by Hertzog as Prime Minister with Jan Smuts as his Deputy, which made possible the two-thirds majority needed to override the entrenched clause of the 1910 Constitution concerning property and the franchise. It passed the Representation of Natives Act 12 of 1936 which removed the entrenched franchise from qualified Africans (and thus their right to own property) while introducing limited representation through white parliamentarians.

By consolidating and extending the reserve areas, the 1936 Land Act aimed to reconcile the conflicting concerns of farmers and mine-owners. It established the South African Native Trust (SANT), subsequently renamed the South African Bantu Trust (SABT)
and later the South African Development Trust (SADT), which owned and administered the land in the reserves. The SANT was responsible for buying further ‘released areas’ from white landowners (Union of South Africa 1936). Far from easing congestion in the reserves, much of the additional land ‘was already as overcrowded and exhausted as the scheduled areas’ (Yawitch 1981 p. 10). Over the coming decades, forced removals from ‘black spots’ and repatriation to the reserves through ‘influx control’ (restrictions on the movement of Africans to urban areas) further increased population density. In total, the Act envisaged that the reserves would constitute 13.6 percent of the country, closer to Beaumont’s 1916 proposals, though this target was never achieved: ‘homeland consolidation’ continued right up until the 1980s, by which time it was still not complete (Platzky and Walker 1985).

2.4 From segregation to apartheid

Prime Minister DF Malan’s NP government that came to power in 1948 drew its support from Afrikaner professionals and educationalists, commercial workers, white farmers and workers rather than mining companies and manufacturing companies (Beinart and Dubow 1995; O’Meara 1996). Its priorities in land and agricultural policies were to sustain the segregation of rights to land and urban employment to address chronic labour shortages on farms, and the war-time and post-war urbanisation of Africans that presented a housing crisis, reducing the labour available on farms and undermining the policy of limiting labour migration from the farms and reserves to the cities (Platzky and Walker 1985 pp. 95–99).
As Prime Minister from 1958, Dr HF Verwoerd’s ‘Bantustan’ policy became a cornerstone of ‘grand apartheid’. The conversion of reserves into ‘homelands’ or ‘Bantustans’ involved social engineering and further dispossession, and was to resolve an urban problem by removing ‘surplus’ (‘non-productive’) people, allowing for stricter enforcement of influx control. As during the 1940s, the application of influx control aimed to strike a balance between the contending labour needs of manufacturing and other urban employers and farmers on the one hand, and the problems facing urban municipalities in respect of providing housing and services cheaply on the other.

In 1960 Verwoerd outlined a grand plan which would convert the ‘native reserves’ into ‘Bantu homelands’, within which Africans would exercise political rights and obtain self-rule. Unlike the previous vision for the reserves, it was also to create the political and administrative apparatus for self-government (Platzky and Walker 1985). By converting the reserves into ostensibly ‘independent’ states, the NP government would thereby finally remove the basis for African claims to citizenship within the South African polity (Beinart and Dubow 1995; Posel 1995). As Stanley Trapido explained, advocates of ‘separate development’ tried to reconcile the imperatives of exploiting African labour with the doctrines of social democracy; physical and economic marginalisation would be justified within the rubric of self-determination in ‘homelands’ (Trapido 1971 pp. 317–318).^2

The Bantu Authorities Act 68 of 1951 reinforced the policy of indirect rule in the reserves, through a system of state-appointed chiefs and headmen that had been

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^2 The notion that these were the ‘homelands’ of discrete ethnic groups was politically contested and, for this reason, ‘homelands’ are referred to in quotation marks throughout this dissertation. The term ‘Bantustan’, similarly contested, has been reappropriated by the political left, and is therefore used without quotation marks from this point.
formalised in the Native Administration Act 38 of 1927, and abolished previous forms of representation, such as councils, the *amaBhunga* [advisory councils] and the Natives Representative Council. This completed the process of disenfranchisement, replacing the remaining right of qualified African voters to elect white representatives to Parliament (Mbeki 1984). In its place, ‘retribalisation’ under a state-sanctioned chieftaincy was embraced as the solution to the problems of native administration and as a means of pursuing the ‘segregation ideal’ (Hendricks 1990; Lacey 1981). This system was used elsewhere in colonial Africa and is characterised by Mamdani (1996) as ‘decentralised despotism’, by which the governed were cast as ‘subjects’ of tribal authority rather than ‘citizens’ of a state. Indirect rule and devolution of control over rural localities to African chiefs facilitated the extraction of taxes and minimised costs to a weak colonial state (Beinart and Dubow 1995 p. 6; Mamdani 1996). The origins of indirect rule, though, dated to Shepstone’s administration of Natal (Welsh 1971).

By the beginnings of political transition to democracy in the 1990s, the Bantustans had been consolidated into ten territories: the ‘self-governing territories’ of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and QwaQwa as well as the ‘independent states’ of Transkei, Bophuthatswana, Venda and Ciskei. Among the panoply of laws governing Africans’ rights to land and movement in this era was the Group Areas Act 41 of 1950 that reserved urban residential land for racially designated groups. Similar, if less comprehensive, legislation had already been directed against ‘coloureds’ in the Cape and Indians in Natal and the Transvaal. Related laws were the Prevention of Illegal Squatting Act 52 of 1951 which allowed the destruction of illegal settlements and the creation of resettlement camps for people evicted from farms; the Natives
(Abolition of Passes and Co-ordination of Documents) Act 67 of 1952 which, despite (or perhaps as one might expect from) its name, entrenched the pass laws as the centrepiece of influx control, extending these to women in 1956; and the Bantu Laws Amendment Act 42 of 1964 which proscribed labour tenancy and squatting on farms.

Whether apartheid and the Bantustan policy represented a deviation from segregationism or its apotheosis is contested. Legassick (1975) argued that apartheid was the continuation of segregation – its premises were unchanged, though the political form of separate development was intensified. Beinart and Dubow (1995), among others, have shown in contrast that apartheid after 1948 differed from its precursor in its explicit appeal to Afrikaner ethnic (in addition to white racial) exclusivity. The ‘cultural anthropology’ of Afrikaner nationalism provided legitimacy to territorial segregation by discursively redefining the homogeneous ‘Native’ into multiple ‘Bantu’ groups or ‘nations’ on the road to self-determination (Ashforth 1990 pp. 248–249). Posel (1983 and 1995) and Lazar (1987), among others, have argued that apartheid was far from a unified grand plan and was contested from within the ‘nationalist alliance’, specifically on the question of the continuation of the migrant labour system.

2.5 Tomlinson, Betterment planning and Bantu authorities

Together with male out-migration, declining soil fertility in the reserves arising from overcrowding had, by the 1930s, led to a decline in agricultural yields. African farmers were increasingly constrained in access to land, labour and capital. Betterment planning started with the Control and Improvement of Livestock in Native Areas Proclamation 31 of 1939 but was enforced mostly from the 1950s onwards. The United Party’s Fagan
Commission in 1948 made recommendations in respect of ‘labour stabilisation’ to acknowledge and permit the permanent residence of Africans in urban areas in the interests of manufacturing capital, but, as with many state-appointed commissions, these proposals were not put into practice (Hendricks 1989 p. 308). Instead, mining and agricultural capital drove the NP’s commitment to influx control to stem the movement of labour from the rural areas, and to define Africans in urban areas as ‘migratory citizens’ (Platzky and Walker 1985).

By 1950, conditions in the reserves had deteriorated further, and Malan appointed Dr FR Tomlinson (like Holloway before him, an agricultural economist at the University of Pretoria) to head the Commission of Enquiry into the Socio-Economic Development of the Bantu Areas. Tomlinson was the first person to receive a doctorate in agricultural economics in South Africa, which he obtained in 1933 from the University of Pretoria, where he later became head of department in 1939. The Commission he headed was to conduct ‘scientific studies’ and propose measures for the ‘development’ of the Bantustans, in response to the evident economic deterioration and declining agricultural production that came with overcrowding, much of which was blamed on poor farming practices (Yawitch 1981).

The Tomlinson Commission was the largest and most prolific of the many state commissions of the nineteenth and twentieth centuries. Its report, published in 1995 in summarised form (on the basis of a 17 volume, 3,755 page report), confirmed, as required, the need for separate development of the races. It recommended reforms that would make possible the creation in the ‘native reserves’ (later Bantustans) of ‘an agricultural class who will eventually make their living exclusively from farming’
(Union of South Africa 1955 p. 195). For lack of sufficient land, the report proposed the creation of half ‘economic units’ for cultivation by successful farmers, under individual title (Union of South Africa 1955 pp. 113, 152, 196). This would bring to an end the ‘one man, one plot’ principle underlying previous policy (Union of South Africa 1955 p. 153). With an overriding vision of modernising African agriculture, this was expected to improve land use practices and increase productivity, by providing larger plots to successful or ‘progressive’ farmers and removing others, estimated at two million, off the land and into wage labour in industry (Mbeki 1984; Union of South Africa 1955; Yawitch 1981).

It is essential to make opportunities for the creation of a class of contented full-time Bantu farmers with holdings of sufficient size to enable them to farm profitably and to exercise their initiative and to develop according to their individual ability and resources… [but] care should be exercised to avoid the centralization of all the land in the hands of a few individuals i.e. to avoid the creation of a class of land barons. (Union of South Africa 1955 p. 152)

According to Tomlinson, only ‘bona fide farmers’ would be able to secure rights to arable allotments; his Commission determined the minimum farm size that would allow the subsistence of a household, premised on full-time farming (Hendricks 1989 p. 311; Union of South Africa 1955 p. 196). Tomlinson advocated the sale of arable and grazing land, with title deeds, to create this agricultural class and a fund capitalised with 3 million pounds to provide loans to Bantu peasants to enable them to purchase it (Union of South Africa 1955 pp. 192–193). Tomlinson’s proposals were premised on a notion of ‘vollebestaansboerderyenhede’ [full economic farming units], to denote viable farm size, based on an acceptable minimum income for farmers. The acceptable income was deemed to be £120 per household per annum, but reduced to £60, in view of the extent of dispossession that would be required to make way for larger farms
(Union of South Africa 1955 p. 196). These definitions of minimum farm sizes had more to do with normative ideas of racially defined standards of living than with agricultural production *per se*, but have proved to be resilient concepts informing agricultural policy over the next half century (as shown in later chapters).

According to the Tomlinson Commission’s report an African family in the reserves “requires, on the average, 52.5 morgen of land to make a gross annual income of £70.” (In contrast, it is estimated that a White farmer requires a minimum of 250 morgen if he is to operate successfully as a grain producer.) On this basis, the reserves would be able to sustain only 50 per cent of their present number, so that – the argument concluded – there had to be a radical change in the customary practices of land-holding… The government goes even further and dispossesses many peasants of the arable allotments they hold if they cannot show that they have adequate means to work the land; their allotments are then turned over to those who can show such means. In this way the government hopes that, in due course, it will develop a class of small-scale farmers, who will concentrate on agriculture and constitute a display for how the policy of apartheid has developed the reserves. (Mbeki 1984 p. 74)

These ideas were not peculiar to South Africa; they were evident in Kenya’s Swynnerton Plan of 1954 for the Kikuyu reserves.

Former Government policy will be reversed, and able, energetic or rich Africans will be able to acquire more land and bad or poor farmers less, creating a landed and landless class. This is a normal step in the evolution of a country. (Swynnerton 1954, cited in Heyer et al. 1981 p. 102)

As in Kenya, the modernising vision of agricultural economists was to introduce a distinction between ‘traditional’ farmers who would farm primarily for their own consumption and continue to live under communal tenure, and ‘progressive’ farmers who would become petty commodity producers and so, like white commercial farmers, would require title to their land (Sorrenson 1967; Williams 1996a). To pursue this modernising vision without encroaching on white farmland, and to allow yeoman or
‘progressive’ farmers to develop, in Kenya and in South Africa, would require dispossessing through policies of Betterment and villagisation.

Tomlinson proposed a further process of homeland consolidation and the extension of Betterment planning to all the Bantustans (Union of South Africa 1955 pp. 180–183, 196). His Commission reasoned that, given overcrowding, primary production could not support the population of the reserves, and that secondary industry would be needed to diversify and grow the economy. It advocated an ambitious programme of subsidising white industrial development in the reserves to the tune of £30 million, and promoting black-owned business development (Hendricks 1989 p. 315; Union of South Africa 1955 pp. 131–144, 195). In these respects, Tomlinson’s proposals were more in line with the United Party’s vision of a settled urban African proletariat (those who would not become commodity producers would be wage earners) than with the NP’s insistence on a perpetual migrant labour economy and one-man, one-plot principle (Hendricks 1989 p. 309). The landowning peasantry envisaged by Tomlinson would be a group outside the control of traditional authorities; this was anathema to the state’s concern with control under the rubric of the Bantu authorities. As it turned out, retribalisation as a means of political control took precedence over the ideological task of creating a class of full-time farmers (Hendricks 1989 p. 312).

The government rejected the two key recommendations of the Tomlinson Commission: consolidation of landholdings under individual tenure, and an industrialisation strategy for the reserves. Instead, it proceeded to promote border industries in areas adjacent to the Bantustans to take advantage of abundant cheap labour. Private industrial investment in the reserves continued to be prohibited, and the apartheid state focused its
own investments in the reserves on reorganising agriculture (Hendricks 1989; McAllister 1989). Arising out of the Commission, the state embarked on a renewed process of Betterment planning to re-organise land use in residential, cropping and grazing zones, ostensibly in order to conserve the soil and intensify agricultural production (De Wet 1989; McAllister 1989). Betterment involved forced destocking through the culling and forced sale of livestock, limited access to the commons for grazing, fencing, and restricted use of arable allotments, including selective prohibitions on ploughing (De Wet 1989; Hendricks 1989; Mbeki 1984). It involved further forced removals within the homelands, reduced aggregate access to land and disrupted production and social networks, leading to a decline in agricultural output and an intensification of rural poverty (De Wet 1989; Yawitch 1981).

Notions of ‘bad farming’ in the Bantustans, evident in the Tomlinson report and prevalent in the state’s agricultural bureaucracy, were premised on comparison of output per unit of land in the ‘two agricultures’, even though the statistical basis for measuring output in the Bantustans was shaky at best, and surveys were infrequent and failed to capture production for ‘subsistence’ purposes, possibly underestimating production by a third (Lipton 1977 p. 73). While the basis in fact was contested, the idea of poor farming methods was entrenched in official discourse and was to continue to have a real impact as the justification for the politically-driven engineering of production and class relations (Ashforth 1990; Schirmer 2000).

The plans for conservation in the reserves which were the beginnings of Betterment foundered on poor implementation for administrative, financial and political reasons including, from 1950, the priority placed on implementing the Bantu Authorities Act
and the resistance that ensued. As De Wet (1989 p. 345) observed: ‘It is a sad irony that in many cases Betterment planning has aggravated the very conditions it sought, in the official mind, to alleviate’. Betterment converted ‘lofty ideals’ of conservation into decidedly coercive planning and control of the population, in the midst of attempts ‘to reinvigorate tribalism in the reserves as a co-optive device bringing African chiefs and headmen into the local machinery of government’ (Hendricks 1989 pp. 307–308). The failure of Betterment to develop agriculture by no means indicates that it failed in its contribution to wider political goals. Hendricks (1990) argues that land tenure, rural development schemes and the chieftaincy were three crucial pillars of apartheid and that Betterment allowed the extension of state control of the ‘displaced proletariat’ in village settlements, thereby securing their dependence on a wage economy.

Bantustan policy and Betterment planning were also applied in the 23 so-called ‘coloured reserves’. The underlying official discourses and degradation narratives were the same. Extending across 1.7 million hectares (1 percent of the country) and having been mission land or ceded by deed of grant in the Cape Colony and Orange Free State, these reserves were formalised under the Coloured Rural Areas Act 24 of 1963, which empowered the Minister of Coloured Affairs to demarcate portions of communal land and to transfer individual tenure rights to these to ‘bona fide farmers’ – a process which only got underway in the 1980s (Rohde et al. 2002; Wisborg and Rohde 2003). Amendments to the Act in the 1970s imposed Betterment planning principles in these reserves and, by demarcating separate zones of residential and arable land, privatised commonage land used by communities for grazing into private ‘economic units’, and later brought these under local governance structures imposed by the Coloured Rural
Areas Act 9 of 1987. The distinction between ‘black’ (African) and ‘coloured’ reserves, which was a feature of state policy through much of the twentieth century, was reproduced in the democratic era, with the promulgation of two tenure reform laws with widely differing prescriptions – the Transformation of Certain Rural Areas Act 94 of 1998 for the coloured rural areas, and the Communal Land Rights Act 11 of 2004 for the Bantustans (RSA 1998, 2004).

2.6 Resistance to Betterment and its wider politics

The imposition of Betterment by state-approved Bantu authorities, coupled with the extension of pass laws to women, prompted rural protest and resistance, often by people seen as ‘traditional’ and not political (Hendricks 1989; McAllister 1989). Sporadic revolts from the late 1950s, including at Witzieshoek, Sekhukhuneland and Thembuland, culminated in the Pondoland revolt in 1960 (Mbeki 1984). Similar resistance had started as early as the 1930s in South Africa, as well as in Southern Rhodesia, Nyasaland, Tanganyika and central Kenya, where colonial land and agricultural policies provided a major stimulus to rural nationalism, including the Mau Mau rebellion (Beinart 1984). In South Africa, rising resistance to Betterment in the 1950s and 1960s was interwoven with resistance to the Bantu Authorities Act, and took the form of burning pass books, attacking collaborators of the Bantu authorities, boycotts of white-owned shops and non-payment of taxes (Bundy 1984; Hendricks 1989; McAllister 1989). A central grievance of rural producers was the denial of the right to define their own land uses, which amounted to forced villagisation (De Wet 1989; Yawitch 1981).
Unlike the communists in the Congress movement (with few notable exceptions like Govan Mbeki in the Transkei and Alpheus Maliba in the Northern Transvaal), the Non-European Unity Movement (NEUM) recognised the centrality of the ‘tribal proletarians’ to socialist struggle, in a context of migrant labour, and therefore the need to organise in the reserves in response to the brutal smashing of attempts at worker organisation in the mines and on farms (Drew 1996). The NEUM, more Trotskyist than Communist, drew more on the organising and conscientising work of teachers, through the Cape African Teachers’ Association, than migrant workers, and made substantial headway in some regions, including the Transkei, combining theory with the practical work of organising resistance to Betterment or ‘rehabilitation’, and arguing for redistribution of land rather than culling of cattle (Drew 1996 p. 73). The NEUM’s vision was one of redistribution of the land rather than collectivisation; point 7 of its programme declared that a ‘new division of the land in conformity with the existing rural population, living on the land and working the land, is the first task of a democratic State and Parliament’ (cited in Drew 1996 p. 81). But disagreement arose within the Movement regarding the relative priority to be accorded to redivision to satisfy land hunger versus the right to buy and sell, which appealed to an aspirant black bourgeoisie; both sides privileged these interests over those of the ‘agricultural proletariat’ already on large and mechanising white farms (Drew 1996 p. 82).

Meanwhile, the ANC and SACP leader Govan Mbeki (1984 p. 20) conveyed a concern for ‘progressive’ improvement of agriculture and an enduring hostility to people being relegated to ‘a backward subsistence and peasant economy’, in which migrant remittances formed the major source of income. Popular demands were for access to
land and the ability for people to use and manage it as they chose, rather than for the state to provide ‘development’ (De Wet 1989; Hendricks 1989). Mbeki observed that:

the struggle in Pondoland became linked with the national struggle for liberation, and brought alive to the leadership of the A.N.C. in a manner it had never done before the vital need for linking up the struggles of the peasants with those of the workers in the urban areas. (Mbeki 1984 p. 129)

He (wrongly) predicted that this would constitute a turning point in the politics of the ANC and the wider Congress movement:

The Pondo movement succeeded by example in accomplishing what discussion had failed to do in a generation – convincing the leadership of the importance of the peasants in the reserves to the entire national struggle. The leaders realized at last that a struggle based on the reserves had a much greater capacity to absorb the shocks of government repression and was therefore capable of being sustained for a much longer time than a struggle based on the urban locations. (Mbeki 1984 p. 130)

Mbeki’s perspective was more prescriptive than analytical: the Pondo rebels were more closely linked with the NEUM than with the ANC (Bundy 1984; Kayser and Adhikari 2004; Matoti and Ntsebeza 2004). Instead of building on rural resistance, as Mbeki had envisaged, the ANC remained an urban-based party, drawing on the ‘revolutionary spirit’ of the urban working class (Jordan in Dolny 2001 p. 38; Levin and Weiner 1996).

2.7 Agricultural policy in the Bantustans in the 1970s and 1980s

The centrepiece of agricultural development efforts in the Bantustans following Tomlinson’s unimplemented proposals and the imposition of Betterment planning was state-run development schemes involving centrally managed and capital-intensive agricultural estates. Most analysts point to the highly inappropriate, costly and unsustainable nature of these schemes, such as the irrigation schemes established from
the 1960s onwards (Perret 2002). The schemes were managed by parastatal development corporations, such as the Transkei Agricultural Corporation (TRACOR), Ciskei Agricultural Corporation (ULIMOCOR), and the Agricultural and Rural Development Corporation (ARDC) in Lebowa, Gazankulu and Venda, all of which were rapidly dismantled in the early 1990s.

Despite substantial investments, the large estate schemes tended to ‘fall far short of the expectations of planners, politicians, development agencies and the participants themselves’, offering limited benefits and insecure rights to land, while relying largely on the labour of women and pensioners (Bembridge, cited in Perret 2002 p. 7). Substantial financial losses were the norm and there was little if any evidence of wider benefits or multiplier effects in the local economy (Bromberger and Antonie 1993). Instead, the schemes ‘provided profits and kick-backs to well placed elites as well as jobs to a few residents but made little impact on the livelihoods of the majority of rural blacks’ (Schirmer 2000 p. 152).

The lack of commercial agriculture in the homelands was often incorrectly attributed to lack of entrepreneurial and managerial ability among black farmers. Management was accordingly introduced from outside to develop modern agricultural systems influenced by British colonial approaches to agricultural development in South Africa’s neighbouring states, the philosophy of optimal resource use and modern farming methods. (Hartzenberg 1977, cited in Van Rooyen 1995 p. 3)

Exceptions to the capital-intensive model of agricultural development were the outgrower schemes in labour-intensive crops introduced by the sugar and cotton industries from the 1970s, particularly in Natal and the Eastern Transvaal. These enabled the outsourcing of primary production to smallholders, while agribusinesses specialised in processing, packaging and marketing. McIntosh and Vaughan (1996)
point out that the relative successes of small-scale sugar production were reliant on strong support from the private sector, given its dependence on continued supply and the need to expand production into the communal areas to which these white-owned corporations would not otherwise have had access, and there to reap the benefits of available (cheap) labour and skills.

Agriculture contributed a declining portion of incomes in the Bantustans in the 1970s and, by 1985, marketed produce accounted for just 10 percent of household income in these areas, and subsistence or non-marketed produce was valued at the equivalent of R171 per household per annum on average (Schirmer 2000 p. 152). Regional variations meant that agriculture remained more significant in the economies of the Transkei and KwaZulu than elsewhere (Beinart 1992). Despite the generalised demise of Bantustan agriculture, increased integration into a cash economy and reliance on wages and remittances, people living in the Bantustans continued to rely on agriculture for a portion of their livelihoods – growing vegetables to supplement bought food and keeping cattle and small livestock (Schirmer 2000 pp. 153–155). As income inequality rose during the 1970s, poorer households relied on agriculture for a greater proportion of their livelihoods, although the number of households without any cattle rose, and those engaging successfully in agriculture were most likely to be political or business elites that had access to a cash income to invest (Schirmer 2000 pp. 154–155). In parts of the Transkei, though, successful small-scale production endured into the 1980s, sufficient to meet household staple food requirements (Beinart 1992). Studies in a number of Bantustans showed that many households with access to arable plots did not
engage in cultivation due to constraints other than access to land – mostly stock theft, inadequate fencing and a lack of capital and labour (Andrew et al. 2003; Murray 1992).

The 1980s saw renewed state attempts to create a modernising farming class in the Bantustans, founded on some of the same concerns as Tomlinson, and set in place models and language that would frame ‘farmer settlement’ into the democratic era. After its establishment in 1983, the Development Bank of Southern Africa (DBSA) developed a new framework for farmer support in the Bantustans. DBSA was a centralised state finance agency and the primary source of capital for black agriculture in support of the government’s ‘regional development strategy’ – including the Bantustans (Levin and Weiner 1989 p. 31). Its agricultural economists criticised the capital-intensive projects of the agricultural development corporations that depended on external management and capital in areas where these were the most scarce resources, and where land and labour were relatively abundant (Vink interview, 2005).

Instead of setting up more capital-intensive agricultural projects, the DBSA created and implemented farmer support programmes (FSPs) to make intensive use of land and labour, and ensure the availability of support services, for which the DBSA was the primary lender (Van Rooyen 1995 p. 1). Official evaluations claimed that the programmes, starting in 1987, reached 25 000 farmers on 350 000 hectares, and created 30 000 jobs over the next five years (Van Rooyen 1995 p. 9). The FSPs initially aimed to deliver ‘comprehensive agricultural support’ including training and extension, production inputs, infrastructure and marketing support, but from 1989 merely assisted farmers with loan finance to gain access to such services, rather than providing them directly (Ortmann and Lyne 1995 p. 37; Van Rooyen 1995 p. 11). In some regions,
overhead costs together with bad debt accounted for nearly half of the total funds (Ortmann and Lyne 1995 p. 41). Some analyses found limited positive impacts: FSP farmers had better access to services than other farmers in the Bantustans (Kirsten et al. 1995a, 1995b, 1995c). The impact on agricultural production and on standards of living was largely indeterminate (Kirsten et al. 1995a). All agreed that the cost was prodigious (Ortmann and Lyne 1995; Kirsten et al. 1995a; Van Rooyen 1995).

Independent assessments were more far-reaching in their criticism. The FSPs cost an average of R50 000 per participant. In few cases was the return on this investment equivalent to its cost; its benefits were more a welfare transfer than due to the catalysing of a dynamic process of accumulation by ‘emerging’ commercial farmers (Schirmer 2000 p. 159). Cooper (1995 p. 258) challenged the entire logic of the FSP by questioning whether in fact more ‘development’ might have ensued if all the funds had been transferred as a once-off cash grant. Few commercial farmers ‘emerged’ from the process. Those who did emerge as successful were generally those who already had substantial capital of their own, and were able to cross-subsidise their farming from other sources of income (Schirmer 2000 p. 159).

Although the FSP model recognised that black farmers encountered a range of obstacles to improved production and market access (Van Rooyen 1995 p. 2), it aimed to improve production without substantially altering the institutional and market context in which this production occurred. FSP participants competed for market access with their white counterparts who, because of substantial subsidisation, were able to undercut them (Fischer and Vink 1995). The FSPs were underpinned by a lack of robust conceptual and analytical categories, and instead based on ‘apartheid euphemisms’ of ‘emerging’,
‘subsistence’ and ‘sub-subsistence’ farmers (Sender 1995 p. 253). They engaged in a top-down process of development planning, in practice sacrificed their purported commitment to gender equality, and failed to explore options for high-value crops and post-harvest value-adding (Cooper 1995 p. 256). They did not target the poorest households or women, but also did not target those households with the resources to expand production, and so fell between stools by achieving neither the objective of improved welfare nor the objective of increased output (Sender 1995).

As in later years when the World Bank assessed land redistribution, programmatic failure was interpreted as proof that the model was correct; all problems were operational rather than intrinsic. While the FSPs may have failed to create a class of successful small-scale ‘emerging’ farmers, their experience meant that, by the end of the 1980s, the prevailing view within the DBSA was that FSPs were the key to enabling black farmers to engage in commercial production (Levin and Weiner 1989 p. 34). Although the focus was on small-scale production, the DBSA nevertheless embraced the modernising vision of ‘progressive farmers’ that Tomlinson had envisaged, and the limited contribution of its FSPs was towards consolidating a small wealthy peasantry (Levin and Weiner 1989 p. 34).

While development corporations and the DBSA were engaged with agricultural development initiatives, forced removals from black spots to resettlement camps in the Bantustans continued to aggravate overcrowded conditions (Platzky and Walker 1985). Homeland consolidation also sparked resistance: by 1989, eight communities in the Eastern Cape, Orange Free State and Transvaal launched a ‘Stop Incorporation Campaign’ with the support of the National Committee Against Removals (NCAR)
By 1989, the population of the Bantustans was estimated at 15.9 million, about one-third of the national population and 80 percent of households lived below the minimum subsistence level (SAIRR 1990 pp. 34–35, 465). The average income of a rural African household was calculated at R819 a month, 85 percent of such households received an income below R1 500 a month and there was substantial and growing inequality between households and between women and men in access to income, access to land, as well as ownership of key assets such as cattle (SALDRU, cited in Schirmer 2000 p. 157). Agriculture contributed only 8 percent of household incomes but continued to provide a basis for livelihoods in the migrant economies of the Bantustans: DBSA estimated that there were 1.29 million black ‘small-scale farmers’ in the Bantustans by 1991, of whom the largest number were in KwaZulu, the Transkei and Ciskei and, in the Northern Transvaal, Gazankulu, Lebowa and Venda (NDA 2004c p. 6; SAIRR 1990 p. 626).

3 White farms, black labour

By the early 1900s, most land across the country was held by white farmers, by land companies and the mines, and by government. The creation of white-owned farms involved the superimposition of formal ownership over a variety of types of settlement and land use, with varying degrees of continuity in land use under new tenancy arrangements, as well as discontinuities such as the absorption of tenants into wage labour (Keegan 1985; Trapido 1986). White landowners adopted multiple strategies of employing wage workers while also engaging in sharecropping and rental agreements with African tenant farmers (Schirmer 1994 p. 2000). Large numbers of Africans

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3 This is also the title of an influential book by Jeeves and Crush (1997).
remained dependent on agricultural production on land owned by others, alongside white sharecroppers or *bywoners* [tenants]. Through the twentieth century, black tenancy persisted unevenly, alongside conversion of tenants into wage labour (Marcus 1989a).

### 3.1 Regulating black tenancy on white farms

After the mineral discoveries of the late nineteenth century, urbanisation, rapidly growing markets and improving transport systems had contributed to new opportunities for successful sharecropping and a degree of commercial farming by Africans in the Orange Free State and Transvaal. Peasant production on the Highveld prior to the 1913 Act was the heyday of sharecropping, an era in which African farmers were in a position of relative strength to negotiate terms with white landowners and to engage in reasonably profitable independent production. The relative successes of African tenant producers immediately following the South African War (1899–1902) had made possible the accumulation of wealth that was invested in the purchase of land, in education, in the extension of agricultural production, and in turn provided growing leverage to negotiate the terms of their tenancy (Keegan 1986; Trapido 1986).

The state’s capacity to enforce its prohibition on sharecropping has often been exaggerated. Trapido (1986) shows how sharecropping in the Vereeniging Estates was transformed through the force of capitalism – the growing economic resources and power of landowners – rather than through legislation. Sharecropping itself was a form of resistance to the compulsion towards proletarianisation. The practice proved resilient and endured in pockets for years after the 1913 Land Act, due to the convergence of
interests between black sharecroppers and white landowners that it embodied. Legislation did, though, over time, lead to deteriorating terms of sharecropping agreements, by strengthening the hand of landowners to convert these agreements, with state support, into labour tenancy or wage labour agreements.

Sharecropping emerged where formerly independent peasant producers had lost rights to land, and was prevalent in the grain-producing regions of the Orange Free State and southern Transvaal, but also in the livestock and intensive crop farming sectors (De Klerk 1983; Trapido 1986). The inability of many white farmers to respond to these new conditions, to extend production onto available land and to provide cash wages to a labour force, explains the rapid rise in sharecropping in the last years of the nineteenth century and the first years of the twentieth. Some historians have pointed to the backwardness of settler agriculture as part of the context for the rise of sharecropping (De Kiewiet 1941; Beinart and Delius 1986 p. 6). The disastrous impact of the South African War on the rural economy aggravated the dependence of white landowners on black tenants and sharecroppers (Keegan 1985 p. 61). As famously stated by Kas Maine, the sharecropper who is the subject of Van Onselen’s study:

The seed is mine. The ploughshares are mine. The span of oxen is mine. Everything is mine. Only the land is theirs. (Kas Maine, cited in Van Onselen 1996)

introduce taxes on African men resident on farms and limit the duration of labour tenant contracts, among other measures (McClendon 1995 pp. 130–142). The 1936 Land Act made labour tenants subject to ‘masters and servants’ laws, and increasingly restrictive measures were contained in further legislation in 1954 and 1964 (Williams 1996b p. 223). Labour tenant control boards attempted to register tenants and to prevent the spread of tenancy to farms where it was not already practised. These legislative attacks on tenancy were strengthened by a popular discourse that warned of the ‘beswarring van die platteland’ [blackening of the countryside] evident, for instance, in the discussions on labour tenancy in the Nel Committee of 1961 (Williams 1996b pp. 224–225). Later, by the 1990s, this discourse was resurrected as white farmers warned of the ‘Bantustanisation’ of the commercial farming areas, warning against the changes in settlement and land use that would result (Kingwill 2000; see Chapter 6).

In the first half of the twentieth century, different forms of labour coexisted within districts, and even on the same farm, as white farmers pursued multiple strategies to mobilise a sufficient labour force (Jeeves and Crush 1997; Williams 1996b). They relied increasingly on migrant labour, including from neighbouring states (First 1981; Murray 1981). Even with the trend towards proletarianisation of the rural labour force, continuities from tenancy to wage labour were evident, for instance in the continuing practice of paying a portion of wages in kind in the form of housing, food and other rations, as well as, in some regions, access to land for production by workers’ households, which supplemented men’s wages in part through women’s unpaid labour (Keegan 1986 p. 124). Highly unequal social relations combined with a degree of mutual dependence gave rise not only to conflict but also to paternalism between white
landowners and black tenants and workers, a phenomenon that has its roots in slavery in the Cape and endured into the democratic era (Bradford 1987; Van Onselen 1992, 1997; Du Toit 1996). Paternalism on farms has been understood as mediating conflict, but also, as Van Onselen (1997) emphasises, operated in a context of coercion with the ever-present threat of violence and expulsion.

With sharecropping in decline after the 1913 Land Act, labour tenancy emerged over time as the dominant form of labour mobilisation and control on white-owned farms (Jeeves and Crush 1997 p. 3). Tenancy was founded on a fundamental tension between white farmers’ material dependence on cheap black labour, and black tenants’ interest in independent production and ownership of cattle. It constituted a ‘working compromise’ (Keegan 1986 p. 156). African tenancy on white farms was, over many years, the object of extensive but only partially effective state regulation. A series of laws and ordinances prevented Africans from gaining independent land rights, restricted the number of tenant households per farm and head of livestock per tenant, and stipulated the minimum number of days of labour contribution per year (Williams 1996b p. 223). By regulating social relations in these ways, statutes strengthened the rights of landowners to extract labour and to evict tenants.

Labour tenancy proved a remarkably resilient form of labour organisation, as capital-poor white landowners sought to secure access to cheap black labour and depended on the resources of sharecroppers and tenants (Keegan 1985 p. 374; Williams 1996b). Schirmer (1994 pp. 107–110) notes the deteriorating terms of African tenancy on white farms in response to this legislative attack, but also, during the 1930s, in response to drought and the Great Depression, when a younger generation in tenant households
sought employment in other sectors. Later, the terms of tenancy agreements deteriorated further in response to mechanisation made possible by state subsidies on interest rates and guaranteed product prices (Williams 1996b p. 224). Intensification of production by white farmers prompted further measures to limit tenancy, as the opportunity cost of land lost to production by landowners came to exceed the cost of hiring wage labour (Bradford 1987). Thus while successful farmers were able to reduce labour tenancy due to improved production capacity, rising commodity prices and the assistance of the law, less successful farmers continued to have an interest in securing cheap or even unremunerated labour through tenancy (Van der Horst 1942; Morris 1976; Williams 1996b). Efforts at regulation embodied this tension between the need to limit the practice without abolishing it, and to alter the terms of contracts while at the same time controlling labour supply.

As a result of the regulation described above, sharecropping was largely replaced by labour tenancy during the first half of the twentieth century in the grain-growing regions of the Orange Free State and Transvaal (Van Onselen 1997 pp. 193–195; Mather 1997 pp. 61–70). Williams (1996b p. 217) notes how rent, share and labour tenancy agreements represent social relations which vary substantially and change over time. While lawmakers repeatedly attempted to abolish these practices, which they saw as archaic, their efforts met with limited success. Keegan (1986), Trapido (1986) and Van Onselen (1992) have located sharecropping and labour tenancy within the context of capital accumulation in white agriculture, noting the competition that African producers posed to their white counterparts. Keegan (1986) and Morris (1976) have shown how sharecropping and labour tenancy emerged as expressions of the articulation of modes
of production, arguing that these were the product of capitalist agriculture in a context of racial restrictions on access to land, rather than feudal relics of a pre-capitalist mode of production. Keegan (1986 p. 198) argues that ‘it was not objectively determined that sharecropping relationships would eventually make way for capitalist farming’. That they did was contingent, rather than the product of some ineluctable logic of agrarian development.

Thus the contribution of economic historians and rural sociologists has been to demonstrate the ways in which sharecropping and labour tenancy were products of a modernising and industrialising white farming sector, rather than remnants of a pre-capitalist mode of production (Keegan 1986; Schirmer 1994). They have also demonstrated the ambiguities and tensions between white farmers’ dependence on these means of mobilising labour and their interests in regulating and controlling, rather than eliminating, tenancy. As Williams (1996b p. 224) observes: ‘Neither technological change, economic calculation or state action eliminated labour tenancy’. These processes did, though, see large numbers of African sharecroppers turned into labour tenants or wage labourers, and separated from their own means of production (Marcus 1989a). Regulation of social relations of production was contested and resisted by both owners and tenants, so that decades after the legal proscription of labour tenancy, these practices endured openly and, in Natal and (especially the Eastern) Transvaal, remained fairly widespread.

But to what degree did the state have a ‘grand plan’ to ensure the supply and control of labour to farms? Duncan (1997) argues that state policy in the period from the Pact government to NP rule in 1948 was ‘uncertain and contradictory’ due to changes in
government and competition between sectors for labour. While the NP elements in government from 1924 favoured agricultural interests over those of other sectors, this was by no means absolute, and state efforts were inconsistent, in part due to the different mandates, priorities and powers of key state institutions, including the departments of Native Affairs, Agriculture and Justice. This latter point is important for the purposes of this thesis. The need to interrogate the heterogeneous institutional bases of power within the state is a point made elsewhere, and to a greater degree of detail, by Allison (1971) and Allison and Zelikow (1999). For the practice of policy analysis, this requires looking inside the state.

### 3.2 Affirmative action and the creation of white agriculture

Crush and Jeeves (1997) describe the dramatic expansion of production in the white farming districts from 1910 to 1950 as amounting to an ‘agricultural revolution’. Hobart Houghton noted the growth of commercial production on white farms in the first half of the nineteenth century, and the successful establishment of capitalist agriculture (cited in Beinart and Delius 1986 p. 8). Neither the creation of a largely proletarianised black labour force nor the emergence of white capitalist agriculture can be described as smooth trajectories of evolutionary change (Keegan 1986 p. 203). As De Kiewiet has argued, settler agriculture was relatively inefficient, and the concern of subsequent colonial administrations with ‘poor whiteism’ led to a welfarist imperative in agricultural policy (Beinart et al. 1986 p. 3).

During the 50 years prior to democracy, more than 80 laws were enacted to support the commercial farming sector, particularly in marketing. State controls, subsidisation and
protection from import competition meant that in many commodity sectors, producer prices were frequently above world market levels (MALA 1998). The Land and Agricultural Bank of South Africa, established in 1912, provided credit to white farmers and supported agricultural co-operatives. Over the next two decades, the governments of Botha, Smuts and Hertzog intervened in support of agricultural production and marketing through direct state grants, credit, subsidies for fencing, irrigation support, import tariffs, export subsidies, and subsidised railway tariffs that reduced the real cost of transporting maize, for instance, to almost zero (Jeeves and Crush 1997 p. 9). Income support was introduced by setting prices higher than those prevailing in international markets and through drought and disaster relief funds, to promote ‘orderly marketing’ (Jeeves and Crush 1997 pp. 9–10; Williams et al. 1998 pp. 69–71).

South African agricultural exports grew spectacularly after 1945 (Jeeves and Crush 1997 pp. 5–6). Encouraged by subsidies and price supports, farmers adopted more environmentally damaging agricultural practices such as expansion of cultivation onto marginal lands better suited to pastoral grazing (Jeeves and Crush 1997 pp. 2, 28; Vink and Kirsten 2003). The dramatic rise in agricultural output was uneven and led to increased differentiation; alongside the growth of large-scale and more capital-intensive modes of production, many white farmers struggled and barely met their own subsistence needs (Jeeves and Crush 1997 pp. 6–8). Instead of an agrarian transition as Lewis (1954) famously theorised, in which industrial growth is made possible by surplus capital and labour from agriculture, South Africa and some of its neighbouring states experienced mining-led industrialisation (Bernstein 1996a). Increased productivity, output and commercialisation in agriculture were made possible by
extensive direct and indirect state support, in pursuit of political goals of social restructuring, and it was only by 1945 that the value of agricultural production for the first time exceeded that of the gold mines alone (Jeeves and Crush 1997 p. 2).

The period following the Nationalist victory in the 1948 elections saw a marked increase in state-assisted modernisation of white farming (Jeeves and Crush 1997; Dolny 1992; Vink and Kirsten 2003). ‘The Nationalist [sic] Party’s traditional electoral support came from the agricultural sector, which could not survive without subsidies, loans and cheap, immobilized labour’ as well as, by the 1950s, a substantial and growing class of urbanised Afrikaners benefiting from the colour bar that ensured job reservation for whites (Trapido 1971 p. 317). From the 1950s onward, state support facilitated the adoption of labour-displacing technology in agriculture such as combine harvesting in the maize sector. As shown by De Klerk (1983), in the Western Transvaal this contributed to a rapid decline in seasonal and part-time work, particularly by women and children, exceeding the loss of permanent jobs which in this area fell by 50 percent between 1968 and 1981, contributing to the severing of labour migration (and remittance) ties between Bantustans and white farms. Nationally, the total area under cultivation doubled between 1930 and 1970, and this in turn contributed to the consolidation of land holdings from the 1950s, which gathered pace in the 1970s (De Klerk 1983 pp. 5–6). Mechanisation accelerated further during the 1970s, driven by borrowing made possible by cheap credit, and sometimes negative interest rates, from the Land Bank, which also propped up land prices (Coetzee 2003 p. 228). As ‘over-mechanisation’ prompted declines in the absolute number of agricultural jobs, manufacturing replaced agriculture as the largest employer in the mid-1970s (De Klerk
The state’s agricultural modernisation project in the period 1950 to 1980 in particular involved a growing state role in supporting white agriculture, as well as exerting control over a labour force – two key conditions that enabled white farmers to commercialise their operations (Keegan 1985). Bundy’s (1988 p. 230) account of the interlocked processes of modernisation of white commercial farming, on the one hand, and dispossession and the Bantustan policies on the other, concludes that white agriculture depended on the state not only for subsidies and market protection, but also for ‘the supply, distribution and retention of labour’.

### 3.3 Deregulation and restructuring in the 1980s

Corporatist relations between agriculture and the apartheid state were embodied in an elaborate architecture of state support to white agriculture. The highly regulated commercial farming regime meant that more efficient farmers effectively cross-subsidised less efficient farmers, but also that there was a net transfer of welfare benefits from (mostly black) consumers to (white) producers (Vink and Kirsten 2003). The 1980s, though, saw the unravelling of the alliance that embedded white farming within NP politics. In 1982, a split in the NP led to the formation of the Conservative Party that took with it a large portion of the agricultural electoral base of the Nationalists, including key constituencies in the grain-growing regions of the Orange Free State and Transvaal (Bernstein 1996c p. 135; Griffiths 2003). The split was in part
a protest against the growing market orientation of the NP, and fears of the withdrawal of regulation and subsidies as the nearly-bankrupt state was unable to sustain subsidies for agriculture (Levin and Weiner 1989 p. 30).

In official discourse, deregulation was justified by arguments about the price-distorting effects of marketing boards – and therefore a need to ‘normalise’ agricultural input and product markets. Underlying the economic rationale for deregulation were growing divisions within the agricultural lobby between the primary and secondary sectors, but also between struggling farmers dependent on a buffer from fluctuations in factor and product markets, and a policy coalition of successful producers and agribusinesses that stood to gain from deregulation and the freedom to export on their own (Griffiths 2003; Schirmer 2000; Williams et al. 1998).

The start of deregulation in the early 1980s was prompted in part by the rising gap between high producer prices set by the Maize Board and the low prices obtained for the export of sizeable surplus – which meant that the state had to bail out maize producers to the tune of R0.5 billion (Schirmer 2000 p. 146). By this time it had become apparent that the state was having to bail out farmers not only during drought years, but also in years of good harvests, due to the price fixing of the marketing boards (Schirmer 2000; Williams et al. 1998 p. 72). Regulation meant that the state had to mediate the conflicting interests of producers and grain co-operatives, for example, by determining prices. Deregulation involved the reduction of price controls on certain commodities. By the late 1980s, the real prices of key commodities, notably maize and wheat, were in decline. Many producers encountered a cost-price squeeze, receiving a declining share of the consumer price for their goods due to deregulation and being exposed to world
price trends due to liberalisation, while inflation pushed up input prices (Schirmer 2000 p. 145). Sequestrations rose sharply from 1985 to 1990, peaking at about 300 a year (De Klerk 1993).

Deregulation in the 1980s was in some respects a return to government policies proposed in the 1940s but not implemented due to white ‘populism’, and then reversed by the Nationalist government, which from 1948 pursued the explicit objective of keeping as many whites as possible on the land (Schirmer 2000 p. 144). In contrast, the White Paper on Agricultural Policy of 1984 aimed at ‘orderly marketing’ and aimed to keep only financially sound and efficient farmers on the land (Schirmer 2000 p. 146; Williams et al. 1998). As Levin and Weiner (1989) noted, state responses to crisis in agriculture were inconsistent, and by the late 1980s reflected state fragmentation.

Agricultural reforms, then, predated political transition. The 1980s brought to an end the institutionalised alliance of commercial agriculture and the political elite that had characterised most of the twentieth century. The new classes of black farmers envisaged in later land reform policy would not benefit from this infrastructure of support, which was rapidly dismantled in the late 1980s and into the 1990s. As shown in Chapter 4, the growing institutional separation of policy discussions on land and agriculture by the mid-1990s meant that the tensions between agricultural deregulation and land reform were not addressed in policy.
3.4 Commercial agriculture in 1990

Unlike most other developing and middle-income countries, South Africa derives a small share of its gross domestic product (GDP) from agriculture. Having undergone a secular decline in its size relative to other sectors of the economy, by 1990 primary agriculture accounted for 4.6 percent of national GDP (declining to 3.6 percent and then recovering to 4.1 percent by 2002), and a significant but rapidly declining proportion of the formal labour force was employed in agriculture (NDA 2004c p. 78). The commercial farming areas covered 86 million hectares, of which 14 million were potentially arable, and just under 13 million were utilised (NDA 2004c p. 5). By contrast, there were about 14.5 million hectares of farm land in the former Bantustans (NDA 2004c p. 5). By the early 1990s, 20 percent of commercial farmers farmed part-time, as those less well-off were forced to diversify into other economic activities (Schirmer 2000 p. 147). Many of those rich enough to do so also diversified, into up- and downstream industries, or out of agriculture.

By the end of the 1980s, the various agricultural departments and parastatals employed more than 14 000 staff (Van Niekerk interview, 2005). A well-established tradition dating from the 1960s saw agricultural economists based in universities and elsewhere having direct input into agricultural policy, through joint discussion meetings with the Department of Agriculture (Van Niekerk interview, 2005; Vink interview, 2005). Key agricultural economists – including Simon Brand, Johan van Rooyen and Nick Vink – who were located in the DBSA and were concerned with agricultural development in the Bantustans, increasingly differed with government on matters of policy and argued that the Land Bank should fund the Bantustan agricultural development corporations in
the same way that it acted as a wholesaler of rural finance to agricultural co-operatives in the white areas (Vink interview, 2005). By the end of the 1980s, these thinkers who had guided the apartheid government’s policies on reforming white agriculture and developing black agriculture were viewed with a degree of suspicion by the NP government (Van Niekerk interview, 2005; Vink interview, 2005) but had established a discourse of ‘markets’ and ‘emerging farmers’ that would outlive National Party rule.

4 Political economy of agrarian dualism

The South and Southern African literature on radical political economy experienced a ‘veritable upsurge’ in the 1970s and came to constitute a distinct school of thought, defined by its interpretation of capitalist rural transformations (Neocosmos 1991). In opposition to earlier liberal perspectives which had privileged the role of ideology, revisionist historians in the 1970s adopted a materialist approach and sought to explain the co-existence of apartheid with the growth of capitalism (Wolpe 1972; Legassick 1975). They built on the work of Jack Simons and Ray Alexander on the interaction of class and race in South African history, the non-emergence of a powerful non-racial labour movement, and the alliance of white workers with the apartheid system which benefited them on racial grounds but simultaneously exploited them due to their class position (Simons and Simons 1969). The work of Wolpe (1972) and Legassick (1975), among others, recast the history of twentieth century South Africa as one of racialised capitalism, and suggested that the struggle against apartheid must confront its capitalist structural underpinnings.
Three central debates of importance to agrarian political economy in South Africa are 1) the relative influence of different fractions of capital in shaping rural policy; 2) the nature of agrarian dualism; and 3) the salience of material and ideological forces in the transition from segregation to apartheid in the context of the growth of capitalism, and prognoses of what this meant for the sustainability of apartheid.

4.1 Fractions of capital and the political economy of agricultural policy

Political economists and economic historians have depicted state policy as the outcome of conflicts between ‘fractions’ of capital – mining, manufacturing and agriculture – over the control of labour (Morris 1976; Lacey 1981; Beinart et al. 1986). Like many other countries, the path of South Africa’s industrialisation was ‘labour repressive’ (Moore 1967). Trapido (1971 p. 311) argues that industrialisation was shaped by the political union of ‘gold and maize’, similar to the ‘marriage of iron and rye’ in Germany in the previous century, in that it entrenched a regime of control of land and labour in the interests of capital accumulation in both agriculture and mining. Enduring competition for labour, not only across sectors, but also between wealthier and poorer white farmers, meant that labour was neither cheap nor plentiful enough throughout the first half of the twentieth century (Beinart et al. 1986; Wolpe 1972; Morris 1976).

Competition between agriculture and mining to secure labour supply was intensified by the growth of manufacturing from the 1920s (Lacey 1981 p. 1). These three sectors attempted to influence state policy to secure a supply of labour, but had differing, even contradictory, interests. The interest of mines to secure migrant labour led them to advocate a degree of support for black agriculture, while the agricultural sector lobbied
for black tenant farmers – who they described as ‘squatters’ – to be removed from white farming areas. Mining houses were major absentee landowners of farms on which ‘squatters’ resided and farmed, and had an interest in retaining peasant production (Trapido 1986), and expanding the reserves so that these could serve as ‘labour reservoirs’ – a term first used by the liberal politician Sir James Rose-Innes in debating the Glen Grey Act (Lacey 1981). Manufacturing, which ultimately superseded the mining sector as the dominant fraction of capital, had opposing interests; it depended on the growth of a local consumer market and African purchasing power, which would also raise their production costs and would be at odds with the interests of white consumers (Trapido 1971 p. 319). As in the post-apartheid era, these fractions of capital had overlapping, but also distinct, interests and discourses.

4.2 White and black agriculture: The dualism debate

‘Agrarian dualism’ denotes the two distinct systems of farming, which came to be identified as ‘white’ and ‘black’ agriculture but were further distinguished by their divergent (and diverging) forms of tenure, labour and capital intensity of production, access to credit and state subsidisation. The question of whether South Africa was constituted by a ‘dual economy’ is subject to much theoretical debate, focusing in varying degrees on the significance of dualism to the accumulation of capital in white-owned industry and agriculture, the destruction of an independent African peasantry, which posed a competitive threat to white farmers, and the outcomes for class formation in the Bantustans (Bundy 1988; Wolpe 1972). The radicals debated whether ‘peasant’ production in the Bantustans in the twentieth century was the product of the development of capitalism, or part of a prior mode of production (Morris 1976; Wolpe
1972). Wolpe (1972) argued that the extent of capital accumulation and development of
capitalist agriculture and industry was made possible by the articulation of capitalist and
pre-capitalist modes of production within capitalism.

Political analysts have addressed the role of dispossession in the creation of a rural
proletariat and the structuring of dualism, within the context of influx control aimed at
curbing urbanisation by black Africans. The influential work of Harold Wolpe (1972)
focused on oscillating labour migration as the central institution in the consolidation of
segregation and apartheid (Beinart and Dubow 1995 p. 4). The temporary nature of
urban employment for Africans inhibited industrial organisation of workers, whose
employment and residence in urban areas was perpetually in question and subject to
renewal or revocation, and who were replaceable with a reserve workforce (Trapido
1971 p. 319). Analysis of the role of labour migration in capital accumulation in the
South African economy also drew attention to the ways in which not only the
Bantustans, but also neighbouring states, came to be exporters of labour (First 1981).
Subsistence agriculture in the reserves (and neighbouring states) provided a ‘labour
subsidy’ to employers of migrants (Legassick and Wolpe 1976; Wolpe 1972).
‘Underdevelopment’ in the reserves, then, was the product of uneven development and
uneven capital accumulation, rather than merely a backward economy (Legassick 1975).
The utility of forced removals to ‘labour reserves’ created a ‘displaced proletariat’ that,
while rural in location, was alienated from the means of production and could not be
properly considered a peasant class (Hendricks 1989; Murray 1981).

Despite the growing formalisation of racial separation and the entrenchment of dualism,
there remained substantial continuities in the migrant labour system through the shift
from segregation to apartheid and the growing importance of restoring the ‘crumbling economies of the African reserves’ in order to sustain the ‘labour subsidy’ (Wolpe 1972; Beinart and Dubow 1995 p. 13). Hindson’s (1987) analysis of the pass law system shows that, through influx control and the Bantustan policies, urban capital subsidised rural livelihoods at the same time that rural reproduction in the Bantustans subsidised capital accumulation in white industry. Migrancy embedded the economies of labour-sending areas in subsidisation that shifted over the lifespans of workers. Influx control created a segmented labour market consisting of cheap unskilled migrant labour, but also a core of stable semi-skilled labour, and thus was a mechanism that divided workers (Hindson 1987). Since growth through urban industrial development required a stable and semi-skilled labour force to remain in the urban centres, influx control contained within it the roots of its own erosion.

4.3 Segregation, capitalism and apartheid

A third enduring debate among scholars of South African history is the relative importance of, and relations between, the material and ideological foundations of apartheid. Many have theorised the relation between the structures of racism and capital accumulation (Lipton 1985; Saul 1992; Simons and Simons 1969; Wolpe 1972). Liberal analysts had long predicted that apartheid would be eroded through capitalist development. Merle Lipton (1985) argued, for instance, that its growing economic cost in the 1970s and 1980s led the capitalist class to abandon the ideology of apartheid. Privileging the role of ideology in shaping policy, Horwitz argued that segregation imposed irrational constraints on the economy (cited in Beinart et al. 1986 p. 9). One of
these constraints – job reservation – prevented the growing skills among African workers from translating into higher wages and political leverage (Trapido 1971 p. 318).

Opposing the liberal view, radical theorists pointed to the high growth rates in the era of grand apartheid and argued that apartheid supported capitalist development. Radicals like Wolpe (1972) and Legassick (1975) argued that apartheid was functional for capitalism and that capitalist development would not erode apartheid. Moll (1991) challenged this view, arguing that economic growth in the post-war era was not as high as was often presumed, and that the apartheid economy ‘failed’. More broadly agreed is that, by the 1970s and 1980s, stagnation in manufacturing called into question whether apartheid might be impeding economic growth (Beinart and Dubow 1995 p. 14) and by the 1980s, internal resistance politics, international sanctions, military entanglements and destabilisation in neighbouring states took a heavy toll both on the state fiscus and on private capital (Sparks 1994).

4.4 Reflections on the radical revisionists

Neocosmos (1991) criticised the radical revisionist literature for over-emphasising the extent and linearity of the proletarianisation of the peasantry, and the notion that the rural black population constituted a displaced or semi-proletariat, on the grounds that this fails to account for class differentiation or the survival of a degree of petty commodity production in the reserves.

The works collected in Beinart, Delius and Trapido (1986) also criticised the work of the radical revisionists of the 1970s (e.g. Morris (1976) and Wolpe (1972)) for
oversimplification of metanarratives and metatheory, for ignoring the significant agency of individual politicians and policy makers, and for exaggerating the power of white landowners within the political economy of agrarian transformation. These agrarian historians drew attention to the empirical, and to the complexities and nuances of rural transformations as these manifested themselves locally, and in individual lives (Beinart et al. 1986). Based on a series of case studies, Beinart and Bundy (1987) point to the crucial role of the progressive peasantry and educated elites who were, in important respects and at certain times, ‘loyal intermediaries’. Legassick (in Beinart et al. 1986) pointed to the extent of racial interaction as well as racial exclusivity in the frontier regions. The imposition of colonial rule also involved penetration ‘from above’ by merchants, missionaries, magistrates and labour recruiters, which enabled the incorporation of the African population into a capitalist economy (Beinart and Bundy 1987). They also point to a dialectic of collaboration and resistance, and an incremental extension of state power.

In view of this reading of history, they provide another ‘corrective’ to the radical political economy school, by arguing against the tendency to view the Bantustans purely in terms of their functionality for the economy, and by demonstrating the active and diverse ways in which responses to state power by peasants, among others, shaped forms of governance. Migrancy, therefore, was the product not only of state-controlled social engineering, but also of dynamics and agency among African populations to enter into a wage economy (Beinart and Dubow 1995).
5 Conclusions

Land dispossession in South Africa may be understood to be not merely a consequence of conquest, but as conquest itself, in that control of land formed the basis for economic and political domination (Bundy 1988; Hendricks and Ntsebeza 2000). Agrarian histories have investigated the complex and contradictory processes involved in dispossession and the extension of state control. Capitalist transformation in rural South Africa was not inevitable (Beinart et al. 1986). As elsewhere in Africa, there was extensive rural resistance, mainly to Betterment planning, but this did not cohere into a rural movement capable of harnessing the resistance to removals into a national political force. As this thesis shows, an autonomous and politically vocal rural social movement has remained elusive.

This historical review illuminates three central themes that have marked the agrarian transformation of South Africa. First is the powerful tenacity and continuity in notions of agricultural improvement and modernisation of African farming. Second is the central role of the state in shaping the trajectory of agricultural change through incentives, coercion and decree. Third is the complex nature of policy making that has been shaped by interests and power, but also by discourses that have framed and justified policy positions in the name of ‘development’, while serving ideological ends, as observed by Hendricks, among others:

The idea of creating a stable middle peasantry (alongside a contented working class) had a long gestation, carried as it was in the minds of agricultural officers, some commissions of enquiry and sometimes higher officials in the Department of Native Affairs. The idea itself was still-born, doomed never to see the light of day. Yet, it continued to be hailed as the ultimate objective of official policy... Since that conception has not, and under the present regime, can never, become a
reality, the purpose of its persistence in the literature of officialdom must be traced not for its possible impact in practice, but for its ideological function. (Hendricks 1989 p. 325)

It is the ideological function of a notion of a ‘progressive’ and ‘modernising’ black farming class that is the subject of later chapters of this thesis, which show how this idea and its attendant discourses survived political transition in South Africa and were revived in new ideological attire as an alternative to popular demands for confiscation, nationalisation and radical redistribution of land. In the process, the thesis reflects on the politics and actors that legitimated and shaped the future development of this discourse and its outcomes in land reform policy in the ‘new’ South Africa.
Chapter Three

1 Introduction

This chapter describes how the parameters of land redistribution policy were set in the busy period of political negotiation and policy discussion in the years immediately preceding the first democratic elections in South Africa in 1994. It shows how networks of actors in the policy arena positioned themselves and formed relations with one another. The analysis depicts the contours of a policy cycle, even preceding formal transition, and its revival of previous notions, as well as the establishment of key ideas that were in later cycles resuscitated and presented as new. The chapter traces the policy positions developed and strategies employed by the ANC, the NP government, NGOs, the World Bank, and key advisors to all of these groups, among whom a group of foreign academics and agricultural economists from the University of Pretoria and the DBSA were influential.

At this historical conjuncture – the return of the ANC from exile and the negotiated end to apartheid rule – the extent of convergence on questions of policy among these networks is striking. That this was achieved, and how it was achieved, is the subject of this chapter. It argues that the relative bargaining power of parties to negotiations is inadequate as an explanation of how rapidly shifting policy positions were developed, presented, argued about and normalised as self-evident principles. The ability of actors to form new alliances, to define terms of debate, to adopt and to manipulate one another’s terminology was crucial to shaping policies and arriving at agreement on a policy framework.
The chapter shows how both the ANC and the World Bank proposed policies that were criticised as unworkable, for both political and practical reasons, and how they were forced to rethink them. As in later years, the World Bank provided the foundational thinking and economic justification while getting others to fund policy research. As political decisions were converted into agendas for technical advice and research, the question of how land redistribution should be pursued was disconnected from the question ‘for whom?’ By the end of this period, the latter was obscured in vague discourses that spoke of ‘the rural poor’ and ‘emerging farmers’; although the programme was initially reserved for ‘the poor’, class had now been written out of the debate.

This discussion explores the processes and perspectives that led up to the ANC’s outline of a land reform programme in its RDP election manifesto in 1994. First, it describes the development of policy proposals from within the ANC and its negotiating position at the end of the 1980s. Second, the chapter addresses the rapid process of policy development within the ANC that was substantially driven by the pressures and concessions of formal political negotiations at the Convention for a Democratic South Africa (CODESA). Third, it describes the positions and strategies pursued by the NGO sector together with selected rural communities. Fourth, it addresses the perspectives of several of the agricultural economists. Fifth, it analyses the entry of the World Bank into the South African land debate and shows how, in the face of a rapidly shifting political environment and its own unpopularity, it was able to galvanise a formidable team of ‘experts’ and to define the centre ground.
To contextualise the ANC’s position, and its rapid shifts during these years, the chapter begins with a brief retrospective analysis of the evolution of thought in the ANC and positions taken on land and agriculture, the internal debates within the movement, and the contact that ANC thinkers on land and agriculture had with activists, academics and others inside the country prior to the return of much of its leadership from exile.

2 Early ANC perspectives on land and agrarian reform

The ANC’s demands were originally for participation in land markets: the ‘unrestricted liberty in every Province to acquire land wherever and whenever opportunity permits’ (SANNC 1916). Its proposals for a Bill of Rights in 1923 affirmed that ‘all Africans have, as sons of the soil, the God-given right to unrestricted ownership of land in this, the land of their birth’ (SANNC 1923, Clause 2). In 1943, the ANC’s African Claims charter added the demands ‘to an equal share in all the material resources of the country’ and for ‘a fair redistribution of the land as a prerequisite for a just settlement of the land problem’ (ANC 1943). Building on Xuma (1941), it argued that ‘African farmers require no less assistance from the State than that which is provided to European farmers, and therefore demand the same land bank facilities, state subsidies, and other privileges as are enjoyed by Europeans’ (ANC 1943).

The Freedom Charter was adopted at the Congress of the People on 26 June 1955. The clause on land reads:

The land shall be shared among those who work it!
Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;
The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;
Freedom of movement shall be guaranteed to all who work on the land;
All shall have the right to occupy land wherever they choose;
People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished. (ANC 1955)

Lodge (1990 p. 486) and Cousins et al. (2005) observe that the Charter is ambiguous on the kind of restructuring envisaged and attempted to address different interests. ‘The land shall be shared among those who work it!’ invoked the language of land-to-the-tiller reforms, such as in India and in South East Asia, where feudal land regimes were restructured by transferring ownership either to the state or to tenant farmers. While it implied a radical redistribution of land rights, the Charter made no explicit mention of confiscation, nationalisation or collective ownership which were in previous drafts and in submissions in the Congress campaign leading up to its adoption (Lodge 1990 pp. 488–489). Even so, it appeared to be a faithful reflection of the interests of two primary rural constituencies: residents of the Bantustans whose demands were for land and agricultural support for the peasantry, and farm workers and labour tenants whose interests related to their tenancy as well as to ending abusive labour practices (Cousins et al. 2005). The latter emerged not so much from a mobilised force of farm workers and tenants; rather, it reflected the proclivities of the Communist Party of South Africa (1962) which, through Rusty Bernstein and other key figures, influenced the drafting of the Charter, offending some of the African nationalists whose conception of agrarian change remained in line with the ANC’s 1943 ‘Claims’ (see below; Suttner and Cronin 1986; Williams 1988). Like the later extension of tenure rights to farm workers and labour tenants in the 1990s, it offended not only the would-be African nationalists but also white property owners, particularly in Natal, who relied on tenancy for their labour
supply (Williams 1988). In these ways the Freedom Charter transformed the specification of the land question from one of protecting rights as property, (share) tenancy or communal land (SANNC 1916) and redistributing land and extending farming support (ANC 1943) into an ambiguous variant of ‘land for the workers and tenants’.

At the ANC’s First National Consultative Conference at Morogoro, Tanzania, in April 1969, the ‘revolutionary programme’ of the ANC declared that the land of ‘land barons, absentee landlords, big companies and State capitalist enterprises’ should be confiscated and redistributed to ‘small farmers, peasants and landless of all races who do not exploit the labour of others… to the landless and the land-poor’, leaving no private ownership of land for commercial production that involved the use of hired labour (ANC 1969). Ceilings on land holdings and prohibition of hired labour were two central tenets of this vision of family-based peasant agriculture, both of which differed markedly from its earlier positions in 1916, 1923 and 1943. Although ostensibly an exposition of the principles underpinning the Freedom Charter, the Morogoro Conference gave them a more radical interpretation than had been evident in 1955, reflecting the further ascendancy of the Communist Party after whites were admitted as members of the ANC for the first time.

3 ANC policy positions in the 1980s

There is little evidence of systematic planning by the ANC for future agricultural and land policy prior to 1990. By the late 1980s, ANC position papers exhibited an ambivalent vision for a transformed agrarian sector: on the one hand, a commitment to
promoting small-scale farming through radical redistribution; on the other, embracing industrial models of agriculture, state farms and co-operatives. Neither strand addressed the ways in which new relations of production would articulate with the existing structure of agriculture. Discussions within the ANC in exile were influenced by experiences and perceptions of nationalisation, villagisation and other state-driven attempts to restructure agriculture elsewhere in the region, notably in Mozambique and Tanzania. Ruth First and others in Mozambique witnessed the relative efficiency of peasant production which dominated local food markets in the urban centres, and the failure of state regulation to control markets and prices which prompted the emergence of parallel markets (Dolny interview, 2005).

Although not official policy, nationalisation was an article of faith for many in the ANC. The well-known contributor who wrote under the pseudonym Mzala exemplified this in an article in the ANC’s publication Sechaba commemorating 30 years of the Freedom Charter in 1985, keeping faith with the Soviet model:

If our national democratic revolution is not aborted, if it does not miscarry, but finally ends as the revolutionary power of the working class and the peasantry (the people), and if the leading working class is definitely to put its imprint on it, then we have no reason to believe that the land shall be distributed to individual capitalist farmers. We have reason to believe, instead, that land shall be distributed in such a way that collective farms are created to exist side by side with state farms to banish famine and land hunger. (Mzala 1985)

Soon thereafter, though, the ANC told a delegation from the National Union of South African Students (NUSAS) in April 1986 that:

The ANC would advocate the nationalization and redistribution of farms owned by monopoly businesses, the land bank, and farming absentee landlords… [but that] nationalization would not be forced on the people but would have to be decided democratically by all South Africans. (NUSAS 1986, cited in Lodge 1990 p. 490)
By the late 1980s, the ANC’s notion of agrarian change as part of the NDR started to be articulated as a phased approach to agricultural transformation, the first phase of which would involve redistribution to the peasantry, rather than state ownership. How the second phase would emerge from this was not articulated, nor was the possibility of resistance to collectivisation from the peasant beneficiaries of the first phase discussed. Central to this vision, though, was the need to prevent small farmers and small traders from becoming ‘big capitalists’ (Nair cited in Suttner and Cronin 1986 p. 180). This was symptomatic of the ambiguity of the ANC’s notion of a society in transition from monopoly capitalism to socialism, in which transition was embedded within a historical trajectory of change towards a more equitable and just society, the details of which were only hinted at or ‘expressed cryptically’ (Lodge 1990 pp. 492–493). Lodge (1990 p. 492) spectacularly misread the direction of ANC policy, predicting its radicalisation on the land issue, and that its policy would likely emerge as a kind of ‘gradual socialism in the countryside’. The ANC’s attempts to ‘rally a rural support base’ would, he argued, raise ‘popular expectations of dramatic redistribution in the wake of its accession to government’ (Lodge 1990 p. 491).

The emphasis on the peasantry harked back to an era when the ANC had links with peasant movements and resistance in the 1950s and 1960s (Drew 1996; Lodge 1990; Mbeki 1984). In practice, the ANC’s links with rural struggles by the 1970s and 1980s were mostly indirect, through NGOs and residents’ associations – both involved in resistance to forced removals from black spots – which were later aligned under the United Democratic Front (Platzky and Walker 1985; Wotshela 2001).
3.1 The ANC’s Constitutional Guidelines

With the start of informal talks about political transition in 1986–87, the ANC started to outline its proposals for a new democratic dispensation and economic policies as the basis for discussion with delegations from business, civil society organisations, lawyers and government. The statements on land in the ANC’s 1988 Constitutional Guidelines for a Democratic South Africa were marked by a changing and increasingly ambiguous tenor (ANC 1988, 1989). They were at odds with the more radical policy positions simultaneously being developed by the key ANC thinkers on agrarian issues.

The Guidelines were debated in Harare, Zimbabwe, in February 1989 at a conference of the ANC with South African and Zimbabwean legal academics and supported by the Institute for a Democratic Alternative in South Africa (IDASA), at which ‘the non-racial redistribution of land was the subject of intense discussion’ (Van der Vyver 1989 p. 153). The Guidelines committed the ANC to protecting property for ‘personal use and consumption’ and depicted a mixed agrarian economy comprised of ‘a public sector, a private sector, a cooperative sector and a small-scale family sector’ (ANC 1989 p. 132). They implied that corporate and commercial property may be subject to public regulation or to confiscation and committed a future ANC-led government to:

(i) Abolition of all racial restrictions on ownership and use of land.
(ii) Implementation of land reforms in conformity with the principle of Affirmative Action, taking into account the status of the victims of forced removals. (ANC 1989 p. 132)

3.2 Creation of the ANC Land Commission

In the late 1980s, recognising the low priority accorded to land issues within the ANC, a small group of ANC exiles based in Lusaka established an informal reading group on
agriculture and land. Most senior ANC members argued that with rapid urbanisation, and the emergence of the urban working class as the most militant political force in domestic politics, the ‘land question’ no longer featured centrally in the national question. ANC leaders who reportedly were supportive included Harold Wolpe, Pallo Jordan and Jacob Zuma (Dolny interview, 2005).

The activists in the Lusaka reading group included future key figures in agricultural policy: Bongiwe Njobe, later Director-General (DG) of the National Department of Agriculture, Helena Dolny, later advisor to the Minister of Land Affairs and head of the Land Bank, and Heinz Klug, later a consultant to the World Bank (Dolny 2001 pp. 32–35; Dolny interview, 2005; Klug 2000 pp. 124–125). Their purposes were, in the first instance, to share information among themselves, debate issues and clarify their own thinking on future rural policy; and secondly, to raise awareness within the ANC of contemporary rural conditions inside the country and the need to tackle policy making on land and agriculture (Dolny 2001; Klug 2000). It was this group that grappled with the anticipated interaction of ANC policy with the existing situation in agriculture.

The Lusaka reading group established some (limited) contact with academics and others working on land and agriculture in South Africa prior to 1990. They read academic studies of the economic and class structure of agriculture and agrarian history and publications by NGOs that had emerged from the late 1970s and early 1980s describing forced removals and their impacts. These included most notably the provincial and national reports of the Surplus People Project (SPP) that documented removals, and publications by NGOs such as the Association for Rural Advancement (AFRA), the Transvaal Rural Action Committee (TRAC) and their national network, the National
Committee Against Removals (Dolny interview, 2005; SPP 1983). NCAR had been initially established as a loose network and later formalised as the National Land Committee (NLC) in 1990 with a national office in Johannesburg. Little of either the academic or NGO writing available to the Lusaka group addressed the question of future policy.

In November 1989, on the eve of the unbanning of the ANC, a large workshop entitled ‘Towards a New Agrarian Democratic Order’ was held at the University of Wageningen in the Netherlands under the auspices of the South African Economic Research and Training Project (Mathlape and Muenz 1991). The workshop was set against a backdrop of rapid political change that would come to shape the feasibility and outcomes of the policies being debated. During the event, the Berlin Wall fell – a blow to many of the ANC exiles. This event drew together ‘a big mix of internal and external academics’ as well as activists (Dolny interview, 2005). Contributors presented perspectives and strategies for radical restructuring of the agricultural sector. Most ANC delegates advocated nationalisation (Levin and Weiner 1989; Marcus 1989b; Mbongwa 1989). Masiphula Mbongwa (1989), an ANC exile and agricultural economist based in the Netherlands who later succeeded Bongiwe Njobe as DG of Agriculture, endorsed nationalisation of agricultural land and urged the liberation movement to pay more attention to it.

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4 Wageningen Conference participants included, among others, Aninka Claassens, Richard Clacey, Chris de Wet, Helena Dolny, Ian Goldin, Johann Hamman, Fred Hendricks, Tim Keegan, Marian Lacey, Murray Leibbrandt, Richard Levin, Sue Lund, Tessa Marcus, Masiphula Mbongwa, Sam Moyo, Zola Skweyiya, Jan Douwe van der Ploeg, Franz von Benda Beckman and Gavin Williams.
Shortly after Wageningen, in February 1990, the Lusaka reading group organised an in-house ANC workshop on ‘The Land Question’ – the first of its kind – in Lusaka. The workshop brought together ANC exiles from London, Zimbabwe, Amsterdam and elsewhere. These different centres each had different networks within the country and were influenced by different ideas and experiences. Harold Wolpe’s critique of the dualist perspective had been influential among those working in Mozambique who were concerned with understanding agricultural modes of production and the relations between small and large-scale farming and small farmers and cotton companies (Dolny interview, 2005).

These ANC thinkers were aware of the attempts by Bantustan governments, with support from the DBSA, to implement farmer support programmes (see Chapter 2). FSPs aimed to encourage commercial farming among a class of black farmers and were understood by the ANC as a political initiative intended ‘to increase the numbers of the rural bourgeoisie willing to collaborate with the apartheid state’ (Dolny 2001 p. 40). Yet the FSPs and interpretations of them would later influence the ANC’s thinking on ‘black economic empowerment’ (BEE) (see Chapters 5 and 6). At the Lusaka workshop, though, attention was given to social stratification in the rural areas in an attempt to foresee what alliances might emerge (Dolny 2001 pp. 35–45). The ANC was influenced by Mike de Klerk’s data on falling farm profitability; participants were aware that the agricultural sector was already in a state of crisis, and that this would bring both opportunities and threats to a future programme of reform. Bankruptcies in agriculture had risen from 144 in 1985 to 412 in 1987 and by 1988 ‘three thousand
farmers were on the verge of sequestration’ (Dolny 2001 p. 42). Even so, formidable opposition to reform was to be expected, particularly from the banks.

The question of future policy was given unexpected urgency and immediacy during the Lusaka workshop when, on 2 February 1990, President FW De Klerk announced the unbanning of the ANC, South African Communist Party and Pan Africanist Congress (PAC), and the imminent release of political prisoners. Workshop participants agreed to form an ANC Land Commission in order to institutionalise the issue within the ANC as it entered a period of negotiations (Klug 2000 p. 125).

Up to the 1980s, I don’t think anyone had applied their minds to land issues in the ANC, at all. What the ANC Land Commission achieved was to get land and agricultural issues onto the ANC’s agenda. (Dolny interview, 2005)

The Commission included Njobe, Klug, Dolny and, from later that year, Derek Hanekom. Hanekom had been at the Popular History Trust in Harare, and active in the ANC there, and did not return to South Africa until requested by Helena Dolny later that year to assist with the ANC’s Broederstroom workshop (see below). He then joined the ANC’s Land Commission, later headed the Land and Agriculture Desk in the ANC’s Department of Economic Planning, and was appointed Minister of Land Affairs in 1994.

Shortly after the Lusaka event, in March 1990, IDASA hosted the ‘Rural Land Workshop’ at the Houw Hoek Inn at Grabouw, near Cape Town, bringing together many of the same rural anthropologists and economists who had met at a conference on land reform at Rhodes University in Grahamstown the previous year. Mike de Klerk, an agricultural economist from the University of Cape Town, initiated the IDASA event.
Though it had been planned prior to the unbanning of the ANC, its timing meant that in practice it served as the first point of contact that most South African agricultural economists had with ANC people, including Ray Alexander and Jack Simons, recently returned from exile in Lusaka. This brought together a wider group than the Rhodes event, and included largely South African lawyers, economists, sociologists and historians. According to Nick Vink, an agricultural economist at the DBSA,

there was a core group of economists... DBSA, Pretoria and Stellenbosch university ag [agricultural] economists. The other strong group was the lawyers. (Vink interview, 2005)

The event was very white: Essy Letsoalo, later the director of DLA in Limpopo, was the only black person present. Discussions anticipated that land reform would not involve nationalisation, but a substantial negotiated transfer of white commercial farmland into private black ownership (Vink interview, 2005).

The ANC’s Land Commission itself hosted the next workshop to debate a land policy at Broederstroom in October 1990, just eight months after the Lusaka meeting. This brought together the widest array of groups yet, including ANC people from exile, local academics and NGO activists. While the ANC had been rapidly revising its perspectives, the NGOs were still expecting nationalisation to be debated as an option. Given the experience of nationalisation in Mozambique and her own study of land markets, Dolny (interview, 2005) argued both against nationalisation and against a free-market approach, instead advocating regulation of land markets while Njobe put forward an argument in favour of black commercial farming (Weidemann 2004).

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5 Participants included Sean Archer, Tim Bembridge, Alex Boraine, Colin Bundy, Aninka Claassens, David Cooper, Hugh Corder, Catherine Cross, Dennis Davis, Mike de Klerk, Johann Graaff, Johann Hamman, Eckart Kassier, Tim Keegan, Marian Lacey, Essy Letsoalo, Alan Mabin, Kate O’Regan, Michael Savage, Charles Simkins, Roger Southall, Johan van Zyl, Nick Vink and Joanne Yawitch.
Neither position resonated. The ‘popular land struggle base’ represented by the NLC and its affiliates was still in a nationalisation mindset (Dolny interview, 2005).

Those attending the ANC Lusaka meeting, the IDASA workshop and Broederstroom were to become the players in framing land redistribution policy together with economists from the World Bank in the period leading up to elections in 1994. But they were yet to meet.

4 The National Party’s pre-emptive reforms

In his opening speech to Parliament on 1 February 1991, a year after the unbannings, President FW De Klerk made the unexpected announcement that the Land Acts would be repealed. On 5 June 1991, the government promulgated the Abolition of Racially Based Land Measures Act 108 of 1991 which, true to its name, abolished restrictions on the rights of black people to purchase, own or dispose of land. This legislation repealed, among others, the Natives Land Act 27 of 1913, the Development Trust and Land Act 18 of 1936, the Group Areas Act 41 of 1950 and the Black Communities Development Act 4 of 1984, as well as terminating the racial classification of rural and urban land (RSA 1991a pp. 2–3). The legislation did not alter the existing status of the ‘self-governing territories’ or separate local government, but it did imply the phasing out of the powers of the South African Development Trust (RSA 1991a pp. 3–5).

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6 The amended name of the 1936 Land Act.
4.1 The White Paper on Land Reform

The repeal of these laws was part of a package of reforms outlined in the White Paper on Land Reform introduced by the NP government in 1991, which set out the need to broaden access to land, upgrade tenure rights and ensure ‘judicious’ utilisation of land and related natural resources (RSA 1991b). The document identified supporting legislation which would give effect to the government’s view of land reform, including the Upgrading of Land Tenure Rights Act 112 of 1991, which provided the means by which communal land in the Bantustans could be converted into individual ownership.

The role of the state would be to provide ‘appropriate support measures to assist people, where necessary, to satisfy their reasonable needs in respect of the acquisition, exercise and enjoyment of rights in land’ (RSA 1991b p. 1). The caveats ‘appropriate’, ‘where necessary’ and ‘reasonable’ suggested that no fundamental change in the overall distribution of land was envisaged. Indeed, the policy stated unequivocally the government’s ‘opposition to any form of redistribution of agricultural land’ and the belief ‘that it is in the interest of peace and progress that the present position [of the distribution of land] should be accepted’ (RSA 1991b pp. 13, 6). Instead, a ‘more equitable dispensation should be achieved through exploiting the opportunities created by the new land policy’ (RSA 1991b p. 6). This would be done by promoting private enterprise and private ownership because the commercial sector was both more productive and more efficient than non-commercial agriculture (RSA 1991b). The only land to be transferred to dispossessed communities would be state land without value-added investments (Winkler 1994 p. 445; Steyn 1994 p. 453). An Advisory Commission on Land Allocation (ACLA) was established to oversee this process, a title later contracted to the Commission on Land Allocation (COLA) when its powers were
extended beyond advising government to implementation of its own recommendations for limited restitution.

The Provision of Certain Land for Settlement Act 126 of 1993 (commonly known as Act 126) provided for the broadening of access to land through land purchase while retaining state powers of regulation over non-productive uses of land. While the COLA would only deal with unimproved state land, improved state land and private land would have to be bought. The Act provided for land use conditions to be imposed on land designated for settlement and exempted this land from the provisions of the Prohibition of Subdivision of Agricultural Land Act 70 of 1970. The Minister would retain the power to make regulations concerning any aspect of the Act, including the size of subdivided portions, and applicants would acquire land by purchase (RSA 1993a).

The ANC, NGOs and academics rejected the White Paper (ANC 1991a, 1991b; Claassens 1991; Crush and Jeeves 1993 p. 352; Winkler 1994). Its proposals fell far short of its title: the only land reform planned was the statutory deracialisation of rights to land, limited restitution through COLA and limited redistribution through Act 126. Its concern to protect the property rights of current owners contrasted with the state’s previous denial of and disregard for the property rights of black people (Claassens 1991 p. 12). They agreed that the White Paper failed to provide realistic mechanisms to deracialise land ownership and would result in the perpetuation of racially defined privilege (NLC 1991). Most importantly, the state remained illegitimate and its reforms were ‘cunningly designed cloaks under which to perpetuate the system of white minority domination’ (ANC 1991b p. 8).
The NLC argued that the government’s strategy was to advance arguments about economic rationality, sustainable land use practices and agricultural carrying capacity as a means by which to exclude the poor from gaining access to land. It claimed that ‘the government wants to make the return of land conditional on acceptance of a kind of development that is very much like betterment’ (NLC 1993a p. 2). Francis and Williams (1993) argued that the primary concern of the White Paper was ‘to protect title, to ensure the continued vitality of white farming, and to promote land reform and agricultural betterment in existing areas of black settlement’. If the NP government’s proposals evaded the issues of land reform, opposition to them – in articulating what was wrong with the White Paper – prompted activists and academics inside and outside the ANC to collaborate to identify the necessary aspects of a land policy which would adequately address the skewed distribution of land (Claassens 1991; Steyn 1994; Winkler 1994). The NGOs argued that land reform would need to address historical claims to restore state and private land or compensate those dispossessed through unjust means and also to redistribute land to the poor, not just to those who could afford it, in order to address landlessness (Claassens 1991 pp. 9–12).

4.2 The state draws others into its pre-emptive reforms

In April 1993, excluding the ANC and the NGOs, the Deputy Minister of Regional and Land Affairs convened a Land Rights Advisory Forum which included within its membership the chairman of the South African Agricultural Union (SAAU), the president of the National African Farmers’ Union, academic and legal experts, and a representative of Barlow Rand Properties – among whom the only black member was the NAFU delegate (Scheepers 1993 p. 13). The SAAU, representing white farmers, co-
operatives and agribusiness, was founded in 1904 and changed its name to Agri South Africa (AgriSA) in 2000. NAFU had been founded in 1991 as a committee within the National African Federated Chamber of Commerce (NAFCOC), representing the interests of black farmers, and came to be a significant actor in reshaping land reform and agricultural support in the interests of an emerging black capitalist farming class (see Chapters 5 and 6).

Later that year, the NP Cabinet mandated the Department of Regional and Land Affairs (DRLA) under the leadership of the Minister, Tobie Meyer, to hold a series of bilateral meetings with a wider spectrum of actors: the ANC, NLC, SAAU, NAFU, Urban Foundation and Inkatha Freedom Party (IFP) (NLC 1993a p. 4). The aim of the bilateral meetings was to discuss the government’s Draft Guide-lines [sic] for a Land Policy drawn up by DRLA and endorsed by Cabinet (DRLA 1993a). The meetings were intended to result in the establishment of a Multilateral Land Forum. By 1993, with the creation of the Transitional Executive Council (TEC) to oversee elections, multilateral negotiating forums were being established to broaden discussion, particularly between the ANC and the private sector, on the future direction of policy. The DBSA played an instrumental role, hosting and supporting the negotiating forums (Vink interview, 2005). An initiative by Michael Spicer of Anglo American Corporation to set up a negotiating forum on land led to a series of initial meetings at the Carlton Hotel in Johannesburg, attended by the SAAU, the South African Chamber of Business, the PAC, the DBSA and representatives of some major agro-industries. The negotiating forum never got off the ground. The ANC, and Hanekom in particular, opposed it,
preferring to defer the delineation of a policy framework to a post-election government rather than make unnecessary concessions prior to elections.

The NP, in contrast, urgently sought agreement on a compromise position. Less than four months prior to the first democratic elections, the DRLA was engaged in making policy regarding state land and its redistribution subsidy scheme, and attempted to get support for its policy from the ANC’s Land and Agriculture Desk. The DRLA appeared to be courting civil society groups to become partners in policy making and service providers to implement land reform alongside government, even proposing that the NLC ‘could act as consultants in assisting the Government with information and services to the people’ (DRLA 1993b p. 8), a role it later came to play under an ANC-led government.

The DRLA promoted a capital subsidy scheme under Act 126 to enable black people to purchase developed state land as well as private land. The subsidy scheme was premised on payment of a market price, through a combination of an 80 percent land purchase subsidy up to a maximum of R7 500 per household, a 5 percent contribution from the community, and a 15 percent loan to be repaid over five years at an 8 percent interest rate (NLC 1993a p. 4). It closely resembled the logic and design of the LRAD subsidy later introduced by the ANC government in 2001, in which, on a sliding scale, the level of applicants’ contributions in the form of capital, assets and loans determine the level of state subsidy, to make up the cost of land purchase and initial investment in production (see Chapter 5).
The DRLA anticipated that foreign donor funding would need to be sought to support the costs of market-based land purchases (DRLA 1993b p. 8; DRLA 1993c). All landless households earning below R1 250 a month would be eligible. This was criticised by the NLC for its vagueness about who would be prioritised; most rural households would fall below this threshold. The bureaucratic procedures involved were seen as part of government’s delaying tactics (FRRP 1995; NLC 1993a: 7). The subsidy mechanism would ‘encourage the packing of land’ and, the NLC reported, communities objected to the idea of buying land – particularly where this was land from which they had been forcibly removed or state land in the Bantustans they already occupied and used: ‘People in these areas do not see why they have to pay for what in essence is their ancestral land’ (FRRP 1995 p. 10). The same criticisms arose later in response to the World Bank’s proposals in the period 1992 to 1994, and re-emerged through the coming decade.

Unity against the NP produced unlikely alliances. By 1993, the NLC, ANC, Urban Foundation and DBSA joined together to call for a moratorium on the state’s disposal of its land to friendly homeland governments, development corporations and chiefs – an estimated 2 to 3 million hectares had already been disposed in this way since 1990, by one estimate (NLC 1993a pp. 7–8, 10). In November 1993, an ANC delegation urged the DRLA to place a moratorium on the disposal and changes to the status of state-owned land, and called for the restructuring of the Agricultural Credit Board to serve new black producers, rather than its historical constituency of white commercial farmers (DRLA 1993c). The NLC too called for a moratorium on transfers of SADT land to black farmers on the grounds that this constituted elitist privatisation (NLC 1993d). The
ANC also put forward a somewhat different argument: that available state land should not be advertised to prospective beneficiaries, as this would raise expectations and result in an inundation of claims (DRLA 1993c). Instead, the ANC called on the DRLA to wait until an overall redistribution policy had been developed – in other words, until it was installed in power through elections (DRLA 1993c).

The DRLA’s attempts to frame its policy in neutral terms, and to build relations with the NGOs, were unsuccessful. In a DRLA meeting with the NLC in November 1993, officials informed the NGOs that ‘the aforementioned guidelines document was not political, but a technical document’ (DRLA 1993b p. 3, original emphasis). The NLC refused to be part of a DRLA Land Reform Committee and challenged the legitimacy of the state and the basis on which it could make new policy in the midst of constitutional negotiations and policy development by the ANC and its allies (NLC 1993d). It would work with ACLA on claims by communities and would ‘continue engaging with the negotiations with the department [but]… not on policy’ (NLC 1993b p. 7).

5 The ANC develops its policy position

From 1990, the ANC pursued the making of land and agricultural policy through two structures: its Constitutional Committee, headed by Zola Skweyiya, and its Land Commission, headed by Derek Hanekom. Later, as it set up its institutional structures at ANC headquarters in Shell House in Johannesburg, this relationship became a hierarchical one, as land issues were moved to the Land and Agriculture Desk, headed by Hanekom, within the newly established Department of Economic Planning (DEP) under Skweyiya in 1993. One of the ANC’s key thinkers on agriculture, Njobe,
reportedly left the ANC Land Commission in this period because of tensions with Hanekom (Weideman 2004). Later she would have to report to him.

This period saw shifting and sometimes inconsistent positions on key questions of policy (ANC 1990a). After the ANC published its Draft Bill of Rights in 1990, which promised to transform ‘the economy, land and property’ (ANC 1990b, Article 11), its Land Commission initiated debates within the party. The Constitutional Committee held a series of conferences which involved sessions on land and property issues and more public workshops and meetings on land and agriculture, including the SAAU and the National Maize Producers’ Organisation among others (ANC 1994d). Skweyiya assured the property owners that ‘Unlike the National Party government, the ANC has no intention of achieving its aim of redistribution of land through policies of forced removals and confiscation’ (Skweyiya undated).

In July 1991, the ANC’s National Conference adopted guidelines developed by the Land Commission at its own conference in June. The guidelines rejected constitutional protection of property rights (ANC 1991a; Klug 2000 p. 127). By the end of 1991, when formal negotiations commenced, the ANC had acceded to the notion that compensation would be paid for expropriated property, started to explore options to fund a programme that would now involve substantial capital costs to the state, and reiterated over the coming years that nationalisation was not its policy (ANC 1994d). In October 1991, a tax on landowners was proposed, which would be fed into a ‘compensation account’ earmarked for land reform purposes. According to Klug (2000 p. 128) the response from the white-controlled media was immediate and hysterical, even ‘ballistic’. 
5.1 The ANC’s Land Manifesto

At its National Conference in 1992 the ANC adopted a Land Manifesto (ANC 1992a; Klug 2000 p. 127), the opening preamble of which invoked the liberation movement’s discourse on the land issue:

The alienation of land from the indigenous peoples and the denial of the African majority’s rights to land and political power in our country is [sic] intimately connected. This relationship is a central element in our struggle against apartheid and will be central to any resolution of our problem. (ANC 1992a: 1)

The Manifesto outlined a land reform programme comprising restitution, redistribution and tenure reform to form the core of a rural development policy, which in turn would be accorded priority within a national development policy (ANC 1992a p. 2). These were to become the three programmes of land reform later confirmed in the White Paper on South African Land Policy (DLA 1997a). The Manifesto reiterated the call for land redistribution based on affirmative action; the state would need to play an interventionist role in acquiring, allocating and redistributing land to ‘ensure that women and the very poor are given equal access to land and resources’ and proposed a land ceiling as a measure by which unused, under-utilised and heavily indebted land could be acquired for the purposes of redistribution, and curb speculation in land markets (ANC 1992a pp. 2–3). In addition to redistribution, to enable restitution to specific claimants, it proposed a land court to adjudicate claims, restore land or compensate for past dispossession of land rights (ANC 1992a p. 2). The third component of policy would be the legal recognition and protection of the ‘diversity of tenure forms existing in our country’ (ANC 1992a p. 2). In contrast to the government’s view that land reform should promote a transition to private property rights, tenure
reform would challenge the dominant status of private land ownership (ANC 1992a p. 2).

Like later policies, the Manifesto encompassed a broad range of objectives, many of which were in tension with one another. While advocating a central role for the state in co-ordinating and conducting land redistribution, the ANC (1992b, 1992c) also argued that redistribution should be demand-led: the state was to respond to expressed demands for land. This resonated well with the political legacy of a movement for which the objective of capturing the state in order to direct the distribution of assets and privilege was tempered by suspicion of state-controlled development and faith in popular struggle as a mechanism of change. While some heavily statist currents persisted in the ANC, its position was also influenced by the ‘end of communism’ and uncertainty about the loyalty of the state bureaucracy it would inherit (Cross interview, 1997; Cousins interview, 1997). According to Richard Levin (interview, 1997), who had been working on land issues at the ANC’s 1992 conference, there was widespread support for land invasions to enable landless people to gain access to land without the encumbrance of slow bureaucratic processes.

The unofficial position of the ANC in this period combined a state-centred approach with support for action ‘from below’ to augment (and give momentum to) formal processes of redistribution. The powers and roles of the state were defined through constitutional negotiations which drew concessions from the ANC. These processes were marked by internal divisions within the ANC on the importance of land reform within the political settlement and on matters of strategy (Klug 2000; Dolny interview, 2005). Senior ANC members, including Tito Mboweni (later Minister of Labour and
then Governor of the Reserve Bank) and others in the National Executive Committee (NEC) suggested that land reform may have to wait for a few years, while ‘more pressing’ priorities were addressed (NLC 1993a p. 9).

5.2 Making macro economic policy

Simultaneously, economic policy making began under the aegis of the Macro Economic Research Group (MERG). MERG was a group and process intended to map out an alternative macro-economic framework for the ANC and its allies. The DBSA provided advice on macro-economic policy to the ANC and MERG drew directly from the work of some of its agricultural economists (MERG 1993; Sender interview, 2002; Vink interview, 2005). The authors of these proposals were largely Marxist British economists who had been recruited by the SACP, and most influentially John Sender of the University of London’s School for Oriental and African Studies, who had consistently opposed a smallholder model of agricultural development. Sender, based in South Africa during 1993 and 1994, had long argued that capitalist agricultural development, and economies of scale in estate-based farming in Africa, created the conditions for socialism and state farming (Sender and Smith 1986).

The MERG report devoted more attention to agriculture than its small contribution to GDP contribution merited, largely due to the recognition of its strong forward and backward linkages into manufacturing (Dolny interview, 2005). The MERG chapter on rural development drew from the work and arguments of Johan van Zyl, Nick Vink, Eckart Kassier and Mike Roth of the University of Wisconsin-Madison, among others (MERG 1993). It proposed a set of ‘economic carrots and sticks’ to elicit the support of
white capitalist farmers for its vision, both to increase wage employment and to intensify production (Sender interview, 2002). While noting proposals for land ‘reallocation’ and urging investment in infrastructure in the Bantustans, MERG did not address how land reform would contribute to restructuring the agricultural economy (MERG 1993 pp. 192–196).

Sender and others argue that their proposals, as contained in the final MERG report, elaborated in more technical terms the vision later contained in the ANC’s RDP and influenced it (ODI 1994; Sender interview, 2002). The ANC rejected the strategy they proposed. The formulations on land and agricultural policy that were later confirmed in the RDP owed more to the World Bank than to MERG. Following MERG, land continued to feature strongly in ANC statements about the nature and causes of inequality and what apartheid had meant to people, but less clearly as part of the ANC’s economic policy package. By the time the MERG report was published at the end of 1993, some participants already predicted that land reform would be marginal, and would benefit men and the well-off (Sender interview, 2002).

6 Formal talks: The parties meet at CODESA

Formal political negotiations on the terms of transition commenced at the end of 1991, with the start of multiparty talks at the Convention for a Democratic South Africa at the World Trade Centre in Kempton Park. In addition to political parties, the Bantustan governments and traditional leaders were also represented (CODESA 1991). Through their participation, parties bound themselves to the outcomes of negotiations, which
would include an interim Constitution as a basis for the first democratic elections in 1994 (CODESA 1991).

Transition arose in part from the conjuncture of depleted resources and legitimacy on the part of the apartheid state, attrition of resources by both the government and the ANC engaged in a violent liberation struggle outside the country and, on the domestic front, a militant campaign led by the UDF and the broader Mass Democratic Movement (MDM) to render the country ungovernable (Bond 2000; Saul 1992; Sparks 1994; Terreblanche 2002). It was catalysed by the fall of communist regimes that had supported the ANC and its allies and, with this, the end of the Cold War which had provided the apartheid state with much-needed financial resources and political allegiance from Western powers (Sparks 1994), though the degree to which the latter was definitive is contested. Unlike the Lancaster House agreement that paved the way for Zimbabwe’s independence, South Africa’s negotiated transition encountered a state still largely in control of the territory and key institutions, was pursued by a liberation movement that had not waged a guerrilla war in the countryside, and the rural population was not as mobilised and militant in articulating their demands for land and agricultural transformation as had been the case in Zimbabwe (Hall 2003).

The negotiated transition involved a fragile balance of forces, in which the ANC and the National Party and their respective allies attempted to imprint on an Interim Constitution their visions of a new political and economic dispensation, and disagreed on what should be entrenched constitutionally and what left to legislators in a democratic Parliament. In a tone of foreboding, Lodge predicted that the ANC could find that ‘substituting administrative power for popular legitimacy may well seem a
poor exchange’; while negotiations would involve a degree of pragmatic compromise ‘they may represent an unacceptable betrayal of moral purpose and political identity’ (Lodge 1990 p. 494).

During the opening of proceedings at CODESA on 20 December 1991, most parties made no mention of land, agriculture, farming or rural areas, nor did these feature in the initial Declaration of Intent to which all parties were signatories (CODESA 1991). Neither Chris Hani of the SACP nor Zach de Beer of the Democratic Party (DP) mentioned land or related issues. In his opening speech, President FW de Klerk warned of the need to balance ‘protection of the established economic interests of investors, landowners, businessmen, professional people and salaried workers against the demand for better living conditions on the part of the less-privileged’ (De Klerk 1991). Nelson Mandela adopted a similarly moderate tone: giving the ANC’s opening address, he set out five key precepts that defined democracy in the view of the ANC, the fourth of which was that:

[A]ll persons should enjoy security in their persons and should be entitled to the peaceful enjoyment of their possessions, including the right to acquire, own or dispose of property, without distinction based on race, colour, language, gender or creed. (Mandela 1991)

In 1990, Mandela had declared, in line with the 1955 Freedom Charter, that:

the nationalisation of the mines, the financial institutions and monopoly industries is the fundamental policy of the ANC and it is inconceivable that we will ever change this policy. (Mandela 1990)

A year later the debate had shifted from whether to protect property rights to the nature of such protection. The ANC then proposed that:

A new system of just and secure property rights must be created, one which is regarded as legitimate by the whole population. This should
include provision for access to land and for the redress of inequities, as well as the protection of personal property. (ANC 1992b, Section 2.12)

As the details of the Interim Constitution and Bill of Rights were debated, (and again four years later in 1995 when debating the final Constitution), divisions between the ANC and the NP government centred on whether all property rights should be protected, or only personal rather than corporate property rights; whether expropriation of property should be allowed for public purposes only or also in the wider public interest; whether or not compensation would be set at market value and whether it would be defined by a court; and the status of the right to restitution of property rights (Chaskalson 1995; Klug 2000 pp. 132–133). The NP argued for unconditional protection, while the liberal and business-aligned DP agreed with the ANC that this should be tempered with the right to expropriate property not only for public purposes (such as infrastructure) but also in the public interest, including for land reform, subject to the payment of compensation as determined by a court (Klug 2000 p. 127). The NP argued that land could be expropriated but for public purposes only (Chaskalson 1995), its justification being that the new black landowners should not be vulnerable to expropriation by government as they had in the past (Huys interview, 1997).

By February 1993, the ANC had acceded to the payment of ‘just compensation’ for land acquired by the state based on an equitable balance of public and private interests, and subject to legal review – and therefore to the principle that the costs of land reform would be largely carried by the state (ANC 1993). Unlike its earlier Guidelines, the ANC’s proposals for the Interim Constitution drew no distinction between personal and corporate property. The debate on property rights at CODESA focused on the mines and
industry, together with land. Leaders debated why (agricultural) land should be treated any differently from other capital assets like factories, and whether there was sufficient rationale to distinguish between absentee landlords and owners of manufacturing or mining businesses. The conflation of land rights with other property rights, and again in 1995 at the Constitutional Assembly, proved convenient for the farming lobby, which was less influential in negotiations than big business (Dolny interview, 2005; own observation). As well as assuring farmers that they had nothing to fear from an ANC government, Mandela told businessmen in London, ‘We have issued an investment code which provides there will be no expropriation of property or investments. Foreign investors will be able to repatriate dividends and profits’ (cited in Kimber 1994).

As part of its Back to the Land Campaign in June 1993, the NLC supported a protest march of 500 rural community representatives, drawn from all provinces, to the World Trade Centre in Kempton Park, the site of CODESA negotiations. There they delivered a memorandum to demand the removal of the property rights clause from the draft Interim Constitution and the confirmation of a right to restitution, and threatened land occupations if their demands were not met. This did not work. The agreement at CODESA on the property clause on 26 October 1993 was the last item on which the Interim Constitution turned, in lengthy and late-night debates described as both fierce and haphazard (Chaskalson 1995; Spitz and Chaskalson 2000). The final text agreed to for the Interim Constitution declared:

1. Every person shall have the right to acquire and hold rights in property and, to the extent that the nature of the rights permits, to dispose of such rights.
2. No deprivation of any rights in property shall be permitted otherwise than in accordance with a law.
Where any rights in property are expropriated pursuant to a law referred to in subsection (2), such expropriation shall be permissible for public purposes only and shall be subject to the payment of agreed compensation or, failing agreement, to the payment of such compensation and within such period as may be determined by a court of law as just and equitable, taking into account all relevant factors, including, in the case of the determination of compensation, the use to which the property is being put, the history of its acquisition, its market value, the value of the investments in it by those affected and the interests of those affected. (RSA 1993b, Section 28)

The final agreement was widely seen as a trade-off agreed to by the ANC in order to secure agreement on the terms of the political settlement and to move towards setting a date for elections. The confirmation of property rights and provision for expropriation for public purposes only – rather than in the public interest – meant that land reform could proceed only with the co-operation of existing landowners. The NLC criticised this compromise, in which ‘reconciliation becomes accepting the status quo’ (Levin interview, 1997). This marked the first public disagreement between the land NGOs and the ANC.

We had confidence in the ANC people who were dealing with these issues but are now very disappointed with what they came up with… We should decide on how publicly we can embarrass them. (NLC 1993b p. 4).

The tension between the ANC and NLC over the acceptance of a property clause continued in the coming years.

7 NGOs work with rural communities and the ANC

In this transition period, the NLC network played a dual role as community mobiliser and policy consultant: working with rural communities to directly voice their demands on the one hand and, on the other, holding bilateral talks with the ANC and with the
DRLA. The NGOs worked with a weak and disorganised rural sector, with the exception of a few specific communities organised around their resistance to removals or their demands for restitution (Pearce interview, 1997). Following the march to Kempton Park, in September 1993 TRAC organised a further march in Pretoria at which 700 people from 25 rural communities threatened to reoccupy land from which they had been removed. The focus was squarely on the right to restitution and securing the tenure of farm workers and labour tenants (Klug 2000 p. 133). Throughout this period, the constituency for wider land redistribution was not clear. While landlessness was a popular topic at workshops and central to the rhetoric of land NGOs, it lacked a clearly defined constituency.

7.1 Relations between the NGOs and the ANC

Those in the ANC’s Land and Agriculture Desk, including Hanekom, attended strategising meetings of the NLC network. These were considered by the NLC to be joint rather than bilateral discussions: there were ‘not two sides of the table’ (NLC 1993b). The ANC and NLC discussed whether the DRLA should be scrapped, restructured or replaced. The ANC also drew key organisations and individuals from academic institutions and land NGOs into their discussions, including Aninka Claassens from the Centre for Applied Legal Studies (CALS), later ministerial advisor to Hanekom, Glen Thomas from the Border Rural Committee (BRC) and Geoff Budlender of the Legal Resources Centre (LRC), both of whom were later to become directors-general of the Department of Land Affairs. The ‘lines between academics and activists were not as starkly drawn as they might be now’ (Dolny interview, 2005).
With few exceptions, the leadership of the NGOs was ANC-aligned and its thinking initially converged substantially with that of individuals within the ANC Land Commission, though divisions deepened over time (Levin interview, 1997). The NGOs had been isolated from international debates on land reform, were focused on resistance to removals, and the ‘quality of the discourse’ was limited. There were tensions within the network and among its affiliate staff between those who had studied abroad and thought more in economic terms and those who had been closer to grassroots struggles (Lund interview, 1997). The NGOs worked with communities that had been forcibly removed or threatened with forced removals in the preceding period. From 1993 onwards, as the restitution process was separated from the development of policies for land redistribution, the claims process was taken forward by CALS, LRC and the Land and Agricultural Policy Centre (LAPC) in a technical approach that favoured the input of lawyers (Husy interview, 1997; Klug 2000). Dolny (interview, 2005) observed that, by the early 1990s and with the start of formal negotiations, ‘this was a legal liberation struggle’.

The ANC Land Commission was critical of the idea of ‘re-peasantisation of the countryside’ underpinning a wider redistribution (Dolny interview, 2005). Instead, it advocated contract farming as a means of intensifying production and providing market access, and taking advantages of economies of scale through co-operatives, not for production, but in finance, inputs and marketing. Ironically, later experience of redistribution of land to groups within communal property associations, and the failure to define individual rights to resources within these, produced precisely the production collectives that the ANC and others warned against (see Chapter 4).
The NLC saw considerations of market mechanisms, of production and of ‘economic rationality’ as politically motivated attempts to foreclose far-reaching reforms and repeatedly emphasised the need to refocus, ‘to continually bring debates back to the question of justice’ (NLC 1993a p. 6). The NGOs argued against distinguishing between different ways in which people had lost their land rights (Levin interview, 1997). They feared that this would divide those who would become property owners and those living on land owned by others whose rights would remain inferior in law and in practice (Husy interview, 1997). Because of this distinction in South Africa, redistribution would take the form of resettlement, development of settlement-related infrastructure and transfer of private title (Husy interview, 1997). The term ‘resettlement’, though, was not used in the South African discourse, probably because this was the term used to describe the forced removal and relocation of communities under apartheid. The World Bank and other foreign advisors quickly changed their terminology to respond to local sensitivities.

7.2 The Community Land Conference

The Community Land Conference (CLC), organised by the NLC in February 1994, brought together more than 700 representatives of 357 landless black rural communities from around the country (NLC 1994 p. 3; Wixley 1994). Their self-identification as ‘landless communities’ arose largely from their shared experiences of forced removals and from their organisation – as residents of Bantustans and of white commercial farms – in pursuit of the right to return to the land they considered rightfully theirs, secure rights to the land they occupied, access to more land, or a combination of these. The CLC was to form a movement which would pressure government to deliver on its
promise to redistribute land. It claimed to be the most representative gathering of its kind ever held and the culmination of consultative processes at local and district levels (NLC 1994; Pearce interview, 1997).

Delegates, ostensibly the potential beneficiaries of a land reform programme, drew up a Land Charter which detailed their demands for what a land reform policy was expected to look like and to deliver (CLC 1994). Its opening preamble declared in the style of the Freedom Charter that:

> We, the marginalised people of South Africa, who are landless and land hungry, declare our needs for all the world to know… We are the people who have borne the brunt of apartheid, of forced removals from our homes, of poverty in the rural areas, of oppression on the farms and of starvation in the Bantustans. (CLC 1994)

The unequivocal demand of the Land Charter was for the state to expropriate land and to deliver it to communities, both those dispossessed through forced removals under apartheid and those who were landless as a result of centuries of dispossession through legal and non-legal means. While ostensibly rejecting a distinction between a restitution and a redistribution process, the Charter contested the 1913 cut-off date for restitution claims, and argued that historical claims dating from the start of European colonisation in 1652 should be admissible (CLC 1994; NLC 1994 p. 5). It rejected the proposals for a basic grant plus a matching grant for those able to contribute their own capital on the grounds that this would exclude poor people from any significant benefits (Steyn in NLC 1994 p. 5). Participants questioned the feasibility of the state paying market-related compensation for expropriated land, as this would limit the scale of the programme (Steyn in NLC 1994 p. 5). The Charter called for the scrapping of the property rights clause in the Interim Constitution and for 10 percent of the annual
national budget to be earmarked for land reform, threatening land invasions if demands for land were not met (CLC 1994; NLC 1994 pp. 5, 12).

The most hotly contested issues at the CLC were those raised by the women’s commission (CLC 1994). The Charter endorsed inheritance rights for women, joint registration of married couples’ property, priority for women in training, and 50 percent representation by women in community structures to decide on land allocations (NLC 1994 pp. 4, 14). But two of the proposals from the women’s commission were rejected by the Conference: the abolition of polygamous marriage and the practice of widows being ‘inherited’ by their brothers-in-law (CLC 1994; NLC 1994 p. 4). Even so, the charter embodied some of the demands of the Federation of South African Women (FEDSAW) for women’s property and inheritance rights previously rejected in the Freedom Charter process nearly 40 years earlier.

7.3 Reflections on the Community Land Conference

According to Levin and Weiner (1996 p. 108), the attempt by the NLC to form a rural social movement at the CLC demonstrated the ‘ANC’s failure to take the land question sufficiently seriously’. Democratic transition for these communities meant a change of political terrain in which rural struggles for land and livelihoods would have to be fought. Land reform was not raised as an electoral issue. Rural areas, with the exception of KwaZulu-Natal and the Western Cape, were ANC strongholds. The preamble to the Land Charter warned:

We will not sit back and watch as the wealth builds up in the cities, while on the edges of these cities, in the small towns and in the countryside we continue to starve. (CLC 1994; NLC 1994 p. 6)
The NP and SAAU criticised the Land Charter as unrealistic and an attempt to give a future government a mandate for socialist-oriented reforms (SAIRR 1995). The ANC affirmed that, while government would expropriate where needed for restitution, land would not be expropriated for redistribution (AFRA News 1994 p. 10; ANC 1994a). Following the CLC, in March 1994, rural community representatives met Mandela to raise their grievances and secured an undertaking that the ANC would monitor whether the property clause posed an impediment to land reform and, if so, revise it.

The NLC network considered the CLC to have been effective in creating a platform for rural people to articulate their demands, but was unable to sustain the momentum (Pearce interview, 1997). Although some rural communities subsequently held demonstrations to push forward their demands, these were few, small and mostly localised, and did not have an impact on policy itself (NLC 1995c, 1996, 1997). The NLC was criticised for having ‘orchestrated’ the conference to bolster its own predefined policy proposals. This was indicative of a structural problem that institutions representing poor rural people both opened up the space for ‘silenced voices’ to be heard, and simultaneously set the parameters within which this took place. In future years, the NLC would grapple with this tension, and with its own tendency to displace the voices of rural communities as policy discussions became more intense and increasingly turned on technical and economic arguments. The NLC later attempted to reverse this, by rejecting policy engagement with government and instead supporting ‘social movements’ calling for radical reforms and threatening land occupation, a move which provoked damaging divisions among the NGOs themselves (see Chapter 6).

7 According to an informant who preferred to remain anonymous on this issue.
8 The DBSA and agricultural economists

By the early 1990s, a number of prominent agricultural economists had written extensively on the problems and inefficiencies of previous state policy towards white agriculture, and advocated continued deregulation of the commercial sector alongside the development of black farming. The prominent agricultural economists engaged in discussions on future policy were those at the DBSA, University of Pretoria and University of Natal (Pietermaritzburg) (Bromley interview, 2005; Vink interview, 2005). These included Johan van Zyl, Johann Kirsten and Johan van Rooyen (known as ‘the three Johans’), as well as Nick Vink, Mike Lyne and Eckart Kassier. They were influential in the development of agricultural policy in the first cycle of policy making in the early 1990s and land policy in the second at the end of the decade.

Van Zyl was seen by some as the intellectual leader of the South African agricultural economists, influential among his peers and closest to Hans Binswanger of the World Bank, where he spent substantial amounts of time in the early 1990s. In 1992, free-marketeer Kassier headed the Committee of Enquiry into the Marketing Act (the Kassier Commission), which recommended further deregulation of agricultural marketing and the removal of price controls, paving the way for a new Agricultural Marketing Act 47 of 1996, which gave full effect to its recommendations (RSA 1992; see Chapter 4). Kirsten was an agricultural economist at DBSA at the time and thereafter head of department at the University of Pretoria (see Chapter 2). He would later author several influential agricultural, land and rural development policy.

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8 According to two informants who preferred to remain anonymous on this issue.
frameworks (see Chapter 5), pursuing elements of (his grandfather) FR Tomlinson’s\(^9\) unfulfilled vision of black commercial farming, but expanding this into white farming districts.

In this period the state-funded DBSA repositioned itself in readiness for a new government with new priorities. Its first concern was to identify funding mechanisms which would enable a future government to achieve ‘an acceptable change of land ownership, within a reasonable space of time and cost, without damaging productivity or creating civil unrest’ (McKenzie et al. 1993 p. 30). In this respect, the DBSA held much in common with the World Bank. Despite disagreements on matters of theory and fact, they also shared the language of economics. When the World Bank arrived, it found that ‘there was nobody other than the people at the Development Bank [of Southern Africa] who could talk about the economics and could talk about it at a national level, and who understood the agricultural sector as well’ (Vink interview, 2005). Dan Bromley, a prominent agricultural economist from the University of Wisconsin-Madison, recalls that when he first came to South Africa on World Bank missions, among the agricultural economists in the country there was

> an abiding fascination with being accepted back into the international community of ag [agricultural] economists... They had been intellectually and socially marginalised. (Bromley interview, 2005)

The agricultural economists envisaged a ‘two-track vision of farming’: the gradual restructuring of the white commercial farming sector in response to market exposure, and the gradual growth of black ‘emerging farmers’ (Brand et al. 1992 p. 356). The state ‘should focus on emerging farmers as a target group. Farming, on the other hand, should

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\(^9\) Head of the Tomlinson Commission.
be left to the farmers’ (Brand et al. 1992 p. 371). As Brand’s own writing betrayed, their own thinking remained dualistic, distinguishing farming by new black entrants from real ‘farming’ by ‘farmers’ in the commercial sector. Even so, they defined themselves as reformists who promoted a vision of equal participation in the agricultural sector, moderated by a concern to ensure optimal allocation of resources. Their focus was on positive measures or ‘affirmative action’ for new entrants into agriculture and for reorienting support services away from large-scale farming. The DBSA advocated state financial support for prospective farmers to enable them to buy land – either existing farming units offered for sale, or where owners want ‘to dispose of their land through a subdivision and settlement scheme’ (Brand et al. 1992 p. 368). The state would need to subsidise the difference between the productive and market value of land and beneficiaries would be able to repay loans from future income. Van Zyl’s work at the DBSA predicted that land prices would decline in response to prevailing deflation, narrowing this gap (Vink interview, 2005). Breaking from the (South African) orthodoxies of their discipline, they also advocated the repeal of the Subdivision of Agricultural Land Act 70 of 1970, since retention of big farms was no longer economically important (Vink interview, 2005).

DBSA economists did not see farming itself as a way to reduce poverty and saw the drive by the ANC and the land NGOs towards equity as threatening the potential efficiency gains of its vision. By then, although their focus was on merit-based ‘redistribution’, DBSA economists recognised a need for restitution ‘from an economist[’s] point of view’, arguing that there would not be investment in agriculture unless restitution was pursued and provided certainty about title (Vink interview, 2005).
Van Rooyen and Van Zyl provided a model to show that the better way to reach the poor would be through multiplier effects that would create up- and downstream jobs than by redistributing land to them (cited in Brand et al. 1992 p. 361). The direct way to support the poor would be through agricultural support to farmers in the Bantustans – agricultural rather than land reform – which should follow the example of the FSPs (Kirsten et al. 1995a; Ortmann and Lyne 1995; Van Rooyen 1995). The economists were hostile to common property, believing that the homelands should be carved up into private property (Bromley interview, 2005). It is ironic, then, that their proposals for grant-based land purchase through redistribution later led to the replication of common property problems and overcrowding, this time on commercial farmland.

Simon Brand, a prominent agricultural economist and chief executive officer of DBSA, had been in intermittent contact with Thabo Mbeki since the 1970s and, after the unbanning of the ANC in 1990, Mbeki agreed that the DBSA would provide jobs to trained ANC exiles returning to the country, and put them to work on matters of agricultural policy (Vink interview, 2005). One of the first people brought in was Masiphula Mbongwa who had been working on land issues in exile at the University of Wageningen in the Netherlands. He joined the agricultural economists in the Rural and Agricultural Policy division and spent a few months in 1993 on an internship at the World Bank organised by Hans Binswanger. His time there overlapped with that of Van Zyl and Vink, both of DBSA, who were writing the draft of the Bank’s agricultural sector memorandum, later finalised by Binswanger and others. Their relationship with the Bank had been cemented with its first entry into South Africa when DBSA was designated as the structure to which all World Bank missions had to report on their
arrival and departure from the country because the Bank could not work directly with the apartheid state and, prior to the establishment of the TEC, DBSA was considered to be the only official institution that was sufficiently neutral (Vink interview, 2005).

The DBSA positioned itself successfully in relation both to the ANC and to the World Bank as the one institution combining technical know-how and local knowledge. The first senior ANC person to meet with the DBSA on land issues in 1990 was Zola Skweyiya, then head of the legal and constitutional desk. The DBSA found the ANC’s perspectives to be left-wing and theoretical and credits itself with having brought to the ANC a realistic understanding of what was going on inside the country: ‘basically they [the ANC] dumped what they had thought about land issues up until then’ (Vink interview, 2005).

As in later years, contestation over who had a comprehensive grasp of the ‘reality’ of what was going on in the country emerged as a means of dividing those whose ideas were considered pragmatic and imprinted on policy, and those who were dismissed as overly theoretical and ideological. Even so, the ANC retained suspicions of the DBSA which was still an institution of the apartheid state and associated with the interests of white farmers (Levin and Weiner 1989 p. 33). By this time, though, the DBSA’s relations with organised agriculture were deteriorating and even hostile. In a meeting with the Free State Agricultural Union, some of its economists received death threats and took this seriously enough to hire private security at their homes (Vink interview, 2005). The SAAU had been caught by surprise by the NP’s reforms in 1991. From 1993, it was the ANC rather than the DBSA that cultivated a more direct relationship with the SAAU and other structures of white agriculture.
9 Entry of the World Bank

The World Bank initiated dialogue with the ANC as ‘prospective policymakers’ after the De Klerk reforms in February 1990, with the intention of contributing to the development of a macroeconomic strategy and to sectoral policies (Williams 1996a p. 140). The Bank adopted a dual role of giving policy advice and soliciting a new client; it looked to South Africa ‘as a way of redeeming its reputation’ (Williams 1994 p. 225).

Hans Binswanger and Robert Christiansen, two senior economists from the World Bank, visited South Africa in 1991 and were its main representatives on land policy. Binswanger, a neo-classical economic theorist, had published widely on the economics of sharecropping and the virtues of smallholder farming and identified the Kenyan reforms of the 1960s as a model for South Africa. Christiansen was the Bank’s representative for Southern Africa based in Zimbabwe where he had observed the willing buyer, willing seller programme during the 1980s and into the 1990s. His mandate was to get a lending programme in place with a new ANC government. His experiences in Zimbabwe informed his more cautious view, which emphasised the importance of sustaining a core commercial farming sector (Williams 1996a: 156–157; Van den Brink, interview, 2005).

In contrast, Binswanger, with his colleagues Klaus Deininger and Gershon Feder, had written a paper on land markets in the developing world, entitled Power, Distortions, Revolt and Reform, examining why, if there was an inverse farm-size productivity relationship, there were so many large farms (later published as Binswanger et al. 1995).

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10 According to two informants who preferred to remain anonymous on this issue.
Its comparative analysis concluded that large-scale commercial farming sectors were in all cases the result of coercion and policy distortion, and were inefficient. Based on an *a priori* presumption of large-farm inefficiency and small-farm efficiency, the logic was circular; any outcome other than a small farm sector could only be due to market distortion, a notion which came from Lipton’s neo-classical argument. Large farms were only efficient in taking advantage of direct and indirect subsidies (Binswanger et al. 1995). This discourse of ‘removing distortions’ was to remain a hallmark of agricultural policy over the coming decade (ANC 1994e; NDA 2001). The Bank’s conclusion and the message it brought to South Africa was that distortions should be removed and small-scale farming promoted. ‘This was a paradigm shift which radicalised all of us’ (Binswanger interview, 2006) and formed the basis for what was truly a ‘mission’:

> Every country that hadn’t solved its land issue by the late twentieth century had ended up in civil war except Brazil and South Africa. There was blood, everywhere. That was my state of knowledge and consciousness at the time Mandela left prison. So I decided then and there that I wouldn’t let the World Bank let South Africa miss the one chance it had. (Binswanger interview, 2006)

The World Bank’s strategy in South Africa involved engaging with ‘politically correct’ people, specifically the ANC and leftist academics (Levin interview, 1997). Binswanger had direct contact with the political leadership of the ANC (Deininger interview, 2004). The NP government of the day had little contact with this World Bank mission; then-Minister Andre ‘Kraai’11 van Niekerk met only once with Binswanger and Christiansen (Van Niekerk interview, 2005). Following their visit, the World Bank representatives

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11 Which literally means ‘crow’.
told the ANC of their interest in producing a report on land and agriculture in South Africa.

### 9.1 A conference in Swaziland

The next initiative by the World Bank, organised jointly with the United Nations Development Programme (UNDP), was a conference entitled ‘Experience with Agricultural Policy: Lessons for South Africa’ held in November 1992 in Mbabane, Swaziland (World Bank 1992). The World Bank staff brought with them international advisors, most of whom were university-based economists (Vink interview, 2005).\(^\text{12}\)

The strategies advocated in the papers presented by the Bank and its advisors were the deregulation of controls on agriculture and cutting subsidies to white commercial farmers; the importance of small-scale agriculture as a means of promoting equity, higher yields and the creation of employment opportunities; and the need for selective intervention by the state, including providing vouchers to black people for the purchase and cultivation of land, while avoiding heavy-handed, over-planned and costly management and administration by the state (Binswanger and Deininger 1992; Christiansen 1992; Lipton and Lipton 1992).

The Bank pointed to land and agricultural reform as a route to increased productivity, equity and resilience in the agricultural sector, whereas paying it insufficient attention would be a perilous route to economic stagnation, political instability and civil war (Binswanger and Deininger 1992). Binswanger warned the ANC that if it did not

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\(^\text{12}\) Papers were delivered by Binswanger, Christiansen and Deininger from the World Bank, Michael and Merle Lipton from the University of Sussex, Alex Duncan and Stephen Jones from the Food Studies Group in Oxford, and Bill Kinsey of the University of Zimbabwe and the Vrije Universiteit in the Netherlands. Also attending were the South African agricultural economists who had been part of the IDASA workshop at Grabouw in 1990: Eckart Kassier, Johan van Rooyen, Johan van Zyl and Nick Vink. The ANC people present included David Cooper, Aninka Claassens, Sue Lund and Masiphula Mbongwa
address land reform, ‘you will have blood on the streets’ (Kinsey interview, 2005). The Bank also advised against setting concrete targets for land reform that could become an embarrassment later, but instead suggested making a strong but indefinite commitment to the process (Kinsey interview, 2005). Against its own advice, it was the World Bank’s insistence at the ‘Options’ Conference that 30 percent of land could be transferred in the first five years of a market-led programme that was adopted in ANC policy in 1994, soon abandoned and then revived years later under Mbeki as the key target for land reform.

In Swaziland, the British economists Michael and Merle Lipton advanced arguments derived from the work of the Russian economist AV Chayanov (1925) that, whereas capitalist production requires concentrated capital investment, peasants would maximise production to the point where the marginal productivity of labour was equal to zero and would be able to achieve higher levels of productivity with family labour than was possible with wage labour, because family labour would overcome supervision problems (Lipton and Lipton 1992). Their argument was built on a priori theoretical assumptions drawing on ISPR. They further warned that the employment of hired labour in agriculture involved transaction costs of supervision and led employers to pressure states to provide compensatory finance in the form of subsidies, marketing, research and development to avoid competition from smallholders using family labour (Lipton 1996 pp. 403–404). A small-farm path of development would therefore protect a future ANC-led government from future fiscal demands.

While acknowledging that these assumptions needed to account for the quality of land, size of family, and other demands on family labour, small farms were assumed to be
‘peasant’ and ‘subsistence’ while large farms were assumed to be ‘capitalist’. The South Africans denied that this was the case, because of the importance of multiple sources of income in a remittance economy, because small-scale farming in the Bantustans was not sufficient to provide for subsistence, and state support was directed to production that was not subsistence-oriented, but towards commodity production for markets (Kinsey interview, 2005).

Binswanger argued that if market distortions were removed and there were perfect competition, then small farmers would be more efficient; the South Africans disagreed, dismissing the idea that, ‘in the real world’, policy could ever be premised on perfect competition (Vink interview, 2005). The World Bank proposed providing land purchase vouchers to land reform applicants to buy land (along the lines of voucher privatisation underway at the time in the Soviet Union); this was rejected as unrealistic and, it was argued, failed to understand the nature of land markets and the politics of race (Bromley interview, 2005). The South Africans rejected it.

The ANC was not convinced by the small-farmer model advocated by the Bank and by Michael Lipton in particular, and Kinsey’s own work from Zimbabwe showed that the evidence on farm-size efficiency was not conclusive (Kinsey interview, 2005; Lund interview, 1997). The notion of an ‘economic unit’ had already been widely challenged by economists, and by political historians, who pointed out that it originated in colonial planning, in which agricultural officials worked out the number of hectares needed to bring, from a given use, a minimum net income considered necessary for the farmer. Thus, as evident in the Tomlinson Commission in South Africa as in colonial Rhodesia, there were different systems of economic units for white commercial farmers, and black
subsistence producers in the communal areas (Alexander 1994; Drinkwater 1989; Union of South Africa 1955). The ‘economic unit’, then, had less to do with the nature of production than with preconceived, sometimes racist, notions of a lifestyle befitting a farmer. Whether the converse would hold true, though, was not evident; this did not mean that there were no economies of scale in agriculture.

Many of the South Africans were angered by what they perceived as a patronising attitude on the part of the organisers and speakers. The structure of the conference, in which foreign experts outlined what needed to be done in South Africa, seemingly negated the wealth of experience and expertise of South Africans who had been working with rural communities on these issues for years.\(^\text{13}\) This perception was compounded by the tactless manner of some of the foreign experts.\(^\text{14}\) Both the ANC and South African agricultural economists were unconvinced by the model put to them by the World Bank (Vink interview, 2005). Kinsey (interview, 2005) recalls that some of the participants met with Christiansen to warn him about resentment among participants.

Despite their disagreements in Swaziland, or possibly because of them, the World Bank recruited the agricultural economists from the University of Pretoria and DBSA to assist in the preparation of its review of the South African agricultural sector (Binswanger interview, 2006; Vink interview, 2005). After two years, this process produced the report, *South African Agriculture: Structure, Performance and Options for the Future* (World Bank 1994b), which analysed racially motivated economic distortions in

\(^{13}\) According to three informants who preferred to remain anonymous on this issue.

\(^{14}\) According to an informant who preferred to remain anonymous on this issue.
agriculture and defined an agenda for policy and institutional reform. Binswanger confronted the agricultural economists on economies of scale, but they remained ambivalent: ‘they were the sons of the system and their fathers were white commercial farmers’ (Binswanger interview, 2006). One response was to take the most likely critics, Vink and Van Zyl, to Washington and employ them as co-authors of the Bank’s proposals: ‘we had to get them’ (Van den Brink interview, 2005).

Some ANC representatives at the Swaziland conference showed little interest in land reform: they appeared to have ‘zero recognition of land reform as an important issue’ (Kinsey interview, 2005). The ANC’s attention in this transition period was firmly focused on its vocal and mobilised urban constituency. Foreign actors saw themselves as convincing South Africans, and especially the ANC, of the necessity to adopt a wide-ranging land reform programme on which the priorities and style of the Bank would be firmly imprinted (Kinsey interview, 2005). For those lobbying within the ANC for greater priority on land issues, particularly those from the land NGOs, it was useful to have the Bank endorse land reform (Lund interview, 1997).

The new orthodoxy established through the Bank’s engagement with the ANC and others in South Africa was ambiguous: nobody would say they opposed small-scale farming, but their reasons differed. The agricultural economists did not accept the ISPR, but would no longer argue that large farms were more efficient either (Williams 1996a). They were circumspect about small-scale efficiency; this was not a general rule, it was highly contingent. The NGOs and rural communities supported small-scale options though their arguments hinged not on efficiency, but on justice and pro-poor development. The middle ground at the Swaziland conference appeared to be a mix of
farm sizes, which could offer opportunities for entry by the poor while taking advantage of economies of scale where these did exist, and making possible mutual support and equipment-sharing between white and black, large and small, farmers (Kinsey interview, 2005). The focus of future land reform was obscured more for ideological than technical reasons.

9.2 Establishment of the LAPC

Despite suspicions, the ANC was aware of the potential benefits of information and advice that could be gained from working with the World Bank (Hanekom interview, 1998; Van den Brink interview, 2005). Hanekom, then in the ANC’s newly established Department of Economic Planning, felt the attitude within the ANC was ‘let’s engage with them on our terms’ (Hanekom interview, 1998). Recognising the Bank’s potential to dominate the agenda, Hanekom proposed a counterpart team of South Africans to join those from the World Bank (Hanekom interview, 1998; Levin interview, 1997).

Klug (2000: 131) confirms that the ANC Land Commission ‘demanded that the initial research work be conducted by and remain under the control of South Africans’ – a sentiment also expressed by Lund (interview, 1997). The attitude was:

if you set up your own capacity, then you can talk to them, and you can get out of them something that’s useful, but you need to have your own capacity to do it. (Vink interview, 2005)

To hone its tactics, the ANC even hosted a seminar at its Luthuli House headquarters where John Sender gave input on how to engage with the Bank (Vink interview, 2005). The conclusion was that the ANC would send relatively junior staff, without clear mandates, to deal with the Bank. It also held meetings with Washington- and Malaysia-
based organisations that monitored the Bank, to learn about its structure and modus operandi (Klug 2000: 131; Vink interview, 2005). Even as the ANC considered how to contain the Bank’s intervention, its own staff were liable to be co-opted or even recruited, one example being Heinz Klug who moved from the ANC Land Commission to the Bank mission (Klug 2000: 131).

The Land and Agriculture Policy Centre was established in February 1993 in Johannesburg so that the ANC could get policy advice and so that World Bank advice could be mediated by contributions from others. Alex Duncan of the Food Studies Group (FSG) in Oxford had been one of the Bank’s advisors in Swaziland and, together with Hanekom, gave impetus to the establishment of the LAPC (Vink interview, 2005). It was envisaged as a research and policy making centre which would bring together research on land and agriculture and act as a think-tank for a future ANC-led government (Lund interview, 1997). It arose out of a convergence of interests, needs and opportunities – for advice, for institutional legitimacy and for consultancy contracts.

The LAPC provided an institutional vehicle for Bank collaboration with the ANC in this interim period. The Bank was not allowed to fund work in South Africa directly before the 1994 elections and needed a programme that would enable it to work with local researchers (Deininger interview, 2004). It was able to secure funding to implement its research priorities and acted as a conduit for donor funding from the European Union, Danish International Development (DANIDA) and Britain’s Overseas Development Agency (ODA), which together paid nearly US$3 million to the LAPC to fund a major research programme on land and agriculture (Bromley interview, 2005; LAPC [1993]; Lund interview, 1997). The creation of the LAPC also enabled the Land Tenure Center
of the University of Wisconsin-Madison (which had from 1991 provided training on land policy to ANC and NGO activists and policy makers) to continue its partnership with the ANC, and its staff were later contracted as advisors to the World Bank (Aliber interview, 2005).

The LAPC commissioned work on a wide array of issues including rural enterprise, social forestry, local government, traditional authorities, biodiversity, natural resource management, rural infrastructure, agricultural pricing and marketing, water policy, drought relief, rural health services and rural sanitation (LAPC 1997). These reports were prepared by South African academics, the staff of rural NGOs, the DBSA and the FSG, totalling about 120 researchers (Callear interview, 1997; Christiansen and Cooper 1994: 2). The reports were intended to feed into a Rural Restructuring Program (RRP) in which the World Bank, in its own words, took ‘the lead’ (World Bank cited in Williams 1996a: 140).

The ways in which South Africans were brought into the policy process reflects a division between those working on agricultural policy (the DBSA and the agricultural economists from the University of Pretoria) and those working on land (rural land NGOs and progressive academics). The World Bank and DBSA did the economic work and farm modelling while other academics and NGOs attended to social realities through field-based work (Vink interview, 2005). This separation of land and agricultural policy work was a division of labour based in part on discipline and areas of expertise, but was also an ideological divide. Later, this would be reflected in the separation of land reform from agricultural policy, with severe implications for its design and implementation.
9.3 Defining and debating ‘Options’

In October 1993, the LAPC hosted the ‘Land Redistribution Options’ Conference [‘Options Conference’] which was the outgrowth of the World Bank-sponsored research process overseen by the LAPC. This four-day event held in Johannesburg drew participants from a wide range of sectors, including the ANC, World Bank, South African NGOs and community-based organisations (CBOs), and both local and foreign academics and lawyers (LAPC 1994 p. i). Even at the time, the Options Conference was seen as a milestone in the outline of a policy framework (Ramaphosa 1994).

Participants at the conference were agreed on the need for land reform. This was to be expected, since the selection of participants indicated that those attending would be addressing how rather than whether land reform should take place. More surprising were other areas of convergence in a forum which brought together people and institutions with disparate purposes, ideologies and interests. The spectrum of discussion was explained by Williams (1996a p. 140) as the outcome of the selection of papers for the conference, through which the World Bank ‘shifted the direction of the arguments’.

This was achieved in two ways. The research papers in the LAPC research series were compiled into a smaller number of reports according to the specifications of the terms of reference defined by the World Bank. The Bank’s presentation of its Options for Land Reform and Rural Restructuring paper was left to the last day and attempted to draw together the rest of the conference papers within the parameters of its ‘guiding principle of… political and economic liberalization’ (World Bank 1994a p. 219). Much of the
technical economic modelling work had been done by the DBSA but was subject to ‘manipulation by the World Bank’ prior to being presented at the Options Conference (Vink interview, 2005).

Mike de Klerk of the University of Cape Town and Rogier van den Brink of the Bank were commissioned to do economic modelling of farm budgets in order to identify optimal farm sizes. This in turn produced some ballpark estimates of what the programme would cost, which the Bank demonstrated with reference to scenarios of transferring 10, 30 or 50 percent of white-owned agricultural land (Van den Brink interview, 2005). The Bank’s models concluded that small-scale farmers could be as productive or more productive than large-scale commercial farmers, given conducive conditions, including the quality of the land and appropriate support services. This, according to Bromley (interview, 2005), ‘became the intellectual justification or rationale for the reforms’. Van den Brink, later stationed in South Africa and advisor to the Minister of Land Affairs, recalls the imperative to produce estimates and how, in the absence of data for South Africa, their arguments relied on evidence from elsewhere:

Then we came with a big mission to look at all the drafts, right before the Options Conference…Because the ANC wanted to know, if we do land reform, how many jobs will we get out of it, and how much will it cost?... [but] there was no data. How can we do a mathematical estimate for this thing? We needed to show that the sky is not going to fall in. Agriculture will not go into the dustbin of history. So that was when we said: don’t you know the inverse size-productivity relationship that we have found in every country for a century? (Van den Brink interview, 2005)

The Bank argued that many commercial farmers were inefficient and their farms under-utilised and showed that one percent of farms accounted for 40 percent of production (World Bank 1994b). Substantial redistribution of land could increase employment and
productivity and would be possible without a serious impact on overall production or export earnings (World Bank 1994b; ODI 1994). It suggested that 30 percent of land could be redistributed in the first five years for less than R13 billion if participants contributed 20 percent of the cost from their own resources and a further 30 percent from loans (ODI 1994; World Bank 1994b). The target later adopted had quite arbitrary origins; Van den Brink recalls that the percentages were intended as purely illustrative:

We had written it up using the middle column as the example – 30 percent of land… When I discussed the 30 percent, I also said that, by the way, the land market already turns over five percent a year, [so it] is really not a fantastic dream to see 30 percent of the land being distributed in five years. So there was some logic. Then one day I woke up in Washington DC and I see on the front page of the New York Times, which said the ANC is going to redistribute 30 percent. (Van den Brink interview, 2005)

Sender’s intervention at the Options Conference challenged Binswanger on the empirical relationship between farm size and efficiency by showing that the Bank did not have the proof: comparative examples did not provide unequivocal evidence of the relation between size and productivity. How land reform on a smallholder model could work in a context of deregulation was not confronted (Dolny interview, 2005). The Bank team had no answer to the problem of how farms and (new) farmers could survive in the absence of subsidies:

they simply assumed that since small farmers are more efficient than large farms they (the new small farms) could survive on their own (Bromley interview, 2005).

The Bank countered that deregulation would assist, not hamper, reform efforts:

Additional liberalization will increase agricultural efficiency and ensure equal market access for the farmers who will participate in the land reform programme. (World Bank 1994b p. 220)
In its presentation, the Bank outlined three options for ‘rural restructuring’. The first two focused on agricultural development paths, and the third included a redistributive land reform as one component of wider market and policy reforms. The ‘land reform options’ did not propose a menu of alternative policy routes, but rather itemised the components of a single market-assisted approach. There may have been options, but market-based land reform was the only proposal. The World Bank’s framework was backed up by the papers from local agricultural economists who agreed that ‘a “willing buyer – willing seller” transfer mechanism probably represents the soundest approach to the problem of land redistribution’ (Van Zyl and Van Schalkwyk 1994 p. 38). A sentiment echoed in most contributions was that ‘neither pure market processes nor pure state redistribution “reforms” are optimal; successful land redistribution programmes need elements of both’ (Strasma 1994 p. 31).

The debate turned on which market and non-market mechanisms should be used, to what extent, in which combinations and on what timeframe. The appropriate role for the state, then, would be ‘subtle’ and ‘selective’: to provide services and subsidies to reduce transaction costs and enable beneficiaries to leverage credit, rather than directly intervening in the operations of the land market through state acquisition or the subsidisation of interest rates (World Bank 1994b p. 220). The emphasis on individualisation was a core feature of the World Bank’s modernising vision of land reform, in which new social relations would be created through market transactions. The abstract individual that was the subject of this vision was part of a universal logic, hence the literal transfer of experiences elsewhere in the world. The proposals echoed the NP government’s land purchase scheme, which the ANC and NGOs had recently rejected,
and its discourse of modernising farmers had precursors in Tomlinson and Swynnerton. Attempts to establish a settled full-time peasantry had proved unsuccessful in Zimbabwe, as in Nigeria, because the poor could not afford only to farm and because the rich wanted to invest money earned elsewhere in agriculture and vice versa (Bush and Cliffe 1984; Hill 1972; see also Chapter 5).

Whether or not loans should be made available only to those who could contribute capital was a moot point. The World Bank argued that beneficiaries as well as the state should be investing in land acquisition and that partial payment would help to ensure sustainability. The idea of grants for land purchase resonated better with the South Africans than the Bank’s proposal to provide vouchers. Grants were known policy instruments and satisfied the need to establish equity while enabling bureaucratic oversight in the disbursal of state and donor funds (Lund interview, 1997). As observed by Lindblom (1959), policy decisions tend to ‘branch’ off from what is already known.

Many delegates opposed the Bank’s proposal for co-payment and matching grants. They argued that the existence of any price for land would constitute a market barrier where the aim is to target precisely those groups without purchasing power (Dolny 1994 p. 44). While the grants might provide a short-term windfall of cash, this would be immediately sunk into a fixed asset the upkeep of which would demand capital investment beyond the reach of the ‘poorest of the poor’; they would not have the capital required to compete with established farmers and would be likely to prefer to rent or sell their land to capital-rich white farmers, allowing a continuation or even aggravation of the skewed distribution of land (Dolny 1994 p. 46).
Options that would extend state control over land markets – such as land ceilings, land taxes and a right of first refusal – were mentioned, but not seriously discussed as they were seen as minor mitigating measures to the wider market-based approach, which was the core of the debate (Bromley interview, 2005). The abolition of subdivision restrictions was agreed upon but, despite the Bank’s insistence on the ISPR, the suggestion of a land ceiling did not chime well with the overarching emphasis of liberalisation and deregulation. The conference addressed proposals for an ‘annuity plan’ for heavily indebted white farmers which, it was argued, could work politically and had a strong economic rationale (Bromley interview, 2005; Vink interview, 2005).

To promote the supply of land for redistribution, the DBSA had proposed that the Land Bank and ACB write off the debt of their clients whose debt exceeded their net assets, providing them with an exit route out of agriculture and, where appropriate, employing them to train new black farmers. As both Van den Brink (interview, 2005) and Vink (interview, 2005) observed, it is striking that neither the NP nor the ANC would consider this option; they were already agreed on not foreclosing on indebted farmers and those at the conference were disagreed on whether it was worth confronting white farmers in this way (Bernstein 1996c p. 136; Bromley interview, 2005).

Two themes are evident in the papers from the Options Conference. On the one hand, the World Bank representatives defined their guiding principle of ‘political and economic liberalization’ (World Bank 1994a pp. 221–222). The NGOs, the ANC and some academics emphasised the need for significant government involvement in ensuring the nature of the outcome of land reform, rather than leaving this to the vagaries of markets (Dolny 1994 pp. 43–50; Sender 1994 pp. 71–84; Williams pers.
comm., 1997). Underlying the dispute about the policy instruments to be used was disagreement about the rationale for land reform: ‘the Bank couldn’t understand… that black people wanted to get their land back not to be a white farmer with a black skin, but because it was theirs’ (Bromley interview, 2005).

Proceedings at the Options Conference ‘went off the rails quite early on because of the dynamic of the Bank and its model and its approach’; the atmosphere was ‘cold and at times tense and even nasty’ (Bromley interview, 2005). Some of the black participants were ‘outraged’ and ‘quite offended’ by the sense that Binswanger was ‘laying down the law’.15 Some of those present described the World Bank’s input at the Options Conference as ‘fraudulent’, ‘rubbish’, ‘intellectually dishonest’, its adherence to the ISPR as a ‘religion’ and a ‘catechism’, and Binswanger as a ‘manipulator’ and ‘bullshitter’.16 Yet the Bank was reportedly negotiating with various South African participants for further research contracts during the conference itself.17 During the preparations before the conference there had been tensions even within the World Bank team; some meetings were held in private, apparently to exclude those team members who had been critical of the Bank line.18 Disagreement in the team was resolved by Binswanger. He was the most senior Bank representative present, a sophisticated economist with an international reputation and from an operational rather than administrative unit. He resisted calls for the market-based approach to be moderated, and presented the options. ‘What you see in that document is a recognition that the Bank must speak with one voice’ (Bromley interview, 2005).

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15 According to an informant who preferred to remain anonymous on this issue.
16 According to four informants who preferred to remain anonymous on this issue.
17 According to an informant who preferred to remain anonymous on this issue.
18 According to an informant who preferred to remain anonymous on this issue.
Not all agree that the Options Conference was definitive. By this time, some participants felt that these large popular gatherings were showcases and were intended to make the academics and NGOs, in particular, feel that they were being consulted. As Dolny (interview, 2005) observed, ‘my impression was that stuff was being settled behind the scenes’. Sender (interview, 2002) later claimed that it was already ‘foreseeable that the limited resources would be directed towards a rising black middle class, because rural NGOs had no coherent political economy analysis to motivate something else’ and instead relied on a ‘populist racist claim for resources’.

The Options Conference consolidated the central tenet of land redistribution: that the state would not buy land but assist applicants to do so. It reinforced the shift in the focus of debate onto the choice of policy instruments rather than the nature of the transformation being pursued (Lund interview, 1997). The desired outcomes would not be specified. There was substantial convergence by now between participants from the ANC and World Bank. The NGOs recognised that they lacked the expertise to engage in economic debates about agriculture (Husy interview, 1997). Despite the name of its document, and the conference itself, the message from the World Bank was ‘there is no option’ (Levin interview, 1997).

10 Conclusions

South Africa’s first democratic elections were held in April 1994. The ANC’s election manifesto, the RDP, set out its vision for land reform under the heading ‘meeting basic needs’ rather than in the section titled ‘building the economy’ (ANC 1994b). Land would, it seemed, be a cost rather than an investment for the new ANC-led government
The RDP recognised that ‘land is the most basic need for rural dwellers’ yet ‘only a tiny minority of black people can afford land on the free market’ (ANC 1994b pp. 19–20) and declared:

A national land reform programme is the central and driving force of a programme of rural development… The RDP must implement a fundamental land reform programme. The programme must be demand-driven and must aim to supply residential and productive land to the poorest section of the rural population and aspirant farmers. (ANC 1994b p. 20)

Between February 1990 and elections in 1994 substantial advances had been made in the development of a land redistribution policy for a post-apartheid South Africa. The NP government’s unconvincing attempts at pre-emptive land reform were roundly rejected. An alternative policy framework outlined in the RDP was established in fora that brought together NGOs, the World Bank, the ANC and local and foreign academics. These seldom included landless people. Despite vociferous opposition, the framework embraced a market-led and state-assisted model of land transfer; reflecting ANC and NGO discourses, reform would be for the ‘poorest of the poor’ and ‘especially women’.

The apparent convergence of views achieved by 1994 masked fundamental differences on which objectives should be prioritised, which policy instruments employed, the potential of agriculture to address poverty and therefore the purpose of land reform. The World Bank considered land only as a productive asset and land reform as being for agricultural purposes: land policy was an adjunct to agricultural policy. For many of the South Africans, particularly the NGOs, it was the other way around. The Bank’s presumption of the efficiency of small-scale production (Binswanger and Deininger 1993) was an a priori position. Despite its ideological appeal, the debate on whether
small-scale agriculture could work in South Africa was not settled (Pearce interview, 1997). Ultimately, the policy emphasis placed on small-scale farming and land for the poor was the product of the equity and justice imperatives of the local actors coinciding (albeit not neatly) with the World Bank’s ISPR assumption. This allowed the ANC to reconcile its need to address poverty and inequality while pursuing economic growth and limiting its future commitments.

The World Bank set the agenda by defining the terms of debate (Williams 1994; Williams 1996a; Bromley interview, 2005; Kinsey interview, 2005). While failing to recruit the ANC as a client, the Bank succeeded in marketing its favoured model of market-assisted land reform within a wider strategy of agricultural deregulation and liberalisation. The question is how this came to be possible. Firstly, the ANC created the space for the Bank: it needed advice and, in the context of intractable hostility from the white establishment to any meaningful land reform and scepticism from the ANC leadership, it was useful to have the Bank endorse the need for reform (Klug 2000 p. 131; Lund interview, 1997). Secondly, the Bank fought its battles on a discursive terrain, adopting and adapting the ideas and terminology the South Africans had used in Swaziland to reject its initial proposals, which were then revived in a new guise at the Options Conference. While operating from universal assumptions, abstract models and limited local knowledge, it was sufficiently able to galvanise (and employ) key local allies to position itself as a source of expertise.

The view that the World Bank set the agenda (Williams 1996a) needs to account for the central position occupied by South African agricultural economists who, together with the Bank, were among the few people who were able to influence both land and
agricultural policy. The Bank’s tendency was to use illustrations from an array of particular examples from different geographic and historical contexts to put forward a general model to be adopted and implemented. This ignored the specificity of agrarian conditions, such as the nature of the crop, structure of markets, politics and social relations of production. Those who claimed local knowledge initially dismissed their advice as theoretical and inapplicable to South Africa (Lund interview, 1997; Vink interview, 2005). The advantage of the agricultural economists over other actors in this debate was that they could engage in the theoretical economic debates while, rightly, claiming local knowledge. Their incorporation as experts into the Bank’s mission lent credence to its final report. The South African agricultural economists and their World Bank counterparts needed one another.

By 1994, the policy discourse was internally contradictory, an amalgam of competing visions. It embraced efficiency and equity, the state and market, ‘the poor’ and ‘emerging farmers’, women and men, agricultural and non-agricultural land uses, commercial and non-commercial production, allowing the remaining fundamental disagreements to be elided. These ambiguities were useful. Because policy embraced all possibilities, it allowed these different objectives and subjects of policy to co-exist. The goals of policy appeared to be all things to all people. In the coming period the new DLA and its new staff drawn from the ANC and NGOs would be under pressure to make further choices about what land reform was for and for whom (Lund interview, 1997).

An established school of thought among South African analysts declares that the character of the negotiated transition to democracy in South Africa shaped and
constrained the direction and nature of land policy (Hendricks and Ntsebeza 2000; Ntsebeza 2007). Land became a source of political concessions and was subject to real constraints. Having analysed the process through which policy emerged in the period to 1994, this chapter challenges the view that these constraints were definitive: it does not explain how policy was made in this period or remade over the coming decade, as shown in later chapters. Constitutional negotiations set some parameters for policy but the rationale, direction, design, targets and instruments that would guide land redistribution were established through a process of policy making that involved a large array of actors, none of whom were in government at the time, in a ‘messy’ process of contestation, discursive manipulation and ‘muddling through’ (Lindblom 1959).

The policy framework developed in this period should be understood as the outcome of processes in which actors interacted and adapted over time, adopting each others’ discourses (Stone 1988). Like much policy making, it is difficult and perhaps not relevant to pinpoint a single moment of decision. The policy choices were made incrementally through a process of argumentation (Fischer and Forester 1993 p. 2) and legitimated by the adoption of shared and overlapping discourses (Foucault 1980). Networks of actors changed over time and constituted a large ‘discourse coalition’ founded on the need for justice and redress, that employed this discourse to different ends. This chapter shows how an instrumentalist explanation of policy is inadequate to explain the ‘messy’ and historically contingent nature of policy making. While it depicts a trajectory of change in policy positions among the actors, it also shows long continuities in the thinking informing policy: an idealised notion of a black peasantry and an exaggerated notion of the state’s capacity to alter reality and to get people to act
in conformity with its models of development. The next chapter shows how these ideas worked out in practice, as implementers interpreted policy and implementation diverged from policy. As Clay and Schaffer (1984) observe, policy may be a poor guide to what happens.
Chapter Four

Debating, Making and Piloting Land Policy, 1994 to 1999
1 Introduction

Under the Mandela government of 1994 to 1999, a new Department of Land Affairs successfully framed a national land policy. This was in contrast to the marked failures of this government to formalise or fund policy in the areas of either agriculture or rural development. By 1994, the parameters for land redistribution had already been defined. While the new minister, Derek Hanekom, and his team within DLA defined the policy in more detail, the terms on which redistribution could happen were being determined in negotiations towards a final Constitution and Bill of Rights.

The land policy ultimately adopted in 1997 was the product of contradictory interests, reconciled through a shared discourse that was sufficiently resilient to withstand criticisms that were repeated for five years, not only by political opponents, but also by implementing partners and internal and external donor-funded reviews. In the coming period, these actors disagreed on what constituted policy as political disputes over the objectives of policy became intermingled with disputes over its mechanisms (Levin interview, 1997; Steyn interview, 2005). In the process, the discourse of policy became increasingly technicist, as policy makers wrote the politics out of the choices embodied in their policies.

Four inter-related disputes over the meaning and purpose of land reform mark this period of iterations in policy making and implementation. Each was resolved in ways that addressed ideological requirements, while being justified in technical and operational terms. First was the disagreement over the object of land reform – whether this was the expansion of rural settlement options and diversification of livelihoods, or
the creation of a small-scale farming class. Second was the subject of policy – to whom it should be targeted, and therefore the question of whether leveraging an ‘own contribution’ from applicants would be relevant or necessary. Related to this was the question of whether the vision was one of group-based ownership and production or subdivision into land parcels suited to small family farms. Third was the debate about state versus market mechanisms of land acquisition, subsidies and expropriation. Fourth were the institutional arrangements and roles of state, private sector and NGOs. These were the cardinal points mapping the terrain of ideological struggle over land reform that was fought out through institutional and discursive means in the first five years of democracy.

In this period, out of the wide array of opposing interests that emerged in the negotiations era of 1990 to 1994, two discourse coalitions coalesced. Leading the making of land reform policy was a discourse coalition comprised of the new bureaucrats occupying and managing the ‘new’ DLA, together with their former colleagues at the LAPC, the think-tank established by the ANC and the World Bank. Also sharing their discourse was the network of academics and activists from whose ranks it recruited, and the newly integrated network of land rights NGOs, most of which were by then organised under the umbrella of the National Land Committee. This discourse coalition had evolved through resistance to forced removals during the 1980s and in particular the framing of ANC policy during the transition period. Those within it agreed on the core problems to which land reform should respond, advanced a ‘pro-poor’ and multiple rural livelihoods agenda, and deployed a shared terminology – but disagreed on the degree to which ‘the market’ was the means by which redistribution
should proceed. Production for markets was not a necessary intended outcome. This discourse coalition faltered in the first five years of democracy; growing alienation was fuelled by the actual and perceived failures of the programme itself, and the sidelining of core demands of the NGOs and the landless communities with whom they worked. At the same time, the NGOs and academic network were incorporated into policy making fora which deployed core concepts adopted from the World Bank, moderated by a pro-poor discourse from the local left.

During the same period a new discourse coalition emerged, consisting of Afrikaner and African nationalists, embedded primarily in three institutions – the SAAU representing white commercial farmers and commodity organisations; NAFU representing a wide spectrum of black commercially oriented farmers but dominated by a small group of successful capitalist farmers; and senior managers within the NDA. Providing some of the language and economic justifications for their policy views was a small network of agricultural economists mostly based within the academy whose strong links in agricultural policy making circles predated political transition. This discourse coalition may be defined by its belief in markets not necessarily as the exclusive means of implementing land reform, but as the central marker of its object: reform was to enable production for markets and the incorporation of black farmers into the commercial farming sector. While white farmers attempted to maintain existing relations within the NDA, both they and the new formation of incipient black capitalist farmers were excluded from decision making fora that dealt with land policy.

After the Options Conference, the World Bank withdrew from policy input on land reform (Binswanger interview, 2006). With its ‘Options’ report complete, its work was
done. Yet its imprint was evident everywhere in the language and concepts that populated policy. According to some, Binswanger was ‘booted’ out of the country by the ‘land crowd’ who felt he had bullied them in Swaziland and throughout the Bank’s mission (Deininger interview, 2004) and he remained persona non grata in the department until the end of the 1990s.\textsuperscript{19} From 1997, Binswanger’s colleague and protégé Klaus Deininger attempted to initiate a more modest role for the Bank in setting up a monitoring and evaluation system, but failed to get institutional or funding support for it (Deininger interview, 2004). By the end of the 1990s, the Bank returned to the centre of land reform policy making – but this time through the NDA.

2 The old and the new: Staffing Agriculture and Land

2.1 Two ministries: Sharing power, limiting compromise

Following the first democratic elections in April 1994, President Mandela appointed Derek Hanekom of the ANC as Minister of Land Affairs with Tobie Meyer of the NP as his deputy. This arrangement ostensibly provided a degree of continuity: Meyer had been Deputy Minister of Regional and Land Affairs under the De Klerk government. In Agriculture, too, the ANC shared power: Kraai van Niekerk of the NP was appointed Minister, with Thoko Msane (later, and hereafter referred to as, Thoko Didiza) of the ANC as his deputy.

The appointment of NP leaders to these posts arose from the agreement at CODESA that minority parties would receive proportionate representation in the Cabinet of the

\textsuperscript{19} According to an informant who preferred to remain anonymous on this issue.
Government of National Unity (GNU). Related to this, the decision to have two separate ministries was the result of a compromise deal concluded during the multi-party negotiating forum that promised the NP the Agriculture portfolio. The ANC had proposed a single Department of Agriculture and Land Affairs under an ANC Minister but, faced with an incumbent from the NP, it chose to separate these functions, so that land reform would be under ANC control (Vink interview, 2005). That land reform would be held apart from an NP Minister of Agriculture was seen by some as a signal of the importance attached to it (Dolny interview, 2005).

The ANC’s candidates for these portfolios had also not been a foregone conclusion. Although he had been the head of the ANC’s Land Desk in the 1990–1994 period, Hanekom was not well known outside of ANC circles, and his appointment was reportedly bolstered by the ANC’s view that a white man would fare better in dealing with the farming establishment – a view he himself appears to affirm (Hanekom 2010). Didiza was widely perceived to be the nominee of then-Deputy President Thabo Mbeki, and was not well known outside of her home province where she had a constituency in the Women’s League (Vink interview, 2005). Just 28 years old, Didiza was the youngest member of Cabinet. Hanekom and other ANC leaders did not know who she was and, at a Strauss Commission meeting the day after their appointment, some ANC leaders present presumed that she was from the IFP because she came from KwaZulu-Natal (Vink interview, 2005).

\[20\] The other Deputy President was FW de Klerk.
When the NP withdrew from the power-sharing GNU at the beginning of 1996, Meyer and Van Niekerk resigned from their ministerial posts. Instead of replacing them, Mandela joined the two departments under a single Ministry, with Hanekom as Minister and Didiza as his deputy. (As described in the next chapter, Didiza replaced Hanekom in 1999 and retained this position for one and a half terms during the time Thabo Mbeki was President.) This neatly drew to a close the two-year transitional arrangement of sharing power in Land Affairs and Agriculture; yet, as this chapter shows, its impact continued to be felt in the separation of these portfolios in two departments and the ideological and institutional tensions between them.

### 2.2 Land Affairs: A ‘new’ department with historical baggage

The ‘new’ DLA would be responsible for land reform and settlement support, while retaining core functions of its predecessor, including surveys, mapping and the Deeds Registry. Land reform was given the status of a national competency, under the authority of a single national department in Pretoria. To implement its policies, DLA would depend on its provincial and district offices as well as on other government departments. It inherited the buildings, bureaucracy and legacy of the DRLA, with its long line of predecessor departments: the Department of Cooperation and Development, the Department of Development Aid, the Department of Plural Relations, the Department of Bantu Administration, the Department of Bantu Affairs and, originally, the Department of Native Affairs (Evans 1997; Francis and Williams 1993 p. 381). With ever more euphemistic titles over time, these were institutions that had imposed segregation laws, designed and planned the homeland policy of separate development, overseen influx control, enforced permit-based systems of land rights for Africans,
appointed state-sanctioned traditional leaders, deposed dissenting chiefs, imposed Betterment planning and overseen forced removals (Hendricks 1990). This was a department that had reinvented itself over time, revising its guiding ideology and terminology, but with a consistent mandate through most of the century to address the ‘development’ of rural blacks.

When President Mandela announced that all civil servants could keep their jobs under the GNU, the new Minister of Land Affairs faced a conundrum. Existing bureaucrats could not be trusted to implement a land reform programme; they might sabotage the initiative from within the department (Adams interview, 2006). On the other hand, with job security guaranteed for a time, and a need for continuity in core functions ‘so that we do not lose much needed skills and experience’. He discouraged staff from taking severance packages, approving only 133 of 249 applications between 1994 and 1997 (MALA 1997a p. 2). The result was that only a small number of new staff could be brought in from outside, yet he needed new staff to design and implement land reform. Those best placed to become the new bureaucrats to lead land reform were the professional staff within the NGOs; they had solid academic qualifications and, in some cases, work experience in other countries. Among these, almost all were white. Most were drawn in as consultants during the first year of the renamed department’s operation.

The first two appointments in 1994 were white women: Joanne Yawitch as the Minister’s advisor, and Sue Lund as Deputy Director-General. By 1996 this ‘transforming’ department had the only two women DDGs in the country: Lund and Angela Bester (DLA 1996d). At that time, theirs were the only two offices in the
department from which the new land reform process could be run (Adams interview, 2006). Geoff Budlender of the LRC, already the Minister’s advisor and legal drafter since 1995, was appointed Director-General from 1 May 1996 (DLA 1996d). The new (but still mostly white) bureaucrats relied on outside partners, in civil society, in academia, and among donors and advisors, rather than on their own department, to develop land reform policy and, during its initial stages, to implement the policy.

2.3 Agriculture: Old minister, new management

Van Niekerk was one of very few ministers to retain their Cabinet posts through the political transition in 1994. Having been ‘own affairs’ Minister for [white] Agriculture under the 1983 ‘tricameral’ Constitution, then national minister when the separate houses of Parliament were dismantled in 1991, he had overseen processes of agricultural deregulation from the mid-1980s (Van Niekerk interview, 2005). Like the ANC, the NP too had no developed policy on the extension of ‘black farming’ into the ‘white commercial farming areas’ on the table by 1990 (Van Niekerk interview, 2006; Vink interview, 2005) and their initial attempts at land reform had elicited vociferous opposition.

The ANC and NP agreed on key appointments to the NDA, notably Masiphula Mbongwa and Bongiwe Njobe. Both were returned ANC exiles with expertise in agriculture who had been groomed to take over senior positions in government (Vink interview, 2005). The NP claims that it too was in discussion with them prior to elections and had no objections to their appointment (Van Niekerk interview, 2005). Both had contributed to the World Bank’s agricultural ‘Options’; together with three
Bank economists and two other South African agricultural economists, Mbongwa was one of its authors (World Bank 1994b). More notable contention came from within the department where the white establishment felt sidelined and a number of senior officials left soon after transition (Van Niekerk interview, 2005). These new managers inherited a department that had until recently been for ‘white agriculture’ only, and was still in the process of integrating various provincial agricultural departments and closing down Bantustan agricultural development corporations. Despite some turnover of staff, relations with its constituency of organised white agriculture in the form of the SAAU remained intact (Van Niekerk interview, 2005; Vink interview, 2005; Williams et al. 1998 p. 1).

Njobe was appointed DDG and in 1997 became DG. She had grown up in exile, had an MSc in agriculture from a Bulgarian university, worked for a private agricultural company in Zambia and, on her return to South Africa, enrolled for a PhD in agriculture at the University of Pretoria where she forged ties with key figures in the white agricultural economist establishment, including agricultural economist Johann Kirsten, her academic supervisor. Njobe had the backing of then Deputy President Mbeki, with whose family she had strong ties dating back to her childhood (Weidemann 2004 p. 234). She was Mbeki’s god-child and their families had been close during their years in Lusaka (Dolny interview, 2005). Njobe and Hanekom already had a strained relationship; they had fallen out during their time on the ANC’s Land Commission.

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21 Confirmed by an informant who preferred to remain anonymous on this issue.
The period saw deepening personal, political and institutional conflicts, in which Hanekom found himself isolated and alienated from Mbeki and his allies in Agriculture: Didiza, Njobe and Mbongwa. Hanekom worked from his ministerial office in the DLA throughout his term of office, even after his portfolio was extended to Agriculture in 1996 and he inherited an office in the NDA. This was later aggravated by his controversial appointment of Diana Callear, previously director of the LAPC, a former gun-runner for the ANC, to the post of DDG ahead of Mbongwa, who Njobe and Didiza supported to get the post, and despite then-Deputy President Mbeki taking the issue to Cabinet in an attempt to get the appointment reversed (Adams interview, 2006).

3 Constitutional parameters

From 1995, the Constitutional Assembly held nation-wide hearings to solicit input on the content of a final Constitution and a Bill of Rights. It gathered oral and written inputs and appointed working groups to sift through the dazzling array of contradictory proposals that these processes produced – a process documented and analysed elsewhere (e.g. Sarkin 1999).

As in the negotiations at CODESA, the question of property rights again became one of the ‘unresolvable lightning rods’ and precipitated a deadlock in the Constitutional Assembly in April 1996 (Klug 2000 p. 134). At stake was whether or not property – already regulated through statute and common law – should be given constitutional protection in a Bill of Rights and, if so, how the powers of the state to enact land reform and the rights of citizens to claim land rights would be balanced against the rights of existing property-owners. When the NP failed to garner support for any form of group
rights (such as a veto for whites or other minorities on certain kinds of legislation), it focused on the defence of individual rights, specifically property rights, as the last bastion of white protection against the redistribution of wealth (Klug 2000).

At hearings on property rights in August 1995 held by Theme Sub-Committee 6.3, three options compiled by the Working Group on Property Rights were presented and debated: two draft versions of a property rights clause and the option of not including a property clause in the Constitution (own observation). These were later included in the Draft Bill of Rights, published in October 1995 (Klug 2000 p. 135). Among those who opposed the inclusion of a property clause at the hearings were academics and lawyers who, drawing on experiences in Canada and New Zealand, argued that entrenching property rights in the Constitution would ‘insulate’ property owners from redistribution efforts and so ‘institutionalize or entrench imbalances and injustices in the distribution of property’ (Constitutional Assembly 1995 p. 26–55; own observation). Vociferous objections came from the PAC, based on its own alternative policy vision (PAC 1992), rather than from the ANC (Van der Walt 1999 p. 112). Although the debate was framed as one about land and land reform, the provisions would extend to all types of property. Arguments for the constitutional protection of property rights came not only from farmers’ associations and political parties representing white interests (the NP and the DP), but also big business and the mining houses (some of which had brokered ‘talks about talks’ with the ANC in the 1980s) (own observation; Klug 2000).

At the ‘Workshop on Land Rights and the Constitution’ following the hearings, the SAAU and NP agreed in principle on the need to redress past dispossession through land reform but disagreed on the means by which this should be done (Klug 2000 p.
Emerging from this workshop, and from written submissions, the Theme Committee submitted a compromise proposal to the Constitutional Assembly for a way forward: the Constitution should provide both explicit protection of property rights, and support for all land reform measures.

The ANC’s proposed constitutional principles included explicit protection of property rights subject to certain limitations, including the provision for the taking of property in the public interest, according to legal prescriptions and subject to the payment of compensation. Its suggested phrasing for a property clause attempted to balance competing public and private rights and interests but only in personal property, not corporate property:

A new system of just and secure property rights must be created, one which is regarded as legitimate by the whole population. This should include provision for access to land and for the redress of inequities, as well as the protection of personal property. (ANC 1995 p. 1)

The notion of a right of ‘equitable access to land’ was the least debated of all the clauses. It originated from a small group of ANC-aligned lawyers, including Budlender, who argued in favour of a regime of ‘property rights for the property-less’ to counterbalance

the property rights debate [which] centres on the right of those who hold property, to retain it… A constitutional package would place the landless and homeless in the position where they could make a claim of right rather than a petition for largesse. (Budlender 1992 pp. 299, 203)

In this way, even among those who had argued against a property clause, the idea was born of using a constitutional rights framework to impose a positive obligation on the state to provide suitable land and housing for the landless and homeless; it would
empower them to press their claims, and shape the behaviour of state officials to facilitate a responsive land reform.

The only way to achieve a true balance between... the rights of property-holders and property-less is to weaken existing property rights, as a matter of deliberate policy.’ (Budlender 1992 p. 304)

The compromise was made possible through the convergence of opposing interests. The key clauses finally agreed upon read:

1. No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

2. Property may be expropriated only in terms of law of general application –
   a. for a public purpose or in the public interest; and
   b. subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

3. The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including –
   a. the current use of the property;
   b. the history of the acquisition and use of the property;
   c. the market value of the property;
   d. the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
   e. the purpose of the expropriation.

4. For the purposes of this section –
   a. the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources; and
   b. property is not limited to land (RSA 1996a, Sections 25(1) to 25(4)).
The ‘property clause’ would thus grant safeguards to existing property-owners while mandating transformed property relations between the landed and the landless and between owners and tenants. Agreement between the political parties was reached at midnight on 18 April 1996. An (unsuccessful) application to the Constitutional Court alleging that it violated the non-negotiable principles in the Interim Constitution, with which the final Constitution was required to comply, delayed its certification until October that year, and the final Constitution was signed into law by the President in December (CCR 1996; Klug 2000 pp. 135–136).

4 Debating land policy principles

The first policy output of the DLA was its Draft Land Policy Principles, published in May 1995 and debated at its National Conference on Land Policy from 31 August to 1 September of that year. It proposed ‘a state assisted, market based and needs driven rural land redistribution programme’ (DLA 1995a p. 6). The ‘principles of programme design’ expressed the tensions already evident in the policy direction: it would be ‘demand/needs driven’ and have a ‘poverty focus’, prioritising ‘gender equality’ and ‘participation, accessibility and democratic decision making’ (DLA 1995a p. 6). Yet it would depend on ‘partnership between the private and NGO sectors and Government’ in which the role for government would be ‘as facilitator’, and would prioritise projects demonstrating ‘economic viability’ and ‘leverage of resources’ from beneficiaries themselves ‘in the form of credit and own contributions’ (DLA 1995a pp. 2–3).

The class agenda of land redistribution was amorphous. It would be directed towards ‘the poor’ and ‘entrepreneurs’, among others:
the main participants in the programme will be people who have been
denied access to land and decent living conditions, especially the
landless poor and women… ‘Emergent’ commercial farmers will be
included in the programme through benefiting from the state grants
available, which added to their own financial contribution, can form
the basis of leveraging loan finances. (DLA 1995a pp. 6–7)

It would enable labour tenants and farm dwellers to upgrade their tenure *in situ*, and
make possible equity-sharing schemes or off-farm settlements or ‘agri-villages’ for farm
workers. The programme would cater in different ways to its varied constituencies,
‘namely state assistance for land transfers to the poor and the creation of an
environment enabling disadvantaged entrepreneurs to access land financing through
market mechanisms’ (DLA 1995a p. 7). How these competing demands on the fiscus
would be met or adjudicated, and whether grant finance would be ringfenced for poor
households, was not determined:

> a decision has yet to be made whether all participating households
should be subject to a means test to determine levels of eligibility.
(DLA 1995a p. 8)

Two months previously, the DLA had clarified that it was *not* its intention that
‘emergent black entrepreneurs’ would be accommodated within the Land Reform Pilot
Programme (LRPP), and took a confrontational tone:

> While emergent farmers should, of course, have access to farm credit
and extension services, there is not a strong justification for large
government grants or subsidies to support them in land purchase…
Failure by the Department of Agriculture to understand this is a cause
of considerable unjustified criticism of the lack of an agricultural
component… Paradoxically, the Department of Agriculture will be
responsible for implementing the programme in at least four of the
nine provinces. (DLA 1995c p. 9)

DLA suggested that two separate grants it had proposed to meet distinct needs – a
‘household basic needs grant’ (HBNG) and a ‘land acquisition grant’ – be rolled into
one ‘settlement grant’ (DLA 1995c pp. 9–10). The LAPC’s ambitious initiative from 1994 onward to audit the demand for land had confirmed very widespread expressed demand, with 67 percent of respondents in a national survey indicating that they wanted access to (more) land to live on and use for production. It also showed that the vast bulk of this demand was for small plots, with nearly half (48 percent) indicating a desire for one hectare or less. It confirmed ‘universal and immediate’ demand for land for residential purposes (Marcus et al. 1996 p. 197) from which to supplement other incomes and to pursue ‘straddling’ livelihood strategies – rather than the idea of full-time farmers that underpinned Tomlinson’s vision. Many respondents aimed to use residential plots for gardening and hoped to be able to run livestock on commonage land. Agricultural production was found to be a secondary objective, to supplement income, rather than the primary demand among those surveyed. DLA argued that the LAPC findings illustrated that:

the majority of landless people in rural districts and dense settlements prioritise a secure residential site, services and access to income, rather than agricultural land, even if such land were available in the locality, which very often it is not. It was then realized that it would not be sensible to insist that allocation of the HBNG should be conditional on the recipient physically moving to new land. Further, the question arose whether poor households, who did not wish, or who are unable, to move to new land, would be deprived of the land acquisition grant. (DLA 1995c p. 9)

This provided a research basis to justify provision of a settlement grant and exclusion of a complementary grant for acquisition of agricultural land for farming at scale – more in line with Glen Grey than Tomlinson (see Chapter 2). While the target population was yet to be determined, the single policy instrument by which all these varied needs would be met was defined. It would take the form of a single once-off subsidy for ‘settlement and land acquisition’ which could be used to pay for land purchase and provision of
basic needs on this land, including water, sanitation, waste disposal, internal roads and fencing – but not housing. This was because the grant was set at a maximum of R15 000 ‘to be consistent with the level of the existing Housing Subsidy’ and as an alternative to it (DLA 1995a p. 8) because, in the view of DLA senior managers, this was the only way to get the land grant to be taken seriously by the Treasury (Lund in DLA 1997b p. 3; Lund interview, 1997). Beneficiaries would be registered on the same national database, so that any household receiving a subsidy for land could not also receive a housing subsidy. Rather like the target of redistributing 30 percent of farmland in the first five years, defining the level of the grant had been arbitrary, in the sense that it was not informed by a logic of appropriateness rather than a logic of consequentiality (March and Olsen 1989). It was adopted because it was the solution that conformed to an existing formula for state transfers and would encounter least opposition from within the state bureaucracy:

It was hugely unscientific, but there was huge pressure to make them [the land subsidies] conform to the housing grant. Sue [Lund] was the first to say, look, if you don’t have any clear rationale for why it should be anything different, we may as well make it on a par with the housing grant. And we didn’t have any clear rationale why it shouldn’t. (Aliber interview, 2005)

As Lindblom (1959) would have observed, the policy evolved by ‘branching off’ from existing and familiar policy.

Yawitch, Lund and Adams were instrumental in writing the initial strategy document which informed the Land Policy Principles, in which they included ‘back-of-envelope’ calculations for the cost of land reform (DLA 1995c). They assumed that land cost would be only a portion of the total grant available, estimating an average of just R4 000 out of each R15 000 grant being spent on land. Based on prices of existing
commercial farms, they estimated that the 1.7 million households wishing to gain access to more land could be supported with grants up to a maximum of R15 000 for a total cost of R29 billion (DLA 1995c pp. 17–18). None of this was based on an estimation of market prices of smallholdings and would only be feasible if very large numbers of households combined their grants. By the end of 1995, the DLA had conceded that the redistribution of land would be broadened to meet multiple target groups, including ‘emergent farmers’. However, this concession – a discursive expansion of the redistribution agenda – was prevented from becoming reality through the maintenance of a means-test grant until the introduction of new policy in 2001.

4.1 National Land Policy Conference

These policy principles were debated at the National Conference on Land Policy in Kempton Park, Johannesburg, which DLA (1995a) billed as ‘a forum in which people from across South Africa and from all walks of life will have an opportunity to put forward their views on a National Land Policy’. Though it was a DLA event, LAPC director David Cooper together with Joanne Yawitch, by then ministerial advisor, drove the process. Over 1 200 people attended.

Everybody was there…. The white farmers of course were there, very noisy and cross. Winnie Mandela was there, in great style. It was a big event… It was a massive conference in which people were letting off steam all over the place. Everybody walked [up] and said, yes, we made a very good speech. (Adams interview, 2006)

DLA commissioned the NLC and its affiliates to facilitate discussions with community representatives in a full-day pre-meeting to prepare their responses to the draft policy principles. NLC Director Abie Ditlhake presented these in summary to the plenary. Responses combined in-principle objections to market-based land reform – ‘we were
dispossessed and should not have to pay for land’, and ‘farmers should not get market price since they acquired and developed the land with state support’ – with operational concerns which presupposed a market-based framework – ‘the grant is not big enough’ and ‘there will need to be interventions to contain land price inflation’ (DLA 1995d pp. 1–6). Some of those demanding free land were not the poor, but the well-off, using an inclusive discourse of the poor and landless to press their demands (Adams interview, 2006).

The NLC network argued that within a ‘demand-led’ programme, people born on the land in question, including farm workers and labour tenants, should have priority over outsiders (NLC 1995a, 1995b). Land would, in most instances, form part of a diversified livelihood strategy for the poor, and visions of full-time farmers servicing debt payments from their own production were unrealistic (Lebert 1995). While objecting to both top-down statist and market-based approaches to land reform, the NLC emphasised the ‘social function of property’, drawing on the Latin American experience where land that was not fulfilling its ‘social function’ – was left idle or under-utilised – could be expropriated (Lebert 1995 p. 12; Pearce 1995 pp. 8–9). Ironically, the insistence that property rights should be contingent on ‘efficient use’ was later invoked in 2008 by the third post-apartheid Minister of Agriculture and Land Affairs, Lulu Xingwana, when she announced (but never formalised) a ‘use it or lose it’ policy and, under this rubric, confiscated redistributed farms from ‘beneficiaries’, taking advantage of her department’s failure to transfer title deeds to beneficiaries to exert state control over land use (Ebersohn 2009).
At the 1995 conference, the NGOs together with the community representatives were the most vocal and dominating presence. While their principal concerns were ideological, the DLA leadership consulting them was more concerned with the detail of policy instruments.

It didn’t feel that we were going through the motions of consultations. We were engaging seriously, but there were certain things that were not up for grabs – the market, etcetera, were already in place. There was openness to shift in other areas, around mechanisms, but perhaps NGOs weren’t focused on these… it was difficult… because people wanted land and they wanted government to find it and allocate it and sort it all out. It was difficult for them to engage around the practicalities of how you are going to do that. (Steyn interview, 2005)

Those representing landowners, including the SAAU, questioned under what conditions they would be compelled to sell but also warned of declining production and environmental degradation. The Stockowners’ Cooperative expressed concern that redistribution would give way to sprawling rural slums (DLA 1995d pp. 8–9). Remarkably, the commercial banks were not invited to the conference; the presumption of the DLA was that the poor would not be seeking loans (Steyn interview, 2005).

The design of the event provided a space for ‘stakeholders’ to ‘vent’ their disapproval of the policy as outlined in the Principles document, before government laid out further details of its proposals. Martin Adams, newly arrived as the British government’s technical advisor to DLA, recalls the strategy that went into the design of the programme:

The first day is really devoted to letting everybody stand up and say something. And at the end you present something, you lay out the table, you set out the stall… You keep all that in the background [beforehand]. You have a debate. And I reminded them [DLA and LAPC staff] that this is exactly how we handled it in Namibia. In fact, that meeting was modelled on the National Conference on Land
Reform and the Land Question [in Namibia in 1990] that I designed. 
(Adams interview, 2006)

The ‘pre-consultation’ with communities prior to the formal opening of the conference served the purpose of enabling much of the critique to be aired beforehand, in a closed session, and then summarised, interpreted and reported at the main conference by the NGOs rather than the rural communities themselves. The rural communities pointed out that ‘it seems as if this process (the conference) is for the communities to rubberstamp because decisions have already been taken’, and complained that ‘only one hour was available for people to discuss the policy proposals put forward by government’ (DLA 1995d pp. 1, 6). But the DLA chairperson lectured the conference delegates about policy making and participation.

If policy making should start with the people then it must empower them. Policy was a set of ideas to be tested in the real world. Policy must not be handed down to people and engraved in stone with no room for people to make decisions. Policy makers must create conditions in which people could articulate their needs. They must listen and have the humility to recast the policy to suit the people’s needs… The people knew where they wanted to be. The role of policy makers was to walk alongside the people at the people’s pace and to help identify and remove obstacles along the way. .. The challenge for policy makers was to allow the people to own the journey and plot their own course. (Précis of input by DDG Angela Bester, cited in DLA 1995d p. 11)

5 Piloting land reform

While policy making continued, implementation got underway. Land reform started with a small number of ‘Presidential lead projects’ as part of the Reconstruction and Development Programme (RDP) (DLA 1995b). The RDP, located in the President’s office with its own minister and funds, could ‘kick start land redistribution’ with a two year Land Reform Pilot Programme by providing R270 million over three financial
years (DLA 1994; DLA 1995f). DDG Sue Lund, a former NGO activist with academic training in development studies from the University of East Anglia, would be its programme manager. As it turned out, the pilot programme outlived both its planned lifespan and the patience of its designers.

The LRPP started in late 1994 and was formally launched on 28 February 1995, with just one pilot district in each of the nine new provinces (DLA 1995f). At the time, Hanekom admitted that ‘As far as redistribution is concerned we really are treading on unknown terrain’ and ‘we have to move ahead cautiously’; pilots were needed to try out different policy and administrative mechanisms from which policy makers could learn (DLA 1995f). The LRPP was implemented via agency agreements between DLA and the provinces, each of which designated a responsible implementing provincial department to work with a Land Reform steering committee comprised of national DLA, other national and provincial departments, district councils and NGOs (Adams et al. 1999). In practice, much of the implementation was outsourced to NGOs which had closer links to these rural communities than the new state authorities, while DLA began to constitute its own provincial offices to take over implementation, in part by carrying over staff from the NGOs.

5.1 The donors sign up – and send in their experts

After 1994, several donors were able to embed their staff within the DLA. This took the form of a major donor-funded land reform support programme (LRSP) with substantial financial commitments from the European Union (EU), Denmark (DANIDA) and United Kingdom (ODA, later the Department for International Development, DFID) –
the same donors that had funded the LAPC. Brian Grimwood and John Howell of ODA, and Martin Adams (later of ODA), initiated the relationship between the British government and the DLA. Howell and Adams had approached Yawitch in 1994 about providing support to the new department after the elections (Adams interview, 2006).

The LRSP was the primary vehicle for a continued donor role in land reform after 1994; it was the means by which they channelled funds in support of land reform, and sought to influence the process. The donor consortium provided research grants and technical assistance to the LAPC for policy development and the design of monitoring and evaluation. Given this locus of policy making outside of the department at that time, it only provided training, not technical support, to the DLA (DLA 1994 p. 5). Over time, with new departmental staff in place in senior management positions, LRSP funds became an important lifeline, enabling them to commission research. Each of the three donors involved in the LRSP sent one technical representative to provide advice. With donor staff now embedded within the new department, working with the small team of new bureaucrats, the line between technical support and policy influence was blurred: ‘I was called in to lead a team to put this pilot programme together… It wasn’t to design the pilot programme, but to take it as it had been conceived [and] polish it up in a way that would be acceptable to the donors’ (Adams interview, 2006).

Donors also enabled continuity in policy networks. By 1995, with donor funds, LAPC consultants were working directly for the new DLA senior managers, preparing policy documents and discussion papers. This network of established academics and policy thinkers were mostly South Africans (including returned exiles) as well as a handful of foreigners, mostly linked to the Land Tenure Center. They continued the role they had
assumed in the transition period prior to 1994 of preparing policy background and options papers in response to requests from DLA, and specifically head of land reform policy, DDG Sue Lund. With her, they had an ‘informal relationship, where she would ask us to do something and we would do it’ (Aliber interview, 2005). Now their influence on policy was more direct.

5.2 Learning from the pilots

The LRPP had been founded on five assumptions: 1) that lack of economic opportunities would not result in loss of land (through sales or repossession) following land reform; 2) that DLA would not be obliged to speed up land redistribution before lessons were learnt; 3) that communities would be able to exert effective control over their land, regulate use by members and exclude non-members; 4) that the LRPP would not crowd out other redistribution initiatives in the private sector; and 5) that the shortage of blacks in the ranks of implementing teams would not impede the programme’s success (DLA 1995e p. 4). With the one possible exception of crowding out the private sector, by 1999 all these assumptions were proven untrue.

Making policy and testing it through the pilots proceeded simultaneously. An early lesson drawn from the pilots was the need for DLA to restrict itself to fewer projects, to plan better and to aim for more sustainable outcomes – rather than to roll out at scale (DLA 1996c p. 22). Yet political pressure to deliver a national programme of redistribution meant that the pilots would have to give way to delivery at a greater scale, while attempting not to replicate the problems already encountered in the pilots, within the same institutional framework and using the same policy instruments.
During the pilots, the LAPC co-ordinated a Land Reform Research Programme of community and district case studies covering all nine provinces. This undertaking employed more than 100 researchers and produced reports on commercial agriculture, employment, administrative and institutional structures, gender issues, irrigated crop production, land use and livestock production, all of which were drawn together into provincial synthesis reports (Marcus et al. 1996 pp. 202–205).

5.3 Not learning from pilots

Despite the impressive degree of expertise brought to bear, in many respects policy makers failed to learn from the pilots. Pilots satisfied a political need to demonstrate that concerns with the policy framework would be tested, and an operational need to forge partnerships and focus efforts initially on a few districts. But, as explained below, the scope to learn from them was limited: first, the choice of sites for pilots made ‘success’ unlikely; second, while their purpose was to test policy instruments, only one was applied; and third, contradicting stated policy intentions, institutional problems aggravated the tendency towards centralisation.

First, the original plan for the LRPP expressed the hope that land conflicts in the pilot districts will not prove too intractable’ (DLA 1995e p. 6). Yet as Drimie (2000) showed in relation to the multiple conflicts over land at Impendle in KwaZulu-Natal, and as the final review of the LRPP confirmed for all the other pilot districts (McIntosh et al. 1999), LRPP projects tended to focus on problem areas where the pressure on land was acute and where recent dispossession – particularly evictions from white-owned farms – remained a grievance. This arose in part from the insistence by the NLC that pilots
focus on the communities that its affiliates already worked with and who had ‘articulated their land needs’ (Lebert 1995 p. 16). These were among the first groups to organise themselves and come forward as ‘projects’ ready to identify the land they wanted, though many pursued multiple routes to gaining land simultaneously, through restitution and labour tenant claims, as well as the redistribution pilots. Lund (interview, 1997) observed that the NGOs chose conflict areas, where overlapping claims on tenure rights and community frictions were already evident.

Second, although three methods of land access were to be tested in the LRPP – subsidised purchase of land, sectional title options for farm workers, and rental of state land – in practice it became a ‘one-size-fits-all’ programme of disbursing standardised household subsidies for land purchase and basic settlement and infrastructure costs (DLA 1996b). The NLC complained that ‘on the other two options there is not any information’ (Lebert 1995 p. 17). Michael Aliber, previously with LAPC and then DLA, confirmed that ‘already then, in 1995, a lot more imaginative options of what could be done in a pilot had fallen away, and we were just working on a standard household grant’ (Aliber interview, 2005). Loan subsidies and rent-to-buy options had been proposed but were not tested. The pilot experimented with only one mechanism, which was found to be hugely inappropriate to the varied contexts to which it was applied. Despite this becoming apparent fairly quickly, and confirmed by two internal reviews (DLA 1996c; Duncan et al. 1996) and two donor reviews (DANIDA et al. 1997; McIntosh et al. 1999), the same grant mechanism was rolled out after the pilots.

Third, institutional problems beset the pilots. The DLA policy team envisaged that the Minister could delegate responsibility for LRPP implementation to relevant provincial
departments (DLA 1994 pp. 6, 10). This did not happen. Instead, the DLA bypassed the provinces, with its own national staff co-ordinating pilot activities through ‘land reform steering committees’ in each province. Attempts to get a full range of public, private sector and community ‘stakeholders’ to draw up district land reform plans were successful only in KwaZulu-Natal and the Southern Cape. Elsewhere, district-level land reform planning was abandoned in favour of project-level planning, in the face of disinterest and work overload among district councils. A ‘lack of capacity at the grassroots level’ aggravated the problem, the department had neither time nor money to engage more thoroughly with ‘communities’ to develop their ‘capacity’ and the chances that other government departments and district councils ‘would bring about coordinated development [were] remote’ (DLA 1997d pp. 7–8). DLA would have to align where possible with other spheres of government, but its most obvious counterparts, the provincial Departments of Agriculture, had neither programmes nor budgets to complement its pilots. As early as 1997, DLA had discovered that it could not rely on effective partnerships with Agriculture or the provinces – let alone the district councils – to implement its programme.

5.4 **Land reform goes national**

The pilot programme ‘was to run for two years, but you couldn’t hold up the rest of redistribution outside the pilot areas’ (Adams interview, 2006). An Institutional Review (Duncan et al. 1996) of the LRPP, headed by FSG, confirmed that the relationship between the pilot office and the responsible provincial departments was often weak; there were tensions between the pilot office and the DLA provincial offices which had by then been established; decision making within the DLA in relation to the pilots was
over-centralised and the role of the provincial DLA director was unclear; and Steering Committees had largely failed to get provincial government departments, most crucially Housing and Agriculture, to align their plans with the pilots.

The DLA lacked the personnel ‘to manage and facilitate an administratively complex legal and technical operation’ involving 19 steps, all of which required authorisation via departmental route forms. While responsibility for identifying land and negotiating with sellers fell on applicants, the DLA found that it became deeply involved in ‘ensuring that the interests of communities [were] protected against sellers’ and that ‘government funds [were] spent prudently’ (DLA 1995c p. 4). The Institutional Review provided the basis for DLA to abandon its pilots, and respond to political pressure to scale up.

What Sue [Lund] did really was to bang the pilot on the head so that she could go nation-wide, and that’s what the institutional review was all about… drawing a line under the pilot programme to go national. (Adams interview, 2006)

5.5 The donors review land reform

Two years into the LRPP, and despite coinciding with the final stages of policy formulation, the mid-term review of the pilot programme was overwhelmingly concerned with operational and institutional difficulties in implementation, rather than with the design of the programme itself. It proposed that the donor consortium extend its support for a further two years (DANIDA et al. 1997). The review was co-ordinated by PLAAS – the one dedicated research institution focusing on land reform at the time. The mid-term review pointed to a tension in the logic of the redistribution programme: while its objective was to reach the poor, the disadvantaged and, in particular, women, applications for land transfer were assessed on the question of whether the beneficiaries
could demonstrate ‘the wherewithal in terms of capital and skills to sustain their new community’ (DANIDA et al. 1997 p. 10). The grant design was problematic: as well as forcing people to pool resources and to form large groups, often with little in common, the grants were insufficient to enable people to invest in productive land use. It warned that

the new “communities” established through land reform will become no more than new bantustans, where people are dumped in settlements with no visible means of supporting themselves. (DANIDA et al. 1997 p. 24).

A year after the national roll-out of redistribution in 1996, more land had been redistributed to more households outside of the pilots than in them, and the average length of time from application to land transfer was substantially less than within the conflict-ridden pilots. ‘The LRPP was wound up by 1997, having redistributed about 125 000 hectares of land to about 8 500 households’ (Adams et al. 1999 p. 6). It had created 13 projects in just three provinces (DANIDA et al. 1997 p. 20). In the rest of the pilots, two years had seen extensive planning but no land transfers. DLA had only managed to spend 17 percent of the donor funds allocated for the two years.
Table 1: Number of households/ hectares with registration of property rights, July 1997

<table>
<thead>
<tr>
<th>Province</th>
<th>Households</th>
<th>Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pilot</td>
<td>Non-Pilot</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>0</td>
<td>638</td>
</tr>
<tr>
<td>Free State</td>
<td>84</td>
<td>487</td>
</tr>
<tr>
<td>Gauteng</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>1 242</td>
<td>1 828</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>0</td>
<td>2 634</td>
</tr>
<tr>
<td>North West</td>
<td>0</td>
<td>200</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>970</td>
<td>278</td>
</tr>
<tr>
<td>Northern Province</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Western Cape</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2 296</td>
<td>6 140</td>
</tr>
</tbody>
</table>


The review recommended a number of ‘policy adjustments and studies’. On acquisition, ‘Beneficiaries should not be required to sit down to negotiate land sales with landowners themselves’, but rather DLA should have dedicated teams to negotiate land purchases in consultation with applicants (DANIDA et al. 1997 p. xx). Neither proposal was implemented. Despite its observation of the effects of the small standardised household grant, the review made no recommendations about revising the grant. The mid-term review pointed out that:

from the outset there has been a tension between the need to experiment and the need to develop intelligible, standardised, replicable procedures that could achieve delivery on a significant scale. (DANIDA et al. 1997 p. 8)
6  Ideology meets pragmatism: Communal property associations

To provide a legal mechanism to enable ‘communities’ to own redistributed land, DLA prepared legislation to ‘recognize group ownership schemes’ through which rural communities could hold and manage land (and other property) jointly through a new type of legal entity, a ‘communal property association’. CPAs could hold redistributed land subject to a written constitution requiring elected democratic governance and members’ participation in decision making regarding the allocation, encumbering or alienation of property (RSA 1996b). In these ways they differed from existing legal entities on offer – like trusts or close corporations – and would be consistent with the spirit of ‘community’ ownership that was embedded in policy. The model introduced a new form of tenure to the heartland of white agriculture, imprinted with constitutional principles of democratic governance and gender equity. Objections to this model came from varied quarters. Agricultural economists were dismissive of the attempt to forge community ownership rather than individual entrepreneurship, a view epitomised by Binswanger:

There was this communist attachment to collective farming especially among the white liberals who were in charge. (Binswanger interview, 2004)

But the focus of the Communal Property Associations Act 28 of 1996 and the thinking behind it were not about the form of agricultural production, but a type of landholding within which land might be allocated to members. NGOs pointed out that CPAs were seen as usurping the roles and powers of traditional leaders, and were encroaching on the mandate of local government to do land use planning and zoning (Sekele 1997 p. 8). In this way, they were comprehensively alienating perhaps the two most influential
local institutions of rural governance, and isolating themselves from services and support – as well as from sources of patronage.

Yet for the lawyers and activists who were designing policy – from within the DLA, the LAPC and the NGOs – the purpose of CPAs was to create communal property in the freehold areas, and to promote its democratic administration. While small grants would make pooling of grants to buy farms a necessity – and therefore a mechanism for joint holding of land was required – the origins of the CPA model appeared to have a quite different genesis. As well as being a technical solution to the question of group-based land purchase, it was an ideological attempt to integrate dualistic tenure regimes. The activists and lawyers conceived of CPAs as a way to create a democratic community-based tenure regime, which drew on the best aspects of communal tenure as practiced in the ex-Bantustans while avoiding the patriarchal and authoritarian aspects of tribal authority.

Group production projects arose not only out of participants’ preference to occupy and use land as a group, but also the specific needs of livestock-owners to have access to sufficient grazing land – for which subdivision into smallholdings would not be feasible (DLA [1999q] pp. 1–2). They were considered in some instances to be a ‘transitional’ phenomenon; once transferred, participants expected to be able to subdivide the land into household smallholdings (Steyn interview, 2005).

We had anything in mind anything but the kind of group production type models that eventually emerged.... [We presumed] some kind of subdivision. We never really got into the issues of formal or informal subdivision. But we assumed that the style of land use would be similar to that which prevailed in the former homeland areas, and not something new that would be concocted. It was also very much premised on part-time farming, because we just sort of accepted that
the level of the grant would be too modest to accommodate anything else. (Aliber interview, 2005)

DLA anticipated that beneficiaries were ‘unlikely to face’ indirect costs of transfer, such as township establishment and subdivision (DLA [1999q] p. 2). Where this did happen, it would be for beneficiaries’ own account and would have to come out of their settlement planning grants. As well as being the prime means by which communities would hold land transferred to them via the land redistribution and restitution programmes, DLA expressed the hope that these new property arrangements would be adopted in the former homeland areas – and so apparently resolve the problems besetting people living under an ailing communal tenure regime (DLA 1995a p. 12).

7 Confirming policy: A Green Paper and a White Paper

The Green Paper on South African Land Policy – the penultimate version of the first land reform policy – was published for comment (DLA 1996a) and presented at a parliamentary briefing in February 1996. It emphasised that redistribution would be neither state- nor market-driven, but rather a ‘state-assisted’ programme ‘taking place within the context of the market’ (DLA 1996e). Applicants themselves would be the drivers, who would take advantage of market opportunities with state assistance. The Green Paper proposed two redistribution grant-financing structures. One was a fixed R15 000 grant for ‘the poor and landless, particularly women’ and was means-tested, later confirmed as SLAG.

The government acknowledges that the Settlement/Land Acquisition Grant alone will not provide the resources necessary for a person to enter the commercial farming sector. It is not, however, the intention that the grant should fulfil this function on its own. If there are to be grants for land acquisition, then they should be modest subsidies so that as many eligible people benefit as possible. (DLA 1996a p. 28)
A second, means-tested grant for people already having ‘a foothold in agriculture’ would encourage them to invest their own capital and leverage credit to acquire more land (DLA 1996a p. 52). This would consist of a 20 percent contribution to the first R50 000 of land cost, and a further 10 percent of the next R50 000 of land cost – a maximum of R15 000 in state grants (DLA 1996a). While the level of subsidy was variable and would be leveraged through applicants’ own contributions, its maximum was set at the same level as the SLAG. This model harked back to the DRLA model, and would later be revived in more generous terms as LRAD (see Chapter 5). Hanekom disagreed with it, and it was written out of the White Paper (DLA 1997a; Adams interview, 2006).

The white commercial farmer lobby had objected to the absence of an ‘emerging farmer’ programme, and the main reason for entertaining such an option by DLA was ‘to generate conditions which allow the farmers’ lobby to perceive themselves as part of the process of land reform and not feel that they are having policies imposed upon them’ (DLA 1995c p. 14). DLA implementers, too, warned that if land acquisition and settlement support for the poor were the only support on offer, ‘the more successful members of the community could grab benefits intended for the poor’ (DLA 1995c p. 14). Despite both political and operational reasons for providing distinct forms of support to address varied needs, the discourse of reform being for ‘the poor’ persisted, and the Green Paper’s attempt to provide a parallel mechanism for ‘entrepreneurs’ – pilloried by the NGOs, rural communities, and by the Minister himself – was thwarted.

The NGOs and community formations they worked with were not alone in feeling that the Green Paper did not reflect their repeated objections to the direction of land policy.
White farmers greeted the Green Paper with derisory contempt, declaring ‘here come the pinkos’, observing that:

As far as we could gather, the Green Paper would contain nothing that hadn’t already been on the Department’s agenda a year before – and in Derek Hanekom’s mind a year before that. (Fiske 1996 p. 199)

Redistribution was naively assumed to be

helped along by nine provincial governments obedient to the central one – in a way that will still acknowledge individual property rights and attempt to compensate everyone deprived (except the dumb taxpayers who will have to foot the bill). (Fiske 1996 p. 199)

The detail of policy design, the work of a small group of internal actors including Lund, Yawitch, Adams, Steyn, Aliber – almost entirely white South African women and foreign white men – was concerned with reconciling the requirements of state bureaucracy with the parameters of the new Constitution. Yet ‘a lot of policy was made through proposal writing and through determining what would be acceptable to donors’ (Steyn interview, 2005). Extensive consultations on the Green Paper were held across the country in a series of large workshops. While the task teams that provided the content for the Green Paper were technically oriented, engagement with stakeholders was politically oriented (Steyn interview, 2005).

We didn’t change a hell of a lot which some people might take to mean that we didn’t really listen, but it wasn’t done in a way that we felt we had to do it. We were doing it from a genuine perspective… But people had to have a sense of hope in how land was going to be dealt with… We didn’t satisfy many people, but the reason we needed to have open, consultative processes was people needed to feel they had access: even if their views don’t become policy, they weren’t ignored. (Steyn interview, 2005)

After many reviews, Cabinet approved the White Paper on South African Land Policy on 16 April 1997 (DLA 1997a). At its launch Hanekom outlined his vision of secure
tenure for numerous communities gaining access to land for basic livelihood purposes, and introduced the White Paper as representing ‘the path on which we are going to travel, to reach this happy ending’ (MALA 1997b p. 1).

8 Rural development

While land reform was the mandate of a single national department, rural development was constitutionally defined as a provincial mandate (RSA 1996a). As a cross-sectoral issue, this made sense but posed political and institutional challenges, given the state of the new provinces. The ANC mandated the RDP office located in the Presidency to develop an overarching policy framework. In 1995, under the direction of Diana Callear, it published a Rural Development Strategy (RDS) discussion document, under the heading ‘putting rural people in charge’ (RSA 1995a).

The Strategy was the work of the RDP Rural Development Task Team, drawn from departments with major rural programmes, including DLA’s pilot programme, Agriculture’s Broadening Access to Agriculture Thrust (BATAT), Public Works’ community-based public works programme, and Water Affairs and Forestry’s water projects, among others, and ostensibly built on their experiences of implementing these presidential lead projects (RSA 1995a). Described by its detractors as a ‘rag bag of trifles’ (Adams interview, 2006), it proposed an integrated rural development plan that would centre on participatory development planning driven by rural people themselves, coupled with an infrastructure programme and development of rural markets for agricultural produce.
Originally intended as a Green Paper, the Strategy never achieved any official status. It could not be recognised as a Green or White Paper, which only line ministries could adopt, though these designations were not always clear to officials working on the policy documents at the time. After a period of consultation, instead of being formalised or adopted, the RDS was left with no institutional home when the government’s RDP Office was closed in 1996. DLA was then mandated to develop a new policy framework on rural development, which would serve as a basis for intergovernmental coordination, which it would spearhead. At this point any formal co-operation in developing policy disappeared; with the demise of the RDP office, the Rural Development Task Team ceased to exist, and the work of ‘rural development’ became synonymous with Land Affairs – a shift later reversed with a new era of centralisation within the Presidency under Thabo Mbeki from 2000 onwards.

On the basis of the RDS, DLA – and specifically Britain’s technical advisor – drafted a Rural Development Framework (RDF) (RSA 1997). The NDA was not involved in any way nor was there much input from within DLA itself: ‘Frankly, it was a solitary task, nobody was interested in it’ (Adams interview, 2006). Yet it envisaged aligned programmes and co-ordinated planning across tiers and spheres of government. It noted the challenge of devolving development planning to rural local government, and focused on land reform, rural non-farm employment, rural social services and rural infrastructure (RSA 1997). Like its predecessor, the Strategy, the RDF languished in policy limbo; it was confirmed as state strategy only in 2000, at precisely the moment at which it was overtaken by a new policy framework, the Integrated Sustainable Rural
Development Strategy (ISRDS) (RSA 2000a p. 22; see Chapter 5). As it turned out, the RDF was stillborn.

Resulting from these processes, the absence of clarity on rural development through the 1990s created a vacuum in which land reform was understood to be the lead programme (Everatt 2003). This prompted the DLA to expand its remit in a process of ‘mission creep’. Without support from the Executive and without authority over other arms of government, DLA ultimately failed to put in place an intergovernmental framework to guide rural development. The stalled attempts at rural development policy in this period point to ambivalence on decentralisation and a proliferation of ‘unfunded mandates’, not least for DLA itself.

9 Parallel policy processes: Agricultural reforms

While DLA was making new policy and establishing its ambitious programme of land reform, this period was one of consolidation and continuity for its counterpart, the NDA. By 1999, a series of tensions and contradictions had become apparent, both between agricultural and land policies, and within agricultural policy itself. Deregulation in agriculture was energetically pursued and comprehensively implemented, while the policy commitment to favouring of small farmers through the diversification of farm sizes and production systems was almost wholly unimplemented, not least due to opposition from white and some black farmers, and within the Department itself.
The ANC’s Agricultural Policy of 1994 credited the LAPC’s work and set as its primary objective ‘equitable access to and optimal use of agricultural resources’, combining the equity and efficiency principles – themselves in tension with one another – that underpinned the World Bank’s proposals and which came to shape policy statements over the coming decade (ANC 1994e p. 2). The new government continued the initiatives started in the 1980s to deregulate agriculture and adopted new reforms to ‘deracialise’ agriculture. Production would be diversified across a range of scales (ANC 1994e). Training and extension services would re-oriented to ‘support the establishment of a small farmer sector’, ending years of policy bias against small black producers and in favour of capital-intensity, while marketing systems would be reformed to ensure equitable market participation by disadvantaged producers (ANC 1994e p. 2).

These competing and contradictory visions for the future of agriculture were refracted through policy processes which produced a White Paper on Agriculture in 1995 which aimed to bring small-scale farmers ‘into the mainstream’ (RSA 1995b p. 4) and an Agricultural Policy three years later (MALA 1998), neither of which established a system to support beneficiaries of land reform to farm the land they had acquired.

9.1 Deregulation and liberalisation

The 1990s were marked by a shift in policy from national self-sufficiency in food production, which had been the hallmark of apartheid-era and sanctions-era policy, to competitiveness in world markets. Primary agriculture continued its sectoral decline – the ‘agrarian transition’ – contributing a declining share to the GDP while increasing output, productivity and profits. As a sector, it adapted rapidly to new economic and
policy conditions, becoming competitive in global markets, though there were winners and losers in the process (Vink and Hall 2010). Among the winners were larger owner-operated farms and vertically integrating agribusinesses engaged in production, processing and distribution; among the losers were smaller and less capitalised owner-operated farms and, significantly, farm workers (Vink and Kirsten 2003).

The cluster of agricultural reforms pursued in the 1990s included the dismantling of tax breaks and subsidies on inputs, production, credit and export – all of which were removed by 1997. As Van Schalkwyk et al. (2003 p. 119) observed,

> agricultural marketing in South Africa virtually went full circle in the twentieth century – from a laissez-faire system to one of very rigid market controls and back to a system with fewer controls and less government intervention than in most countries in the world.

By 1998, South Africa’s level of agricultural subsidisation (the proportion of the gross value of production that comes from state support) was one of the lowest in the world after Australia and New Zealand, with a Producer Support Estimate (PSE) for agriculture of about 4 percent. By the end of the 1990s, total government spending on agriculture was less than half of 1988 levels, in real terms (Vink and Kirsten 2003 p. 6).

The most significant reforms for commercial farming were deregulation of the 22 marketing schemes that had operated within a ‘single channel’ fixed-price system, in which state-owned marketing boards had monopsony and price-fixing powers and were the conduits for the sale of most agricultural commodities. These reforms and the Marketing Act of 1996 followed the recommendations of the Kassier Committee of Enquiry into Agricultural Marketing (RSA 1992). Among the regulatory tools that disappeared with the marketing boards were price fixing; registration of producers,
traders and processors; allowing or prohibiting the use or construction of storage and handling facilities; transport tariffs, marketing quotas and levies; and the removal of surplus, through storage, export or destruction (Van Schalkwyk et al. 2003; Van Zyl et al. 2001; Vink and Kirsten 2003). The net effects of marketing regulation were increased commodity prices, but also increased costs of agricultural inputs, which had a reinforcing effect.

Discourses used to justify agricultural reforms proposed and implemented drew from recent World Bank advice to remove market ‘distortions’, providing a scientific basis for pursuing the political project of dismantling the architecture of state subsidisation of white farming and reducing budget commitments. In line with the World Bank (1994b), agricultural policy affirmed that:

> Government intervention in agricultural marketing should… be limited to the correction of market imperfections and socially unacceptable effects. (RSA 1995b p. 12)

The White Paper confirmed the end of the era of cheap credit, insisting that all interest rates should be market-related and that the ability to repay be the primary criterion for extending credit. The Strauss Commission of Inquiry into the Provision of Rural Financial Services led to the closure of the Agricultural Credit Board in 1997 and the restructuring of the Land Bank to become a wholesaler of finance without budget transfers from the state (Strauss Commission 1996). Although making recommendations about the future role of agricultural institutions, the Commission was appointed by and reported to the Minister of Land Affairs (DLA 1995f).
The effects of these policy reforms were rising imports and (more rapidly rising) exports, declining employment, growing commodity price volatility and, initially, a decline in capital investment in agriculture and the value of farming assets (Hall 2009c). A further outcome was a consolidation of farming units, which declined in number from 60,983 in 1996 to 46,000 by 2002 (NDA 2004c, p. 6). Deregulation was coupled with trade liberalisation that proceeded faster than required by South Africa’s accession to the Marrakech Agreement, involving the conversion of all forms of protection into tariffs and then the reduction in both the range of tariff lines and their levels. As Bernstein (1996b, 1996c) observed, there is no such thing as a non-regulated market; the question for political economy is what kinds of regulation are normalised. He showed how ‘deregulation’ of the South African maize industry amounted to the withdrawal of state regulation, which in turn allowed the privatisation of regulation, not least by the privatised co-operatives, and thereby the reproduction of white agrarian power.

### 9.2 The politics of scale: Smallholders or commercial farmers?

Agricultural policy over time reversed the ANC’s original commitment to smallholder-led agricultural growth. Unlike land policy which aimed to establish ‘small farmers’, agricultural policy envisaged that markets should determine the scale of production: ‘The regulatory framework for agriculture will be scale neutral and will facilitate participation in production and marketing by new entrants to farming’ (RSA 1995b, p. 7). While part-time farming should be supported, the policy emphasised that productive land should be reserved for agricultural production – implicitly, (full-time) commercial farming at scale (RSA 1995b, p. 10).
Longstanding obstacles to the subdivision of land were not decisively confronted. Although the Subdivision of Agricultural Land Act Repeal Act 64 of 1998 (repealing the Subdivision of Agricultural Land Act 70 of 1970) was approved by Parliament and published in the Government Gazette on 28 September 1998, more than a decade later it had still not been signed into law by three successive Presidents (own observation). Despite exemptions from these restrictions for land reform in terms of Act 126, agricultural officials continued to withhold permission for farm subdivisions (Mbongw public statement at National Land Summit, 2005; Thomas interview, 2005). The Agricultural Policy of 1998 illustrates the slippage in policy from the ANC’s original plan to create a small-scale farming sector to a policy aimed more generally at supporting black farmers:

The concept of small scale agriculture in South Africa is laden with subjectivity and has been associated with non-productive and non-commercially viable agriculture. In recent years, some effort has been made to find a socio-economically accurate definition of a small scale farmer that was relevant to South Africa. An appropriate definition would then enable the Government to make black farmers the target of various support measures that would improve their access to resources, thus redressing the inequities created by past apartheid policies. The problem is that black farmers are not a homogeneous group and a number of them cannot be defined as small scale, whether ‘small’ refers to land size, income or labour utilisation. The question is whether a precise definition of small scale farmers is required. The reality faced by small scale black farmers is recognised. In general, most black farmers, whether small scale or not, have limited access to land and capital, and have received inadequate or inappropriate research and extension support. This has resulted in chronically low standards of living and reliance to a greater or lesser extent on subsistence production. To achieve the Government’s objectives of black empowerment and poverty alleviation, policy must address problems faced by black farmers in general and resource-poor farmers in particular. (MALA 1998 p. 11)

The White Paper did not define policy but rather set out a general statement of principles which the Agricultural Policy of 1998 elaborated in more detail. ‘The need
for a coherent and co-ordinated policy framework essentially requires that there should be *no parallel policy-making processes’* (NDA 1997 p. 2, original emphasis). But, as shown here and in Chapter 5, there were.

### 9.3 Farmer settlement

The notion of ‘mainstreaming’ new entrants into the sector informed the NDA’s Broadening Access to Agriculture Thrust. It was to provide training and funding to new black farmers to form farmer associations, revive agricultural colleges, reorient agricultural research institutions and, in place of state lending, develop a state credit guarantee scheme so that private financial institutions would lend to new and small farmers (Van Empel and Mbongwa 1995). ‘It started off with a lot of fanfare but soon petered out’ because of a cumbersome process of institutional decision-making and slow disbursement of funds for farmers (Van Niekerk interview, 2005). Weidemann (2004), though, claims that NAFU members were able to secure benefits under BATAT.

In the agricultural lexicon, the beneficiaries of land and agricultural reforms would be ‘farmers’, often assumed to be men and to be individual producers who would own (or lease) and operate their own holdings (MALA 1998). In the discourses of DLA policy, they were communities acquiring land for settlement in the first instance, but also to diversify their livelihood strategies, possibly into small-scale farming (DLA 1997a). The provision of land for settlement in the farming districts was anathema to the interests and visions of ‘proper farming’ held by the established farmer lobby and NDA officials. To counter the spectre both of overcrowded settlements on white farmland, and to retain control over land allocated to new black farmers, the NP and the white
farmer lobby favoured leasing state land to ‘new farmers, with an option to purchase once he has proven himself, and if he hasn’t made a success of it, another chap can take his place’ (Van Niekerk interview, 2005). Neither the NDA nor the SAAU was able to influence land policy in this direction; NAFU, in contrast, opposed it, prioritising transfer of private ownership, which was symbolically important, but also essential as collateral for loans from commercial banks (Makenete interview, 2005; Matsetela interview, 2002).

Instead of using regulatory and institutional mechanisms, support for ‘new’ and ‘disadvantaged’ producers was to take the form of ‘farmer settlement’ – providing basic support for the initiation of farming activities, in the forms of implements, seed and infrastructure. In this, the NDA was influenced by earlier attempts to establish emerging black farmers, notably the FSPs (see Chapter 2). ‘Farmer settlement’ was revived in this new era as the NDA frame and preferred terminology for land reform. Whatever the merits of the arguments of those who evaluated them, the FSPs substantially shaped the thinking of agricultural economists who were part of the policy discussions on farmer support, including those agricultural economists considered to be liberal, who worked on both agricultural and land policies (Vink interview, 2005).

9.4 Farmers influence policy

The relationship between the SAAU and NDA is described by both not so much as one of lobbying, but of partnership and incorporation. The SAAU’s ability to define itself as ‘the established industry’ earned the white farmers a place in policy making. The SAAU, says the former Minister, was effective because:
they came with sound, practical requests. It was not a question of a lobby. It was more taking note of the requirements and serving them. That was my instruction to the Department at that stage: work with the industry and listen to the industry. (Van Niekerk interview, 2005)

Its status as the only nationally organised formation representing black farmers also earned NAFU a place in policy making; indeed, the drafting team appointed to write the agricultural White Paper was comprised of department officials, together with representatives of both the SAAU and NAFU. Because agriculture at the time remained a provincial competency (later becoming a concurrent competency), the NDA decided ‘not to develop a traditional white paper, but to develop a mission statement and a set of principles that could be used as the basis for the formulation of agricultural policies’ (RSA 1995b p. 2), though neither this nor the later policy of 1998 (MALA 1998) was ever confirmed.

### 9.5 Assessment of agricultural policies

During this period, agricultural reforms dismantled the apparatus of regulation and support that had been built over decades, continuing a policy path initiated under apartheid, endorsed by the World Bank’s ‘Options’, and legitimised by the ANC. The cornerstone of the state’s agricultural strategy – the removal of state support and regulation – while aiming to ensure new entrants into the ‘mainstream’ of commercial agriculture, created ‘conflicting policy objectives’ (Coetzee 2003 p. 227). In commercial farming, the removal of support exposed producers to market forces but also opened up new opportunities for accumulation and greater competition, while the end of the FSPs in 1993 followed by the dismantling of the Bantustan development corporations meant that those limited systems dedicated to supporting small-scale
farming no longer existed. The state was unwilling to use its old policy instruments for their benefit (Griffiths 2003). Coupled with rapid increases in the prices of basic foodstuffs, including maize, this meant that the poor lost out as both producers and as consumers.

Agricultural policy in the 1994 to 1996 era ‘was a holding action’, with no particular legacy (Vink interview, 2005). Unlike DLA, the NDA was ineffective in forging strong policy – its White Paper of 1995 was never formally adopted, and its Agricultural Policy of 1998 never progressed beyond the status of a discussion document. Despite the assertion that ‘Agricultural support services will be rendered to farmers who participate in land-reform programmes’ (RSA 1995b p. 6), and a policy discourse suggesting new strategy and changed priorities, by 1999 these had not been embedded in new policy mechanisms or institutional practices. Land reform was on its own.

10 Start of a new policy cycle

After five years of democracy, a series of pilots, and three years of national roll-out of land redistribution, the administrative and other operational costs involved in implementing land reform projects far exceeded the capital cost of buying the land (DLA 2000d). Land reform was centralised and its funds underspent. Although redistribution was perceived to be ‘slow’, expenditure and land transfers grew dramatically year on year from 1995 to 1998, with a slight fall in 1999 (see Table 2). By 31 March 1999, nearly 750 000 hectares had been redistributed to over 60 000 people at a total land cost of R1.027 billion (National Treasury 1999).
Table 2: Land redistribution 1994 to 1999 (national totals per year)

<table>
<thead>
<tr>
<th></th>
<th>Number of projects</th>
<th>Number of households</th>
<th>Approved land transfer(hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>2</td>
<td>565</td>
<td>6 598</td>
</tr>
<tr>
<td>1995</td>
<td>17</td>
<td>2 923</td>
<td>18 179</td>
</tr>
<tr>
<td>1996</td>
<td>41</td>
<td>4 289</td>
<td>54 448</td>
</tr>
<tr>
<td>1997</td>
<td>87</td>
<td>9 846</td>
<td>127 750</td>
</tr>
<tr>
<td>1998</td>
<td>183</td>
<td>12 249</td>
<td>238 708</td>
</tr>
<tr>
<td>1999</td>
<td>142</td>
<td>18 304</td>
<td>190 916</td>
</tr>
<tr>
<td>Total</td>
<td>472</td>
<td>48 176</td>
<td>636 599</td>
</tr>
</tbody>
</table>


At the start of the programme, a small handful of projects had been approved, typically involving several hundred households. With the formalisation of the grant mechanism, the compulsion towards group-based purchase was confirmed, while the limited funds per household and continued farm price inflation reduced the amount of land that could be bought. While the ‘rent-a-crowd’ pattern had become firmly associated with the SLAG grant, in fact the average number of households per project had fallen sharply from 283 in 1994 to 129 by 1999 (see Table 3). This reality was highly varied and these variations coincided substantially with different agro-ecological regions. Indeed, more than half the land transferred in this period was in the semi-arid Northern Cape largely through the expansion of municipal commonage for small stock-owners (Hall 2004a p. 26).
Table 3: Averages in land redistribution 1994 to 1999 (national totals per year)

<table>
<thead>
<tr>
<th></th>
<th>Households per project</th>
<th>Hectares per project</th>
<th>Hectares per household</th>
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<tbody>
<tr>
<td>1994</td>
<td>283</td>
<td>3 299</td>
<td>12</td>
</tr>
<tr>
<td>1995</td>
<td>172</td>
<td>1 069</td>
<td>6</td>
</tr>
<tr>
<td>1996</td>
<td>105</td>
<td>1 328</td>
<td>13</td>
</tr>
<tr>
<td>1997</td>
<td>113</td>
<td>1 468</td>
<td>13</td>
</tr>
<tr>
<td>1998</td>
<td>67</td>
<td>1 304</td>
<td>19</td>
</tr>
<tr>
<td>1999</td>
<td>129</td>
<td>1 344</td>
<td>10</td>
</tr>
<tr>
<td>Total</td>
<td>102</td>
<td>1 349</td>
<td>13</td>
</tr>
</tbody>
</table>

Source: Drawn from DLA 2001 (author’s own calculations).

The period saw limited redistribution in a highly centralised programme of reform that created group-based landholding and attempts at group-based production. Unintended outcomes included inverse rental markets (in which poor communities rented out their land to commercial farmers) and distress sales. Some questioned whether these transactions on redistributed land were the result of land reform being a ‘freebie’ that was never valued, and later liquidated to free up capital for other purposes, including consumption. The involvement of the donors in pilots ultimately extended to ‘technical support’ to the wider land reform programme, and continued to 1999. The process culminated in a final review (McIntosh et al. 1999) which reiterated the core findings of the mid-term review (DANIDA et al. 1997). The final report noted the DLA’s ‘[d]ifficulties of securing the support of other organs of government and the tendency of provincial offices to agglomerate functions’ (McIntosh et al. 1999 p. 14). Indeed, by the end of the 1990s, DLA had become known colloquially as *Ndabazabantu* – literally ‘Bantu Affairs’, an earlier name of this department – referring to its attempts to address all aspects of the rural life of black South Africans (own observation).
The main redistribution policy innovations in this era were the introduction of commonage and farm worker equity schemes. Both originated outside the DLA – the former driven by the NGOs, in partnership with small stock-owner organisations and municipalities in the Northern and Western Cape (Anderson and Pienaar 2003), while the latter were driven by consultants working for DLA and for commercial farmers keen to obtain state subsidies in return for issuing shares to workers. These alternative forms of redistribution were operationalised, in the case of commonage, through a separate land acquisition grant for municipalities to acquire or upgrade commonage, and in the case of equity schemes, through use of SLAG (and later LRAD) grants for the purchase of shares rather than land.

The Quality of Life (QOL) surveys conducted by the DLA provided some limited insights into the land uses, production patterns and livelihoods of land reform beneficiaries. The QOL surveys were initially envisaged as annual surveys, later as biannual surveys, and were in practice published in 1998, 2000, 2003 and 2009. The 2000 report, based on a survey conducted in 1998 and 1999, found widespread under-utilisation of land, both in the sense of land not being used at all, and land that was potentially arable being used for less intensive forms of production: ‘much land remains under-utilised, with neither grazing or cultivation occurring’ and ‘the most common form of productive use is as grazing land’ (May and Roberts 2000 pp. 8, 13). The most common land uses were the extension of existing livestock herds and maize production for household consumption – two important inputs into the livelihoods of poor and vulnerable households (May and Roberts 2000). Even while most production on redistributed land was considered to be for ‘subsistence’, the survey found that, among
those cultivating, most were both buying inputs and selling at least some of their produce, usually in very local markets – as had long been the norm for ‘subsistence’ producers in South Africa.

With 11.5 percent of beneficiary households being headed by women (MALA 1999c), female-headed households were under-represented compared to the rural population as a whole. The QOL study found that beneficiaries were better off than the rural population on average, but failed to demonstrate whether or not this was as a result of their improved access to land or whether this was due to those who were better off being more likely to be able to gain entry to the programme. The QOL’s authors concluded the former, but conceded that ‘the current data does not permit a detailed impact analysis of the land reform, and only tentative conclusions can be reached at this stage’ (May and Roberts 2000 p. 23).

10.1 Adjusting operational policy

By early 1999, after visits to projects in the provinces, Hanekom called meetings with staff and advisors to discuss what was happening on the ground.

There was a sense of waking up and realising that things were going very badly, but also a sense that we were acknowledging the problems, we were trying to get our heads around the problems. Hanekom wanted to engage and know what was going on, he wanted to cut through the bullshit. He didn’t want the sanguine reports that bore no resemblance to reality. (Aliber interview, 2005)

It was at this time that the term ‘rent-a-crowd’ gained currency – denoting the tendency for applicants to accumulate passive members of ‘projects’ in order to accumulate sufficient grant finance. This prompted a series of internal ‘think pieces’ exploring
alternatives to the existing policy approach (DLA 1999a, 1999b, 1999c, 1999d, 1999f, 1999h, 1999k, 1999l, 1999m, 1999n, 1999o). In light of production failures, and widespread evidence of under-utilisation of land, the DLA began work on a ‘post-transfer production grant’. It approved policy and procedures for expropriation of land in terms of Act 126 for the purposes of redistribution (DLA 1999b), yet for the coming decade these provisions were unused. As the department tackled its own failures, it showed an overall tendency towards being distracted by ‘windmills’ – operational matter of improving mechanisms for delivery – rather than the root causes of the widespread problems with redistribution (Aliber 2003).

First, DLA extended the permitted uses of its own funds. Recognition that projects were failing because of lack of production finance and liquidity once people were already on the land led to policy provision in 1998 for ‘Flexible Application of the Settlement and Land Acquisition Grant’, which allowed SLAG to be used for production purposes rather than exclusively for purchase of fixed or moveable assets (DLA 1998b; MALA 2000g p. 10). In the absence of complementary financing, this enabled land reform beneficiaries to buy agricultural support with their land purchase subsidies. In 1998 the SLAG was increased from R15 000 to R16 000 (MALA 2003b p. 2).

A second way DLA responded to the finance gap was through the creation of a Land Reform Credit Facility (LRCF) (DLA 1998a, 1999t). This would address the chronic absence of operating capital or affordable loans for investment in production on redistributed land in light of the closure of the Agricultural Credit Board and restructuring of the Land Bank. It would provide venture capital to those pursuing high-value, labour-intensive agribusiness enterprises, and would offer deferred interest
payments, a model designed by EU technical adviser Paul Zille, who became the LRCF’s first director (Kirsten interview, 2002; Zille interview, 2002). Khula signed an agency agreement with DLA in 1998 in terms of which it would leverage finance from commercial banks to lend to land reform beneficiaries at concessionary rates. In the first three years the LRCF was only used to fund farm-worker equity schemes, lending up to a maximum of R400 000 per farm worker (Coetzee 2000). By 2004, it had established only 25 projects nationally, of which 19 were equity schemes (Motheo in Contact Trust 2004).

10.2 Return of the World Bank

Years after its mission to produce ‘Options’ for land and agriculture, the World Bank re-established relations with DLA during 1999. As Bank economist Klaus Deininger observed, ‘The Bank wanted South Africa to borrow for land reform, but we knew it was not going to happen – because if they can’t spend their own money, why would they take out a loan?’, but concedes that South Africa was of wider significance to its work of demonstrating the feasibility of market-led land reform (Deininger interview, 2004). Richard Levin, then a Chief Director in DLA, responded positively to overtures from Deininger for joint research, and formally requested technical assistance from the World Bank in 1999, proposing a major qualitative study of land reform projects to inform implementation and policy reviews, and ultimately a Best Practices Manual for implementers, in partnership with the NGOs in the form of the NLC (Levin [1999]).

I was convinced that the way to move the thing forward is through, of course, research, through monitoring this thing, rather than lecturing like Hans [Binswanger] likes to do, and telling them you’re doing it all wrong. People are smart, trying to do their best, trying to see the shortcomings. (Deininger interview, 2004)
11 Conclusions

Despite an elaborate process of policy making over a three-year period from elections in 1994 to the adoption of the White Paper on South African Land Policy in 1997, land redistribution policy was in important respects what had originally been outlined in the World Bank’s ‘Options’. The extensive consultation and engagement with rural communities, white farmers, agriculturalists, NGOs, academics, trade unionists, church groups and others served the political purpose of gaining buy-in to assist with implementing a programme which most of them opposed for varied reasons.

The grant went through various incarnations. First, separate grants were proposed to meet different needs. Then it was confirmed that settlement was the primary need, so one standardised grant set at the level of the housing grant was adopted. Then this was extended to all qualifying households (subject to a means test). Finally, the programme’s aims were broadened to a range of land uses, including production, regardless of the fact that the grant design was only expected to meet the basic costs of settlement and not extend to investing in agricultural production or other land-based economic activities.

The policy adopted resembled the market-based model proposed by the World Bank, while being justified in the discourse of pro-poor and participatory land reform favoured by the NGOs and the ANC. On core questions it remained agnostic. Through its evolution between 1994 and 1999, the class agenda and the type of agricultural sector being pursued through land reform were left undefined: land reform would cater to a wide range of needs and interests. It would contribute to a more diversified size
structure in agriculture where all people would compete in a deregulated environment. It would be market-based and would rely on grant-based land purchase.

The policy combined several features of competing proposals – the market-based and state-assisted purchase of land proposed by the World Bank; the pro-poor criterion promoted by the NGOs and the ANC, as embodied in the means test; a single policy instrument directly transposed from the housing subsidy scheme; and the language of ‘communities’ which elided the different and even opposing interests that cohabited within the ambit of the policy. It satisfied the ANC’s and the new bureaucrats’ aversion to state-driven resettlement by combining strong centralised political and fiscal control with reliance on local ‘grassroots’ participatory planning.

Yet it alienated almost all interest groups: the NGOs who opposed the policy; many of the rural communities with whom they worked who were frustrated with slow delivery and the absence of support beyond land transfer; white farmers who objected to large-scale settlement in the white commercial farming heartland; and black emerging ‘capitalist’ farmers who were excluded from the programme by its pro-poor means-test and whose aspirations to individual ownership of whole commercial farms were thwarted by its criteria and grant formula. As Hanekom (interview, 1998) observed during this period, land reform was bound to be divisive and to provoke opposition from many quarters: ‘If anyone is completely happy with what I do, then I’m getting it wrong’. By the end of the 1990s, nobody was completely happy and most not happy at all.
Hanekom’s predecessor, the former Minister of Agriculture Van Niekerk, showed his apparent satisfaction with the evident failure of land reform in the first five years as follows:

> It is like different worlds coming together, you see… You have people who have never governed before, they had a wonderful ideology... and now all of a sudden… they found out that it is not an easy thing to govern, because you work with people, you work with markets, you work with conditions, and all of a sudden these wonderful illusions that they had [could] not be realised because of practical reasons. Fairytales are only in books. (Van Niekerk interview, 2005)

He was wrong only in some respects. Fairytales were alive and well in policy circles.

The land policy adopted was founded on a disjuncture between its ambitions and mechanisms; *this* was the big fairytale. In the absence of a wider rural development programme, and in the face of agricultural deregulation and liberalisation, the deeply-etched inequalities of apartheid South Africa’s countryside were to be transformed, the rural economy revived and a vibrant new class of smallholder farmers created – all through provision of a modest household grant designed to enable the purchase of land and provision of basic homestead infrastructure – essentially a rural ‘site and service’ settlement programme.
Chapter Five
New Land Policy in the New South Africa, 1999 to 2004
1 Introduction

Following national elections on 2 June 1999, Thabo Mbeki replaced Nelson Mandela as State President. In convening his cabinet, Mbeki appointed a new Minister of Agriculture and Land Affairs, Thoko Didiza, to replace Derek Hanekom. From 1994 to 1996, Didiza had been Deputy Minister of Agriculture and, when the two departments were joined under one Ministry in 1996, had been Deputy Minister under Hanekom. The appointment was met with surprise by the media (Paton 1999; SAPA 1999) but not by those who were familiar with the conflicts in which Hanekom was embroiled with Mbeki, Thoko Didiza, Bongiwe Njobe and Masiphula Mbongwa; Mbeki’s longstanding family relationship with Njobe; and his close relationship with Didiza. Mbeki’s decision to appoint Didiza was widely understood as a signal of his intent to drive an Africanist agenda in his administration, and to do so with a Cabinet on whose loyalty he could rely.

Didiza’s key achievement was to bring the two departments somewhat closer together in the period 1999 to 2004, not least because most of the senior staff of DLA left or were replaced. Didiza’s closer relationship with Agriculture was evident; while Hanekom’s ministerial office had been housed in the DLA, Didiza retained her office in the NDA following her promotion (Makenete interview, 2005; own observation). As the NDA became dominant in shaping land policy, it turned back to its advisors in the World Bank and the agricultural economists at the University of Pretoria, who repackaged their earlier proposals and shaped the new programme through a technical assistance partnership. A series of policy drafts from late 1999 to late 2000 culminated in a new programme, Land Redistribution for Agricultural Development, which was launched in
2001 and altered the nature, purpose and target group of redistribution. Its focus on farming gave the NDA a more prominent role in land reform, but did not address the economic and institutional context within which production and marketing were to take place.

In the period 1999 to 2004, land redistribution came to be identified with new processes of class formation, and with an emerging discourse of black economic empowerment. The new policy saw a reversion to a modified version of the earlier FSPs in its vision of entrepreneurial ‘emerging’ commercial farmers. It bore a strong resemblance in its mechanisms both to the World Bank’s original proposals for land reform and rural restructuring in the early 1990s and, though on a far larger scale, to the apartheid government’s limited programme of subsidised land purchase that had been introduced in 1993 and roundly rejected by the ANC. Land reform had come full circle. But the shifts in policy and its politics were more dramatic than changes in practice: LRAD did not realise the modernist vision that had informed it, but showed remarkable continuities in several respects with its predecessor SLAG.

By 2004, the NDA finally launched a programme of agricultural support as its counterpart to the DLA’s land reform programme. Under Didiza’s leadership, land reform was recast as a programme of farmer settlement on varying scales within a capitalist and commercial farming system. New alliances were formed and came to the fore as an Africanist agenda that prioritised race over class took centre stage, and found supporters both among the small but growing class of black commercial farmers and within the old agricultural establishment. They emerged into a ‘discourse coalition’ concerned with ‘markets’, ‘emerging farmers’ and BEE.
2 Moratorium and Ministerial Review

Didiza’s first public announcement as Minister, in June 1999, was to impose a moratorium on new land redistribution projects pending a ministerial policy review (Sibanda 2001 p. 2). Earlier that month, on 6 June 1999, operational policy in the form of the ‘Products of the Department of Land Affairs’ document had finally been approved – the culmination of five years of policy making (DLA 1999j; also DLA 1999e, 1999p). The moratorium created a hiatus in land reform: implementation slowed as provincial directors interpreted the moratorium differently and some continued to process and approve projects that were well into the planning phase (Govender van Wyk interview, 2005; Western Cape Alliance 2000).

2.1 Ministerial Review

New policy making had already been underway in the DLA since 1998 (see Chapter 4). In response to the moratorium, the DLA proposed that the two departments conduct a joint interdepartmental review of redistribution grants and services, and establish a stakeholder forum consisting of organised agriculture, NGOs, finance institutions and local government representatives to which the departments would report, and which they would consult at ‘regular intervals during the process in order to obtain additional inputs and buy-in into the final recommendations’ (DLA [1999o] p. 2, 1999g, 1999i). The Minister did not accept this proposal. Instead, she mandated her advisor, Pinky Makatini-Miles, to lead the review together with Agriculture DDG Masiphula Mbongwa, the terms of reference of which were not made public (Aliber [1999b]; own observation). Nor did they meet with DLA policy staff in the national office or implementation staff in the provinces to establish what went wrong with SLAG:
[N]either the Ministry nor the DLA evidenced much genuine interest in understanding what happened with the SLAG-based redistribution programme that was in operation between 1995 and 1999. One of the Minister’s advisors [Makhatini-Miles] did assemble a critique, the quality of which was poor and which read like a polemic. No actual research was commissioned, nor were any DLA officials instructed to conduct research internally. (Aliber 2003 pp. 5–6)

No final report from the ministerial review was ever released (own observation; Aliber interview, 2005). A preliminary report circulated within the two departments in December 1999 argued that the SLAG had unintended outcomes that ‘often ran counter’ to the objectives of existing policy (MALA 1999a p. 2) as had indeed been shown in numerous studies (DANIDA et al. 1997; McIntosh et al. 1999). It had produced a rent-a-crowd syndrome where names were added to applications in order to accumulate grant funding, without people having any intention to become part of a project. The review’s own critique though was not limited to the failure to meet existing programme objectives, but presupposed the need to meet a wider range of land needs, specifically those of aspiring black commercial farmers (MALA 1999a). By encouraging group projects, ‘SLAG indirectly supports the notion that Black people can only prosper under communal and subsistence farming’ (MALA 1999b p. 5). The report adopted the legitimating terminology of ‘restructuring’ to justify its proposed emphasis on commercial farming and argued that redistribution under the SLAG programme had failed to alter the structure of agriculture because it had not supported black commercial farmers, and had provided ‘little incentive to attract investment and entrepreneurship’ (MALA 1999b p. 3).

The review set out three options for the way forward. First, a ‘policy reversal’ would replace the demand-led approach with a ‘supply-led’ approach in which state agencies
would intervene in land markets by buying or expropriating land to match the needs of identified beneficiaries (MALA 1999a p. 11). This would require institutional support beyond the state’s capabilities (MALA 1999a p. 12). Second, a path of ‘policy continuity’ would retain the existing policy and grant structure, but attend to obstacles at the implementation level (MALA 1999a p. 12). Having set up this dichotomy, to discard the ‘discredited’ SLAG programme, or to adjust it ‘at the margins’ (choices that both the farming establishment and NGO lobby would likely reject), it proposed as its favoured option a third way: ‘policy adjustment’ to make available a range of different grants serving different purposes and constituencies (MALA 1999a p. 13). This was presented as a compromise position:

a middle course of policy change… allowing additions to the rules of eligibility – for those beneficiaries who can show they can develop strong farm businesses, and in the process, create new opportunities and jobs for others. (MALA 1999a p. 13).

Job creation through land reform, in itself a new objective, was expected to lead to improved incomes and living standards ‘among the rural poor’ (MALA 1999a p. 13).

2.2 Ministerial discussion document

The first draft of the Ministry’s new policy framework ‘An Integrated Programme of Land Redistribution and Agricultural Development in South Africa: A Discussion Document’ (MALA 1999b), was dated 21 December 1999 – just one week after the draft report of the ministerial review. This suggested that it was not necessarily informed by the review, which itself was never finalised; rather, the two were co-temporal. The Minister had already presented these proposals to a meeting of
MINMEC\textsuperscript{22} prior to the review, on 29 August, where her provincial ministers of agriculture had endorsed the policy direction (MALA 1999b p. 2). Even if not preceding it, the review justified the new policy and demonstrated that, by evaluating, policy makers were adhering to the strictures of a policy cycle.

The draft Integrated Programme identified four problems with existing policy: 1) eligibility criteria for the grant; 2) the structure of the grant; 3) policy inconsistency; and 4) institutional limitations (MALA 1999b) and proposed changes in respect of each, discussed below. Much of what was proposed was later discarded, with the exception of the ideological bent towards commercial farming and the adoption of variable levels of grants, now available to individuals.

First, the IP criticised eligibility criteria based on income alone as being ‘broad’; they needed to be refined. Criteria of race and targets for farming income should be used alongside class (MALA 1999b p. 4). In the interests of ‘refining’ the eligibility criteria in order to better target the programme, these were instead broadened to the majority of the country’s adult population. In the future, unstated and low-level operational policy would play a greater role in determining who would benefit. Criteria for eligibility would be based on ‘income from farming’ rather than ‘income’, which suggested a shift from a means-tested grant to an income target for new farmers, a notion that had long informed colonial and apartheid-era bureaucracies, dating back to Tomlinson and before (Hall and Williams 2003) and had justified ‘farm models’, economic farm sizes and

\textsuperscript{22} A structure comprising the national Minister and nine provincial ministers (MECs – Members of the [provincial] Executive Council).
restrictions on subdivision of holdings in other the Anglophone settler colonies (see Chapter 2).

Second, the IP argued that the SLAG attempted to do ‘too much with too little’ and aimed at being ‘the mother of all solutions’ in the rural areas (MALA 1999b p. 5). The level of the grant was too low – but at the same time created a ‘free money’ syndrome where beneficiaries developed a ‘culture of entitlement’ (MALA 1999b p. 4). Third, policy had been inconsistently implemented and involved the making of policy ‘on the ground’ that differed from written prescriptions, to which it found no solution. Fourth, there was a lack of integration of DLA and the departments of agriculture, and a need for an overarching rural development strategy (MALA 1999b p. 6).

The IP combined a rhetorical swipe at white farmers with a conservative policy direction that reinforced the market-based approach. It complained that ‘SLAG has become a “troubled farmer bail out programme”’ in that ‘Black beneficiaries bought farms at exorbitant prices that turned white landowners into instant millionaires’ (MALA 1999a pp. 5, 7; MALA 1999b p 4, original emphasis). While complaining of rising prices and landowners being paid full market value for their farms, it presented no evidence that amounts paid were above market price. While effectively criticising the market-based approach, it did not propose to address this foundational feature of the model itself, but rather to continue reliance on grant-based purchase.

In contrast to its predecessor, the IP promised to ‘create a significant class of black commercial farmers’ (MALA 1999b p. 3). It would ‘facilitate structural change by creating more medium and large new farmers’ (MALA 1999b p. 7). A three-pronged set
of financial packages or ‘windows’ of grant funding would cater to the ‘different objectives and capabilities of different prospective participants’ depending on the size of their ‘own contribution’ (MALA 1999b pp. 3, 7). Both the ‘windows’ grant structure and the qualifying criteria (MALA 1999b pp. 9–10) suggested a more elite programme than in the past. The ‘small window’ would essentially be a continuation of the SLAG grant while, for grants in the ‘large window’, applicants would need to demonstrate exceptional managerial capability and eligibility would be restricted to those with a minimum of ten years’ farming experience or five years if the applicant held an agricultural diploma. These larger grants would ‘attract investment, managerial, and entrepreneurial skills to agriculture’ (MALA 1999b p. 10), though the criteria themselves required that they already be involved in agriculture. As Schirmer (2000) showed, those with a background in farming and cash to invest would likely be political and business elites, especially in the Bantustans.

The IP initially linked redistribution and tenure reform – an objective that was later discarded – envisaging that customary land rights could be sold off. In this context, ‘redistribution’ (perhaps a misnomer) would entail people living in communal areas, on land nominally owned in trust by the state, being eligible to apply for grants to upgrade their tenure by ‘buying’ the land they already occupied and used (MALA 1999b p. 14). The revenue from such purchases would not revert to the state, as the seller, but to the ‘traditional community’ – in most instances, tribal authorities (MALA 1999b). This effectively meant that the state would abandon a tenure reform process and allow redistribution through grant-based land purchase to become a vehicle for privatising communal land and transferring state grant funding to tribal authorities.
Far from discarding the market-based framework, as it claimed, the new approach reinforced reliance on ‘the market’ and its extension to communal land. The IP envisaged that land could be bought outright or leased with an option to purchase (MALA 1999b p. 8), though the latter option was not put into operation, in part because grant funding could not be made available on the same terms for buyers and lessees. It proposed a reduction in the state’s role in mediating these transactions: responsibility for project design would shift to applicants themselves, and the DLA would develop and make publicly available a database of land for sale and descriptions of land sought by applicants, ‘so that buyers and sellers can find each other’ (MALA 1999b p. 7). The proposal presupposed that commercial banks would issue loans to enable land purchase and oversee land transfers.

The IP embraced an entrepreneurial vision; it envisaged that those entering the ‘small window’ would accumulate capital and expertise and ‘graduate’ over time to higher ‘windows’ and qualify for further grant finance (MALA 1999b p. 10). The new programme would benefit 200 000 applicants and transfer 10 million hectares – an average of 50 hectares per applicant – at a cost of R5.4 billion over 15 to 20 years (MALA 1999b p. 10). Even at current prices in 1999, these funds would have bought about a third of that amount of land (3.4 million hectares, at the prevailing average price per hectare), unless less costly land of below average quality were targeted (HSRC 2006 p. 7). It expected that three-quarters of applicants would enter through the ‘small window’, but did not consider these to be ‘farmers’. Instead, the agricultural sector would be transformed through the introduction of 50 000 black medium and large farmers (MALA 1999b p. 10).
2.3 Minister's policy statement, February 2000

On 11 February 2000 the Ministry publicly released a policy statement: ‘Strategic Directions on Land Issues’ (MALA 2000a) and the next week, on 17 February, Didiza held a parliamentary briefing to explain the new direction (MALA 2000b). The policy statement criticised the market-led approach, but elaborated it; now this would denote not only the means of acquiring the land but also the purpose of doing so, which would be production for ‘the market’. In line with GEAR, this would create jobs and contribute to export-led growth. As in the Ministry's first IP document (which was not made public), it criticised the existing programme for failing to meet its objectives while adopting new objectives:

The placing of responsibility on market forces, as (the) core redistributive factor has not produced the desired effect and impact. This has limited the level of choice, suitability and quality of land parcels acquired for the beneficiaries of land reform program… The grant program in its current form has not made any significant contribution to the development of semi-commercial and commercial black farmers. (MALA 2000a p. 2)

The Minister confirmed the IP proposal of three windows offering different levels of state funding (MALA 2000a p. 3). The policy direction did not merely broaden eligibility, but entailed a wholesale change in its purpose and target group.

Grants will only be available to those with a clear commitment to creating commercially viable and sustainable farming enterprises and every grant will need to be matched by a significant own resources contribution in terms of capital and loan finance. (MALA 2000b p. 4)

The NGO sector responded with alarm to the apparent abandonment of a pro-poor policy of redistribution: ‘Economic growth is seen as limited to existing models of commercial agricultural production and is to be driven through the creation of a stratum of middle-class black farmers’ which would compromise the RDP objectives of
redressing landlessness and rural poverty (Anderson et al. 2000 p. 2). After a hiatus of seven months, though, many in the DLA were pleased with the direction outlined in her February 2000 policy statement (DLA 2000b), but were taken aback at the lack of engagement with them on taking this forward (Aliber interview, 2005). The Minister lifted the moratorium, and allowed until April for the approval of ‘pipeline’ projects planned in terms of SLAG, after which all projects would need to comply with the new guidelines (MALA 2000a p. 12).

3 Integrated or bifurcated? Bringing together Agriculture and Land Affairs

Following the Minister’s policy statement, the two departments initiated a joint process to draw up the policy she had outlined. From DLA’s side, this marked a shift from attending to the operational obstacles in implementing redistribution, to making new policy. The ‘interdepartmental process’ consisted of a series of meetings between senior managers and policy staff, convened by Masiphula Mbongwa, DDG of Agriculture, and Stan Nkosi, DDG of Land Affairs. During 2000 the two departments produced a series of proposals, first jointly and then separately, until a proposal by the NDA, developed as part of a technical assistance partnership with the World Bank and advisors from the University of Pretoria, was endorsed and the DLA proposals were set aside.

3.1 An interdepartmental process

The new policy was developed through three phases. Each iteration involved a different institutional home, a different name for the programme and even, at a certain point, parallel versions of the policy being produced and promoted by different departments.
First, the Ministry’s proposal of three redistribution ‘windows’ was further developed. Second, the departments jointly developed two separate programmes: a Food Safety Net (FSN) and a Commercial Farmer Programme (CFP), with DLA taking responsibility for the former and NDA the latter. Finally, the NDA brought the two together in a single Integrated Programme of Land Redistribution for Agricultural Development (IPLRAD) which would be defined by a sliding scale of grants. While the new IP would be ‘demand-led’ like the SLAG programme, DLA proposed to the NDA that supply-led initiatives, including state purchase and targeted expropriation of farms to make possible redivision of plots, which had been under discussion in the department for the preceding two years, could and should complement it (DLA 2000i). These proposals were not included.

The early drafts of the IP were so poorly written and internally inconsistent that critiques both from within the state bureaucracy and from civil society focused on fixing these, rather than challenging their underlying logic. Both the DLA and NGOs criticised the coherence of the three windows and questioned whether these grant bands bore any relation to distinctions between small, medium and large-scale enterprises, or to farm prices. NGOs called for the poor to be exempt from the requirement of an ‘own contribution’ (CRLS et al. 2000). The proposed target of reaching 200,000 households was a radical reduction in the target of 600,000 households in the earlier period, and implied an even more restricted programme than the actual rate of transfer at that time. This served to legitimate a programme that, while claiming to be scaling up land redistribution, apparently aimed to do so for the benefit of fewer people. In this way, scaling down the programme was justified in the language of scaling it up.
Following fundamental disagreements on the logic and purpose of reform between the departments, by early 2000 they agreed that distinct policy ‘products’ would be needed to serve different interests, and each would take the lead in drafting the components in which they would take the primary role: while Agriculture would take the lead in designing the CFP, a separate Land Affairs programme would address the land and livelihood needs of the poor for small-scale and non-commercial production through a ‘food safety net’. Table 4 below depicts the evolution of policy proposals. Each iteration reflects strategic adjustments made in response to ideological and institutional contestations. The list is not comprehensive, as a number of drafts were not obtainable; even so, just three of the 12 documents listed here were published.
Table 4: Chronology of land redistribution policy proposals 1999 to 2001

<table>
<thead>
<tr>
<th>Date</th>
<th>Policy document</th>
<th>Author</th>
<th>Structure</th>
<th>Unit</th>
<th>Use of grant</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Dec 1999</td>
<td>Preliminary report on review of SLAG</td>
<td>[MALA]</td>
<td>3 windows</td>
<td>Unclear</td>
<td>Purchase or lease</td>
<td></td>
</tr>
<tr>
<td>21 Dec 1999</td>
<td>Draft Discussion Document on IPLRAD</td>
<td>[MALA]</td>
<td>3 windows</td>
<td>Household</td>
<td>Purchase or lease</td>
<td>10 years &amp; diploma; 5 years or 2 &amp; diploma; none</td>
</tr>
<tr>
<td>11 Feb 2000</td>
<td>Minister’s policy statement</td>
<td>[MALA]</td>
<td>3 windows</td>
<td>Unclear</td>
<td>Purchase or lease</td>
<td></td>
</tr>
<tr>
<td>8 May 2000</td>
<td>IPLRAD 4.1</td>
<td>[DLA]</td>
<td>2 programmes: Livelihoods and</td>
<td>Unclear</td>
<td>Purchase or lease</td>
<td>Vary for different products</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Commercial Agriculture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 May 2000</td>
<td>IPLRAD commercial farmer proposal</td>
<td>[NDA]</td>
<td>2 programmes</td>
<td>Individual</td>
<td>Purchase or lease</td>
<td>20% to rural women</td>
</tr>
<tr>
<td>May 2000</td>
<td>IPLRAD food safety net proposal</td>
<td>[DLA]</td>
<td>2 programmes</td>
<td>Household</td>
<td>Purchase only</td>
<td>Household income &lt;R1 500 / month; &lt; 1ha of arable land.</td>
</tr>
<tr>
<td>May 2000</td>
<td>IPLRAD manual</td>
<td>Africa Region, The</td>
<td>1 sliding scale</td>
<td>Individual, household or group</td>
<td>Purchase or lease</td>
<td>Previously disadvantaged</td>
</tr>
<tr>
<td></td>
<td></td>
<td>World Bank Group</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 May 2000</td>
<td>IPLRAD 2nd draft</td>
<td>JF Kirsten, World Bank</td>
<td>1 sliding scale</td>
<td>Individual or groups</td>
<td>Purchase or lease</td>
<td>Previously disadvantaged</td>
</tr>
<tr>
<td>8 June 2000</td>
<td>IPLRAD final document version 1</td>
<td>JF Kirsten, World Bank</td>
<td>1 sliding scale</td>
<td>Individual</td>
<td>Purchase or lease</td>
<td>Previously disadvantaged</td>
</tr>
<tr>
<td>23 Oct 2000</td>
<td>IPLRAD version 2</td>
<td>JF Kirsten, World Bank</td>
<td>1 sliding scale</td>
<td>Individual</td>
<td>Purchase or lease</td>
<td>Black South Africans</td>
</tr>
<tr>
<td>6 Nov 2000</td>
<td>LRAD version 3</td>
<td>JF Kirsten World Bank</td>
<td>1 sliding scale</td>
<td>Individual</td>
<td>Purchase or lease</td>
<td>Black South Africans</td>
</tr>
<tr>
<td>Undated [2001]</td>
<td>LRAD</td>
<td>JF Kirsten, World Bank</td>
<td>1 sliding scale</td>
<td>Individual</td>
<td>Purchase or lease</td>
<td>Black South Africans; 1/3 of resources to accrue to women</td>
</tr>
</tbody>
</table>

3.2 Commercial Farmer Programme

The NDA’s Commercial Farmer Programme reaffirmed the principles of the White Paper, while reinterpreting them in ways that shifted the policy direction it had set out (MALA 2000f p. 3). In pursuit of its vision of commercialisation, it proposed ‘medium’ (R40 000–R70 000) and ‘large’ (R70 000–R100 000) grant windows. It embraced an evolutionary vision in which those engaged in ‘subsistence agriculture’ would ‘graduate’ or ‘emerge’ into commercial farming. Priority would be placed on the top two percent of homeland agriculturalists who produced mainly for profit, estimated to number 33 000, as well as an estimated 25 000 labour tenants in Mpumalanga and KwaZulu-Natal (MALA 2000f p. 3). It would enable them to expand their farming operations, would ease congestion in the former Bantustans and so reduce poverty. This presumed that when the Bantustan farming elite got ‘white’ land, others would be able to move onto their vacated lands.

The CFP proposed three modes of implementation. First, the CFP would reward those who demonstrated initiative in packaging their projects for the state; its ‘client-driven model’ was for applicants who, because they are already farming commercially, will have a clear idea of what sort of land they need, what they would like to do with it, and what sort of financial package they need in order to make it happen. (MALA 2000f pp. 4–5)

Second, the private sector would become an implementer of public-private partnerships, by packaging projects to establish black commercial farmers (MALA 2000f: 5). Landowners and estate agents could act as ‘design agents’, preparing project
applications on a commission basis while the state would cover the costs of valuation, subdivision, conveyancing and transfer duties (MALA 2000f pp. 10–11). Third, the purchase of private land by the state could be a method of last resort (MALA 2000f).

Returning to the commercialising criteria of the FSP, in the interests of ‘attaining optimum productivity in land use and to ensure that only those applicants who show the greatest potential for success in farming’ enter the programme, the selection process would consider the net financial worth of applicants; the quality of their business plans; evidence that their project was ‘bankable’; and their ‘experience, skills and commitment to agriculture’ (MALA 2000f p. 6). Qualifying criteria would be a ‘demonstrated repayment ability (where a loan is obtained); an approved business/farm plan; and a (conditionally) approved loan’ (MALA 2000f p. 7). The CFP anticipated that applicants might defray ‘own contribution’ costs by adding project members in order to accumulate sufficient grant funding, but provided no solution to this (MALA 2000f p. 9).

The CFP was explicitly the NDA’s project: ‘The NDA is the lead department in the design, coordination, budgeting and monitoring of the Commercial Farmer Programme’ (MALA 2000f p. 20). The programme would effectively reduce the role of DLA to disbursing funds (Aliber [2000c]) and presumed that planning, implementation and subsequent support would be forthcoming from functional and appropriately skilled provincial departments of agriculture.
3.3 Food Safety-Net Programme

As its complement to the CFP, DLA simultaneously developed a Food Safety-Net proposal. This unusual term harked back to the World Bank’s ‘Options’ and denoted an amalgam of notions of access to land as a source of ‘food security’ and as a ‘safety net’. Its drafters in the DLA were ambivalent about whether its purpose was to provide for settlement and production primarily for consumption, or as a stepping stone in the evolution towards ‘emerging’ into commercial farming (DLA [2000h] p. 1).

The FSN policy proposed household grants of up to R20 000 – marginally higher than the R16 000 SLAG – though, in real terms, this would merely compensate for the erosion of the value of these grants through inflation since the quantum of SLAG had been defined five years previously. Like the SLAG, it would be means-tested and available only to households with an income below R1 500 per month and secure access to less than one hectare of arable land. As with SLAG, the rationale for the level of the grant was to provide a smallholding adequate for supplemental food production:

It is reasonable to assume that this grant should provide people more than the meagre average agricultural resources available to those in the former homelands who access land, and certainly not less. With a grant of R20 000 a household will be able to acquire roughly 2 hectares of unirrigated arable land, enough grazing land for 3 to 5 large stock units, and still have a modest amount of capital left over for land improvements. (DLA [2000h] p. 6)

Since the poor would not be well placed to drive the planning themselves, it proposed state-led acquisition and resettlement:

it will be possible to pursue a supply-led approach whereby blocks of land are purchased on behalf of communities, to satisfy well-identified land hunger. (DLA [2000h] p. 5)
The FSN estimated that 2.1 million households were potentially eligible and aimed to reach one million households (about half of those eligible), transferring 21 percent of the country’s agricultural land at an estimated cost of R24.2 billion over 20 years (DLA [2000h] pp. 8, 14). Alongside land purchase, the FSN proposed a separate once-off grant for those who already had secure access to land, to fund investments in infrastructure and inputs to production (DLA [2000h] p. 9). This was not DLA’s mandate and, like the FSN, was never implemented.

Although it espoused a new vision of smallholders producing for themselves to augment their livelihoods, the FSN held no answers to the propensity, in the face of small grants compared with land prices, for large groups crowded onto commercial farms without the capital to operate them (DLA 2000a, 2000f, 2000h). The one new feature it proposed – that households rather than large groups would hold small plots of arable land – would not materialise in the absence of the costly process of surveying and subdivision of holdings, yet the FSN contained no such provisions. NGOs criticised the term ‘food safety net’ and its connotations of previous anti-poverty and food security initiatives, like ‘food gardens’, considered insubstantial and welfarist (Nkuzi 2000 p. 2). These were reminiscent of the hut-and-garden allotments produced by the Glen Grey Act’s ‘one man, one plot’ principle.

3.4 The Integrated Programme

The new IP, then, proposed a departure from its predecessor SLAG in two directions: opening up opportunities for greater commercialisation through the CFP, and focusing on individually operated (even if not individually owned) smallholdings for the poor
through the FSN. The two components would hold in common an antipathy towards group-based production and therefore were united in a vision of individual farmers spread across a spectrum of scales and technologies of production, with the potential, through their own effort, to ‘graduate’ from subsistence to commercial production. This would present an evolutionary continuum from Glen Grey, through Tomlinson’s half-economic units, to the FSPs.

DLA’s drafters attempted to contain the shift away from land reform for the poor by proposing the prioritisation of a broader ‘livelihoods programme’ incorporating the FSN, commonage, labour tenants, settlement and equity schemes, over the commercial farmer programme (DLA 2000a, 2000g). It proposed that, over a 20 year period, the former should account for about 80 percent of redistributed land, 87.5 percent of the budget, and 94 percent of benefiting households (MALA 2000i p. 29). The programme would aim to support ‘subsistence’, ‘semi-commercial’, ‘pre-commercial’ and ‘commercial farmers’ and equated this continuum with a spectrum of part-time to full-time farming, presuming (as its predecessors had over the past century) that commercial farmers would farm full-time (MALA 2000i p. 7).

During the first half of 2000, a core team of staff in DLA’s Redistribution Policy and Systems Directorate produced a series of internal ‘think pieces’ and circulated these informally among their networks of academics and NGOs, soliciting input on aspects of the emerging policy (Anonymous 2000a, 2000b, 2000c, 2000d, 2000e, 2000f, 2000g; Aliber 2000a, 2000b, [2000c], [2000d]; DLA 2000e). This contributed to an emphasis on ‘fixing’ some of the detail of the new policy, at the same time as most of these actors rejected its overall framework.
The first and only public consultation on the IP was an ‘information meeting’ at the Agricultural Research Council (ARC) in Pretoria on 20 April 2000, at which point it became apparent that there were parallel policy drafts in the two departments. A few NGOs, including the Centre for Rural Legal Studies and Surplus People Project, heard informally about this meeting through personal contacts within DLA and were able to secure an invitation to attend. Also attending were consultants, the Land Bank and agribusiness managers from a few of the commercial banks. Senior officials from both departments were to present their two-pronged programme: the CFP and the FSN. The NDA, which chaired the event, used this opportunity to table instead a different proposal for another ‘integrated programme’ that brought these two together within a single programme defined by the sliding scale that had informed the CFP (own observation). DLA officials expecting to present their own FSN proposal were not given the chance to do so; they had not seen the proposed policy which the NDA presented (Steyn interview, 2005; own observation).

Following the meeting at the ARC and altercations between their officials, the two departments worked together to incorporate the CFP and FSN proposals into a single proposal, to salvage the logic of the two programmes (MALA 2000i, dated 8 May 2000). The following week, on 15 May 2000 the NDA produced a different proposal (MALA 2000h), which the Minister took to a meeting with the MECs (provincial ministers) for agriculture where it was presented by Mbongwa and approved. The Minister then presented this policy to Parliament on 8 June 2000. In this way, the notion of a two-pronged approach, with distinct programmes for commercial farming and a food safety net for the poor, was quashed. The IP was, finally, integrated.
We didn’t think of it as Land Affairs’ version; we thought of it as this is what the Minister wants and we’re going to deliver on it. But it became our product versus theirs. And they won… Masiphula presented it to MINMEC and it was accepted. As far as we were concerned, we were still very much in the middle of this bilateral process… The feeling was that he went behind our backs, got MinMEC’s backing on this one, and then anything else became completely superfluous. (Aliber interview, 2005)

Through a series of revisions over the coming seven months, the IP would drop its claims to being integrated and be confirmed as Land Redistribution for Agricultural Development, the DLA flagship programme for the subsequent seven years.

3.5 Re-entry of the World Bank

The idea of ‘windows’ to prescribe different ratios of grant to loan to own capital originated in a World Bank document prepared for the NDA (Aliber [1999a]). The World Bank’s return to South Africa had started as a partnership with the DLA, brokered by Deininger (interview, 2004) to co-operate on monitoring and evaluation. The Bank was not formally a donor, as its partnership involved no transfer of funds, but rather provision of technical assistance from its own personnel and consultants (DLA 1999s). As the locus of decision-making shifted, so too did this partnership. As one DLA official recollects:

When Didiza came in… we heard word that they [the World Bank economists] were camping out in Masiphula’s office. Our sense was that they very quickly saw the change in who mattered, and they were concentrating their efforts there… The World Bank had been unceremoniously dumped. They weren’t able to determine things the way they thought they should be. And now they had the chance to have the influence they always wanted… The centre of gravity shifted very obviously. (Aliber interview, 2005)
The World Bank had proposed a sliding scale on its first mission to South Africa between 1992 and 1994, but this had been sidelined in favour of a fixed grant (Van den Brink interview, 2005; see Chapter 4). Now the idea was resuscitated in a context where the proposal for distinct ‘windows’ had been criticised from within the two departments, by the economists advising them, by the land NGOs and by the farming establishment – who all agreed that they were based on no coherent rationale and that the distinctions between them would be, in practice, arbitrary.

Hans [Binswanger] got back involved in 1999, when Didiza becomes Minister and Masiphula [Mbongwa] and Bongi [Njobe] are moving up, and then it was Masiphula who said, come on, let’s go back to some of the ideas we had earlier, and he invites the Bank to help him review SLAG, and develop a new land redistribution programme, with more focus on agriculture and so on. This was done by staff coming from Washington… people didn’t drive into the field to see what was actually happening. (Van den Brink interview, 2005)

Among those directly involved with drawing up the LRAD policy was Kirsten, head of Agricultural Economics at the University of Pretoria (eg. MALA 2000h). He in turn claimed that the LRAD process was driven by Mbongwa at NDA (Kirsten interview, 2002). According to Van den Brink (interview, 2005), the two Deputy Directors-General – Mbongwa and Thomas – drove the process jointly, ‘using the Bank as their consultant’, while the Bank contracted Kirsten on their behalf to work with Bank economists Karen Brookes and Binswanger. They in turn reverted to the sliding scale the Bank had proposed nearly a decade before: ‘It was easy, we just went back to the book’ (Binswanger interview, 2006), referring to the book which summarised the Bank’s 1993 Proposals for Rural Restructuring, edited by Van Zyl, Kirsten and Biswanger (1996, and specifically Binswanger and Deininger 1996). While Binswanger took credit for the idea behind LRAD, Kirsten did a lot of the drafting (Aliber interview,
2005). Indeed, when the first electronic draft of the policy was circulated by email as a Microsoft Word document, the ‘document properties’ indicated that ‘J. Kirsten, World Bank’, was its author (MALA 2000h).

According to Binswanger, the basic design was done within two days by himself and Mbongwa, together with Brookes, Kirsten and Van Zyl, producing the proposal for the NDA that became LRAD (Binswanger interview, 2006). Binswanger confirmed: ‘LRAD was almost exactly what we wanted – what we set out in the early 1990s’ (Binswanger interview, 2006). But in important respects it was not. What LRAD held in common with the Bank’s original proposals were a limited state role in mediating transactions and a vision of the landless and non-landless becoming active agents in the land market. It was, in this sense, a return to a purer notion of the Bank’s model of market-assisted land reform, such as presented in Swaziland, rather than its ‘Options’ (World Bank 1994a).

By agreement, in 2002 Mbongwa approached Didiza to arrange for van den Brink to be posted in South Africa (Van den Brink interview, 2005). She in turn arranged with Minister of Finance Trevor Manual to negotiate this with the Bank and, although not formally seconded, the Bank agreed in 2002 for him to be stationed at the Bank mission in Pretoria and to allocate 40 percent of his time to advising the Minister at the Bank’s expense (Van den Brink interview, 2005). This arrangement continued until 2007 when he moved to Treasury following Didiza’s transfer to Public Works in a Cabinet reshuffle. Van den Brink became right-hand man to DDG (and later DG) Glen Thomas who in practice headed land reform. The two travelled together and co-authored
extensively (Van den Brink et al. 2006, 2007). In this period, the Bank was able to consolidate its position as policy advisor to the Minister:

I have told the Minister and the DGs what’s wrong with their programmes. I tried to help them think through how to make them better. I have had a very privileged position in that they trust us – by us I mean Hans [Binswanger] and myself. So there is an enormous amount of trust: working with them, reviewing what is going well, what is going not well, trying to help them think through policy. I brought him [Binswanger] in again… I did the LRAD review with Glen in that first year, and discussed that with Hans in Washington. I brought him over. (Van den Brink interview, 2005)

As ministerial advisor, Van den Brink blamed the top-down bureaucratic approach to implementation, the failure to devolve authority over project approval and disbursement of funds, and the consultant-driven and state-dependent process of planning, which made beneficiaries passive recipients rather than designers of their own projects (Van den Brink interview, 2005). Other actors in the policy process, too, disagreed on the extent to which the problems evident in the SLAG programme were problems of policy or implementation. As DG Glen Thomas (interview, 2005) would later claim, LRAD did not signify a change in policy, but a change in the means adopted in pursuit of policy objectives which themselves were unchanged since the RDP. This somewhat semantic argument signaled the degree of discomfort with the political shift that land reform had undergone. By 2002, the DLA denied that LRAD was a programme for commercial farmers, and insisted instead that the majority of beneficiaries were ‘the poor’ (Mayende 2003b).

In this period, then, DLA staff were astonished to discover that their policies were being written by others, first when a review and the first IP were presented to them, and later when the interdepartmental process collapsed and the NDA’s policy, based on the CFP,
was approved as the new IP that became LRAD. They had disagreed not only on substantive provisions, but over language. Now, a ‘markets’ discourse coalition was on the rise, and making policy, with its own experts, elsewhere.

4 Finalisation and early implementation of LRAD

LRAD was finalised as the new policy framework for land redistribution through a series of minor iterations in the latter part of 2000 and, following a major public event at the Minister’s ‘Indaba’ in December, was confirmed as policy the following year and officially launched in August 2001.

4.1 Minister’s Indaba

In December 2000, the Ministry held a two-day national conference or ‘Indaba’ (an Nguni word to denote a council where traditional authorities meet) at Caesar’s Palace, an ostentatious five-star luxury hotel and casino outside Johannesburg. About 400 people attended by invitation, including AgriSA, NAFU, agribusinesses, commodity sector organisations, NGOs, academics and lawyers. There, the Minister introduced the shift to LRAD as a step forward towards realising the National Democratic Revolution (own observation; Glover 2000).

Unlike previous national gatherings of this kind, no land claimants or landless communities were invited. NLC affiliates transported groups of uninvited landless people to the venue, where they protested outside, holding placards and forming a large ‘V’ leading to the entrance to the venue. This meant that, when the Minister arrived, watched by television cameras, she had to walk past all of them. One elderly man held a
placard on which was written the slogan ‘no land, no hope, no vote’, which attracted substantial media attention (own observation). This later emerged, contracted to ‘no land, no vote’, as a slogan of the Landless People’s Movement in the run-up to the 2004 election campaign. At the Indaba, the Minister opened the meeting by chiding these groups for their adversarial engagement and, through negotiations with community leaders and NGO representatives, allowed a number of them to join the meeting (Hall 2000).

On the first day of this two-day meeting, delegates arrived to find that a new draft of the policy was tabled (MALA 2000d). It differed in several respects from the version that had been circulated to invited participants (MALA 2000c), and to which they had prepared responses. Having dropped pretensions at being ‘integrated’, it was renamed simply ‘Land Redistribution for Agricultural Development’ and, having abandoned the attempt to incorporate commonage and tenure reform within its ambit, was described as ‘a sub-programme of the land redistribution programme’. The latter was a major concession to critics of the new policy; it would not substitute for the whole redistribution programme, and the ‘rest of redistribution’ would remain. Mbongwa presented LRAD and illustrated its location within a wider redistribution programme diagrammatically, indicating that LRAD would address commercial farming on a range of scales, while other land needs would be accommodated through other programmes (see Figure 1).
Figure 1: Structure of the new land redistribution programme

Substantive changes were also introduced. Total project costs and projected profitability would now form the basis for project approval. LRAD would support land acquisition, infrastructure and land improvements only, not expenses relating to a top structure (specifically housing), nor inputs to production as previously proposed; it would therefore have no applicability in communal areas where the majority of black farmers were to be found. Where farm acquisitions would displace existing farm workers employed and resident on the land in question, they would not have a prior claim but they could be accommodated within the group of applicants, or assisted to apply for grants for acquisition of land elsewhere (MALA 2000d p. 10).

The Minister’s Indaba marked the start of a new era in public consultations on land policy: those actors in the policy debate that had been DLA’s closest partners – the NGOs – were in a small minority, and the event instead was dominated by the NDA and its civil society partners: the black and white commercial farmers organised in NAFU.

Source: Reproduction of a diagram Mbongwa presented at the Minister’s Indaba.
and AgriSA respectively. As at the ARC meeting, the NDA was dominant at the Indaba, with senior officials chairing sessions and presenting LRAD (own observation). As one NGO commentator observed, ‘the DLA was virtually invisible’ (Glover 2000 p. 2). NGOs, landless groups, lawyers and academics complained that they had not been consulted, but this reflected their objection to the content of policy as much as the process by which it was being developed. The Indaba saw a degree of contestation over who could legitimately represent the interests of the poor, in response to which Agriculture DG Njobe argued that government officials, not NGOs, represent the poor (own observation).

By the time of the Indaba, some NLC affiliates proposed that the policy be split into two again, to provide different terms for the participation of poor people and aspirant commercial farmers (SCLC 2000). They had been wrong-footed in the process: having initially been hostile to accommodating aspirant commercial farmers, they had criticised the conceptual validity of distinct ‘food safety net’ and ‘commercial farmer’ programmes. Now that these were merged in one, they feared that LRAD would be a programme for commercial farmers, without any ringfenced resources directed specifically to the poor. The programme should not be limited to those wishing to farm, but should support ‘livelihood strategies which are viable and appropriate’ and not impose stringent agricultural use requirements which would exclude poor people’ (CRLS et al. 2000 p. 2). They pointed out that, while the Ministry had argued in favour of clearer eligibility criteria, by removing the needs-based eligibility criterion it had done the opposite by abandoning the idea of targeting altogether (CRLS et al. 2000 p. 8). In these ways, the proposed policy failed to build on the experience of the previous
five years, it presented no mechanisms to give priority to women and, while it asserted the need for integration, its actual content demonstrated a failure to integrate land and agricultural policy.

Contrary to its name, the proposed new programme is about the acquisition of land. Initial start-up, infrastructure and transaction costs are accounted for, but subsequent needs for agricultural extension, credit, marketing and research services, and the role the NDA needs to play in providing these, are not specified or budgeted. This is a key omission. Without a policy on how the NDA will re-orient its services towards promoting agricultural development among land reform beneficiaries, and small-scale producers in particular, there is no indication that the functions of the two departments are in any way integrated. (CRLS et al. 2000 p. 5)

At the Indaba, officials insisted that the focus of discussion should be on how to implement the new policy, as it was not finalised and would be piloted from April 2001. This did not happen; instead it was used as the de facto new grant formula by provincial offices from early 2001 and formally launched in August 2001.

4.2 Launching LRAD

LRAD was formally launched in August 2001 with the transfer of the Nkomazi Sugar Project in Mpumalanga. This agribusiness initiative would see the establishment of 241 smallholder cane farmers on seven-hectare plots, at a total cost of R37 million, as part of the expansion of an irrigation scheme to outgrowers to supply the Komati Sugar Mill (MALA 2001a). By 2003, the Minister told Parliament that this project had had its first harvest and had successfully realised an income of R100 000 (MALA 2003a). This worked out to just above R400 per farming family over a period of about 18 months. No official assessments of Nkomazi are available, but the following year Brown and Woodhouse (2004) found that growers at Phiva in the Nkomazi scheme had amassed
debt, lost enthusiasm and were paying low-wage illegal Mozambicans to work their land.

In launching LRAD, Didiza resuscitated the 30 percent target which Hanekom had preferred to ignore once it had become apparent by the mid-1990s that it would not be met. She extended it over a longer timeframe of 20 years in total, to 2014. The 30 percent target was, of course, ‘a purely arbitrary figure with no intrinsic significance’ (Aliber 2003 p. 10). During this period of re-framing land redistribution, this target – its most iconic feature – and its origins and meaning were never brought into question.

The odd thing about the 30% target is not that it may be achievable or not achievable, but that it has held government's attention almost to the complete exclusion of targets that it might rather consider, e.g. how many people should be targeted to benefit from redistribution. (Aliber 2003 p. 6).

4.3 Approaches to LRAD implementation

The convoluted policy processes leading up to LRAD were characterised by repeated attempts to incorporate and accommodate criticism while retaining the overall vision of a commercial farming class, and produced highly discretionary policy. The final version of LRAD provided no policy direction on prioritisation of target groups, land uses or even land. It was a programme for which the vast majority of citizens would be eligible, but from which few could benefit. Without further criteria, low-level policy – access to information, ability to perform the hefty responsibilities of preparing an application, and prioritisation by government officials – would determine who would benefit. Choices about how the growing budget would be spent, which land acquired, and for whom, would be left to the DLA’s provincial offices, sometimes in consultation with their counterparts in provincial departments of agriculture (PDOAs).
Formal delegation of authority over project approval was finalised by 2001. As a senior official in the Redistribution Implementation Systems directorate observed: ‘We’ve kind of given carte-blanche to the provinces with regards to this programme’ (Govender interview, 2002). The decentralisation allowed different ‘entry points’ to access LRAD, in addition to DLA, including via the PDOAs, Land Bank (see below) and other development finance parastatals like Ithala Bank (in KwaZulu-Natal) and Khula Enterprise (nationally).

Following a directive from the Minister for her two departments to partner on the new programme, the diverse modalities of and criteria applied in implementing LRAD tended to reflect national level tensions between the departments. Processes for and requirements for project screening, project design and grant approval in the provinces varied greatly, with some provincial departments of agriculture, such as KwaZulu-Natal, playing a central role in determining the overall character of the programme, soliciting applications, creating their own application forms (for DLA funds), while elsewhere, as in the Eastern Cape, DLA remained more dominant, interpreting policy criteria and establishing norms to be applied in project assessment. As Jacobs et al. (2003) noted, “closer cooperation is expected between various government departments and spheres of government, with an enhanced role for district municipalities and provincial departments of agriculture” (Jacobs et al 2003: pp. 5). Yet competing interpretations of LRAD, its purpose and criteria, and different institutional relations at provincial level, produced quite different results, as shown below.

The DLA’s provincial offices complained that they had had no input into the framework and some objected to it, arguing that the policy should make different provisions for
subsistence and commercial farmers (Jacobs et al. 2003; Mayende 2001b). Group production was officially discouraged but attempts to ‘workshop’ applicants to understand that they should not ‘crowd in’ applicants had had little effect, and so project planners were instructed to avoid large group purchases in the design phase, and provincial directors to enforce this at the approvals stage (Govender interview, 2002). Just as Hertzog’s Pact government had done nearly 80 years previously, restrictions on group purchase rested on constructed distinctions between conditions of tradition and modernity (see Chapter 2). In both Hertzog’s and Mbeki’s eras, ‘tribes’ would be able to acquire and hold land as groups (in terms of the Communal Land Rights Act finally enacted in 2004 and declared unconstitutional in 2010), while modernising and commercialising ‘farmers’ would be permitted to purchase land in groups of 10 or fewer (though this was applied in only some provinces) (Hall and Williams 2003). These restrictions addressed white fears of sprawling black settlement, and were justified in the language of ‘viability’. As a redistribution implementation planner noted: ‘individual or small group projects are much more viable; we proposed 10 people as an upper limit for participants in LRAD projects’ (Govender interview, 2002).

4.4 Land Bank

A major route through which LRAD started to be implemented was via an agency agreement concluded between DLA and the Land Bank in 2002. This meant that ‘the Land Bank has a portion of the budget to take care of the commercial sector’ (Mayende interview, 2002). The partnership developed in part through the Land Bank’s recruitment in 2000 and 2001 (respectively) of two key officials from the DLA’s Redistribution Policy and Systems directorate: George Oricho (who went on to become
its Chief Executive Officer) and Carolien Samson. The new role, and injection of capital, came at a welcome time for the embattled bank which, having emerged from a bitter racialised conflict (Dolny 2001), was also facing its most fundamental transformation in its 90-year history. The Land and Agricultural Bank Act 15 of 2002 imposed new ‘developmental’ obligations on it while also redefining it as a self-financing institution, ending its lifelong reliance on direct budgetary transfers (RSA 2002). The Land Bank, unlike DLA, was clear that LRAD did not give priority to marginalised or poorer applicants, and that no concessions would be made to target the poor:

We don’t distinguish between the marginalised and others… We don’t have a parallel focus on the marginalised. We don’t need to discriminate because we are not excluding people. Open entry negates the need for a special programme for the marginalised… We are dealing with people who are wanting to get into the mainstream… There is no specific focus on the marginalised in LRAD. (Oricho interview, 2002)

Acting as an agent for DLA boosted the liquidity of the Land Bank and improved its performance against its new ‘developmental’ mandate to support ‘emerging’ (black) agriculture (Fandeso in Contact Trust 2003). In KwaZulu-Natal and Mpumalanga, more than half the LRAD projects approved by the end of 2002 were handled through the Land Bank rather than through the provincial offices of DLA (DLA 2003c). Using its ‘Special Mortgage Bond’, the Land Bank offered LRAD applicants, as first-time buyers, concessionary interest rates on loans to serve as their ‘own contributions’ with which to leverage higher LRAD grants (Maloba interview, 2002). As an agent of DLA, it found a ready market for its repossessed or ‘bought-in properties’ and disposed of 30 such farms to LRAD applicants within the first year (Oricho interview, 2002). The Land Bank therefore came to combine three roles: 1) the authorising authority for LRAD grants; 2)
the lender of the ‘own contribution’ with which to leverage the grant; and in some instances, 3) the owner (and ‘willing seller’) of agricultural properties. This produced the conditions for conflicts of interest to arise.

Before the end of 2002 it had become clear that the Land Bank’s new clients were in default and it began to repossess farms bought with LRAD grants and its own loans. It was widely blamed for placing new and cash-strapped farmers in a debt trap by lending too much to LRAD applicants, up to 60 percent to 70 percent of total costs, compared to standard practices of debt-equity ratios under one-third in the banking sector (Kirsten interview, 2002; MALA 2003b). While over the coming years it refused to release details about the numbers of repossessions (own observation), it acknowledged the possibility of a ‘revolving door’ syndrome in land reform: ‘we have a fear of undoing land reform, but we have to [reposess properties]’ (Oricho interview, 2002). Despite this mixed performance, and in the absence of any further budget allocations from DLA, it continued to package LRAD projects; effectively, it could offer almost all of its black clients LRAD grants as a (usually once-off) subsidy on its loans. The agreement was not renewed, when it became clear that the Land Bank had over-committed LRAD grant funding well in excess of the initial disbursement of R60 million from DLA. By September 2003, it had committed R100 million in grants and a further R300 million in loans (Fandeso in Contact Trust 2003). These would not be processed.

4.5 Early outcomes

In the financial year 2001/02, DLA delivered 365 000 hectares of its 518 000 target, through 418 projects to 83 530 beneficiaries (DLA 2002). Most of these were ‘pipeline’
projects that had been held up during the moratorium and, once they were approved, the rate of delivery dipped. One reason given by DLA for slow progress was the ‘exodus of staff’ from DLA and resulting capacity limitations (Thomas in Contact Trust 2002).

Supply-led features did eventually make an appearance, in two ways. First, LRAD became a major route through which the state was able to dispose of its own land. Over half of the 669 000 hectares earmarked for disposal had been transferred by the end of 2002, at which point the amount sold off by the state through LRAD varied across the provinces from just eight percent in Limpopo to 91 percent in the Western Cape (Jacobs et al. 2003 p. 16). In some cases this involved tenure upgrades (privatisation) on land already acquired for incorporation into the Bantustans being processed under the guise of redistribution. ‘Beneficiaries’ who had lived for many years on the land in question without formal leases were sometimes not aware that LRAD applications had been lodged on their behalf (Wegerif 2004). In this way, DLA officials were able to spend budgets and report on hectares transferred without having to negotiate with landowners and without any effect on white-owned farmland. Second, within a year of the launch of LRAD, frustrated because ‘people are not taking advantage of the opportunities available’, DLA aimed to complement it with a supply-led process in which it would proactively purchase privately owned land and later identify people who could benefit from that land, ‘as opposed to just sitting back and waiting’ (Mayende interview, 2002). State-planned resettlement had returned. Yet the Pro-active Land Acquisition Strategy (PLAS) would take a further four years to develop and produced predictable management problems arising from acquiring commercial farmland without any clear plan of what, or whom, it was for (Hall 2009b).
One area of continuity between SLAG and LRAD was the failure to provide state support for subdivision; instead, this responsibility, and cost, was devolved onto beneficiaries with the result that very few properties were subdivided (MALA 2003b). The LRAD policy observed that, once the property was transferred in ownership under a legal entity, the new owners could choose to subdivide and carry those costs themselves. It is not clear whether this ever happened (Jacobs et al. 2003; Lahiff 2007).

A second continuity was in the ‘rent-a-crowd’ phenomenon arising from a continuing contradiction between farm prices and the grant structure (Hall 2009b). For those without substantial resources of their own, LRAD continued to offer small grants like its predecessor, SLAG, and did not account for differing land prices across the country (HSRC 2006). In the face of the continuing failure to subdivide land, whole farms would need to be bought at market price, requiring the pooling of grants by many applicants, and the formation of communal property institutions like CPAs or trusts. The irony of the new programme, therefore, was that while it rhetorically distanced itself from the previous one, its provisions in practice replicated the flaws of the previous grant structure it was intended to remedy: 1) reliance on landowners for the supply of land on the market; 2) compulsion to form groups to acquire whole properties; and 3) the virtual absence of agricultural support services.

The answer to the rent-a-crowd problem was to outlaw large projects but, since the reasons remained unaddressed, this merely put much land available for sale on the market beyond the reach of would-be beneficiaries (Hall 2004d; Jacobs et al. 2003). LRAD implementers imposed limitations on group sizes – as well as exhorting implementers to stop the establishment of large group projects (Govender interview
2002). This was interpreted in widely differing ways across the provinces (Jacobs et al. 2003). In the Eastern Cape’s Amathole district, for instance, where projects were limited to five applicants, it translated into a *de facto* limitation on those applicants without their own resources to farms that could be bought and invested in for R100 000; none were for sale (Sukula interview, 2002). Thus here, as elsewhere, the conundrum facing would-be beneficiaries was the need to accumulate enough grant and loan finance (without becoming overly indebted) in order to purchase whole farms at market price and to finance initial investments in production and operating costs, while remaining within the arbitrary limits placed on group sizes. Compounding this was the need for grants to cover initial investment and production costs, in view of the almost total absence of agricultural support until the introduction of the Comprehensive Agricultural Support Programme (CASP) in 2004 (Hall and Lahiff 2004; Jacobs et al. 2003; National Treasury 2004).

In a quest to ensure that farmers would ‘emerge’, some provincial implementers used a poverty line or income target per person to determine the number of participants allowed within a project. In KwaZulu-Natal, the R25 000 income target required those entering at the bottom of the sliding scale (with R20 000) to demonstrate how they could produce a return on investment above 100 percent in the first year of operation – a highly unlikely scenario (Jacobs et al. 2003 p. 13). Income targeting – the hallmark of state planning half a century before, and epitomized in the Tomlinson Commission – was revived, albeit in the absence of minimum farm sizes.

In many parts of the country, LRAD projects took one of two forms: individual or small group projects comprised of those with their own resources to invest from businesses or
jobs elsewhere; and group projects as had been seen under SLAG though usually involving fewer participants (Hall 2009a; MALA 2003b). In addition, joint ventures in the form of farm worker equity schemes or other shareholding arrangements became more prevalent because, as management of the business enterprise would not be affected, the number of participants was not constrained (Mayson 2003).

According to its proponents, LRAD responded to the lessons of the past, under SLAG, and was supported by theory and comparative experience (Kirsten interview, 2002; Binswanger interview, 2006). By 2003, DLA initiated a review of LRAD, a ‘grant size study’ to interrogate concerns about the ‘debt-trap’ and the re-emergence of group farming (DLA 2003 pp. 2–3). The review was based on three joint departmental workshops conducted with the World Bank, and was authored largely by Van den Brink (MALA 2003b p. 5; Van den Brink interview, 2005). It was never publicly released, but selected findings were reported by Thomas and Van den Brink (2002) in a series of joint presentations (own observation). Armed with data not available to outsiders, they claimed that the report disproved critics by showing that most applicants were at the bottom of the sliding scale; they concluded that LRAD was reaching the poor (Van den Brink et al. 2007). They used it to justify a call for an increase in the grant levels, in recognition of the problem of over-indebtedness, but LRAD grant levels as determined in 2000 were unchanged until 2008 when the Minister announced an increase ranging from 430 to 550 percent across the sliding scale (Xingwana 2008 p. 10), dramatically reducing the number who would benefit.

The Ministry’s (and Bank’s) review of LRAD noted the continued failure to integrate land acquisition with agricultural support, the bureaucratic and centralised nature of
delivery, and the enduring problem of buying land at market price with small grants – yet concluded that what were needed were further land market reforms to stimulate the supply of land on the market through an agricultural land tax, and to promote the supply of smaller land parcels through subdivision (MALA 2003b). Its core findings coincided substantially with those of outside critics:

Unfortunately, given the restrictions on the size of the grant, officials often proceed to promote the formation of larger groups, continuing the “rent a crowd” phenomenon associated with SLAG, instead of assisting in the sub-division of the farm, or assisting the beneficiaries in finding smaller farms or less capital-intensive farms. This tendency is further re-enforced by the reluctance of officials of the Department of Agriculture to sub-divide farms below what they consider to be the “viable” size. The programme then often ends up with projects attempting collective commercial farming, or projects where beneficiaries hire a farm manager to run the enterprise. (MALA 2003b p. 12)

As acknowledged by Mbongwa (public statement at National Land Summit, 2005), by then DG of Agriculture, his own officials and those in the PDOAs had continued to be biased against smallholder agriculture, based on a deep-seated adherence to the notion that farming was only viable if it could take advantage of economies of scale. DLA, too, blamed agricultural officials for preventing subdivision of commercial farms for the purposes of redistribution (Thomas interview, 2005).

### 4.6 From underspending to overspending

DLA consistently underspent its small budget allocation for ‘land reform’ (land redistribution and tenure reform), from its inception until 2002/03 when, for the first time, it exhausted its available funds. In response both to underspending and to the priority placed on restitution from 1999 onwards, the budget for land reform had been in
decline since 1999, picking up after the advent of LRAD. In real terms, though, by 2004 the allocation had not yet recovered to 1998 levels (see Figure 2).

Figure 2: Land reform budget allocation 1995/96–2004/05: nominal and inflation adjusted

From 2002, as budgets were spent for the first time, DLA allowed its provincial offices to approve projects for which there were no funds, in the hope that budget allocations in future years would cover these (Jacobs et al. 2003). By the end of 2002/03, a backlog had built up of R587 million in 553 ‘parked’ projects for which no funds were available (MALA 2003b p. 6). In response, some provinces stopped processing LRAD applications (Jacobs et al. 2003 p. 10).

24 Note: Inflation adjustment is to 1995 rands. I am grateful to Michael Aliber for assistance with adjusting for inflation.


4.7 Competing representations of LRAD

Given the controversies surrounding its genesis, proponents and opponents of LRAD were at pains to claim its success or failure as vindication of their position. Much was at stake. Mbeki (2001) initially depicted the LRAD initiative as exclusively for those entering into commercial farming but, two years later, more neutrally, as for ‘individual and cooperative farmers’ (Mbeki 2003). When asked by the Portfolio Committee in 2002 what the criteria were for LRAD, department officials were not able to answer: these were ‘not easy to explain’ and the programme was in any case ‘fairly new’ (Thomas in Contact Trust 2002).

Following the adoption of LRAD and the removal of the income ceiling, the DLA’s strategic and operational plans identified four ‘marginalised groups’ – women, farm workers, the youth (up to the age of 35) and the disabled – that would now be ‘prioritised’. DLA would earmark a minority share of resources for these groups and report on delivery to them. Thus, two competing discourses came to characterise all official statements on LRAD: the first equated participation in LRAD (as a black South African) with previous disadvantage; the second identified disadvantage (or ‘marginalised groups’) as a sub-set of LRAD beneficiaries. The latter perspective was evident in Minister Didiza’s speech to the National Council of Provinces in April 2003, in which she intimated that just 4 percent of the land transferred through LRAD had gone to the ‘previously disadvantaged’ (and, implicitly, 96 percent to able-bodied men above 35 who were not farm workers or labour tenants):

> During the first three quarters of the past financial year alone, the DLA transferred through LRAD 214 farms yielding 185 609 hectares to 6 769 beneficiaries. Of the total hectares, 8 139 were transferred to
the previously disadvantaged beneficiaries, including labour tenants. (MALA 2003a)

The question of who was supposed to benefit from LRAD, and who was in practice benefiting from it, formed the focus of intense disagreement between the Minister, DLA officials and critics of the programme. Most of this debate took place without any reference to data on the beneficiaries themselves; in the absence of any baseline information on participants entering the programme (Citizen Surveys 2003 p. 237), the class profile of beneficiaries was imputed from the level of grants being disbursed – though the incentive to accumulate small grants obviated this logic. On this tenuous basis, the review of LRAD in 2003 concluded hopefully that ‘the programme seems to be quite effective in targeting a broader range of beneficiaries, while remaining pro-poor’ (MALA 2003b p. 7).

Although the opportunities for poor people to acquire land did not change substantially with the shift from SLAG to LRAD, the discursive construction of the new programme as one which would establish black commercial farmers, and thereby attend to the need of the existing industry to deracialise, produced real effects on the roles of and relations between policy actors. It elicited the support of the established (largely white) industry and of the black commercial farmers who hoped to reap benefits from it, and the opposition of NGOs. Like the ANC and government, all these actors exaggerated the degree to which the new policy broke with the past.
5 Discursive and substantive policy shifts

LRAD ostensibly clarified the core business of DLA and integrated land reform with agriculture, but it provided no solution to the continued pressure for DLA to provide agricultural support which the NDA and its provincial departments had failed to do (BRC 2000 p. 2). The language of the IP, and later LRAD, departed from that of the previous programme in significant respects. The old language of ‘beneficiaries’ (now considered paternalistic) was replaced with ‘participants’, who would not be ‘communities’ but ‘farmers’ – suggesting production by individuals or by smaller groups than in the past. State funds for land purchase started to be referred to as a ‘subsidy’ rather than a ‘grant’, hinting at the growing presumption that such funds would in the future offset only a portion of acquisition costs. ‘Subsidy’ also captured the new insistence on leveraging the resources of the poor as a sign of their commitment to their own improvement, which had been announced in the housing subsidy scheme, and satisfied the prevailing circumspection by the new Mbeki administration about the welfarism of the RDP and the ‘culture of entitlement’ it was thought to have spawned.

Key shifts in policy proposals from 1999 through to the launch of LRAD in 2001 related to the status of the programme in relation to the ‘rest of redistribution’, grants and the unit of redistribution, who carried the onus for implementation, and notions of gender equity. Each is discussed briefly below. Inherent in much of this was an underlying revision of the presumed subject of policy. In these ways, politics was articulated in language, and much of the policy debate was entirely about language.
5.1 Status of the programme and the ‘rest of redistribution’

The final LRAD policy called LRAD a ‘sub-programme’ of land redistribution. Precisely what the other sub-programmes of land redistribution were, and what their status would be, was never clarified. In practice, farm worker equity schemes were supported with LRAD grants. Commonage was reviewed but no changes instituted (Atkinson et al. 2004). The IP had proposed that, to be eligible for funds to acquire commonage land for public grazing, municipalities would have to make an ‘own contribution’ from their existing municipal finances or loans – apparently extending its vision of an entrepreneurial spirit to state institutions (MALA 2000i). Later NDA drafts proposed that, consistent with the emphasis on state land disposal and privatisation, municipalities should sell their existing commonage land to LRAD applicants (MALA 2000g p. 2). Following criticism of this abandonment of one aspect of redistribution that allowed poor people access to land without the cost of buying or managing it, it confirmed that a commonage programme would continue, but would not be part of LRAD (MALA 2000c, MALA 2000e, MALA 2000c) and, in practice, commonage was de-emphasised in the coming period (Anderson and Pienaar 2003).

Redistribution for non-agricultural purposes, including settlement, disappeared almost entirely, with the exception of a few housing projects involving evicted farm dwellers drawing on SLAG grants, in partnership with municipalities (Hall 2004a). These dwindled to a handful over the coming years. On the issue of rural settlement, a hiatus following a policy draft in 2003 was resolved with the adoption by the Department of Housing of a ‘national housing programme for farm residents’, which returned to the Rural Foundation’s 1980s model of direct state subsidies to farmers to develop housing
stock, without any transfer of tenure rights to farm workers or dwellers themselves (DOH 2008).

SLAG continued to be technically available but was not promoted after the launch of LRAD; it made little sense for applicants to opt for SLAG grants and project officers promoted LRAD instead, since it provided more money, and authority to approve LRAD grants had been delegated to the provinces (Jacobs et al. 2003; Van der Merwe interview, 2002). Although the threshold for SLAG eligibility had been raised to a monthly household income of R3 500, matching the increase in the threshold for the housing subsidy, unlike its counterpart the value of the grant was not increased from R16 000 per household (Van der Merwe interview, 2002). Despite the policy discourse of diverse forms of support for land access, in practice LRAD and the various uses for its grants became the whole of redistribution.

5.2 Grants and the unit of redistribution

In the absence of wider shifts in the market-based framework for land reform, or in agricultural policy, the core change ushered in by LRAD was a revised grant, determined on a sliding scale (see Box 1).
Box 1: Sliding scale of grants and own contribution

The minimum grant amount is R20 000 which can be accessed with an own contribution of R5 000. The maximum grant is R100 000, which will require an own contribution of at least R400 000. If the participant contributes more than this amount(s) he/she still can only access a grant of R100 000. Between the minimum and maximum amount, a continuum of grant amounts is available, depending on the participants’ own contribution (as highlighted in the graph).

Taking a range of own contributions as illustration, we have the following:

<table>
<thead>
<tr>
<th>Own contribution R</th>
<th>Matching grant R</th>
<th>Proportion of total cost%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Own contribution</td>
</tr>
<tr>
<td>5 000</td>
<td>20 000</td>
<td>20</td>
</tr>
<tr>
<td>35 000</td>
<td>40 871</td>
<td>46</td>
</tr>
<tr>
<td>145 000</td>
<td>68 888</td>
<td>68</td>
</tr>
<tr>
<td>400 000</td>
<td>100 000</td>
<td>80</td>
</tr>
</tbody>
</table>

The grant structure was adapted in response to NGO criticism that the ‘own contribution’ requirement would be exclusionary and allowed a maximum of R5 000 worth of ‘own contribution’ to be paid in kind as sweat equity through full-time labour – sufficient for access to the lowest grant level of R20 000 – even though it was unlikely that this could be monitored, let alone enforced (Hall, cited in Aliber 2000b). This concession presumed that poor people could afford to work full-time on their land (SCLC 2000).

Transposing policy mechanisms from elsewhere had its limits. An ‘own contribution’ made sense in the context of the housing subsidy – the context from which it was borrowed – as the labour contribution really could offset a capital cost of housing construction (Hall 2005). In the land reform programme, though, ‘sweat equity’ did not reduce the purchase price. It was purely hypothetical, but served an ideological function: to signal a psychological state of ‘commitment’. The logic of the housing subsidy sliding scale differed from LRAD: whereas in both, higher income earners would receive a smaller proportion of the total cost, for land reform, they would receive a higher level of state financing than the poor in absolute terms (Hall 2005; MALA [2001b]).

The powerful new discourse that swept through policy making in this period characterised ‘the poor’ as ‘households’ and ‘communities’ and contrasted these with a new class of commercial or ‘emerging’ farmers, presumed to act as individuals. Whereas under SLAG the ‘unit’ of redistribution had been the ‘household’, the commercial logic of the IP emphasised individuals. Only when the IP was split into separate incarnations for commercial and food safety-net purposes did the ‘household’
reappear in policy discourse; the poor seeking food security would get grants as households, while those seeking to commercialise could apply as individuals (MALA 2000f; 2000g). DLA officials consulted informally with individuals in the NGOs sector on the proposal that grants could go to individuals or to households. As Hall and Hargreaves (cited in Aliber 2000b) pointed out at the time, it would be difficult to imagine any circumstances in which applicants would choose to apply for grants as households, when the same people would be eligible for more funds if each adult applied separately. As the NGOs pointed out, this meant that an average-sized household (according to the Quality of Life Survey), without its own capital to contribute, could choose between receiving R20 000 (as a household) and R60 000 (as three adults) (CRLS et al. 2000). With the abandonment of the FSN and the transition to LRAD, the argument for individual grants had been established for this combination of ideological and pragmatic reasons.

The shift from the household to the individual satisfied two quite distinct concerns prioritised by different actors: to make possible, hypothetically, independent land rights for women (Hargreaves 2000; Walker 2005) and the demand for support for commercial entrepreneurs (Hall 2004b). Thus, the new thrust was justified in the language both of gender equity and of entrepreneurialism. The unified sliding scale belied the essentially polarised visions embedded within the new policy: as a welfarist function it would provide land to poor households and communities, undifferentiated and presumed to hold common goals and aspirations, while also providing subsidies to deserving individuals with their own resources, experience in agriculture and ambitions to enter into commercial farming.
5.3 The onus of implementation and the presumed subject of policy

As the technical team from the University of Pretoria and the World Bank was well aware, Didiza was ‘against the CPA common property approach’ and ‘wanted black commercial farmers’ who would become role models and examples to others (Kirsten interview, 2002). She claimed that Africans were individualistic rather than collective (Didiza public statement at Programme for Land and Agrarian Studies, 2005). In terms of the proposals, applicants would be expected to:

- select the chosen amount of the grant, engage a design agent, if required, identify available land, enter into a contingent contract with the seller, apply for a normal bank loan through standard banking procedures, if necessary, engage a transfer agent, prepare a farm plan, submit all documentation to the local agricultural officer for an opinion, assemble the complete proposal package, and submit it to the provincial grant committee. (MALA 2000e p. 8)

The moral rectitude of self-activated participants making their own contributions to projects would see them ‘emerge’ as commercial farmers. Their self-reliance would extend beyond acquiring land; they would secure their own agricultural extension support through ‘the market’ (MALA 2000e p. 10). Shifting responsibility for project design and the preparation of applications onto applicants themselves would have the dual benefit of limiting the cost and burden to the state, while also being a filtering process that located ‘failure’, whether to complete the application process or to use land effectively, in the sphere of psychology rather than structural conditions: ‘because the demands on the participants are substantial, only those sufficiently motivated to acquire land will go through the process’ (MALA 2000g p. 12).

For the first time, ‘farmer’ became the dominant term to describe those who would benefit from land reform. This assimilated project criteria for a commercial farmer and
generalised them. This period also saw a shift from the plural to the singular – ‘beneficiaries’ to ‘the farmer’ or ‘the applicant’ – occasionally in the masculine form ‘he’. Who would these new ‘farmers’ be? Eligibility requirements indicated that they would be acting and farming individually, controlling land use and farming decisions, and quite possibly hiring labour. Prioritisation of full-time farming, and the requirement that applicants be willing to live on or near their new land, was informed by an aversion to ‘weekend farmers’. As the Minister’s newly arrived adviser observed, referencing the Bank’s ISPR argument:

‘Weekend’ or ‘telephone’ farmers are people who have a job in the city, and they have a farm, and they go there for the weekend. And they are not good farmers, because you can’t run a farm like that. They all say, well I have my farm manager, but they can never trust their farm manager… It relates to the supervision costs of labour argument. (Van den Brink interview, 2005)

State officials developing the new framework were divided on whether full-time farming, or commercial farming, should be the objective of land reform. Some DLA staff pointed out that part-time farming would have to be a major focus, because the poor often could not afford to farm full-time and, when provided with land far away, without services or settlement support, would not even be able to afford to relocate (Anonymous [2000d]). The rich could not afford to move because they relied on off-farm incomes, and the poor could not afford to move if this meant foregoing housing, access to land and services elsewhere. Building on Polly Hill’s work in Ghana (1963), Nigeria and India (1983), Bernstein (2008) refers to these as those ‘too poor to farm’ and those ‘too busy to farm’. In the final instance, LRAD elided the issue by merely requiring applicants to be ‘willing to live on or near the land and operate or work on it’ (MALA 2000c p. 8). As it turned out, as in Kenya where Cowen (1981) coined the term,
the location of land far from the urban centres or the communal areas where the applicants lived led to ‘straddling’ (Andrew et al. 2003).

5.4 Eligibility, priority and gender

As the drafts of the new programme progressed the eligibility criteria broadened. Far from becoming more targeted than its predecessor, LRAD ultimately was available to all black South Africans with the exception of public officials and state employees.

LRAD will be open to citizens of South Africa who are members of previously-disadvantaged groups including Africans, Coloureds, and Indians; who are willing to live on or near the land and operate or work on it; and who are committed to use the grant to purchase or lease land for agricultural activities. (MALA 2000c p. 8)

The commercial farmer programme proposed that 20 percent of resources should go to women, while the NDA’s draft policy (later adopted as the framework for LRAD) stated that ‘[m]en and women will have equal access to all benefits under the programme, and women will be actively encouraged to apply’, without proposing any mechanism to give effect to this (MALA 2000h p. 8). NGOs criticised the quota and claimed the goal of gender equity had been abandoned (own observation; SCLC 2000). Perhaps in response, the final draft of LRAD included a new section on gender, with a new target: ‘women-only projects are allowed for and encouraged, and… altogether not less than one third of the transferred land resources must accrue to women’ (MALA 2000c p. 4). It did not propose any mechanisms to realise this. If achieved (which it was not), it would still have under-represented female-headed households (May and Roberts 2000, cited in Aliber 2000b p. 3).
6 Parallel policy processes: Agriculture and Rural Development

In this period, the top management of the NDA, unlike the DLA, remained the same, headed by two returned ANC exiles, DG Bongiwe Njobe and DDG Masiphula Mbongwa. Both had been in the institutions of the established agricultural economists, Mbongwa at the DBSA and Njobe at the University of Pretoria where she worked with Kirsten. With a new minister and political direction, this period saw the influence of organised agriculture renewed. AgriSA regained a seat at the table of land and agricultural policy making, and NAFU became a prominent actor for the first time. In partnership with the NDA, they set the policy framework for agriculture by developing a Strategic Plan for South African Agriculture in 2002 and, by July 2004, had drafted a charter for Agricultural Broad-based Black Economic Empowerment (AgriBBBEE or AgriBEE), adopted in 2008 (NDA 2004d).

The Minister characterised the failure of agricultural support for land reform as a challenge of ‘interdepartmental co-ordination’. This served as a euphemism for different policy agendas. The growing focus on commercial farming in new land policy was the outcome of, and further necessitated, an alliance between state institutions and representatives of white and ‘emerging’ black commercial farmers. This alliance was shaped in part by the realignment of AgriSA, the major representative of white farmers, in response to large-scale land occupations in Zimbabwe from early 2000. These occupations, later embraced as ‘fast-track land reform’, added impetus to AgriSA to seek out new allies to pre-empt similar radicalisation in South Africa, particularly
following a series of meetings between AgriSA and the Commercial Farmers’ Union of Zimbabwe (Bosman interview, 2002).

The dualistic thinking dividing the departments was reinforced by the ANC. In Cabinet, Agriculture was in the ‘economic cluster’ together with finance and trade and industry, while Land Affairs was in the ‘social cluster’ together with social development, health and education. As redistribution, in its new LRAD guise, was reconfigured within the framework of agricultural policy, a further distinction was drawn, which cast it as part of economic policy, in contrast to the rest of land reform: after LRAD was adopted, Minister of Finance Trevor Manuel reported on land redistribution under the heading of government’s ‘economic’ programmes, while still reporting on land restitution under ‘social’ programmes (Vink interview, 2005).

6.1 The Presidential Working Group and the Strategic Plan for Agriculture

Under Mbeki’s presidency, government drew farming representatives from AgriSA and NAFU together in a Presidential Working Group on Agriculture. The process, funded by the United States Agency for International Development (USAID), resulted in the launch of the Strategic Plan for South African Agriculture on 30 April 2002 and the establishment of a permanent joint committee consisting of the NDA, AgriSA and NAFU (NDA 2001). The Strategic Plan set out a vision of ‘a united and prosperous agricultural sector’ (NDA 2001 pp. viii, 3) in which all farmers ‘genuinely feel and see themselves as belonging to a single entity’ (NDA 2001 p. ix). It outlined three objectives, themselves in tension with one another: equitable access and participation (including land reform); global competitiveness and profitability; and sustainable
resource management (NDA 2001 pp. 8–17). The Plan’s goal was ‘to generate equitable access and participation in a globally competitive, profitable and sustainable agricultural sector’ (NDA 2001 pp. viii, 3). The fact that only ‘an elite few’ had been consulted sparked condemnation, though the Plan’s origins were not widely known (Gumede 2005b).

The process to develop the Strategic Plan – underway during the formulation of LRAD – was headed by Mbongwa in a task team with representatives of AgriSA (Hans van der Merwe and Johan Pienaar), NAFU (Andrew Makenete, Teddy Matsetela and Mookela Mothabela), NDA (Attie Swart) and the Agribusiness Chamber (Johan van Rooyen). According to the Minister (NDA 2001 p. vi), Kirsten (also one of the main authors of LRAD) wrote the Strategic Plan. The agricultural economists advising the department were also privy to internal discussions through the NDA’s Agricultural Economics Standing Committee (AESC), established in 2002 as its formal meeting place with the Land Bank, National Agricultural Marketing Council, Agricultural Research Council and other advisors.

The Strategic Plan reiterated the LRAD policy rather than adding to it, cautioning that ‘individuals from disadvantaged groups’ should obtain access to land without creating instability in the agricultural sector (NDA 2001 p. 9). The primary means for achieving this would be state land disposal, ‘complemented by measures such as equity sharing schemes, contract farming, rental farming, tenure reform in communal areas and private land acquisition’ (NDA 2001 p. 9). Transfer of white-owned farms to black farmers was last on the list; as with Glen Grey and Tomlinson, the creation of modern African farmers would have to be achieved through means other than large-scale transfer of
white-owned land. The Plan reintroduced the notion of ‘qualified farmers’ (by then abandoned in LRAD itself) as those who should stand to benefit from the transfer of the management and ownership of rehabilitated irrigation schemes (NDA 2001 p. 9). This was a direct return to the FSP model. The Plan expressed the hope that the ‘rural poor’, ‘including women’, would benefit indirectly, from services and infrastructure provided through other rural development initiatives (NDA 2001 p. 21). Beyond this, the agricultural strategy, and the farmers, economists and bureaucrats who wrote it, evaded questions of class, and of gender.

6.2 Agricultural support for land reform

The Strategic Plan provided the existing commercial farming sector with a position to influence the direction in which their sector would be transformed, and provided the state with a ready partner to substitute for functions it no longer provided. Mentorship by farmer associations and commodity organisations replaced ailing public extension services. Under the Land Bank’s Social Discount Product, commercial farmers would be eligible for interest rate discounts in return for mentoring or training black farmers, investing in farm worker housing or concluding equity sharing agreements with workers (Land Bank 2001; Oricho interview, 2002). Presenting the Plan to Parliament, the Minister described it as a mechanism for ‘sharing of experience and expertise between black and white farmers to become a norm rather than sporadic or an expression of good will of specific individuals’ (MALA 2003a p. 5).

Yet the Plan endorsed precisely such a ‘sporadic’ approach to support and relied largely on ‘good will’. Only in 2004 did budget provisions bring Agriculture into a direct role
in supporting land reform. Long-awaited capital funding took the form of the Comprehensive Agricultural Support Programme (National Treasury 2004 p. 695). CASP was meant to draw together land reform and agricultural policy, and the Ministry presented it as an outcome of the Strategic Plan (MALA 2003a). It would pay private service providers as well as provide a limited pool of funds for capital improvements on agricultural land. In his State of the Nation speech in 2004, the President announced that the Agricultural Credit Board previously which previously bailed out white farmers would be re-established to support black farmers, and capitalised with R1 billion (Mbeki 2004). This proposal eventually took the form of the much more modest Micro Agricultural Finance Institutions of South Africa (MAFISA), created in 2005 and housed in the Land Bank. It was given a budget allocation of R150 million, and authorised to provide production and equipment loans of up to R100 000 to black farmers with secured access to land and a household income not exceeding R20 000 per month (MAFISA 2005). This exposed a further dualism underpinning agricultural support: MAFISA would provide small loans to the poor (only), while CASP would provide more substantial infrastructure grants (mostly) to the better-off (Hall 2009c; Hall and Aliber 2010).

The advent of CASP and MAFISA was consistent with the argument by agricultural economists that smallholder farming could be supported through minimal intervention in markets, and the state should focus on providing market information, and transport and communication infrastructure (Makhura and Mokoena 2003; Van Schalkwyk et al. 2003). These grant-based approaches to agricultural support, mirroring the land
purchase grant system, would soon be overtaken by a more powerful and dominating framework that promised greater access to (private) resources: BEE.

6.3 Agricultural black economic empowerment

In 2002, the NDA initiated a BEE charter for the agricultural sector. The Broad-based Black Economic Empowerment Act 53 of 2003 created statutory obligations on commercial farmers and agribusinesses to develop their own sector-specific targets, and create self-monitoring systems in co-operation with relevant state institutions. A BEE charter for agriculture would, according to Didiza, help to ‘mainstream’ those who were ‘still excluded from the mainstream of the economy’ (MALA 2005). AgriBEE added the key term ‘entrepreneurs’ to that of ‘emerging farmers’ in policy discourses. Those to be empowered might not be farmers, but shareholders or managers.

The AgriBEE steering committee, chaired by Njobe and later Mbongwa, included the South African Chamber of Business and the Banking Council, as well as AgriSA, NAFU and the Transvaal Agricultural Union (TAU) – the conservative white agricultural union which had seceded from AgriSA on the grounds that it was too liberal. The only nationally recognised representative of farm workers, the Food and Allied Workers Union (FAWU), a COSATU affiliate, participated. State-chosen individuals (not organisational representatives) were present to represent ‘youth’, ‘rural women’ and ‘people with disabilities’ as the other three of the four ‘marginalised’ interest groups. The background study was conducted by Johan van Rooyen and other agricultural economists (NDA 2004b). At the AgriBEE Indaba, each ‘commission’ was co-chaired by one of the prominent agricultural economists with whom the NDA
worked: Nick Vink, Mohammed Karan, Moraka Makhura and Johan van Rooyen (NDA 2005).

There was overlap and movement in personnel between some of these networks. Van Rooyen had left academia for the Wine and Brandy Company. Andrew Makenete, former national organiser of NAFU, represented the Banking Association; by then he was manager of Agribusiness for ABSA, South Africa’s largest commercial bank, which regularly sponsored NAFU congresses (own observation). The banks would bring substantial amounts of loan finance to AgriBEE and demanded that this be within a framework that confirmed the willing buyer, willing seller principle and certainty over property rights (Makenete interview, 2005). AgriBEE confirmed the terminology and discourses already established in LRAD and the Strategic Plan and provided a framework within which those with established interests in commercial farming would be able to design and oversee its transformation. It would need to become a framework for land reform, in order to provide access to public funds. Only in this way could the costs involved in the statutory BEE requirements placed on the industry for its own transformation be shared with the state.

### 6.4 Rural development

A further policy framework developed during this period was the Integrated Sustainable Rural Development Strategy, released in October 2000 by the President’s Office and later transferred to the Department of Provincial and Local Government. Its primary author was Johan van Zyl (own observation), an agricultural economist who had been on the World Bank’s local team. It built on Cabinet Memorandum No. 18 of 2000
regarding the need for an integrated approach to rural development, and was approved by Cabinet on 2 October 2000 (RSA 2000a). During 2001 the ‘strategy’ became a ‘programme’ and the Integrated Sustainable Rural Development Programme (ISRDP) was launched in 13 of the country’s poorest districts, with the instruction that municipalities and line departments co-operate and make joint priorities. They would receive no additional funds. Instead, the ISRDP relied at least initially on funds drawn from existing national and provincial government programmes, which were to be synchronised to fund local efforts at rural development. Like LRAD, the ISRDP was based on a series of unfounded optimistic presumptions, a storyline of what Shore and Wright (1997) called ‘hoped-for outcomes’ in language that shifts prophetically from the future to the present tense:

Rural areas will receive a simple liquidity boost as land acquisition and farm start-up grants move into rural areas. Derived demand for construction and other local services will increase. Increased agricultural growth through the bringing into production of under-utilised land and labour are matched with capital, and returns to both are greater than in the past. As the pace of economic activity picks up in rural areas with land reform, family capital now invested in other activities and probably in urban areas may come back. Increased security of land tenure will encourage new owners to invest in their own land. (RSA 2000a p. 33)

The ISRDP was widely criticised for its focus on service delivery and infrastructure rather than access to livelihood assets or resources for production (Everatt 2003). Contrary to its own claims, land reform did not feature. The ISRDP confirmed that there would be no national strategic direction for rural development. Instead, like land reform, it was to be restricted to isolated projects or ‘nodes’, and initial plans to scale it up beyond its 13 pilots were never realised.
7 Conclusion

This chapter investigated the convoluted nature of policy processes that unfolded between 1999 and 2004, and the internally inconsistent nature of the policies produced. The growing influence of agricultural policy (and in turn of both white and black established farmers) on land policy demonstrates the complex and contingent nature of policy making, shaped by interests and power, by actor networks and their discourses. It also reflects narratives of race, class and gender that were used to frame and justify policy positions; and the sudden dominance, under Mbeki, of narratives of economic development and efficiency over justice and equity. This period also saw, within the policy views of the ANC in government, the normalisation of the farming system in the commercial areas, and a growing acceptance of existing production regimes alongside (and accommodated within) a transformation agenda. In this sense, the period saw the ANC’s changing conception of the land question and ways to address it. Also evident were the tenacity and continuity in contested notions of farming and means of promoting agricultural development.

This second cycle of policy making after 1994 saw a return to the neo-classical economic arguments which had informed the World Bank’s agricultural sector strategy in the early 1990s. LRAD was publicly presented as Didiza’s programme but, while she approved it, it was the product of a long process, predating her tenure as minister, of adjustment to the original World Bank proposals. A fundamental ambiguity embedded in these policy processes was whether the problem with land reform was that it was market-dependent and so led to projects inappropriate to people’s needs and capacities,
or that it failed to result in market-oriented agriculture. While claiming the former, new policy addressed the latter.

The detailed history of the policy iterations that produced LRAD shows the competition between competing visions for land reform and how, once the CFP and FSN were collapsed into one, a vision of progressive, modernising commercial farmers came to define the new programme. Proponents of this new policy direction acknowledged existing problems of reliance on land markets and the level of the grant, while proposing solutions that did not resolve these problems. Instead, the rhetorical rejection of the previous approach was used as a galvanising force with which to drive new policy and to establish co-operative relations between the state, agribusiness and landowners. While many of the provisions and terminology defining it as a commercial farmer programme were removed, the logic remained: the market-assisted programme would now primarily be geared towards those with their own resources to commit, who were entrepreneurial self-starters and had farming experience. Yet, at the end of the policy process, in LRAD’s specification of eligibility criteria, the word ‘commercial’ was nowhere to be found.

The second cycle of policy making cemented a new alliance of policy actors from inside and outside the state. Didiza drew on her support base of black agriculturalists in NAFU which, while organisationally weak, presented the public face of the new class of black capitalist farmers. This new alliance was embodied in the Presidential Working Group, one of what Gumede (2005b) termed the ‘new centres of influence on policy-making’ outside the formal electoral representative system under Mbeki. The political project of this alliance found intellectual support among the Afrikaner agricultural establishment
and the agricultural economists who, having fallen out with the apartheid government on the eve of transition, had forged partnerships with and found employment in the World Bank from the early 1990s onwards. Johann Kirsten had a strong hand in LRAD, at least as the author of sliding scale; in the Strategic Plan, which he authored for the Presidential Working Group; and as Didiza’s nominee to chair of the Food Price Monitoring Committee, while the ISRDP was developed in large part by his colleague at the University of Pretoria, Van Zyl; and the AgriBEE charter shaped by their former colleague Johan van Rooyen. Through interlocking policy processes – LRAD, the Strategic Plan, ISRDP and AgriBEE – the terrain of ‘land reform’ was redrawn. It was redefined as the totality of initiatives to promote black access to land and entry into or advancement in commercial farming. The key benefit for the state – and the ruling ANC – was that a great variety of private-sector initiatives came to be recognised as contributions to ‘land reform’. This would buy credibility and access to resources for the private sector, and would contribute towards solving the state’s problem of failed policy and failed ‘delivery’.

Actors used a variety of discursive techniques to their advantage in this process. First, by fudging the line between ‘policy’ and ‘product’, new policy was justified in terms of the old. A new ‘product’ would be needed to bring the programme in line with existing policy. In practice, this meant making new policy. Second, in the course of ‘clarifying the core business’ of the two departments, their business was transformed. The business of DLA came to focus on provision of grants for farmer settlement, in which it would play a limited role, rather than transforming the rural economy and markets, as what the RDP had envisaged as the ‘central and driving thrust of rural development’ (ANC
1994b, 1994c). This created opportunities for the agricultural establishment (in the state and private sector) to make decisions about land reform, while bifurcated institutional arrangements persisted.

Third, the ‘emerging farmer’, the central concept defining the new policy, was part of a necessarily vague nomenclature that obscures more than it elucidates. The term was deployed in ways that conflated scales of operation, degrees of capital-intensity in production, and the proportion of marketed produce. It was unclear in what direction ‘emerging farmers’ were expected to ‘emerge’.

Nevertheless, it fulfilled the political purpose of accommodating contradictory interests in the policy process by obscuring class differences. It addressed white farmers’ fears of groups of blacks settling in white farming districts and need for black counterparts as a political buffer (Aliber 2003 p. 3). It addressed the interests of black commercial farmers and would-be farmers to receive priority access to state resources (Makenete interview, 2005). It was broad enough to accommodate ‘the landless’ and so to contradict NGO criticism that the poor were being marginalised. In this way its discursive function – moving the question of who land reform was for into the doxa, or universe of the undisputed (Bourdieu 1977) – was realised.

This chapter has attempted, ambitiously, to capture the contours of a policy process that was, in many respects, hidden from public view. It provides a partial description and a partial analysis of events as they unfolded on the basis of some of the documents and from the perspectives of some of the actors. As Everatt (2003) has observed, accounting
for the interaction of actors and their discursive construction of interests is at the heart of studying policy, which is therefore:

a story about how ideas take shape within government, where they are buffeted by multiple factors including institutional competition, different ideological perspectives and political interests, personality differences and the like. The quality of the final product is testament to its own resilience and the system that produced it. Readers should be clear: there is no ‘history’ of the [policy] but multiple ‘histories’. (Everatt 2003: 1)
Chapter Six
Policy Cycles, Actors and Discourses
1 Introduction

This chapter discusses policy processes during what I characterise as two cycles of land policy making between 1990 and 2004. It focuses on the means by which policy actors pursued their interests, how these interests came to be defined by discourses populated with categories and concepts, how these became the terrain on which the disputes over the direction of policy were fought, and how these discourses in turn precipitated the realignment of actors, forging new discourse coalitions which, in combination with wider political shifts, prompted the redirection of land policy. First, it explores the actors, their strategies and networks with one another, and how these were represented and understood by the actors themselves. Second, it depicts the contours of the policy cycles, and the means, styles and strategies of policy engagement between networks of actors inside and outside of government. Third, it analyses the discourses that were generated, adopted, deployed and adapted by the actors and the ways in which coalitions of actors shared discourses, even while disagreeing over policy prescriptions. Fourth, it traces links to longer historical cycles in official thinking and policy provisions. It shows how, through attempts to refocus the direction of reform and refine its operations, land reform came full circle to old ideas and practices concerning, among other things, the ‘development’ of black farmers and black settlement on white farmland. It seeks to make sense of these ironies of history.

2 Actor networks: Strategies and realignment

This section focuses on civil society actors within South Africa, and how they related to one another, to the World Bank, and to government. From the late 1990s and following
the new policy direction from 2000, the NGOs became increasingly alienated from
government but retained relations with donors, many of whom had become concerned
that their prior support, and the lessons it had produced, had been discarded (DFID
2003). Despite the controversy surrounding its design and objectives, actors,
‘stakeholders’ and activists responded to LRAD by gearing up to start implementing it.
For the first time, white farmers and their commodity sector organisations as well as
agribusinesses committed themselves to a substantial role in land reform, and formed
networks with black farmers and agricultural economists and bureaucrats. Almost
entirely absent from these policy processes were the voices of those who had either
gained access to land through the programme or attempted to do so.

2.1 Black and white farmers

From the end of the 1990s, government and the main agricultural unions – AgriSA and
NAFU – forged closer relations. They also competed to position themselves as the true
voice of black farmers; AgriSA claimed to have 30 000 black members (Bosman
interview, 2002) and NAFU claimed 45 000 registered members, but also to represent
between 1.2 and 1.5 million people (Mothabela interview, 2002). Neither was willing to
make public its membership lists. From 1999 onwards they were both consulted more
frequently by the new Minister, the DLA and the President (Bosman interview 2002;
Crosby interview, 2002; Matlala interview, 2003). Didiza instituted standing quarterly
meetings between AgriSA, NAFU and officials of both her departments, in preparation
for the Presidential Working Group meetings (Makenete interview, 2005; Thomas
interview, 2005).
2.1.1 White farmers

When discussions about land reform got underway in the early 1990s, white farmers organised under the umbrella of the SAAU were caught unprepared (Vink interview, 2005). They objected that there should be no compulsion on landowners to sell and over time, as this became assured, came to express support for land reform but, as Riedinger (1995) observed elsewhere, objected to its practice: the selection of beneficiaries (the need to target qualified and committed farmers) and land uses on redistributed land (for commercial farming rather than primarily for settlement), which they emphasised were preconditions for future national food security. SAAU policy positions were closely interlinked, through common membership, with similar processes in the NP, and presented their positions as shared (SAAU 1996). This reflected continuities from the past when white agricultural capital was embedded in processes of governance through the apartheid state – which was only partially eroded through the 1980s (Schirmer 2000). They raised economic and environmental objections, pointing to ‘the relatively limited natural potential for economically viable small scale farming’ (Van Rooyen and Vink 1993). Their discourse was founded on dualistic thinking, moving uneasily between insisting that land reform be limited to providing basic welfare, a ‘subsistence relief function’ so as not to impinge on commercial production (Van Niekerk interview, 2005), and privileging commercial production as the model to which those acquiring land should be required to conform (Bosman interview, 2002).

In the new policy environment from 2000, AgriSA pledged its support for LRAD and assured the Minister that its members would make land available for sale and support new black farmers (AgriDev 2004; AgriSA 2000 p. 1). The organisation defined
agricultural policy as the frame within which land reform would need to be contained and circumscribed: ‘Land reform will have to comply’ with the Agricultural Sector Plan (Bosman interview, 2002). This was not surprising, as it was a framework that they had substantially influenced – unlike land policy. It opposed ‘residential type developments’ on agricultural land, arguing that these would create sprawling rural settlements, undermining production and national food security (AgriSA 2000 p. 1). This was nothing new. Its historical antecedents were the lobbies to prevent black tenancy and squatting on white-owned agricultural land which had shaped state laws and policies through much of the twentieth century.

2.1.2 Black farmers

Through these two policy cycles, the ANC in government found common ground with the still-small class of black capitalist farmers. NAFU’s leadership was drawn largely from an elite of commercial farmers in the former Bantustans of the ex-Transvaal, supported by younger, more educated and politically connected managers: Molefe Mokoene, Mookela Mothabela, Teddy Matsetela and Andrew Makenete (later head of Agribusiness at ABSA bank). NAFU presented itself as a moderate alternative, distancing itself from the NGOs, objecting to their insistent criticism of government and their ‘toyi-toyi-ing’ (Matlala interview, 2003). It presented the face of a respectable middle-class black ‘emerging’ (and emerged) farmer ready to partner with government, commercial farmers and agribusiness. Makenete described the ambiguous political space that NAFU occupied:

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25 A chanting war dance associated with the anti-apartheid struggle.
On land, we always adopted the rhetoric that the land is for the people, but having its roots in NAFCOC, the whole notion of ownership has always vested in private property. And this has always been one of the contradictions. Because while NAFU has always represented the aspirations of those who already have land, it has also represented the interests of those who seek land as a means to empowerment. This is one of the reasons why Hanekom was always suspicious of NAFU; he knew it as representing a class of people who were already empowered. (Makenete interview, 2005)

NAFU passed a motion of no confidence in Hanekom at its Nelspruit conference in 1998, because of his approach to land reform and the R15 000 grant: ‘We shot it down because it was not addressing our needs’ (Matsetela interview, 2002). Through its networks in the NDA, Land Bank and ANC, NAFU lobbied specifically to get Hanekom removed, for Didiza to be appointed and for new land policy to prioritise the creation of a class of black commercial farmers.26

The lobby for black commercial farming launched the Black Agricultural Association of SA (BAASA) in 1997 with the dual aims of providing an investment vehicle for black farmers and influencing agricultural policy processes. Its members drew much of their thinking from the DBSA, which had established links with some of its leadership – wealthy farmers in the ex-Bantustans – in the context of its FSPs. BAASA was headed by Bonile Jack, chairman of the Land Bank at the time (1996–1999), with the support of Njobe, Mbongwa and Didiza. Both Njobe and Mbongwa attended BAASA’s monthly meetings, and the minister participated in their strategy meetings. Its proponents were concerned that black professionals were not influencing the policy debate (Makenete interview, 2005). By 2001, the DBSA seconded its top black agricultural policy

26 According to an informant who wanted to remain anonymous on this issue.
specialist, Teddy Matsetela, to NAFU to formalise its national office and develop a strategy for engaging the state (Matsetela interview, 2002; Vink interview, 2005).

NAFU deployed an ambivalent discourse and occupied contentious ideological space, invoking race and downplaying class. It was able to capitalise on its strategic position as the only national representative of black farmers and garnered logistical and financial support from its allies in the public sector and benefactors in the private sector, while pursuing common interests with AgriSA, but also successfully fending off pressures (including from donors) to merge with its white counterpart. It cemented relations with black business through its NAFCOC ties and established a number of ‘empowerment ventures’ and ‘investment vehicles’, including an empowerment fund to the value of R2 billion, with the support of state financial institutions and commercial banks, particularly ABSA with which it developed a close relationship (Makenete pers. com., 2005).²⁷

NAFU’s leaders approved of the direction taken in LRAD but were disappointed by the mechanisms and policy finally adopted; the grants offered were still too small (Matlala interview, 2003). Even so, the rewriting of land policy opened the space for the reintroduction of subsidies as a form of preferential treatment. NAFU called for subsidised interest rates, which the Land Bank reintroduced from 2001 (Oricho interview, 2002). It lobbied the Land Bank to make available repossessed farms to ‘emerging commercial farmers’ at productive value instead of market price (Matsetela interview, 2002). Less publicly, its leaders conceded that they, like AgriSA, objected to

²⁷ Confirmed by an informant who wanted to remain anonymous on this issue.
tenure and labour rights for tenants and workers (Makenete interview, 2005; Matlala interview, 2003). It opposed the introduction of minimum wages for farm workers, and lobbied for a race-based exemption for ‘emerging’ black farmers (own observation). Their argument was accepted but the exemption was formulated without reference to race; instead, it would apply to farmers employing five or fewer permanent workers (RSA 2001) – a measure which in turn provoked some unintended but foreseeable consequences (Atkinson 2007).

NAFU, then, combined the rhetorical device of claiming the right to racial redress to ‘level the playing field’ between white and black farmers through targeted support for black farmers, while at the same time promoting the interests of established farmers by advocating a consensual model of land reform that would leave the commercial sector intact. It articulated the promise of transformation that would not affect overall output or disrupt established farming, and claimed this as its political niche: ‘government and the private sector need to come together to invest in the emerging sector, at the same time not disrupting the commercial sector’ (Matlala interview, 2003). Together with the agricultural economists, they formed part of this broadened discourse coalition that was able to reframe policy, but forced to incorporate competing discourses and demands.

2.2 Non-governmental organisations

With the advent of democracy, the land NGOs repositioned themselves in relation to the state and their rural ‘constituencies’ (Nauta 2001). They joined with like-minded researchers and consultants in a network of policy actors engaging directly with the state. From 1995, they rapidly shifted their modus operandi as many of them
commenced with implementing policy through the LRPP, and accounted to the DLA as well as donors for their activities. NGOs were contracted to implement the LRPP and later SLAG; they hoped to show both government and rural communities the limits of policy by documenting their attempts to apply it. This enabled them to deliver tangible benefits to communities with which they had a long history of solidarity (Husy interview, 1997). As they began to carry out the subcontracted work of government, they confronted a tension between securing access to state resources and retaining their independence (Pearce interview, 1997). At the same time, there was a dynamic of permeation: NGOs were able to cross the barrier between state and civil society, and get a direct place in policy making: the NLC at times attended internal DLA policy meetings (DLA 1999r pp. 2–4).

By the end of the 1990s, the NGOs and their allies among activists and academics urged policy change, pointing to the ‘impasse’ in land reform (FAO 2003), which was ‘at a crossroads’ (Cousins 2000b). This was considered ‘useful’ by the donors who were concerned that the ‘pro-poor’ agenda, the product of their support, was being abandoned under new political leadership (Adams interview, 2006). Despite important differences in ideology and practice, the NGOs were united in their a priori position that the market-based approach was the main stumbling block to land redistribution. Although they objected to the ‘abandonment of the poor’, LRAD was in fundamental respects a continuation of the existing model they rejected. Relations between the land NGOs and the DLA became increasingly strained during the second five years of democracy. From 2001, the NLC adopted a more adversarial approach with which a number of its own affiliates disagreed (Lebert interview, 2002). The new style of engagement turned to
creating platforms for rural people to build their organisations, to avoid substituting both for the rural poor whom they claimed to represent and for the state by implementing its policies that they disagreed with. Personal relations with the DLA, incorporation into its policy processes, and their shared discourse delayed the rupture. As Hirschman (1970) observed, loyalty defers institutional exit.

2.3 Landless People’s Movement

Rural people – and ‘rural communities’ – may be the most obvious group with an interest in land reform, yet their limited forms of organisation in South Africa meant that they had few opportunities to influence policy. While each workshop or conference heard the voices of rural people articulating their experiences, needs and demands, these were invariably representatives of communities with NGO links. Few had direct contact with one another, and repeated attempts by the NGOs to create national platforms which they might use met with little success. The one exception, for a time at least, was the Landless People’s Movement, which launched its first campaign entitled ‘Landlessness = Racism’ at the United Nations’ World Conference Against Racism in Durban in September 2001 (LPM 2001a; Sowetan 2001). It brought together people with varied claims to land. Many had submitted restitution or labour tenant claims and wanted these resolved, while others had wider ambitions and objections to the policy framework. Its founding Landless People’s Charter was the third in a series of charters with strong resemblances to one another. Its predecessors were the Community Land Charter (1993) and the Rural People’s Charter (NLC 1999). All were initiatives led by NGOs and involved many of the same people. LPM’s Charter set out a vision for land reform, including the principle that ‘farm evictees, tenants and other landless people should be
given top priority in any land reform programme’, reflecting the concerns of its constituency (LPM 2001b p. 3). Yet in large part the LPM refused to engage with the specifics of the policy programmes of government.

The NLC provided the organisational basis for the LPM by providing a secretariat for its leadership, a conduit for funding, advice on its constitution and structure, and joint leadership of campaigns. Its first national congress was a ‘Week of the Landless’, a parallel event during the World Summit on Sustainable Development in 2002 organised with the extensive support of the NLC network, a logistical feat which brought together several thousand rural and urban people from all provinces. The congress represented the heyday of the LPM and the start of its decline. It exposed deeply etched ideological disagreements about the character of the LPM, the role of urban and educated people in it, its position on illegal land occupations, and its relations with the ANC (own observation). While it remained a fragile movement during this period, LPM was a reminder of the possibility of a land occupation movement emerging in South Africa, and ahead of the 2004 general elections, it called on rural people to boycott elections, launched a much-publicised ‘no land, no vote’ campaign and warned it would occupy private farms identified as eviction hotspots. As internal rifts between the Gauteng (largely urban) branch and two other centres of power emerged, amidst allegations of financial mismanagement, its ambitions for a national presence receded (Mngxitama 2005).
2.4 Academics: Social scientists and agricultural economists

Often ignored in discussion of the making of land policy is the role of academics, (Weideman 2004), yet they were influential, had their own interests, effectively deployed policy discourses and, working with those both inside and outside government, provided much of the intellectual justification and scientific language for positions adopted in policy. They were shapers of discourse coalitions, to which they contributed the terminology of their disciplines. Networks were strongest among, rather than between, social scientists (historians, sociologists, anthropologists, political scientists, as well as lawyers) and agricultural economists. Among both, academic conferences and professional associations were means by which networks were built and consolidated, as were collaborative research and postgraduate supervision. As academic institutions, they recruited their own graduates and perpetuated intellectual traditions.

South African social scientists had for years researched rural dispossession, agricultural production, class formation and their contestation in rural politics – areas of inquiry which arose from political convictions and a concern to unearth silenced experiences and voices (Beinart and Bundy 1987; Delius 1983; De Wet 1989; Murray 1992; Yawitch 1981). The agricultural economists had historical ties to their counterparts in the DBSA and the NDA, in which they had worked or by which they had been consulted, and many served as advisors both to the NP government and to the white farmers in the SAAU (later AgriSA). There were few meetings between the agricultural economists and the social scientists; different interests, disciplines and politics separated them. There were exceptions: ‘experts’ drawn together by Michael and Merle Lipton of
the University of Sussex reviewed each others’ papers for the two volumes of *Land, Labour and Livelihoods in Rural South Africa* (Lipton et al. 1996a, 1996b). Agricultural economists were branching out; under the rubric of the DBSA, and with the authority of international academics, they were working with the LAPC’s network of sociologists and other left-wing activists, and even publishing jointly.

One institution that straddled the polarised debate in the early 1990s was the DBSA. In the transition period, its verligte [politically enlightened] agricultural economists, inspired by what they interpreted as the partial successes of the FSPs, presented a ready partner to the World Bank’s mission, and a counterweight to the more radical social scientists who questioned the property rights order and envisaged more fundamental reforms (Bromley interview, 2005). Parroting the Bank proposals its key economists co-authored, DBSA had promoted a ‘State Assisted, Market Based Land Reform Programme’ (McKenzie et al. 1993 pp. 30, 35). The LAPC, though, was the institutional embodiment of the partnership between the ANC returning from exile and the academic establishment. After 1994, the ‘ownership’ of LAPC had become ambiguous; was it an independent body or government’s think tank? The new DLA staff continued to commission work from LAPC, both formally and informally, and to include its key thinkers in policy discussions. With its demise at the end of the 1990s together with the donor programme, DLA’s link to this body of people, and the means for commissioning work from them, faded, coinciding with rising hostilities about the direction of policy and, within the department, increased tensions over racial transformation.
The LRAD era saw the re-emergence of agricultural economists in the making of land policy. Several were able to work with the NDA and the World Bank to craft a policy that would satisfy the political exigencies of racial transformation in the era of GEAR. Vink (interview, 2005) observed that ‘no agricultural economist would have thought up LRAD’. But they did – and then moderated it to accommodate a competing discourse coalition. As Weber (1914 p. 3) argued, social action takes account of the actions and expectations of other actors.

3 Cycles of policy making

DLA did not generate many new policy ideas; rather, through the 1990s it adopted, refined and operationalised the World Bank’s proposals and, when its own assessments and those of its new minister confirmed fundamental problems arising from it, it was the NDA, in tandem with the World Bank and its University of Pretoria consultants (again), which set out a new policy. The discourse through which the experience of land redistribution was ‘read’ by government was one of a failure of delivery rather than a failure of ideas. The prominence of ‘delivery’ in political discourse under the Mbeki administration served to reinforce the attention paid to ironing out deficiencies in implementation modalities rather than questioning the premises underpinning failed or failing policies. Director-General Glen Thomas epitomised this position when he claimed that, despite the advent of LRAD, policy had not changed since 1994:

It hasn’t changed. It remains the same. The vision is still the same. You may talk about implementation, which [may have changed but this] basically is informed by the material conditions on the ground. (Thomas interview, 2005)
Yet policy did change. The change arose from a convergence of ideological shifts, notably the ascendancy of BEE as a central organising concept in the state’s agenda, and personal allegiances, notably Mbeki’s personal relationships with Njobe and Didiza – and in turn their close relations with actors in the lobby for black commercial farming. Both the formal and informal processes of making land policy underwent profound changes during these two cycles. Two directions of change combined to make the policy process less ‘legible’ (Scott 1998): first was a process of internal informalisation of policy making, and second was a dramatic reduction in public participation in policy processes.

3.1 Informalisation and centralisation

The modes through which policy was developed, reviewed and revised changed starkly during the first decade of democracy. Over time this was increasingly conducted internally, without public input and with a growing degree of informality. Policy reviews and policies themselves remained unfinalised, and systems governing such processes underwent changes that served to tighten political control while obscuring the locus of decision making. Though Didiza presented LRAD as the product of close review of its predecessor, no formal review was conducted, and a draft report detailing concerns about it, drawn up by one of her advisors, was never finalised or made public. Later, the only official review of LRAD, commissioned in 2003 by the Ministry and conducted by the World Bank, was never published.

Previous systems for policy making had been highly structured. A Land Reform Policy Committee was established in 1995 in the DLA’s Land Reform Branch as a ‘clearing
house’ for all policies. Known as ‘PolCom’, it was composed of staff from all branches dealing with land reform and several provincial directors, and dealt with the White Paper as well as lower-level operational policies. It established a template for policies, met regularly, established its own archive, and ensured that each policy was submitted to and signed off by the Minister, after which it was assigned a policy document number, circulated internally, published externally and recorded as official policy (own observation; Phuhlisani Solutions 2009). Sequential processes of restructuring DLA disbanded PolCom in 2000 and two years later revived the department’s policy function, this time with centralised control over policy – and without representation from directorates or provinces – in a Policy Development Directorate in the DG’s office. The new structure appeared not to be expected to make actual policy:

> it was more like it was recognised that we [DLA] weren’t really expected to do much in terms of policy. I think it was because… the locus of policy making had shifted. (Aliber interview, 2005)

By this time, its new LRAD policy, developed outside the department, was in place.

Contrary to its name, then, and in the absence of clarity about its powers and functions, the new Policy Development Directorate did not develop policy. The Redistribution Implementation Systems (RIS) Directorate continued to develop and adopt operational policies of its own (Aliber interview, 2005; Van der Merwe interview, 2002; Govender van Wyk interview, 2005). Instead, the directorate restricted itself to lengthy and inconclusive reviews of the willing buyer, willing seller principle (2005 to 2010 and continuing); land ceilings and land taxes (2005 to 2010 and continuing); and foreign ownership of land (2004 to 2010 and continuing). It facilitated external input into these departmental discussion documents, between 2002 and 2010, none of which was ever
formally adopted as policy. Its utility appeared to be to mediate DLA’s relationships with interest groups now excluded from policy making; it met with the NLC board and affiliates and other critics during 2003, proposing their participation in a policy advisory committee – a structure that was never established (own observation). It established *ad hoc* task teams onto which representatives of NGOs, social movements, trade unions, farmer associations, churches and other groups were invited, and held private ‘expert’ meetings with subsets of these. Its 11 approved posts were never filled.

Arising from these changes, distinctions between policy, strategy, guidelines and procedures became increasingly blurred. Although the White Paper remained formal policy throughout this period, it was overlaid with a host of other policies, such as LRAD and subsequent ‘Grants and Services’ documents (e.g. DLA 2000c). Yet the status of policy adopted after 1999 was unclear; in the absence of a policy committee, there were no internal mechanisms for the formal adoption of policy, no operational guidelines for the approval of policy, nor any single repository for departmental policy. Of the 13 policies featured under the heading ‘Redistribution’ on the DLA’s website up to 2009, all were adopted prior to or during 1999. Indeed, even the LRAD policy – copies of which circulated widely outside the department – was still not included in the Department’s own list of land reform policies at the time of writing in 2010, nine years after it was launched. Yet it was soon on the NDA’s website, as a programme of this department, under its ‘farmer settlement’ programme, despite it making no budgetary contribution to it.

In the latter period, then, DLA’s policy making appeared to be a holding operation; its success was in establishing institutions and processes involved with policy
reformulation, into which civil society structures were incorporated. They exercised voice and, through a shared discourse, established loyalty (Hirschman 1970). That many later became disillusioned and withdrew from these did not undermine their primary function: namely to demonstrate that stakeholders were being consulted and policy processes were underway.

3.2 Forms of participation

Despite the participatory character of policy making in the first three years of democracy, few changes to the policy direction were effected. Critics of the land reform policy process, including within the DLA, argued that only ‘lip service’ was paid to participation (Levin interview, 1997), while others point to highly consultative processes and the genuine commitment felt by the new bureaucrats to addressing the concerns they heard (Steyn interview, 2005). Following the impressive gathering at the 1995 Land Policy Principles conference, the dominant form of public participation was the series of Green Paper consultation workshops across the country, where rural people raised common objections to the proposed policy. The White Paper summarised 14 core objections raised in these workshops. These related to the SLAG itself, support services and finance for farmers, valuation and compensation, and government intervention in the land market. Though it meticulously itemised them, none were reflected in changes to the final policy (DLA 1997a). In contrast, both supporters and detractors of LRAD in civil society agreed that it was developed without any substantial participation from them (NLC 2001). That it catered to the interests of NAFU and AgriSA and reflected their discourse was not due to their involvement in its formulation, but rather wider
political changes. Indeed, NAFU became influential because of LRAD. The policy created the constituency.

Over time, then, significant changes occurred in the extent and forms of participation, and who got to participate in which ways. Husy (2000) showed how the ANC and DLA during the 1990s constituted a ‘corporatist state’, in that its modus operandi was incorporation of social forces into the institutions that governed them. The social forces were willing, even eager, to be incorporated; in the transition period the NLC asked to be on drafting and technical committees, for instance to write a section of the RDP and in this way ‘to be part of them [the ANC]’ (NLC 1993b pp. 4–6). Along with the ANC, part of the NLC’s intervention strategy had been to nominate new members onto COLA to build a bloc they termed ‘ANC/NLC + “friends”’ (NLC 1993b p. 7). Even though NGOs were strong players in the lead up to the White Paper, their core objections were ignored. Through the 1990s, they volunteered to facilitate engagements between the department and rural communities, secured contracts to implement portions of the land reform programme on government’s behalf and, with a seat at the table, participated in internal departmental discussions on revisions to policy. Although contributing to its language, the NGOs had little influence on the framing of land redistribution. They had greater success in shaping the two ‘rights-based’ programmes – restitution and the farm tenure programmes (Walker 2008; Cousins and Hall forthcoming). By 2001, the state had all but abandoned the latter, and in practice (and in budgets) redistribution came to occupy centre stage of land reform (Hall 2004c). Rather, the NGOs’ participation in the sphere of redistribution was restricted largely to debating the modalities of implementation, and influencing operational policy.
Dynamics of incorporation took different forms in the two cycles, with different actors being excluded. By the early 2000s, many of these actors were wholly excluded from policy discussions, specifically the land NGOs and the academics who traditionally had close relations to the DLA leadership. Other actors, though, had not earned a place at the policy table; even those in NAFU and AgriSA who approved of the new policy direction complained that they had not had a chance to shape it (Bosman interview, 2002; Matlala interview, 2003). The widespread view among NGOs and academics was that the policy process had become dramatically more narrow and closed over time, described in a 2000 newspaper article as follows:

Land activists and analysts in civil society… have been effectively excluded from the behind-closed-doors review of land reform policies… (in stark contrast to the open debates and consultative processes of the 1994–96 period). (Cousins 2000a)

Indeed, the political shift of 1999 to 2000 entailed the exit of these key allies from government with whom they shared a ‘rights’ discourse (but disagreed about key dimensions of policy) and the ascendency of a ‘markets’ discourse anathema to the NGOs. The ‘rights’ discourse coalition, weakened by the failings of the policy it had created and contested, was no longer at the policy table.

DLA continued to present its own policy process as a policy ‘cycle’. While its White Paper was the culmination of a process involving several iterations – from a Strategy to Draft Policy Principles to a Green Paper and then a White Paper – changes made along the way seldom responded to the criticisms of those who participated in consultation events. While the public face of policy processes differed starkly, determining the actual parameters and instruments of policy in these two cycles was similarly narrow. In the first cycle of policy, driven over time by the ANC’s Land and Agriculture Desk, the
LAPC and then the DLA and its new bureaucrats, and characterised by widely consultative processes and broad participation, policy was already defined. Only minor changes were made – most based on operational requirements and pragmatic concerns of the implementing institution, rather than the principled objections and interests of those they consulted. The second cycle of policy was characterised in contrast by extremely limited public input, and few opportunities for ‘stakeholders’ to respond to new proposals. Despite the different processes pursued, the policies were similarly predetermined by the political interests of a small group of advisors, bureaucrats and politicians. Though the cast of characters had changed, neither was shaped to any meaningful degree by the consultations held.

Of core importance, then, was the ability of ‘experts’ to present their input to the policy process as providing a scientific basis for the ideological choices that were already made. Policy making in the early and mid-1990s combined with remarkable sophistication popular and grassroots consultation with the privileging of expert voices – and choices of which experts’ voices would be heard. This applied not only to the experts from the World Bank but those, more numerous and varied in discipline and politics, who populated its mission and its research programme.

3.3 Civil society choices: Exit, voice and loyalty

Hirschman’s (1970) work on ‘exit, voice and loyalty’ draws attention to the ways in which clients, citizens and interest groups do not merely ‘exit’ institutions and processes with which they are dissatisfied, but also exercise the option of ‘voice’ to attempt to
remedy poor performance or to influence outcomes. Mediating this choice is ‘loyalty’ or attachment to the institution, which effectively increases the costs associated with exit.

NGOs, dissatisfied with the policy process and its conclusion, did not ‘exit’ from engagement with the DLA, despite recognising that their fundamental objections to the direction of policy had been ignored. Instead, through the 1990s they continued to participate and give ‘voice’ to their own dissatisfaction, and created spaces for rural communities to do the same. It was only by 2001 with the formation of the LPM, and then the split in the NLC network in 2003, that NGOs started to exercise the option of ‘exit’. While the division was one of strategy rather than principle, it was underpinned by differing degrees of loyalty to the institution and its longstanding and unfulfilled promise of far-reaching and pro-poor reform. The uneven degree of exit, and its long and much-debated delay, was shaped by loyalty in the sense of affinity (to the ANC, the government, DLA, and its leadership); belief that they could embark on a different policy direction; and recognition of the limited alternatives available which made the prospect of exit unappealing. Specifically, exit would impede their ability to raise funds to continue their work – to secure funds both directly from government in the form of contracted implementation, and from donors on the basis of expected ability to work with rural communities to influence policy processes and implementation practices.

The relationship appeared anything but loyal, with DLA and NGOs trading public insults, each calling into question the credibility and motives of the other. Yet it was loyal in the sense that there was a basic belief that a policy solution was needed, that it could emanate from DLA, and that it could not emanate from elsewhere. The disintegration of the NLC network, and the severing of relations between the NLC and
the DLA, occurred by the end of this period when all three of these assumptions had been eroded. With the belief in social movements as the decisive force in achieving social change combined with declining spaces for influence within the DLA, the basis for loyalty – in Hirschman’s terms, an assessment of the possibility for change sufficient for the achievement of satisfaction – was eliminated.

### 3.4 Bureaucratic machinery and the logic of appropriateness

March and Olsen (1989) argue that politics, and the behaviour of political and bureaucratic institutions, is organised by a ‘logic of appropriateness’. Established rules and routines define roles and situations, and so provide a basis for order and predictability as well as flexibility. When individuals in an institution ‘encounter a new situation, they try to associate it with a situation for which rules already exist’ (March and Olsen 1989 p. 160). This is in contrast to the ‘logic of consequentiality’ where behaviour is justified on the basis of expected outcomes. A necessary tension and interdependence exists between these two logics: political institutions behave according to their conceptions of appropriateness, though their justifications for their choices are more often based on consequentiality (March and Olsen 1989 p. 162).

SLAG was adopted because a market basis for supporting poor people to acquire property was needed, and such a system already existed in the form of the housing subsidy scheme. Quite aware that this was inappropriate, but without any compelling reason or rationale for an alternative level or form of subsidy, and in the face of pressure to conform with policy instruments with which Treasury was already satisfied, policy
makers opted to replicate the housing grant as a land purchase subsidy (Aliber interview, 2005; Lund interview, 1997).

3.5 Filtering and refracting World Bank thinking

The influential view that the World Bank set the agenda for South Africa’s land reform begs the question of how it was able to do so (Williams 1996a). In the absence of any dependence on the Bank for loan finance, their policy advice turned out to be a useful intellectual justification for a political compromise. The ability of the Bank to work effectively with agricultural economists in South Africa lent the final version of its ‘Options’ local credibility in the eyes of some (though not of Williams 1996a) and laid the basis for future alliances of actors who eventually benefited, after the Bank’s return, from LRAD. Both World Bank and senior government staff dismiss the view that the Bank was heavily influential in land policy as racist, ‘as if the World Bank is dealing with people who can’t think for themselves’ (Thomas interview, 2005) and ‘the World Bank guys… came and brainwashed these [ANC] guys’ (Van den Brink interview, 2005).

Despite the widely shared antipathy to the Bank and its proposals, their core logic, and much of their language, lived on in the ANC government’s pronouncements on land redistribution over the coming decade. They continued to inform the policies agreed by the ‘new bureaucrats’ who came from the ANC and the NGOs, and written by them, by donors’ experts and by ministerial advisors, all of whom were required to ensure that policies would address to some degree the spectrum of mutually incompatible visions that South Africans had for the future.
The two most significant expressions of land policy – the White Paper (DLA 1997a) and LRAD (MALA 2000c) – were the products of World Bank thinking filtered and refracted through South African politics several years apart. Its thinking was filtered in the sense that some ideas were rejected: giving people vouchers to go out into the market and buy farms from white farmers was discarded by all the South Africans for whom this was untenable in the context of racialised power relations in the countryside. Its thinking was refracted in the sense that the language and concepts it introduced were diverted and reshaped by powerful discourses already established within South African civil society. In the second period, for instance, the explicit vision of commercial and individualised farming was filtered out in response to damaging criticism, but was revived in altered form in operational criteria adopted by implementers. To understand these processes, it is necessary to attend to the power of discourse in framing interests and shaping policy.

4 Discourses and discourse coalitions

Discourse is the political technology through which policy is made, remade, justified and interpreted. Policy, like history, serves pragmatic uses which, Buckley (1989 p. 184) argues, function in distinct ways: as a ‘rhetorical commentary that either justifies or condemns’; as a ‘charter for action’; and as a ‘focus for allegiance’ (cited in Shore and Wright 1997 p. 7). In making South African land policy, all actors were working from assumptions, some more tenuous than others, about how the policy would work. Their ability to establish certain assumptions within policy was achieved through argument, in both public fora and closed meetings, and in written as well as verbal form – and thus in the realm of discourse. This is not to say these were processes distinct
from the operation of politics and power; rather, these were the forms through which politics and power were animated.

First, land policy was cloaked in a discourse characterised by continuities alongside stark changes through this period. Despite vociferous opposition to its policies through the 1990s, DLA shared a common discourse with its most vocal critics, the NGOs. Their dominant ‘rights’ discourse emphasised giving land to the poor as a matter of justice and as a means to provide them with the means for basic livelihoods (ANC 1994b; NLC 1994). This was challenged by a ‘markets’ discourse which centred on notions of economic efficiency and productivity as the necessary outcomes of the process (SAAU 1996; Van Rooyen and Vink 1993). With the introduction of LRAD, the latter discourse won out in redistribution policy; it informed changes to eligibility and justified channelling available resources to fewer people. The discursive shift produced a schism in land reform, evident in policy documents and pronouncements: restitution would address rights and justice, while the discretionary redistribution programme would pursue economic efficiency, subject to BEE. Yet LRAD retained and incorporated the discursive symbols and trappings of the ‘rights’ discourse: while presenting a new vision, and introducing new concepts and terms, it justified these in terms of the same language of the RDP: it would ‘improve nutrition and incomes of the rural poor who want to farm on any scale’ and ‘overcome the legacy of past racial and gender discrimination in ownership of farmland’ (MALA 2000c p. 3).

The categories employed by large bureaucratic institutions cannot do justice to the complexity of the world they seek to describe: the categories are ‘too coarse, too static, and too stylized’ (Scott 1998 p. 262). While categorisation may be necessary for the
purposes of making sense of, and planning for, diverse situations, there are real repercussions of believing these categories and taking them as things in themselves. The categories that populated land policies – ‘communities’, ‘rural poor’, ‘women’, ‘emerging farmers’ – were all schematic representations, abstractions, and, although misrepresenting reality, influenced it. When incorporated into public policy, these kinds of abstractions ‘systematically operate to nudge reality toward the grid of its observations’ (Scott 1998 p. 300). Linguistic devices served to justify political choices in ways that had broad appeal. Policy discourses were populated by mobilising metaphors: the programme would be ‘demand-led’, there would be ‘sunrise’ packages of agricultural support to ‘emerging farmers’ who would be ‘empowered’ (DLA 1997a; MALA 2000c). As Shore and Wright (1997) observe, these keywords are discursive expressions of power. They served to galvanise support for envisaged processes and hoped-for outcomes.

A foundational concept in policy was that of demand; agreement on a demand-led approach was a turning point in the debate of the early 1990s. The World Bank described its proposed model as ‘demand-led’. It reinterpreted the notion of ‘demand’ for land as the expression of demand in a market which, backed up by state subsidies, would precipitate supply (World Bank 1994a p. 221). That redistribution would be ‘demand-led’ satisfied the interests of the new ANC-led government to demonstrate that it would be responsive, as well as the interests of rural people and NGOs that the programme would be directed by, and meet, their demands (ANC 1992a pp. 2–3; Lund interview, 1997). While the ANC and LAPC researchers had earlier talked of ‘self-selecting participants’, they never objected to the idea that reform would be ‘demand-
led’, even when calling for ‘supply-led’ approaches such as expropriation. Yet as Lahiff (2007), Walker (1997), Murray (1997), Zimmerman (2000) and others showed, the demand-led approach works against the pro-poor emphasis, as the better resourced are able to pursue their claims and enter the programme. Ultimately, policy provided no means by which to match supply and (real) demand at a local level.

As policy discourses evolved, varied practices and experiences were contracted into abbreviated idioms: the ‘market-based land reform’, the ‘rent-a-crowd syndrome’ and the ‘willing buyer, willing seller’ principle. The latter had appealed to landowners’ fears of confiscation or expropriation by the state, but also imputed a false equivalence, suggesting that the absence of compulsion would be evenly distributed between buyers and sellers. In its earlier use in Zimbabwe, this term referred to the state not being obliged to invoke its right of first refusal on all land offered for sale; it need not be an unwilling buyer (Cliffe 2007). The term made no sense in the South African context where the buyers would be beneficiaries themselves, who could obviously not be forced to buy. Yet, in a country with a virulent antipathy towards (and long history of) state coercion, the use of the ‘willing buyer, willing seller’ term effectively recast in a more favourable light the state’s choice not to use its constitutional powers to intervene in land markets, or expropriate, in favour of those for whom land reform had been designed: it would not compel anyone to sell or to buy.

Second, dispute over the nature and direction of land reform was fought discursively. Hirschmann (1968) argued that development policies that succeed in securing funding and institutional approval – though not necessarily in achieving intended outcomes – ‘depend on a set of more or less naïve, unproven, simplifying and
optimistic assumptions about the problem to be addressed and the approach to be taken’ (Hoben 1996 p. 187). Narratives on land reform in South Africa cast a blanket of uniformity over rugged differentiation in conditions, climates and social relations. Discursive combat over land drew on crude, overstated and in some respects inaccurate distinctions between the SLAG and LRAD programmes. Regardless of the truth of these claims, there was little empirical basis on which to determine their veracity; there was no agreement on indicators of success.

‘Market-assisted land reform’ was the term favoured by its authors in the World Bank, though its critics insisted on referring to the policy framework as ‘market-based’ or ‘market-led’. By 1999, the World Bank no longer referred to ‘market-assisted’ but to ‘negotiated’ land reform (Deininger 1999). As Makenete (interview, 2005) explained, ‘empowerment’ became code for wealth accumulation. The LRCF was renamed the Land Reform Empowerment Facility. Devoid of any ostensible class agenda, support for any ‘emerging farmers’ would constitute ‘development’. ‘Development’ came to mean simply ‘black’, a pattern equally evident across other areas of public life, policy and discourse in South Africa. Yet the new beneficiaries of LRAD would fare better than those in the past because they would be ‘emerging farmers’. An emerging farmer in the final policy denoted someone on a path towards production for markets – yet all black producers became understood to be ‘emerging’, regardless of their intentions or scale of operation. ‘Emerging farmers’ or ‘emergent farmers’ were the terms that signalled the transition to a new discursive terrain. This teleological term offered the suggestion of development as a singular path, while eliding the questions of what these farmers might be emerging from or to, and whether any black farmers were anything
but ‘emerging’, prompting Dolny (interview, 2005) to call them ‘chrysalises that never hatch’.

Third, the problem to which land reform was the answer was discursively redefined over time. The ‘land reform debate’ over time saw the narrowing and caricaturing of the rich and complex history of dispossession into a few images unfettered by specificity – what Walker (2008 p. 233) has called a ‘master-narrative’ of loss (and restoration). This contraction of the terms of the debate fitted the focus on land reform in isolation from wider economic restructuring. The notion of restructuring agriculture and overcoming dualism was downplayed over time. The Bank’s proposals for rural restructuring came at a time when structure was at the forefront of the debate; by 2000, there was little talk of structure and by 2004 it barely featured in official discourse. Instead, land reform was to assist individual farmers to enter the ‘mainstream’ (white-dominated commercial farming) in order to advance their own ‘empowerment’ (accumulation of wealth) and ‘racial transformation’ (deracialisation of the commercial farming areas), and explicitly not to lead to changed patterns of land use. The Presidency’s Second Economy Strategy Project later coined a term for this: a ‘ladders-up’ approach (lifting a few into the ‘first economy’) in contrast to the failed ‘trickle down’ approach. In both formulations, dualistic thinking and categories were perpetuated. LRAD for instance distinguished between ‘production for markets’ and ‘agriculture in communal areas’, collapsing questions of production systems with location (and tenure) (MALA 2000c p. 2). Ultimately it became synonymous with the former, as the idea of using grants to secure rights or support farming in the communal areas was stillborn.
Fourth, the possibility of policy intentions being realised was discursively affirmed. The premises underlying both SLAG and LRAD were declared to be *a priori* positions – and so unassailable. Iron laws depoliticise and legitimise, and serve to distance their authors from the objects and instruments of policy; ‘the effect is to buttress the authority of rulers by rendering opposition virtually impossible – as one cannot successfully argue against the “proper order of things”’ (Shore and Wright 1997 pp. 11–12). This proved complex in land policy that derived its legitimacy from a claim to be transformatory, and so claimed it would bring about far-reaching change while simultaneously assuring that it would not alter production systems.

The central axiomatic principle introduced by the Bank’s mission, of an ISPR in agriculture, provided the ANC with an economic justification for its political agenda, and ready defence against commercial farmers’ insistence that ‘economic units’ and ‘viable’ farm sizes had to be maintained. The ISPR was a *ceteris paribus* hypothesis – all other things being equal. Yet all things were not equal. That the conditions under which small farmers would operate had for decades been biased in favour of a large-farm sector could not be accommodated within the Bank’s position: it was ‘wishful thinking’ (Bromley interview, 2005).

The introduction of LRAD was similarly accompanied by policy double-speak. Limiting group sizes was LRAD’s response to the complex problems of overcrowding and group-based conflict on redistributed land. Its primary effect was to limit the properties which could be bought for redistribution. Imposing requirements of an ‘own contribution’ was LRAD’s response to production failures on redistributed farms; these would serve as a proxy indicator of commitment to farming. No research was conducted
to demonstrate that this would, or did, have the effect claimed. Both measures demonstrated the tendency of policy makers to implement ‘pet remedies’ prior to (or instead of) analysing the nature of the problem they were meant to solve (Weiss 1986, cited in Shore and Wright 1997 p. 16).

The pivotal concept of ‘the market’ was reified as a ‘thing’, despite some research and policy advice on the nature of real markets, segmented and dominated by large market players, and populated by racist people with incomplete information (Aliber and Mokoena 2001; Tilley 2004). That markets are situation-specific social institutions could not be accommodated in the thinking of most actors in the policy debate. Pro-MALR proponents projected markets as ideal-type institutions, efficiency-maximising and imbuing participants with an entrepreneurial aura. Anti-MALR critics argued that ‘the market’ was the problem, pointing to obstacles of price, information and the withdrawal of properties offered for sale, but seldom addressing the ways in which opportunities existed to shape or use markets. Neither paid much attention to how rural property markets actually functioned, or the ways in which a state-mediated, state-dependent and largely state-funded process could or did articulate with these markets.

Fifth, policy shifts were justified through increasingly managerial terminology. LRAD was steeped in conceptions of political subjects as self-activating agents; entrepreneurial attributes became the qualifying features of the ideal-type beneficiary. Policy vocabulary was updated to reflect this. With LRAD, the terminology ‘family’ and ‘household’ was replaced with ‘farmer’ and ‘entrepreneur’. ‘Beneficiary’ became ‘emerging farmer’. These discursive shifts carried distinct political meaning in the South African lexicon, suggesting a new relationship between the state and those
acquiring land through redistribution. They also served to recast farming as the central purpose of reform, and therefore farmers as its central actors, reflecting the ascendancy of the ‘markets’ discourse coalition.

Managerialist discourses are the antithesis of politics, ignoring the multiple dimensions of the problems they seek to address and denying the contestation of the solutions they propose. NAFU, AgriSA and the NP framed land reform as being about farming, and farming as being a ‘business’. ‘Farming is not a rural problem… it is a commercial issue, the same as other sectors. It is just a business located in rural areas’ (Makenete interview, 2005). ‘We were not playing politics, we were playing agriculture’ (Van Niekerk interview, 2005). In their views, the insistence of the ‘rights’ discourse coalition, spanning the DLA and NGOs, on issues of class, rights and diversified livelihoods was divisive by introducing ‘politics’ into the otherwise normal business of agriculture.

As Lovell (2008) showed, discourse coalitions serve to reconstruct past ‘journeys’ for the purposes of the present, in the process excising experiences inconsistent with this ‘storyline’. In turn, these constitute policy narratives, which usually contain some truth – at least for certain times and places – but it is their repetition and reinforcement, and their appeal to wider worldviews and sets of interests that makes them compelling. Changing land policy was one such narrative, told in different ways by competing discourse coalitions. At the lower end of the sliding scale, LRAD was not very different from SLAG, except for its requirement that the acquired land be used at least in part for agriculture. This was ignored, both by its proponents who exaggerated its difference for
their own purposes (MALA 2003b), and by its critics who were more concerned with the sharing of limited resources with the less-poor (CRLS 2000).

The ends of LRAD became obscured, as the attention of both its proponents and its critics on its mechanisms deflected attention away from its distinctive agenda, which was diluted through the year prior to its launch, rendering it a highly permissive policy, not clearly distinguishable from its predecessor except in respect of its defining feature – the sliding scale. Yet its intention to produce black commercial farmers remained imprinted on the minds of officials implementing it. Implementation introduced both continuity and change; in the areas where there was change, this saw a return to older policy tools and discourses.

5 Coming full circle: The revival of old policy themes

In the course of ‘muddling through’ (Lindblom 1959) – navigating between opposing interests, responding to outcomes that bore little resemblance to policy visions, and seeking a path of least resistance among competing interests and options – those who made, interpreted and used policy followed patterns of thinking and doing that had historical roots. The results were in many respects ironic. These ironies arose from the (sometimes unwitting) return to old policy approaches previously disparaged by the very ruling party which now reverted to them: a belief in the need to leverage applicants’ own resources as a measure of commitment to farming; the revival of older discourses and imagery used to defend against expanded black settlement in the white commercial farming regions; and tenacious notions of proper farming which underpinned policies from Glen Grey in the nineteenth century through to Betterment
and then FSPs in the twentieth. Beyond these was a deeply felt hostility towards state-planned and state-implemented resettlement among the South African left, including the NGOs and new bureaucrats who as activists and academics had witnessed the ravages not only of forced removals, but also of villagisation and Betterment. Their antipathy to state planning and state-led resettlement converged with the suspicion of state intervention among the ‘market’ believers. These themes help to understand the convergences of interests and discourses (or discursively constructed interests) which enabled World Bank policy advice to be adopted and adapted, producing programmatic outcomes intended by none of these actors but which nevertheless served wider political purposes.

5.1 Tenacious notions of ‘leveraging’: Old policy dressed up in new clothes

The most recent instance of history repeating itself was the similarity between LRAD, the new flagship programme of the ANC under Mbeki, and the NP’s first and last attempt at redistributive land reform less than a decade earlier: the DRLA’s subsidised land purchase scheme. This is a point not made anywhere in the literature. LRAD involved a remarkable return to the logic of the DRLA scheme, in which state subsidy, own contribution and loans would comprise the market price of land to enable its purchase from willing sellers. The DRLA scheme had comprised grants of R7 500 per household, but required that the subsidy could not pay for more than 80 percent of the purchase price of land, with the remainder to be financed through state loans (15 percent) and the applicants’ own contributions (5 percent) (DLA 1995c p. 3; DRLA 1993a). Despite important differences – the DRLA scheme was limited to state land –
they shared a class agenda and the structure of the defining policy instrument. Both initially set out to create a class of black commercial farmers.

Although the DRLA scheme of the early 1990s was vociferously rejected by the ANC and its then allies among the NGOs, after some years of policy development, the ANC’s LRAD programme bore strong resemblances to it. Initially the SLAG approach differed from the DRLA scheme in three significant respects: the grant level was doubled from R7 500 to R15 000, the means test was expanded from R1 250 to R1 500 – effectively a below-inflation adjustment – and the requirement of contributions of loan finance and applicants’ own capital was rejected. By 2001, with the introduction of LRAD, the latter change was reversed, the means test abandoned altogether, and the grant substantially increased, not quite coming full circle back to the DRLA’s programme, but certainly coming back to its underlying logic.

The critiques of LRAD by the NGOs – reliance on market mechanisms, the emphasis on individual tenure as part of a privatisation thrust and the privileging of commercial farming as the model of land use – were the same as those both they and the ANC had articulated in response to the DRLA land reforms prior to 1994 (ANC undated; NLC 1993a pp. 5–6). To these were added the critiques that the ANC had ‘abandoned’ the poor (CRLS et al. 2000; Nkuzi 2000; NLC 2000; SCLC 2000). Reflecting on this paradox, former NP Minister van Niekerk confirmed that LRAD was closer to what the NP had envisaged in the early 1990s (Van Niekerk interview, 2005). To understand the ANC’s enthusiastic reversion to much-reviled policy, it is necessary to look to the articulation of interests and the power of discourses.
5.2 Moral rectitude and ‘committed’ progressive farmers

Moralising discourses with colonial origins, of backward and progressive peasantries, were resilient in the post-colonial era. The notion of the ‘committed farmer’ justified new conditionalities but had historical roots. The insistence on an ‘own contribution’ was never explained as a means of reducing the cost of redistribution to the state; instead, it was as a means by which those with a genuine interest in farming, the ‘real farmers’, could be identified, and others weeded out. With the emergence of private financial institutions as an important source of credit in LRAD projects, the rationale of ‘own contribution’ as tangible evidence of ‘commitment’ – identified subjectively, as a psychological state – became part of policy.

As with other failures of state development planning, land redistribution in South Africa produced a new order ‘sustained by improvisations not foreseen by its originators’ (Scott 1998 p. 352). The unplanned outcomes of SLAG projects – reverse rental markets, non-cultivation, and straddling – were read as ‘failure’ and suggested a lack of moral rectitude on the part of beneficiaries: they had not been sufficiently committed to their projects. Viewed differently, these outcomes were improvisations taken by those whose realities were more complex than anticipated by policy makers, and who acted in ways advantageous to them (or at least allowed them to mitigate risk) but in violation of the preconceptions of policy makers (Andrew et al. 2003; CSIR 2005; Lahiff et al. 2008).

Three facets of LRAD demonstrate the influence of this thinking about committed farmers and a progressive peasantry among makers and implementers of policy: the
requirement of ‘own contributions’; the shift from a household to an individual as the unit of redistribution and recipient of a grant; and the imposition of income targets for applicants. Policy discourses came to be characterised by a contrast between households on welfare and enterprising men. This distinction was fundamentally gendered: with long-term changes in household structures, the majority of poor households in ex-Bantustans were headed by women. In contrast, those who were able to benefit from LRAD, and to do so above the minimum grant level, were mostly men. Even after the introduction of individual grants, just 12 percent of beneficiaries by 2004 were women (DLA 2004; Hall 2004a p. 7), some of whom were reportedly signed up as additional project members by ‘enterprising men’. The discarding of the household as the unit of redistribution to which grants would be allocated, then, was not so much due to the gender critiques of intra-household allocation of resources (Cross and Hornby 2002; Hall 1998; Walker 2005), or the logistical problems associated with defining, and tracking, households and their membership (Aliber [2000d]), as the notion of the individual (male) full-time professional farmer.

These notions of ‘committed’ and ‘progressive’ farmers had precursors, both in South Africa and elsewhere. They built on the World Bank’s aversion to ‘weekend farmers’ and ‘telephone farmers’ – a term which originated in its work in Kenya – because of the supervision costs of hired labour and the presumption that full-time farming demonstrated commitment (Van den Brink interview, 2005). Yet the commercialising vision of LRAD required that labour be hired, as ‘emerging’ farmers depended on non-agricultural income streams often from urban jobs and businesses. As they implemented LRAD, following not the letter of the policy but the spirit of it, officials returned to the
Minister’s vision of creating black commercial farmers. They also reverted to the income targets of Tomlinson and other intellectual forebears elsewhere, including Kenya’s Million Acre Scheme. Income targets were imposed. In practice, these criteria required that those entering the programme not be poor.

5.3 Unrealistic expectations and limiting state obligations: CPAs

Land reform was to harmonise private and public interests – Hegel’s (1974) definition of the role of social institutions – and to do so by creating opportunities for people to pursue their self-interest in ways deemed to produce positive outcomes for society. This was found not to be the case: people pursued their self-interests in ways other than those intended by policy makers, by exiting projects, or by pursuing land uses other than those determined in business plans. The response was to impose restrictions on them, including the most punitive sanction of all, which was to evict beneficiaries (Ebersohn 2009).

In the second cycle of land policy, support for the administration of land rights by CPAs within group projects was recast in a way that could be seen as ‘nannying’: an unnecessary and inappropriate role for the state, and patronising to the recipients (MALA 2003b). Instead, ‘mentoring’ of new farmers was privileged as the corollary. It would be empowering, and the domain of the established farming sector. This was carried through into institutional arrangements through policy mutation ‘on the ground’. Recurrent responsibilities towards CPAs included ensuring internal democratic processes, attending their annual general meetings, certifying their finances and mediating disputes – as well as the time required to set them up. By 2004, DLA
directors in a number of provinces had opted not to register CPAs but rather to establish trusts or close corporations, so as to limit future bureaucratic obligations (Shabane and others, cited in Hall 2004a p. 52). None indicated that there was anything inherently wrong with the CPA model, yet they found that beneficiaries did not organise their households, land uses and governance in line with the intention of the legislation (CSIR 2005).

The substantial problems faced by CPAs over time demonstrate the fall-off between idealised notions of ‘community’ as undifferentiated by power, and more complex realities. These reflected the contradictions between policy and law that presupposed joint ownership and management of land on the one hand and a public sector geared towards delivery of land rather than the regulation of tenure relations once the land was transferred on the other (Lahiff 2009). CPA members turned out, contrary to the expectations of policy planners, to be reluctant, and poorly equipped, to police one another (CSIR 2005). ‘Beneficiaries’ thus risked being blamed for their failure to perform tasks of land administration and management that in other sectors, and for other populations, have been the preserve of the public and judicial services (magistrates, native commissioners, deeds registry, surveys and mapping). Contrary to the visions of policy and law makers, their own institution (DLA) was unwilling to carry the administrative burden of supporting CPAs.

5.4 Hostility to state-driven land settlement

Tomlinson’s failed proposals to create ‘half economic units’ in the reserves had given way to Betterment, which rested on similar ideological assumptions. This took the form
of forced destocking and villagisation. The political costs involved in relocating 50 percent of the population and the economic costs of creating employment for the displaced were too high. Instead, Betterment became a form of control, changing land use and production systems and enforcing closer settlements. Like the notion of creating ‘half economic farming units’ in the 1950s, the vision of subdivided commercial farms in the 1990s foundered on the absence of political impetus to bring it to reality. The state would not intervene to acquire land, ‘settle’ people, or subdivide large farms.

Scott (1998 p. 263) refers to ‘the familiar bureaucratic pathologies’ to describe problems associated with ‘high modernism’ in state planning. ‘Visionary intellectuals… animated by a genuine desire to improve the human condition have brought about spectacular failures in altering society and creating social order’ (Scott 1998 p. 342). Development planning would be ‘less prone to disaster’ if it involved taking small steps rather than laying out grand plans and targets, and if it planned on surprises and on human inventiveness (Scott 1998 p. 345). He could well have been describing land redistribution in post-apartheid South Africa. As Tomlinson recognised – and Scott would agree – such grand schemes are unlikely endeavours:

It is the conviction of the Commission, that the development programme must be tackled in the spirit of an act of faith, in the same manner in which many other great undertakings in the Union have already been launched as acts of faith at a time when the chances of success were at their minimum, or were totally denied by some people. (Union of South Africa 1955 p. 211)

As with Tomlinson, this grand scheme of (re)settlement through land reform would affect existing occupants – farm workers, their families and other tenants. The possibility that land reform would replicate some of the features of apartheid-era displacement and resettlement caused deep discomfort among the policy makers and
activists who had fought against forced resettlement in the 1980s and for land reform in the 1990s. One of the people with acute historical understanding of state-enforced resettlement, Joanne Yawitch, whose previous work had been on the devastating effects of Betterment planning (Yawitch 1981) was the Minister’s adviser. The imagery of ‘dumping in reverse’ caused anguish among those committed to land reform (Cross et al. 1996), who saw that their efforts sometimes led people to get land – but to be settled there with ‘tin toilets and that’s it’ (Roodt interview, 2003).

There is some anxiety that the structure of the land support grants merely threatens to reproduce the resettlement schemes of the old government in a new guise. The major difference lies in the location of the new settlements, which can now extrude onto white-owned land. This has in turn created new sets of tensions around local land ‘planning’ principles and concerns about the ‘bantustanisation’ of commercial farming areas. (Kingwill 2000 p. 7)

Both pro-market and anti-market advocates, then, shared scepticism about state planning and state-led resettlement. NGOs emphasised the context in which these plans would be implemented, pointing out that the state would depend heavily both on rural communities’ levels of self-organisation, and the ability of NGOs to form a bridge between a small national government department and potential ‘beneficiaries’ (Lebert 1995). Constrained state capacity and limited funding, combined with antipathy to state resettlement, contributed to convergences of interests across actors in the different discourse coalitions to which ‘demand-led’ land redistribution, with no national level planning, could be the answer.

5.5 ‘Bantustanisation’ and the fear of sprawling black settlement

The ANC’s policy actors were focused on ‘white land’ and paid little attention to land uses or production systems in the ex-Bantustans, where communal tenure reform
suffered two false starts (Claassens and Cousins 2008). Images of environmental
degradation, poverty and unplanned settlements in these areas fuelled the revival of old
discourses related to the kinds of black settlement that would ensue from redistribution
of white-owned commercial farms by (usually) groups of black people, many of them
poor. Concerns about former white farms becoming ‘Bantustanised’, such as in the 1932
Native Economic Commission dealing with homeland consolidation, were revived in
the South African imagination. White farmers and their organisations warned of
productive commercial farms being turned into degraded Bantustans (Du Toit 2004).
These worries were not unique to South Africa; discourses and images of environmental
destruction – overgrazing, soil erosion, deforestation – dominate the international
literature on development in rural Africa (Leach and Mearns 1996). These conventional
wiseoms appear self-evident, which is where their power resides. The discourse in
South Africa tended to imply an impending crisis of food production and of
underutilisation of high-quality agricultural land and depletion of assets and
infrastructure on commercial farms (AgriSA 2000; Van Rooyen and Vink 1993).

The 1913 Land Act attempted among other things to ‘abolish the system of kafir-
farming (profiting from squatting) and thereby to release more land for white
agriculture’ (Maré, cited in Yawitch 1981). Similarly, by 2001, Didiza warned of the
dangers of ‘squatter farming’ in response to the commercial farming lobby’s attempts to
get government to ensure that redistributed land would be commercially farmed – and
that settlement on farmland in the commercial heartland would be strictly controlled
(AgriSA 2000). This hostility among white farmers towards changes in rural settlement
through land reform was shared by the agricultural bureaucracy and in Limpopo was
carried through into official proscription of settlement on redistributed farms. Here, in the ultimate irony of a land reform programme initially aimed at enabling secure settlement and diversified land use, under LRAD black farmers and their cattle were prohibited from moving onto farms redistributed to them, in the interests of preserving the integrity of commercial herds and preventing expanded settlement – and instead were required to commute from their homes in the ex-Bantustans of Venda, Gazankulu and Lebowa, a major barrier to using their land effectively (Lahiff et al. 2008 p. 17). In such ways, ‘the project’, with its commercial farming ambitions defined through business plans drawn up by consultants, would be protected from the settlement and land uses of the poor (Marais 2008).

In contrast to the radical simplifications of society sought by modernising states, as described by Scott (1998), land reform through SLAG was making the agricultural sector less ‘legible’. The comparisons drawn between redistributed farms and the Bantustans invoked the imagery of unplanned agricultural production, multiple land uses, and drew into question whether land redistribution was extending the problems of land use in the homelands into the ‘productive’ commercial farming areas.

5.6 The World Bank gets its way

With LRAD, the Bank’s vision of a land reform that would free up individuals’ initiative to engage with the land market within a liberalised agricultural economy had come to fruition. As Aliber observed:

I always felt that the influence [of the World Bank] was exaggerated, but it certainly cannot be exaggerated in terms of LRAD. That was the irony. Now they finally got what they wanted. (Aliber interview, 2005)
At the Options Conference the World Bank (1994a) had proposed that ‘individuals or groups who will use land in a productive manner’ should get grants for half the cost of the land. This presumed that applicants would contribute half the cost of land purchase in ratios of 20 percent from their own capital, and 30 percent from loans. Partial payment was a cornerstone of the Bank’s vision: the size of applicants’ capital contributions and loan finance would determine the matching grant. In this way, self-selection would ensure that those able to invest would attract most support from the state. Statements of faith also served to justify ideological positions in pseudo-scientific ways: own contributions would ‘assist in self-selection of participants and encourage the productive use of land’ (World Bank 1994b p. 156).

Their proposal was untenable to an incoming ANC-led government; land reform in the first cycle of policy privileged welfare objectives and was framed in a ‘rights’ discourse. But their thinking, and the bifurcation of the commercialising ‘emerging’ farmers and the Bank’s ‘Rural Social “Safety Net”’, was revived in LRAD. While developing LRAD, Didiza revived the Bank’s proposed target of redistributing 30 percent of white-owned land. Assuming that administration costs would be minimal, the target could be achieved. These calculations had been based on land transactions of smallholdings in Latin America. In South Africa’s large farm sector, such properties were seldom available, except at high prices on the urban fringe (DLA and HSRC 2005). The argument relied on optimism. Redistributing agricultural land should ‘encourage those with the greatest interest in land use to gain access to and use land efficiently’ (World Bank 1994b p. 155). This would generate benefits for those excluded from the programme by virtue of lack of either interest or resources to do so: they would benefit
from a more dynamic rural economy, and greater opportunities for employment (World Bank 1994b p. 156). Neither experienced but poor farmers nor well-resourced but inexperienced farmers were countenanced in this policy thinking – but the latter came to dominate among LRAD beneficiaries, at least in some provinces such as the Eastern Cape (Keswell et al. 2010). The mechanisms of the Bank’s proposals were adopted, though in a final irony these did not achieve its vision of small-scale farming. Continued failure to subdivide farms meant that group-based projects remained the norm except for the very well-off (Hall 2009a).

A final way in which the Bank’s land reform options manifested in LRAD was the equation of land reform with agriculture (and therefore ‘beneficiaries’ with ‘farmers’), and the exclusion of settlement as a legitimate purpose of redistribution. With the advent of LRAD in 2001, land reform became redefined as the former, while provision for the latter was almost totally withdrawn, despite research evidence that this was the most widespread demand (Marcus et al. 1996). With the advent of LRAD, the emphasis on using state funds flexibly for improvements in situ – for settlement purposes only – was lost (Bannister 2003; Hall 2004a). The ‘rest of redistribution’ envisaged in LRAD, itself a notion triggered by the criticisms that it failed to address the diversity of needs and abandoned the poor, never materialised. As eight years earlier, there were many options, but only one policy instrument.

The failures of market-based land reform were predictable – and were predicted, including by many of those who went on to implement the programme (LAPC 1994). They were not predicted by the World Bank, though it later claimed ‘we told you so’ (Binswanger interview, 2006). In retrospect, Binswanger identified the failure to
decentralise, to subdivide and to prioritise farm workers, as being the cause of the programme’s poor performance. By the end of the 1990s, though, the Bank was able to tell the South Africans to follow the examples of Brazil and Colombia – while presenting the South African experience as a model for these countries to follow (Deininger 1999). The logic was circular. As Borras and Franco (2010 p. 8) observe, when textbook projections do not happen in real life, as on many occasions, the sponsors of these market-oriented land policies usually put the blame on administrative and operational problems located in the host country. Indeed, in this case failures were attributed to incomplete implementation rather than to the model itself.

Why did Hanekom and his allies in the LAPC and his new department buy the World Bank argument? There was substantial antipathy between these players at the time that the policy itself was formulated, by which time the Bank’s mission was complete and its staff had left the country. The answer cannot be found in a reading of power and interests alone. Nor were the South Africans convinced about the positive experience of Kenya (as interpreted by the Bank) or the need to emulate it. Rather, this thesis suggests that a combination of factors allowed the World Bank to set part of the agenda: the requirement for some market mechanism that would minimise reliance on expropriation and respond to popular demands while limiting state obligations. The World Bank’s contribution was to provide the terminology and argument that recast the ANC’s moderate reforms in scientific terms that made them acceptable to South African business, as well as to white farmers and foreign investors. The Bank’s mission to South Africa, and its agricultural sector strategy, served to provide the core text for the ‘markets’ discourse coalition and was finally expressed as a product of ‘the industry’ in
the Presidential working group’s Agriculture Sector Plan in 2001 (NDA 2001). The ISPR thesis that the Bank promoted during its mission to South Africa served to provide a legitimating framework for a political necessity. Most fundamentally, the Bank’s market-based land reform model converged with the deep distrust of state-driven land settlement among South Africans.

6 Conclusion

Land redistribution in South Africa turned out to be a massive political holding operation. It survived the evidence of its widespread failures through dissonant discourses which bore little relation to its actual impacts on the ground. Though there were instances of success, land redistribution was neither creating a class of peasant smallholders able to sustain themselves on small plots on which they had secure tenure, nor an emerging class of black entrepreneurial ‘emerging’ capitalist farmers. There was little evidence by 1999 that transferring land to the poor would enable them to engage in subsistence production or generate low levels of surplus, or that this produced wider benefits within the rural economy. The familiar terrain was that of commercial farming, and politicians and bureaucrats reverted to form. They were encouraged by the academics who provided economic reasoning, and NAFU and its allies who lobbied to capture benefits under the new approach, while appropriating elements of the ‘rights’ discourse, of pro-poor redistribution and community development, that their opponents had so effectively employed.

The changing discourse also reflected a changing understanding of the purpose of land reform. This had been not to maximise production but to minimise poverty and
inequality. By 2001, the goalposts had shifted. In its own review of the first cycle of land reform, the World Bank concluded that ‘a suitably adapted land reform’ could help to develop a ‘diverse and less subsidy-dependent rural sector’ (Deininger and May 2000 p. 17). This had not been its purpose. They concluded that what was needed was a stronger role for the private sector, greater responsibilities for beneficiaries and communities themselves, and less state involvement. The evidence from South Africa held ‘lessons for other countries where discussion of redistributive land reform is currently on the policy agenda, in Africa and beyond’ and showed that it could still achieve its goals of ‘equity and efficiency’ (Deininger and May 2000 pp. 18–19). The one area in which the Bank could confidently report success – targeting of the poor and benefits not being appropriated by non-poor beneficiaries – was changed under LRAD. The poor would not be targeted and would compete for limited resources, on a sliding scale tipped against them, with the not-poor. This in turn prompted the exit of many of the NGOs from policy processes; in Hirschman’s (1970) terms, their loyalty to or expectation of satisfaction from the state was eroded.

All this was refracted through institutional arrangements that were largely unchanged. Several features of the inherited-yet-transforming bureaucracy shaped the outcomes and reinvention of land reform: the continued separation of land and agriculture in two departments (and initially, two ministries); continuities in staff, especially in the NDA; continuities in discourses and patterns of thinking about land, agriculture and the development of black settlement and farming; and centralised decision-making. Disagreements between the departments reflected tensions between personalities, ideologies and institutional cultures. These, in the view of DLA’s new bureaucrats, were
broadly distinguishable between its ‘new South Africa’ department which had undergone a conscious transformation process in its staff profile and management style, and the NDA which retained much of its form and structure from the apartheid era, but acquired new senior management (Steyn interview, 1997). Beneath these transformations was the recycling of policies, in continuing, larger policy cycles, which resurrected the Glen Grey vision of ‘one man, one plot’, Hertzog’s competitive land purchase by small groups, and Tomlinson’s grand scheme to modernise black agriculture and create a full-time capitalist farming class.

Governments often depict processes of policy making as cyclical. Policy cycles are treated within bureaucracies as a prescriptive framework, whereas this thesis shows that they are best understood as an analytical device. Different storylines have been developed to explain policy and policy change in this period and to characterise phases or cycles of policy making as distinct periods – as is done in this thesis. Certainly LRAD marked a turning point in actors and discourses: new networks of policy actors were ascendant in this period, and new legitimating terminology came to form the centrepiece of policy. But the focus on the intricacies of interpersonal, and even institutional, relations and their respective roles in making policy has tended to downplay the extent of continuity within this change. The perceptions that contrasted the ‘white liberal’ era of SLAG under Mandela and Hanekom with the ‘black empowerment’ era of LRAD under Mbeki and Didiza is in many respects valid, yet they have overstated the influence of these individuals in ushering in a new era of policy. Interests and the pursuit of these were fairly stable, as were some foundational precepts of policy, and the start of the policy transition predated the change of minister. At the
same time, land reform suffered from a ‘stickiness of adaptation’; as March and Olsen (1989 p. 169) observe, ‘[h]istories of organizational and institutional change are replete with stories of long stabilities of suboptimal strategies or technologies’. When policy did undergo change with the introduction of LRAD, these changes were driven discursively to address political imperatives rather than to resolve the range of problems already identified.
Chapter Seven

Conclusions
This thesis has investigated how, why and through what processes the programme of land redistribution evolved and changed in South Africa between 1990 and 2004. The World Bank’s ‘Options’ concluded that:

The analysis and options set forth in this report are intended to serve as the basis for discussion and debate within South Africa on the lessons of history and policies for the future. In South Africa, this debate is essential for the success of any strategy, because as has been stressed [by] many South Africans, the process is as important as the product. (World Bank 1994b p. 157)

The thesis has analysed these processes, both public and, to the degree to which they could be discovered and understood, also those proceeding behind closed doors. Policy actors themselves emphasised the importance of process, yet this thesis shows that two very different periods of policy formulation – one which was highly participatory and the other which involved secrecy and withholding of information even between state institutions – did not yield vastly different results. To the degree to which the later policy, LRAD, served as a ‘solution’ to the problems evident in the first period of SLAG, this was achieved ideologically and discursively, by redefining the purpose of land reform; few of the identified problems were resolved and new problems of indebtedness were generated.

Land reform as a programme was intended to respond to South Africa’s long history of racialised land dispossession and the legacy of colonial and apartheid policies which produced a dualistic agrarian structure characterised by high levels of poverty and inequality. Land dispossession in South Africa has been understood to be not merely a consequence of conquest, but as conquest itself, in that control of land formed the basis for economic and political domination (Bundy 1988; Hendricks and Ntsebeza 2000). The historical and literature review presented in Chapter 2 illuminates three central
themes that have marked the agrarian transformation of South Africa into the democratic era: the tenacity of and continuity in discourses and notions of agricultural improvement and modernisation of African farming; the central role of the state in shaping the trajectory of change in both ‘white’ and ‘black’ agriculture; and the complex nature of policy making that has been shaped by interests and power, but also by discourses that have framed and justified policy positions in the name of ‘development’.

The thesis has examined how certain parameters for land redistribution policy were set in the busy period of political negotiation and policy discussion in the years immediately preceding democracy. Between February 1990 and the first democratic elections in 1994, substantial advances were made in the development of a land redistribution policy for a post-apartheid South Africa. Chapter 3 shows how the apparent convergence of views achieved by 1994 masked fundamental differences on which objectives should be prioritised, which policy instruments employed, the potential of agriculture to address poverty and therefore the purpose of land reform. The view that the World Bank set the agenda by defining the terms of debate (Williams 1994; Williams 1996a) needs to account for the central position occupied by South African agricultural economists who, together with the World Bank, were among the few who were able to shape the discourses of both land and agricultural policy. The success of technicist arguments in depoliticising the question of land redistribution is evident in the separation of the ends of policy from the means in the debate. The argument presented here is that the policy framework developed in this period should be understood as the outcome of processes in which actors interacted and adapted over
time, adopting one another’s discourses to pursue, and sometimes to adapt or redefine, their objectives (Stone 1988).

Despite an elaborate process of policy making over the three-year period from elections in 1994 to the White Paper in 1997, as shown in Chapter 4 the policy adopted in this first cycle was in important respects what had been outlined at ‘Options’. As well as the market-based and state-assisted purchase of land proposed by the World Bank, though, it combined several other features: a multiple livelihoods approach and pro-poor criterion (as embodied in the means test) that were promoted by the ANC and the NGOs; a single policy instrument directly transposed from the housing subsidy scheme; and the language of ‘communities’ which elided the different and even opposing interests that cohabited within the ambit of the policy. Yet it alienated almost all interest groups, including the NGOs who opposed its market-based framework; many of the rural communities with whom they worked who were frustrated with slow delivery and the absence of support beyond land transfer; white farmers who objected to large-scale settlement in the white commercial farming heartland; and black ‘emerging’ capitalist farmers who were excluded from the programme by its pro-poor means test and whose aspirations to individual ownership of whole commercial farms were thwarted by its criteria and grant formula.

The increasing dominance of agricultural policy discourses in the development of land policy between 1999 and 2004, and in turn the growing influence of both black and white established farmers, demonstrates the complex and contingent nature of policy making, shaped by interests and power, by actor networks and their discourses. Chapter 5 argues that the second cycle of policy making saw a return to the arguments of neo-
classical economics which had informed the World Bank’s agricultural sector strategy in the early 1990s. This second cycle of policy making cemented a new alliance of policy actors from inside and outside the state. Their political project found intellectual support in the agricultural establishment, and particularly the agricultural economists who, having fallen out with the apartheid establishment on the eve of transition, had forged partnerships with – and found employment in – the World Bank from the early 1990s onwards. The Ministry, the World Bank and the nascent class of black commercial farmers came to constitute a discourse coalition that combined a focus on ‘markets’ as the means of redistribution and as the purpose of production, with a language of empowerment of emerging farmers.

The ‘markets’ discourse coalition was given new impetus with the growth of a discourse of black economic empowerment, pursued by the Mbeki government and deployed by NAFU together with its partners in the agricultural bureaucracy and parastatals. Together these actor networks were able to frame the new policy which involved returning to previously rejected formulae. Under Mbeki, they successfully displaced an already divided discourse coalition centred on ‘rights’ as the underpinning logic of land policy, appropriating some of its language and making concessions on certain policy provisions, while obscuring questions of class and gender. Actors used a variety of discursive techniques to their advantage in this process: by fudging the line between ‘policy’ and ‘product’, new policy was justified in terms of the old; in the course of ‘clarifying the core business’ of the two departments, their business was transformed; and, although ultimately incorporating terminology of ‘poor households’, ‘rural communities’ and ‘women’, the ‘emerging farmer’ was constructed as the central
concept defining the new policy. In the process, the terrain of land reform was redrawn in ways that would promote deracialisation of the commercial farming sector but limit the impact of land reform on agrarian dualism.

An established school of thought declares that the character of the negotiated transition to democracy in South Africa shaped and constrained the direction and nature of land policy (Ntsebeza 2007). The compromises made during transition described in Chapter 3 reflected external constraints on policy making and constituted a legal restraint on the new democratic state. Chapters 4 and 5, though, show how these transition compromises were not definitive: the hard-won provisions to allow for expropriation for the purposes of redistribution were unused. These chapters also illustrate how policy was remade in the post-1994 era, reflecting national politics and the interests of policy actors, rather than international market constraints or the constitutional constraints established by the transition. Land reform, initially conceived to transcend agrarian dualism, succumbed in the later period to deeply ingrained dualistic thinking: it would promote entrepreneurs in the commercial farming areas who would require private title to pursue full-time commercial farming and, in the ex-Bantustans, communal arrangements for ‘tribes’. This bifurcation returned to Hertzog-like restrictions on black group land purchases (in both periods, often to 10 members), and implied dualistic systems of land governance which, as Mamdani (1996) observed, served to distinguish between ‘citizen’ and ‘subject’.

This thesis bears out the GKI prediction that “full compensation land reform is bound to be onerous and the government is likely to feel compelled to shift as much of the financial burden as possible on to the beneficiaries (Griffin et al. 2002: 321), but also
the rebuttal by Bernstein (2004) and Byres (2004a, 2004b), who warned of the continuing influence of market forces, regardless of how land is acquired, within an untransformed political economy and agrarian structure that tend towards reconcentration. In a context where the need to mobilise labour was no longer a driver of policy (Bernstein 1996a, 2007), the failure of land reform to promote a substantial new dynamic of ‘accumulation from below’ or to break the dominance of agribusiness and white farmers in capitalist agriculture explains why the ‘agrarian question of labour’ or the ‘agrarian question of the dispossessed’ remained unresolved.

Apparently contradictory realities emerge from analysis of these policy processes: the actual political intentions driving it, and the haphazardness of it – the fact that no single person, grouping or indeed institution may have intended these policy outcomes. These competing ‘truths’ need to be considered simultaneously. Configurations of power do not predetermine outcomes, nor can power be inferred retrospectively. The process was driven by actor networks pursuing and adapting discourses, and was heavily influenced by competing and sometimes co-operating groups of ‘experts’. It was also participatory and consultative, though the forms of participation changed over time, and the broad parameters within which this was possible were determined early on. As Clay and Shaffer (1984 p. 192) observe, the policy process is ‘a chaos of purposes and accidents’. This thesis suggests that, in this case, ‘accidents’ arose from the animation and articulation of actor networks and their discourses.

Two distinct discourses are evident in policy debates on land redistribution in South Africa: one about rights, justice and economic restructuring; and the other about growth, markets and economic efficiency. While the latter were ascendant in the second cycle of
policy, these justified rather than shaped policy. The first cycle of policy was founded on a discursive presumption that redistributing land to poor people would result in improved livelihoods; whether it did or not became the contested terrain of debates over the coming decade and, within five years, was used to justify a substantial change in policy. In South Africa – as elsewhere – policy performed the function of galvanising the public in allegiance to the vision of its rulers through simplified abstractions (Scott 1988). It was both politicising, by depicting in caricatured terms the nature of the problem and the vision for its remedy, and at the same time depoliticising, by normalising policy mechanisms, often through the use of economics (Escobar 1995), and so expanding the sphere of the doxa and limiting the sphere of heterodoxa and therefore of debate (Bourdieu 1977). Caricaturing and the use of categories shrunk real-world complexity and obscured ideological differences. Political choices were justified on technical and pragmatic grounds.

In the course of ‘muddling through’, those who made, interpreted and used policy followed patterns of thinking and doing that had historical roots. The results by 2004 were in many respects ironic. Chapter 6 explores these ironies, which arose from the return to old policy approaches previously disparaged by the very ruling party which now reverted to them: a belief in the need to leverage applicants’ own resources as a measure of commitment to farming; the revival of older discourses and imagery used to defend against expanded black settlement in the white commercial farming regions; and tenacious notions of proper farming which underpinned policies from Glen Grey in the nineteenth century through to Betterment in the twentieth. Pervading these was a deeply felt hostility towards state-planned and state-implemented resettlement on the South
African left, including the NGOs and new bureaucrats who as activists and academics had witnessed the ravages of forced removals, villagisation and Betterment. Their antipathy to state planning and state-led resettlement converged with the suspicion of state intervention among the ‘market’ believers. Although ostensibly adopted as part of rural restructuring, the remaking of land redistribution in South Africa may be understood as a continuation of a modernising ideology that has long historical roots.

This thesis provides a narrative, a version of events, in which the aim is to interpret social action (Weber 1914) and to provide a compelling sociological explanation which is discursive and contextual, but rescinds claims to being definitive or the only possible explanation. It identifies how, by changing policies through policy cycles, institutions are self-perpetuating, which is why there are continuities, and why policies are repeated. There is no overarching framework that explains everything. Land policy must be understood on its own terms while placing it within a wider context, but not assuming that it is determined by the context. While theory helps to understand what happened, there is no theory of which this is an exemplar, which could be extrapolated to other cases, though there may be similarities. Any such explanation tends to be reductionist.

Through these policy cycles in the period under study, and in longer historical cycles, discourses were constitutive of power (Foucault 1980; Lukes 1986). As Latour (2005 p. 64) observes, ‘power, like society, is the final result of a process and not a reservoir, a stock, or a capital that will automatically provide an explanation’. This analysis shows how interests and discourses (which, I argue, are inseparable) shaped policy, as text and as practice. Experiences and outcomes of policy in turn informed interests and discourses. In the process, the single policy instrument, the grant, became its defining
feature and questions of policy revolved around changes to the level or structure of the grant. This story also shows how policies ‘fragment’: favoured approaches took root in informal ways, and were established through discourse and practice as much as by formal adoption as policy (Shore and Wright 1997 pp. 15–16). Accepted practices diverged from formal policy, taking their cue from political statements, institutional priorities and the spirit, rather than the letter, of policy. Ambiguities therefore emerged about what constituted policy. This fragmentation of policy enabled the straddling of discourses and interests, and so served real political purposes.


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28 This bibliography is alphabetically arranged, but where it might be difficult to find a reference (e.g. multi-author works, or authors with the same surname), the sorting order has been done by the surname of first author, followed by the year, regardless of the initials of the author or the surnames of subsequent authors. Surnames with prefixes have been capitalised according to Afrikaans spelling rules.


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