

**The implications of emerging policy discourses in  
South Africa: A case study of the KwaZulu Natal  
Land Reform Pilot Programme**

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## **Abstract**

This study is an exploration of the discourses which have emerged in the KwaZulu Natal Land Reform Pilot Programme. It aims to identify the implications of these discourses for addressing poverty and inequality and for constructing the relationship between the state and society. It is hypothesized that there are some discourses that are privileged at the expense of others with major social consequences. This hypothesis has been tested through a discourse analysis of the proceedings of the KwaZulu Natal Land Reform Pilot Programme Steering Committee for the period March 1995 to August 1996.

This study uncovers three dominant discourses in the KZN LRPP. Firstly, discourses of historical, racial injustice which draw on notions of tradition. Secondly, discourses of 'economic development' which highlight the need for productive, agricultural use of land. Lastly, discourses of participation are used to construct and contest the role and authority of the state as well as that of 'community' spokespersons. I argue that these discourses might have constrained the capacity of the KwaZulu Natal Land Reform Pilot Programme to address poverty and inequality, and that these discourses have constructed relationships between the state and society which privilege elite sectors of rural society at the expense of others. An unintended outcome of this study is that it has allowed me to explore the limits and possibilities of discourse analysis as a research method.

## **Declaration**

This thesis was undertaken in the Department of Sociology, University of Natal, Pietermaritzburg, with the supervision of Professor Tessa Marcus. This is an original work by the author and has not been submitted in any form for any degree or diploma to any other university. Where the work of others has been used, it has been duly acknowledged in the text.

Christine MacDonald

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## Glossary

Afra	Association for Rural Advancement
CBO	Community-based Organisation
D.O.	KwaZulu Natal Land Reform Pilot Programme District Office
DES	Diagnostic Evaluation Study
DLA	Department of Land Affairs
DLG&H	Department of Local Government and Housing
DoA	Department of Agriculture
GNU	Government of National Unity
IMSSA	Institute for Mediation Services for South Africa
IPS	Integrated Planning Services
KZN LRSC	KwaZulu Natal Land Reform Pilot Programme Steering Committee
KZN LRPP	KwaZulu Natal Land Reform Pilot Programme
LRSC	KwaZulu Natal Land Reform Pilot Programme Steering Committee
MANCO	KwaZulu Natal Land Reform Pilot Programme Management Committee
NGO	Non-governmental Organisation
RDP	Reconstruction and Development Programme
TLC	Transitional Local Council

## **Chapter one: Introduction**

### **1.1. South Africa's land reform programme**

Political, economic and social processes over time have led to the systematic dispossession of black people. In view of this, calls for land reform have been a constant element of political resistance and an essential task of the Government of National Unity. The Government of National Unity has presented a four fold case for a national land reform programme: To redress the injustices of the past; foster national reconciliation and stability; to underpin economic growth; and to improve household welfare and alleviate poverty (Green Paper, 1996:i). By helping to create conditions of stability and certainty at a national and household level, land reform is regarded as a necessary factor for sustainable growth and development in South Africa. Land reform is presented as a policy for national reconciliation and development, as well as a policy for the alleviation of poverty through broadening land access for marginalised groupings and increasing security of tenure.

South Africa's land reform programme is composed of three elements:

- Restitution of land rights (or equitable compensation) for those who were deprived of rights in land, after 1913 and as a result of racially motivated legislation and practices.
- Redistribution of land to the landless, the poorest of the poor (especially women) and emergent farmers.
- Tenure reform to ensure tenure security for all, especially labour tenants, farm workers and women.

While historical injustice is to be addressed through land restitution and tenure security through tenure reform, there is no clear indication of which elements of land redistribution are aimed at fostering economic growth and which are aimed at alleviating poverty. Nor is there clear indication of what strategy will be followed in alleviating poverty, or achieving development. The dual focus on improving food security and access to land for the poorest and supporting emergent farmers in the land redistribution programme, while not an inherent contradiction, has not been approached as two conceptually distinct issues with distinct and equally important policy approaches. The Draft Land Reform Policy Principles (DLA, 1995) suggests that redistribution of agricultural land and/or support for agricultural production should be focussed on those who are already engaged in agriculture, rather than the landless and the poorest of the poor.

The programme will supply land for multiple uses, while support to those who wish to obtain farmland will be best achieved by supporting those who already have a foothold in agriculture, however small (DLA, 1995:6-7).

In spite of continued emphasis on land reform as a means to address poverty and improve household food security, development strategies concentrate on emergent farmers and the creation of small farmer schemes. These strategies, in a context of poor infrastructure, services and land, are unlikely to benefit any but the most well off of rural dwellers (Vaughan, 1997). While they might lead to the participation of a minority of black farmers in historically 'white' commercial agriculture, it is unlikely to address the class relations which cleave South African society and maintain the poverty of the black majority. It suggests that class inequality may

become submerged and hidden within concerns to address racial inequality.

For reasons of history, redress and easing social inequalities it is necessary to consider the implications of the Land Reform Pilot Programme for future social and political equality and to identify the interest groups affecting the policy outcome. This investigation focusses on the discourses which have emerged in the implementation of the KwaZulu Natal Land Reform Pilot Programme in order to understand the dominant interest groups and ideologies represented in this process.

Implicit in this approach is the assumption that discourse analysis can make a valuable contribution to dominant models of policy analysis. This assumption is addressed here by broadly outlining models seeking to explain the policy formulation process and by discussing the contribution which discourse theory has made to policy analysis. A central theoretical concern with the use of discourse theory is the relationship between discourse, ideology and truth. This relationship will be explored and the concept of discourse analysis will be elaborated in this introduction. These discussions provide the framework for the subject of this thesis namely, to identify and to understand the implications of emerging discourses in the land reform programme as they have been manifest in the KZN PP during the period March 1995 to August 1996.

## **1.2. Conceptualising policy**

Grindle and Thomas (1991) identify two main models of policy analysis; those that are society

centred in their explanations of how policy is formulated and those which are state centred in their explanations.

### **Society centred explanations**

Society centred explanations rely on an effective understanding of class and interest group formations in society to explain the decisions and choices of policy makers. Class analytic approaches, pluralist approaches and public choice theory typify this model of policy analysis.

From the perspective of class analytic approaches, policy change is explained by changes in the composition of the dominant class, or changes in the relations of production that introduce new structures of conflict into society or an international order (ibid.,22). Although recognising that at certain historical moments policy elites may have relatively more autonomy to determine policy content than at other moments, class analytic models emphasise the constraints imposed by economic structures and their political manifestations, defining away the issue of choice in policy making. For marxists and neo-marxists, the process through which decisions are made is not a useful focus of inquiry; what is important are the social class formations that give rise to policy initiatives and the differential impact of policy on particular classes in society. Class analytic approaches to policy analysis are constrained by their understanding of the state as an instrument of domination reflecting and acting out the interests of the dominant economic class, or in some neo-marxist thought, in the interests of the continuation of the capitalist system as a whole (ibid.,21).

Pluralist approaches view society as composed of numerous and diverse interest groups that compete and coalesce around common policy goals. The state is the site at which the battle



between interest groups takes place, but its role is limited to that of a neutral arbitrator. The initiative for policy itself is generated by society and is structured by the ways in which groups are organised around particular interests and the resources available to them for achieving their goals (ibid.,23). This view denies the autonomy of state and policy makers, denies choices made by policy makers and assumes a vibrant civil society not often evident in developing countries.

Public choice theory is grounded in neo-liberal economic theory. This view holds that society is composed of individuals, all acting in their own private self interest. These self-interested individuals form coalitions and compete to acquire benefits from the government. Elected public officials are fundamentally concerned with remaining in power and in order to do so they consciously seek to provide benefits to those groupings they believe will help them retain office. In developing countries this is thought to result in extensive political instability, widespread corruption and successive regime changes. Although this approach denies the importance of ideology and professional training in the choices made by policy makers and denies their capacity to adopt goals that transcend the interests of any particular group, by focussing on the power of vested interests it does highlight the barriers to reform that are created by preexisting policies and the political relationships that they engender (ibid.,26).

### **State centred explanations**

State centred explanations hold that policy change is best understood by focussing on the perceptions and interactions of decision makers and others in the organisational contexts of government. Lobbying, pressure group politics, public opinion and voting are variables which affect the policy responses of public officials but do not explain them (ibid.,27). The rational actor models of policy analysis, the bureaucratic politics approach and the state's interest

approach to policy analysis are examples of state centred explanations.

Rational actor models establish a set of assumptions about the conditions under which decisions are made and focus on the options and strategies available to policy makers under these conditions. As all relevant information for a rational policy choice is never available, organisations act under 'bounded rationality' and incrementalism. 'Bounded rationality' refers to the development of stable, structured ways to deal with recurrent problems in the most optimal manner and simplify decision making processes (ibid.,28). The concept of incrementalism asserts that decision makers, when confronted by the need to change policy attempt to reduce uncertainty, conflict and complexity by making incremental changes over time. The more uncertainty exists in a given decision situation, the greater the likelihood that incremental strategies will be adopted. This model provides perspectives on the process through which decisions are reached and makes it possible to view discrete decisions as a part of an overall decision making system. However, through this they restrict the rationality of decision makers to their organisational contexts and suggest that politics takes place within the confines of bureaucratic organisations providing little insight into the role of societal interests, historical experiences, ideologies, values and alliances in decisional outcomes (ibid.,29).

The bureaucratic politics approach views state policy as the result of competing activities among bureaucratic entities and actors, where individuals' and organisations' views on policy are shaped by their positions within government. Actors negotiate and compromise with each other, to reduce the loss of power and status which losing would involve. From this perspective, changes in policy result from the potential for variable outcomes in bargaining, negotiation and conflict between the various actors. This model is useful for understanding conflict and

negotiation within the state and the extent to which policy is the result of intensive political processes and power relationships within government. It also presents actors with immense autonomy in policy making, being constrained only by their relative ability to negotiate and the resources available to them. However, it too provides little insight into the ways societal pressure, historical contexts and constitutional processes shape and influence policy outcomes (ibid.,30).

The state's interest approach considers the state to be separable from society and to have identifiable interests that it attempts to pursue. At any particular moment the interests of the state may or may not correspond to the interests of particular classes or groups in society and decision makers may arrive at policies independently or they may be pressured by societal interests to adopt particular positions. One cannot infer who controls the state from who benefits from its policy outputs (ibid.,31). Bennet and Sharpe (1985) argue that although state's interests or initial orientations become institutionalised and constrain both problem definition and possible solutions, these orientations are elaborated and altered as new problems are encountered. Furthermore, the actual degree of autonomy of state's and their agencies is determined by historically and structurally derived relationships between the state and powerful interests in society. In the state interest approach policy reform comes about because of the interaction of policy makers attempting to generate responses to public problems and the constraints placed upon them by political, economic and social conditions and the legacy of past policy. While this model is useful for understanding the strong state direction evident in much of the third world, it does not explain actual decision making situations and does not provide a convincing explanation of how policy elites acquire particular preferences (ibid.,32).

Grindle and Thomas (1991) propose an adaption of the state interests approach to accommodate the individual characteristics of policy makers. They strive to develop a systematic understanding of the values, experiences and perceptions of policy elites and the historical, political and institutional context in which they operate. The context of policy choice involves not only this dynamic interaction, but also the circumstances surrounding the emergence of a policy issue, the circumstances surrounding its deliberation within government and factors unique to a particular policy initiative. In their view policy elites are never fully autonomous, but operate within several interlocking contexts that both constrain and enable opportunities for change. The relative significance of contextual factors in policy formulation will be determined not only by the organisational structure of government and its agencies, but also by the nature of the policy itself; policies of a technical or specialist nature, where the costs are borne largely by the state rather than civil society and where the benefits are dispersed, will limit potential for popular participation and tend to elicit most reaction from the bureaucratic arena. Their success will be largely determined by how bureaucratic agencies respond to changes required by the policy. This approach is valuable for the emphasis which it places on the particularities of individual policy issues, its focus on the dynamic interfaces between society and state and its concern with the micro processes and decisions from which policies emerge.

### **1.3. The role of discourse in policy analysis**

There has been a transition in sociology generally and in rural sociology in particular, from a focus on macro theories of social change and dominance to a greater concern with micro practices and micro institutional relations (Long, 1997). The rise in popularity of ‘participatory’

methodologies has been both constitutive and indicative of this transition and has brought to the fore the importance of local actors' interpretations of problems and potential solutions. Echoing trends in post-modernism, this has highlighted the everyday social constructions of reality.

'People centred' methodologies (see Cernea, 1985) have arisen around this emphasis on local participation in research. Long (1997) follows this focus on the micro construction of reality, arguing that macro formulations narrow the focus of inquiry to politico-economic institutional structures of social reproduction, rather than considering the everyday problematic of producing, consuming and maintaining or transforming networks of social relations and cultural identities (Long, 1997:2). He argues that rural development is composed of a complex series of interlocking practices forged through micro encounters and negotiations between different social actors commanding different types and scales of resources, interests, values and institutional capacities. Long argues that we should "...address the problems of how, in differing historical and cultural contexts, rural development interventions and livelihoods are materialised and socially constructed through the interplay, contestations and negotiation of values and interests within specific domains and arenas of social action" (ibid.,). In this sense, rural development "...is a complex drama about human needs and desires, organising capabilities, power relations, skills and knowledge, authoritative discourses and institutions and the clash of different ways of ordering and transforming the world" (ibid.,).

A major focus of Long's work has been to develop an actor-oriented framework for looking at these complexities. An actor oriented approach entails understanding and analysing specific arenas and social domains of action, processes of knowledge or power construction entailed in those arenas and the critical interface, or points of discontinuities between actors and

institutional domains (ibid.,3). Similarly Marcus (1994) has argued for a greater focus on the micro processes involved in policy implementation, as ‘...policy is negotiated and reformulated at every level by the people involved in - and excluded by - its realisation’ (1994:511). She argues that in addition to the bureaucratic and political elite involved in the formulation and implementation of a policy decision, local producers, peasants, the unemployed and workers influence the policy environment, whether or not they have been targeted by it. Discourse is clearly an important research tool through which to understand this interface between institutional domains and actors, as well as the processes of knowledge or power construction in these domains.

Furthermore, discourse analysis has the potential to provide a theoretical bridge between micro and macro practices and institutions. Van Dijk (1998) suggests several ways in which discourse is useful for analysing and bridging this micro-macro gap. Firstly, people engage in discourse as members of social groups. By analysing the discourses of members, the activities of the group may be understood (Van Dijk, 1998:3). Similarly, the social acts of individuals are constitutive parts of social structure and exercise constraints on discourse. Viewed from this perspective, constraints on discourses suggest the relationship or interaction between global and local contexts. Lastly, language users, as social actors have both personal and social cognition which influences interaction and discourses of individual members. Just as cognition is the crucial interface between the personal and the social, so is it the interface between individual discourse and social structure.

In policy studies the increased focus on the interface between society and policy formulating and implementing agencies and increased concern for the need to understand agency as much

as institutions, is mirrored in the analysis of policy as a process of discourse. Discourse analysis can be used to understand how needs are socially constructed and become issues for policy intervention and to understand the implications of policy discourse for the reproduction and reconstruction of the policy environment.

#### **1.4. Discourse, ideology and subjectification**

By using discourse as a means of understanding the emergence and implications of land reform policy as it is manifest in KwaZulu Natal, I am making several claims. At the most fundamental level, I am claiming that language is not a simple representation of an objective reality, but that it presents a certain world view and has certain effects on the lived relation in which people exist. This thesis is based on the assumption that discourse can be considered as an ideological practice reproducing social relations of domination. As an ideological practice it is constitutive of individuals as subjects in a social formation and both reflects and constructs the material practice in society, in institutions and in relations between specific groups of people. Discourse as an ideological practice is rooted in class struggle and is a site as well as an instrument in this struggle. These assumptions will be discussed through an exploration of different theories of the relationship between discourse and ideology and the contextualisation of strands of policy discourse analysis within this. Furthermore the relationship between discourse, ideology and 'truth' will be explored to clarify the essential materiality on which my conception and use of discourse is based.

Language is the principal medium through which meaning is expressed and reproduced.

Meanings are essentially commonly held 'truths' about the world we live in which allow us to interact with each other and with our material existence. If we accept that the objective 'reality' is filtered through subjectively held theories and 'ways of seeing', then ideology is an essential construct through which reality is experienced and meaning constructed and reproduced. Ideology and language are thus inextricably linked.

The analysis of ideology is in a fundamental respect, the study of language in the social world, since it is primarily within language that meaning is mobilised in the interests of particular individuals and groups (Thompson, 1984:73).

Humanism, which was dominant in the eighteenth and nineteenth centuries, held that meanings derived from universal ideas which were expressed in words. Humanism assumed a sameness and universal norm in language, within which there were individual differences (Macdonell, 1987). This view imposed a neutrality and truth on knowledge and reduced language to merely the representation of reality. In opposition to humanism, Saussure and the linguistic structuralists argued that if words stood for pre-existing concepts, then all languages would have exact equivalents in meaning, which is clearly not true. Saussure argued that neither the words nor the meanings of words exist outside of the language. The meanings of a language exist only in relation to each other and the meaning of words is defined in opposition to other words in the same language (Macdonell, 1987:9). Saussure held that a common code, or general system of sounds and meanings underlies the multitude of spoken utterances that can occur in that language and that the structure of language can be studied in abstraction from the superficial speech patterns that individuals may choose to adopt. McLellan (1995:59) argues that by extension, the actual discourse of individuals can be viewed as a screen hiding the underlying



ideological structure of their words. Linguistic structuralism, which emerged from Saussure's work, concentrated on trying to identify the structure of a language that enabled the multitude of utterances, narratives and myths to be spoken. This implies that these myths or narratives do not reflect the experiences or ideas of the speaker, but derive from a general structure of what can possibly be said. Levi Strauss extended the Saussurian notion of a language system to all human systems, arguing that all human systems with language at their core were subject to the same operative structural laws (Palmer, 1990:14). Palmer argues that this is a significant departure from Saussure who insisted that human systems are intrinsically bound in historical and material factors and could not be analysed in the same manner as linguistics. While structuralism developed in opposition to the humanist notion of the centrality of the agent, in opposing this it goes so far as to seriously constrain agency and assumes a timeless and abstract human nature which continues to define the parameters of what can be said and meaning within that (Macdonell, 1987:10). This conception of discourse has entered the field of policy analysis from a perspective referred to as 'analytic discourse analysis' (White, 1994).

Analytic discourse recognises the plurality of problem definitions, data sources and techniques of data analysis and seeks to include as many of these as possible in the policy making process in order to '...make policy research more intellectual, value conscious and debate centred' (Cook, 1985:46 quoted in White, 1994:509). This perspective considers discourse in a purely instrumental manner and assumes that there is a reality which policy makers can enhance their understanding of, by engaging in discourse between different perspectives. While myths or narratives may differ, an underlying similarity or general structure is assumed. A key strategy in this perspective is the development of methods of participatory policy analysis, in order to broaden the views represented and make the process more interactive and legitimate (White,

1994:521). 'Discourse' in this sense, refers to the debate and argumentation that occurs between different participants.

From a perspective of analytic discourse analysis Roe (1989,1991) has written extensively on the role of narratives in policy discourse. In his view narratives serve to simplify complex policy issues and allow policy makers to articulate and make sense of the ambiguity of policy issues.

Indeed, the pressure to generate narratives about development is directly proportional to the ambiguity decision makers' experience over the development process (Roe, 1991:288).

In his view these narratives are less normative than ideology is. They represent scenarios of what could happen, rather than reproduce a particular world view. Argumentation and enquiry into the usefulness of different narratives is possible and such enquiry does not challenge the epistemological foundations of the 'knowledge' interrogated. He argues that narrative policy analysis provides a way of analysing uncertain and complex policy issues the truth of which cannot be ascertained and about which only the stories told by policy makers are available. He argues that by comparing and analysing the structure of dominant narratives the underlying policy controversy can be deduced (Roe, 1989:251). Narrative policy analysis has been widely used for this purpose (see Fairhead and Leach, 1995; Hoben, 1995).

Bourdieu has argued that Saussure, by separating spoken utterances from a general structure of language, has 'conjured away' the question of the social and political conditions under which particular spoken utterances (linguistic competence) become legitimate, are reproduced as the

dominant form of language and imposed on others (Thompson, 1984:44). This brings into question the structuralist assumption of an homogenous language and so homogenous meaning within the language, to highlight different meanings which exist within a language and the social and political conditions under which certain meanings become legitimate and dominant. It also provides a framework through which to consider the relationship between ideology and discourse.

Thompson (1984) contends that the study of ideology is the study of ways in which meaning serves to sustain relations of dominance. If language does more than reflect meaning, if it actually constructs this meaning, then discourse becomes a central aspect of investigation in understanding the reproduction and reconstruction of ideology.

For ideology operates, not so much as a coherent system of statements imposed on a population from above, but rather through a complex series of mechanisms whereby meaning is mobilized, in the discursive practices of everyday life, for the maintenance of relations of domination (ibid.,63).

In policy analysis the conception of discourse as ideology has been central to critical discourse analysis. Proponents of critical discourse analysis stress the relationship between facts and values and seek to highlight the values inherent in different social constructions of reality and policy definitions (White, 1994:512-513). Discourse analysis is not only important for expanding the individual's, group's or institution's perspective, but also critically reflects on views presented - where they come from, how they can be changed and what life they make possible. Proponents of critical discourse advocate a broad participatory process where people are encouraged to

engage critically, considering the values which underlie policy preferences and the implications of these values. While this approach is useful for policy analysis, White's conception of critical discourse analysis is limited as a result of its inadequate conception of ideology and the role of ideology in social domination. It assumes discrete 'ideologies', all with equal capacity to engage with each other. In this view, ideology is little more than a set of values which can be assessed in terms of some supposedly objective consensus as to which comes closest to achieving a seemingly universal 'good'. Fairclough's work (1995) has addressed this limitation by arguing for the centrality of social, political and economic contextualisation of individual speech acts.

Fairclough, in his operationalisation of discourse theory, draws on Bourdieu who has argued that language should be seen, not only as a means of communication, but also as an instrument of power.

One seeks not only to be understood but also to be believed, obeyed, respected, distinguished. Where the complete definition of competence as right to speak, that is, as right to the legitimate language, the authorized language, the language of authority. Competence implies the power to impose reception (Bourdieu, 1981 quoted in Thompson, 1984:46).

The power of a speech act and its authority cannot be separated from the institution which confers power or authority on the speaker in the specified speech act. Institutions are sites of codified power in society and play an integral role in the construction of meaning expressed through language. The conventions upon which a speech act depends are not primarily linguistic in nature. The power of a speech act cannot be separated from that which confers authority and

power on the speaker in the specified speech act (ibid.,48). Bourdieu argues that to understand the relations of symbolic force that are implicit in speech acts, the nature of the particular linguistic field of that speech act must be considered. Thompson has explained this notion of a linguistic field in the following way:

A market or field may be seen synchronically as a structured space of positions, such that the properties of these positions depend upon their location within space and not upon the personal attributes of their occupants (ibid.,49).

The structure of a particular field (for example, a pedagogical, legal or cultural field) is a certain state ‘... of the distribution of the specific capital which, accumulated in the course of previous struggles, orients subsequent strategies’ (Bourdieu, 1980 quoted in Thompson, 1984:50). An important property of a field is the way in which it allows certain types of “capital” to be translated into other types of “capital”, for example, educational qualifications into well paying jobs. New entrants to a particular field struggle to restructure the rules or structure of the field in their favour, while those privileged by its current structure strive to maintain it. Those least endowed with the relevant “capital” are inclined towards strategies of subversion, calling the rules of the field into question. In Bourdieu’s view, this antagonistic confrontation impels the dominant group to produce a defensive discourse, thereby reproducing the field in which the rules are disputed (Thompson, 1984:50).

Symbolic power, accumulated by the group which has mandated the speaker provides the basis of power, which is concentrated in the speech act. It is symbolic domination whereby an official language becomes a dominant language, leading to the reproduction of relations of domination

in society. In Bourdieu's theory the form of domination which is exercised through the communication in which it is concealed is symbolic violence, characterised by the speakers recognition of the legitimacy of the dominant language and the misrecognition of the power behind it. In this relationship symbolic violence acts as a medium of social reproduction (ibid.,59). Bourdieu has argued that the concept of ideology has been too vaguely used, often suggesting a sort of discredit, a denial of the 'truth' of a statement. His concepts of symbolic domination, symbolic power and symbolic violence are attempts to rectify this misleading use of ideology and make clear the unperceived forms through which ideology operates as a mechanism of social domination and reproduction (Bourdieu and Eagleton, 1992).

Thompson argues that the notions of recognition and misrecognition lead Bourdieu to rely too heavily on a consensual model of social reproduction, presupposing consensus on dominant norms and values. Rather, Thompson argues that the stabilisation of capitalist society may depend upon

... pervasive fragmentation of the social order ... (and that) social reproduction is less a concert than a cacophony of discordant and divergent notes (Thompson, 1984:62).

It is the lack of coherency in this dissension which inhibits the development of an alternative viewpoint from which to challenge the dominant order and provide for political action. Furthermore, Bourdieu discounts the possibility that complicity to the dominant language could be a means of disrupting order by employing means that are proper to it. He assumes that accepting the legitimacy of the dominant language necessarily involves the recognition that that is how the powerful speak and that this recognition confers legitimacy on their position

(ibid.,61).

Fairclough's (1995) operationalisation of discourse has also drawn on Pecheux, who tried to integrate an Althusserian approach to the study of ideology with a technical apparatus for the analysis of discourse. Although parts of Pecheux's writing and particularly, the technical apparatus for the analysis of discourse, suggest a structuralist foundation beset with the determinism of Althusser, it can be argued that his active use of and foundation in historical materialism, overcomes some of the problems which have been identified with his work. His emphasis on the role of struggle in the construction of ideology provides a fruitful framework for the integration of ideology and discourse. Althusser provides the opening for Pecheux's integration of discourse and ideology, by arguing that ideologies are set up antagonistically to each other through the process of class struggle. Ideologies take shape in relation to each other, under the dominance of the ruling ideology. Unlike the repressive state apparatus, ideological state apparatuses have different strands of different ideologies although the functioning of the ideological state apparatuses are unified under the dominant ideology (Macdonell, 1987:34). Ideologies are not simply the habits or thoughts of a class. They are class linked in the sense that they emerge from between classes and are linked to a class as its means of control or resistance - that is, they emerge only in antagonistic relation, are shaped in opposition to each other and are not discrete entities belonging to one class or another. Ideological state apparatuses provide an objective field to the contradictions which express class struggles and are both the object of struggle and the site of that struggle. Pecheux draws on this concept of antagonistic ideologies unified under a dominant ideology to consider the politics of meaning. He argues that meanings of words are part of the ideological sphere and that discourse is one of ideology's specific forms. He proposes that an ideological formation contains, as one of its components, one or several

discursive formations which determine what can and should be said from a certain position in the social formation (Thompson, 1984:235). Like ideologies, the meanings in discursive formations are set up in antagonistic relation to one another and are ultimately linked to class struggle. He proposes that while we can talk of a 'whole', a relation between different discursive formations, ideological struggle traverses this whole, coagulating thought into various areas and specialisms and bringing about shifting alignments between them (Macdonell, 1987:45). Words find meaning in particular discursive formations in reference to their ideological position forged through struggle and with reference to the institutional areas to which they pertain. This determines, at any given stage in the struggle, what should and can be said. These factors act not on or through the subjective views of the speaker to constitute meaning, but on and through the ordering of words and expressions in a discourse where meaning is constituted by linguistic relations. That is, particular words are positioned to be synonyms with others, to paraphrase a sentence or paragraph, or particular words are used metonymically, each an essential part of the other (for example 'liberty', 'rights' and 'natural'). The relationship into which one word, expression or proposition enters with others of the same discourse describes a discursive process and it is through this discursive process that words take on meaning (ibid.,48). Just as the same word can have different meanings in different discourses, so different words can have the same meaning within a discourse.

Thompson has argued that Pecheux is limited by his structuralist foundations and likens Pecheux's concept of discursive formation to Saussure's 'parole' (spoken utterances). This interpretation stems from Thompson's failure to recognise the importance of 'struggle' in the work of both Althusser and Pecheux. Neither an ideology nor a discursive formation belong to a particular grouping and determine their thought. Rather, they emerge from class struggle, are



reshaped by this struggle and find their meaning only in relation to the other. The meaning of words in a particular discourse and institution may change their meanings as their context of class struggle alters. Volishinov (1929), an important influence on the work of Pecheux, argues that the word, as sign, exists and emerges from concrete forms of social intercourse and is itself an arena of struggle.

A particular social sign is pulled this way and that by competing social interests, inscribed from within with a multiplicity of ideological “accents” (Eagleton, 1991:195).

Where Thompson’s claims of Pecheux’s determinism do find more support is in his and Althusser’s concept of ‘the subject’ who becomes a subject by the interpellation of the individual through ideology.

Althusser’s thesis is that the individual, becoming part of social life, learns to recognise him/herself in the eyes of their society and is thus interpellated as a subject through ideology. Pecheux reformulated this to highlight the role of discourse.

The functioning of ideology in general as interpellation of individuals into subjects (and specifically into subjects of their discourse) is realised through the complex of ideological formations (and specifically through the inter-discourse which is intricate therein) and provides each subject with its reality, that is, with a system of self evident truths and significations perceived-accepted-submitted to (Pecheux, 1976 quoted in Thompson, 1984:236).

This evident determinism of the subject, so pre-constructed by an already existing discourse, is nevertheless modified by the central and formative role of struggle in the formation of meanings within discourses. Althusser's concept of the interpellation of individuals as 'subjects' through ideology holds that our consciousness is constructed under the form of an imaginary subjection to our real, lived relations. This implies that we cannot get outside of ideology and suggests that ideology is ahistorical and unchanging. It also conceals and denies the contradiction and struggle inherent in his notion of ideology. Pecheux's recognition of the possibility of change is evident in his modification of Althusser's assumption that the individual necessarily submits to this ideological subjectification. Pecheux identifies three mechanisms through which subjects may be constructed. Firstly a good subject who freely consents to the image held out to him/her, encounters the mechanism of 'identification'. On the other hand, a subject may refuse this imaginary relation through 'counter identification'. Pecheux suggests that while these two subjects reinforce and support each other, reinforcing meaning through opposition and denial, his third mechanism, 'disidentification' breaks out of the dominant ideology. Disidentification can be described as the effect of working on and against prevailing practices of ideological subjection. This is more than rejection, it comes from another position, existing antagonistically with the effect that the identity and identifications set up in dominant ideology are transformed and displaced, although never escaped entirely (Macdonell, 1987:39-40). Through this construction Pecheux highlights the active role of discourse in the subjectification of the individual through ideology and brings his notion of struggle to the forefront. His treatment of discourse and ideology is inextricably materialist in its basis, considering ideology ultimately emerging from particular relations of production and finding expression not only through discourse, but also through institution.

These notions - that discourse is constitutive and reflective of ideology, that it subjectifies individuals and both reflects and constructs the rules along which capital is identified and distributed in a given field - find resonance in the policy analysis field through what White (1994) refers to as 'persuasive discourse analysis'. Proponents of 'persuasive discourse' focus on the ways in which policy preferences emerge and the opportunities which policy makers have for influencing those preferences (White, 1994:514). From this perspective, policy is made by an '... informal network or web of interests rather than a narrow set of prescribed players ... idea merchants - analysts and political leaders - promote and shape ideas but do so by sharing in a discourse with the public' (ibid.,514,516). Proponents stress that participants do not simply act on fixed interests, but that ideas, new information and experience inform their policy preferences. Policy entrepreneurs draw on discursive resources, framing policy issues to manipulate the range of participants involved, mobilise specific groupings and highlight certain problems while concealing others (Weiss, 1989:97). While discursive resources may provide opportunities for policy makers to manipulate the policy making process, the institutional setting and rules of the process influence which groups and interests are available for persuasion and what kind of policy preferences are appropriate (White, 1994:516). White gives an example of environmental policy arguing that if environmental policy is handled through the courts, it will mobilise a different set of interests than if it is handled through the private sector. Pecheux has provided a fuller discussion of this suggestion, arguing that while discourses have an obvious specialisation into distinct areas, they are not trapped by the boundaries of these institutions. A specialised area or institution can have several different discourses. Ideological struggle traverses the 'whole' of discourse and '... in so doing, it disjoins "thought" into various areas and specialisations and brings about shifting alignments between them' (Macdonell, 1987:47). Persuasive discourse highlights notions of discourse as an instrument of struggle - evident in

Bourdieu's 'linguistic fields' and Pecheux's class struggle - in suggesting a conscious and deliberate usage of discourse for the framing of policy issues. This conception draws attention to the opportunities which discourse provides for both policy elites and less formalised groupings to influence the policy process.

This concern for the role of discourse in framing policy issues has led to increased consideration of the manner in which problems or potential policy issues are defined. Problem definitions frame the policy issue, highlighting some aspects of the situation, while throwing others into shadow. A problem definition is

... a package of ideas that includes at least implicitly an account of the causes and consequences of some circumstances that are deemed undesirable and a theory about how the problem may be alleviated (Weiss, 1989:97).

Problem definitions create and draw on a language for talking about problems which draws attention to some features of social life at the expense of others, locates responsibility for problems and mobilises political participation around issues or symbols highlighted by the problem definition (ibid., 115). Influential problem definitions are couched in powerful cultural symbols and values that resonate with the largest possible audiences and bolster arguments, positioning protestors in such a way that their objections are seen as illegitimate.

Fortmann (1995) has extended Roe's (1989, 1991) narrative policy analysis to consider the role of discursive narratives in constituting people's identity and providing a powerful resource for justifying action or maintaining the status quo. Her appreciation for narrative as a tool to

manipulate the context of an issue and mobilise public support and action suggests persuasive discourse analysis. She argues that narratives of property access and rights in rural Zimbabwe suggest that stories create and maintain a localised discourse in the context of which other parts of struggle proceed. Stories shape people's understanding of past and current events, forming a discursive strategy through which struggles are waged. Stories create meaning and validate action, they mobilise action and define alternatives. Even if people do not act in terms of the narratives they relay, these lay down a discursive basis for later action and provide an alternative viewpoint from which action may emerge (Fortmann, 1995:1054). Pal (1995) includes institutions as a central aspect of a discourse and draws on persuasive discourse analysis to understand the way in which discourses construct roles in an institutional setting, demarcate the field of action and objectives therein and frame issues to suggest certain strategies for action. She considers the boundaries of an issue suggested by a particular discourse as well as the means of adjudication, or filters of interpretation, that are drawn on to privilege certain types of evidence employed by a discourse (Pal, 1995:187-88).

Fraser (1989) seems to work from the same understanding of the relationship between action and structure and has incorporated a similar approach to discourse analysis in her efforts to understand the ways in which policy formulation takes place and influences the policy environment. Fraser argues that discourses, used to substantiate successful and unsuccessful policy need claims, challenge and construct the policy environment. Discursive resources may include i) the officially recognised idioms for pressing claims, (for example needs talk, rights talk or development talk), ii) the vocabularies available for presenting these idioms - for example feminist vocabularies, technical or administrative vocabularies and iii) the paradigms of argumentation accepted as authoritative in adjudicating conflicting claims, for example appeals

to scientific experts, oral or documented histories, or majority voting. Discursive resources may also include the narrative conventions available for constructing the individual and collective stories which are constitutive of people's social identities – be they forced removals, traditions or environmental destruction – as well as the modes of subjectification. The 'modes of subjectification' refers to the ways in which various discourses position the people to whom they are addressed as a specific sort of subject with specific capacities for action, for example as victims (or potential activists), individuals or members of social groups (Fraser, 1989:160). The discourses drawn on to substantiate policy need claims imply 'in-order-to' relations which signify the broader problem definition, giving a fuller understanding of the policy environment and the ideologies active and dominant in this field. Fraser uses an example of shelter for homeless people to illustrate her point. To agree that homeless people need shelter (or that black people need land) is not difficult. What sort of shelter, what related needs are necessary to benefit from this shelter, who should be responsible for this provision and how the costs of the provision are to be met, is open to considerably more conflict (ibid.,161). These 'in-order-to relations' are implicit within the discourse used to substantiate the need claim.

Drawing on the work of Sabatier (1988, 1993) Pal (1995) distinguishes three levels of policy discourse. Secondary aspects are concerned with differences over single policy agenda items and are relatively open to change in the face of good argument or new data. Near policy core aspects involve the broad conceptual frameworks as well as the standards of evidence and argument that make conversions to competing points of view very difficult. Deep or normative core policy aspects are made up of epistemological and ethical view on the nature of society and humanity. These aspects are close to unshakeable (Pal, 1995:186). This distinction between different areas of policy engagement suggest that one way of understanding the various uses of discourse

analysis in policy studies might be to consider their locus of inquiry. Roe (1989, 1991) seems concerned with individual policy items, focussing on different conceptions of the problem, while Pal (1995) and Fortmann (1995) are concerned with the broad conceptual frameworks within which policy develops. While ‘postmodern’ policy studies address epistemological policy issues by denying the relevance of any epistemological debate, the work of Foucault and Pecheux overcomes this simplistic denial and can be usefully drawn on to interrogate epistemological issues in policy formation.

### **1.5. Discourse and truth**

Post modernism has elevated discourse theory to the status of a religion, critiquing not only epistemologies on which policies are based, but the very notion of epistemology itself. Schram (1993) suggests that policy discourse analysis is most fruitfully utilised within a post modern framework. He attempts to argue that discourses construct various ‘knowledges’ which construct relations between people in particular ways, privileging some at the expense of others. The post-structural orientation of post modernism encourages the dematerialisation of structures into discursive practices, denying structures their materiality as things that can be experienced independent of discourse (Schram, 1993:251). In his view,

... value gets created when discursive structures are stabilised sufficiently to serve as the basis for enabling people to value some identities and interests over others. Identities emerge out of textually constructed differences. Preferring some identities over others converts differences into “otherness” .

These stabilised discursive structures of interpretation structure the activity of daily life which in turn reproduce these stabilised structures.

The post modern perspective repudiates all questions of epistemology. Rather than trying to find the 'truth', the post modernist tries to highlight the practices involved in constructing representations of truth. While Schram (1993:252) usefully argues that policy discourse is itself constitutive of the reality upon which it focuses, the relativism of his approach degenerates into endless circularity and cannot account for the persistence and materiality of certain forms of inequality. As Eagleton points out:

... a practice might well be organised like a discourse, but as a matter of fact it is a practice rather than a discourse. ... A way of understanding an object (has been) ... simply projected into the object itself, in a familiar idealist move. ... (T)he contemplative analysis of a practice suddenly reappears as its very essence ... The category of discourse is inflated to the point where it imperialises the whole world, eluding the distinction between thought and material reality. The effect of this is to undercut the critique of ideology - for if ideas and material reality are given indissolubly together, there can be no question of asking where social ideas actually hail from (Eagleton, 1991:219).

Palmer (1990) has argued that concern for the role of language in social reproduction has led to a modification of the vulgar determinism of Marxism, by considering anew the relationship between human agency and structural determination. While this has been a valuable development, attempts to supersede the mechanical determinism of the base and superstructure metaphor have led to a problematic blurring of these differences so that there is an increasing



drift towards idealism (Palmer, 1990:xiv). What post modernists deny is the relevance of epistemology, asserting instead that discourse constructs knowledge and reality. Epistemology tries to prove that there is an overall mode whereby knowledge correlates with reality and has been primarily concerned with the problem of how the 'subject' can have knowledge of the 'object' (Macdonell, 1987:77).

Hindess and Hirst (1977) define epistemology as a theory considering the relationship between ideology and its objects in terms of a distinction between them and a correlation of one to the other. They degenerate into a post modern position by arguing that there is a logical problem in the concept of epistemology. They argue that the relation between the object (reality) and the human subject is only possible if the human subject is taken as a pre-given all-knowing subject. Alternatively, they argue that to say that it is through experience that we know what is experienced does come from objects is an unfounded circularity (ibid.,65). From this they conclude with the post modern dictum that the relation between subjective knowledge and objects cannot be given some unified guaranteed form of 'truth' and that our language does not so much as reflect reality as signify it (Eagleton, 1991:203). This is no more than a reversal of the empiricist position that reality (signified) produces meanings (the signifier), to say that the signified results from the signifier<sup>1</sup> (ibid.,208). Eagleton argues that while political and ideological discourses do produce their own signifiers, conceptualising the situation in a particular way, there is a real situation on which this is based. Macdonell points out that

...if epistemological guarantees are worthless, we have no need to evaluate knowledge

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1. In response to this immaterial signified, McLellan comments:

There is a well known story of an ancient sage who was asked about the foundation of the world. He replied that the world rested on an elephant. When asked what the elephant rested on, he replied that it rested on a turtle and when asked what the turtle rested on, he replied: *it's turtles all the way down* (McLellan, 1995:72).

in terms of a general idea of truth or falsity. We can question knowledges in other ways ... questioning their historical conditions, their effects, what interests they serve, what relations of power they uphold (1987:67).

This is the route taken by Althusser, Pecheux and Foucault, arguing that any search for guarantees of knowledge presupposes that knowledge has an ideal and universal form, forgetting that procedures of knowledge come about under specific material and historical conditions (ibid.,77). Althusser and his conception of the role of language in social reproduction is saved from the idealism of post modernism by the secondary rather than primary role of language in the social formation (Palmer, 1990:22). Rather, Althusser's refusal of any epistemological criteria of truth leads to the study of the material, political, ideological and philosophical conditions of already existing knowledge (Macdonell, 1987:81). This perspective can be fruitfully applied to post modernism itself.

Post-marxist discourse theorists may place a ban on the question of where ideas come from; but we can certainly turn this question back on themselves. For the whole theory is itself historically grounded in a particular phase of advanced capitalism and it is thus living testimony in its very existence to that 'necessary' relation between forms of consciousness and social reality which it so vehemently denies. What is offered as a universal thesis about discourse, politics and interests, as so often with ideologies, is alert to everything but its own historical grounds of possibility (Eagleton, 1991:219).

Foucault, in his work on discourse and power, takes epistemology as the basis of 'true discourses'. Refusing questions of the relationship between subject and object, he considers all

knowledges based on this distinction to be a form of a 'true discourse' through which power is produced and exercised (Balbus, 1986:468). Power is expressed through 'true discourses' which

.. function as 'regimes of truth' that 'induce regular effects of power' by virtue of the self sacrifices they demand in the name of 'truth' and the status they grant to those who are charged with enunciating it (ibid.,467).

'True discourses' rest on an opposition between truth and power and it is through this that 'true discourses' both exercise and conceal their own power.

The task of the genealogist is to unmask all forms of 'true discourse' by determining their conditions of existence and their political effects. To practice genealogy is

(to) discover that truth or being do not lie at the root of what we know and what we are, but the exteriority of accidents ... the forms operating in history are not controlled by destiny or regulative mechanisms, but respond to haphazard conflicts (Foucault, 1977 quoted in Balbus, 1986:469).

While Foucault does not argue that the signifier (discourse) creates the signified (object), he differs from Althusser and Pecheux by his rejection of the 'totalising discourse' of Marxism which provides these writers with a readily observable materiality from which to, at least in part, situate the signifier (discourse). Macdonell argues that Foucault views discourses as deriving from a specific materiality:

... material existence is “constitutive” of the statement and constructs its identity. The identity of a statement “varies with a complex set of material institutions”(Macdonell, 1987:94).

Furthermore:

... institutions and economic processes are grouped together as what, being non-discursive, must be material and can give existence to discourses ... it is enough to suggest that discourses are in some way based in social processes and it draws a distinction between the kinds of connections that belong to discourse and other non-discursive connections which are “real or primary” (ibid.,95).

However, in the same work Foucault argues that a discourse may be identified by a set of rules, which he refers to as a ‘discursive practice’ and that these rules form, for the discourse, ‘groups of objects, enunciations, concepts, or theoretical choices’ (Foucault, 1972, quoted in Macdonell, 1987:95). These rules derive not from material structures or class struggle, but from the discourse itself, suggesting that it is discourses that hold together social processes.

A discourse has its own rules of appearance. It makes its own practical connections between, for example, legal, juridical and economic processes (ibid.,96).

In later works Foucault argues that there are a number of controls which act upon discourse, gaining control over its ‘formidable materiality’ (Foucault, 1981). Among these controls are procedures of discursive subjection which through the construction of the subject of a discourse,

control and distribute who may speak or come within what discourse. Macdonell suggests that

‘... the most helpful way of reading ‘The Order of Discourse’ is to understand this materiality as in part comprising the struggles (traversing institutions) where discourses are produced as weapons: “as history constantly teaches us, discourse is not simply that which translates struggles of systems of domination, but is the thing for which and by which there is struggle”’(Foucault, 1981 quoted in Macdonell, 1987:97).

From this Macdonell argues that Foucault comes close to Pecheux’s work on discourse and ideology. Specifically, just as Foucault suggests that discourses emerge and function as a means of struggle, while at the same time a series of controls constrain them, so Pecheux argues that discourses, as ideological practices emerge from ideologies set up antagonistically while prevailing practices reimpose divisions which ‘supervene on and control their field’ (ibid.,98).

In using discourse in this thesis, I have drawn on the work of Pecheux to understand the emergence and role of discourse and ideology in the reproduction of relations of domination. His work has been useful to highlight discourse as a weapon for engaging in struggle, as well as a resource over which struggle takes place. The work of Bourdieu has been useful for its emphasis on language as an instrument of power, where that power is conferred on the speaker in the specific speech act, through the power of dominant groupings, often embodied in institutions, to sanction the speaker. His concept of linguistic fields, characterised by a certain form and distribution of capital that is the result and focus of past and future struggles, has been useful as a means of conceptualising the field of development studies and the position of the development

subject within this field. Similarly the work of Fraser (1989) and Thompson (1984) has added to this conceptualisation by highlighting the rules of argumentation, or filters of interpretation inherent in discourses and by providing an operational approach to discourse analysis. These are the fundamental concepts on which I have based this exploration of policy discourse in the land reform pilot programme.

The aim of this thesis is to identify the discourses which have emerged in the implementation of the KwaZulu Natal Land Reform Pilot Programme and to understand the social implications of these emerging discourses. I believe that discourse theory makes an important contribution to understanding the environment in which policy is implemented and the implications of the policy formulation process for the distribution of power in society. Through the analysis of emergent discourses with which policy issues are defined and need claims substantiated in the KZN LRPP, it is possible to uncover the rules governing state entitlement relationships, the basis of acceptable forms of argumentation and validation for accessing state resources and the forms of argumentation and validation drawn upon. These differing forms of argumentation suggest that the South African political environment is characterised by a bifurcated state (see Mamdani, 1996) and that access to state resources is restricted to a politically influential minority in rural areas. It is hypothesised that there are some discourses that are privileged at the expense of others with major social consequences

Following from the introduction, chapter two presents the methodology used in this thesis and chapter three sets the context of the case study – the KwaZulu-Natal Land Reform Pilot Programme. Chapter four identifies and elaborates on the discourses that have emerged to substantiate need claims in the KZN LRPP. Chapter five draws out some social and political

implications of these discourses and chapter six draws some conclusions about the value of discourse theory for policy analysis and the nature of the environment in which future social policy can be expected to develop.

## **Chapter Two: Research methodology**

In the introduction I have argued that discourse is a form of ideological practice, both emerging out of class struggle and simultaneously constructing social structures and relations of dominance. I have shown that the notion of discourse as a practice in the construction of social reality does not necessarily presuppose a nihilistic relativism, but rather brings into focus the micro practices that emerge out of and (re-) construct material structures and practices. This chapter sets out how I have used discourse analysis to interrogate levels of policy formulation and implementation taking place within the KwaZulu Natal Land Reform Pilot Programme Steering Committee.

### **2.1. The methodology of discourse analysis**

Discourse theory has been criticised for neglecting critical analysis of social structures (see Palmer, 1990). Fairclough (1995) argues that intertextual analysis of texts rectifies this neglect, by drawing attention to the dependence of texts on history and society. This is achieved through focussing not only on linguistic analysis, but also on how texts selectively draw upon particular configurations of conventional linguistic practices (orders of discourses), as resources available to text producers in particular social circumstances. For instance, intertextual analysis would consider both the linguistic structures which make up the text, as well as the discourse genres and narratives drawn upon, thus mediating the connection between language and social context (Fairclough, 1995:188-189). Intertextual analysis is a valuable tool for illuminating the social resources and experiences drawn upon in the reception and interpretation of an event, thus



indicating the various domains of life that the explanation of the event is linked to. Fairclough argues that intertextual analysis is essential to social science methodology as it is able to explore the dialectical relationship between social structure and action, illuminating the social and ideological work of language in producing, reproducing and transforming social structures, relations and identities (ibid.,208-209).

Thompson (1984) proposes that the interplay of action and structure in the everyday reproduction of social life, can be fruitfully explored by distinguishing three levels of abstraction in this relation. At the most immediate level, agents participate and intervene in the social world through action for which they are accountable. At this level power is realised as the ability to act in pursuit of one's aims and interests. At a second level of abstraction institutions may be conceived as a constellation of social relations. At this level power is realised as a capacity which empowers some agents to make decisions and pursue interests. Where particular groups are institutionally endowed with power in a way that excludes or is inaccessible to other agents, relations of power are asymmetrical. At the most abstract level of action, the series of elements and interrelations which define the conditions for the persistence of a social formation and the limits of institutional variation is that of social structure. Structural elements may be those which represent necessary conditions for the persistence of any social formation, for example, production, or they may be those elements representing the necessary conditions for the persistence of that particular society, for example, capitalist class relations in a capitalist society. These structural elements and interrelations circumscribe the range of institutional variation in a particular society and thus limit and constrain the power endowed in institutions. For example, the distribution of power in a capitalist enterprise is structured by capitalist relations of production (Thompson, 1984:128-130).

Ideology operates in three central ways to construct meaning, which sustains these relations of domination. Relations of domination may be represented as legitimate, most often through language; they may be concealed by presenting themselves as something other than what they are; and they may be represented as permanent and timeless (ibid.,131). Thompson suggests that forms of discourse which express ideology may be studied at three levels. Firstly, forms of discourse may be studied as narratives or stories that glorify those in power, or justify the status quo. Secondly they may be studied in terms of their argumentative structure, uncovering the chains of reasoning or explanation that construct the argument, mapping the contradictions, inconsistencies and silences which characterise the discourse. This level of analysis can serve to highlight the procedures of legitimation and the strategies of dissimulation activated through the discourse. At a third level, discourse analysis may focus on the syntactic structure and devices through which ideology is reified. For example, the use of passivity which deletes agency, or the structure of tense which constructs a timeless reality for the meaning conveyed (ibid.,136-137). In this research, I have studied discourse using Thompson's second level of analysis.

Intertextual analysis of texts interrogates and highlights the processes of change active in society. While an analysis of the social interests reflected in the formulation and implementation of land reform might have provided a clear picture of the ideological and political forces acting on land reform policy, an analysis of the emerging discourses, sensitive to Fairclough's intertextual analysis, has sketched the interaction, discord and negotiation between interest groups and the way in which this negotiation and contestation has affected land reform policy and its implementation. Using intertextual discourse analysis, I have been able to analyse the

implications of the process, rather than merely the impact of an identified, discrete policy.

## **2.2. Sources of data**

At a broad level this research has been conducted using unobtrusive and qualitative methodology. Rather than engaging in interviews or participant observation to explore emerging discourses, it has drawn predominantly on documentation for the period 1995 – 1996 - minutes of the KwaZulu Natal Land Reform Pilot Programme Steering Committee meetings, monitoring and evaluation reports, applications for grants and other policy documents. Whereas much of the research drawing on already existing data has been quantitative in nature, utilising statistical data (Bulmer, 1984), my research has been a qualitative analysis of documentation - an interrogation of the discourses and forms of argumentation evident in these documents.

Unobtrusive methods have obvious advantages over intrusive methodologies. They limit the introduction of foreign elements of research in the social setting they are seeking to analyse and so enhance the validity of the data. Unobtrusive methods, by drawing on data already available also cut down on the time and cost of data collection and have the potential to facilitate better and more representative coverage of a particular issue of inquiry (*ibid.*). This methodology is also appropriate to the task of this research. In depth interviews would have elicited the subject's perspectives on prevalent discourses in hindsight, rather than the discourses themselves.

The major disadvantage of unobtrusive methods is that by default data have been produced for other purposes and thus validity and explanatory value may be constrained by the purpose and

institutions for which it was originally produced. This has been a major limitation in my research on the emerging discourses in land reform. Fairclough (1995) has argued that one cannot properly analyse the content of a discourse (what is said) without simultaneously analysing its form, that is, a linguistic analysis of how it is said. Much of the data I have drawn on, particularly minutes of meetings, is not a faithful representation of what was said, but rather condensed, summarised representations of major themes or arguments. As a result, technical linguistic analysis of discourses has been limited. Instead, my analysis has focussed on the forms of argumentation utilised, the stories drawn on and scenarios constructed to substantiate claims, the representations of authorised actors and representations of development subjects. Despite this limitation, my sources of data have been appropriate for the purpose of this research.

A central concern in this research has been to identify the legitimate discourses of land reform institutions, to identify the 'alternative' discourses which (broadly defined) land reform participants seek to introduce into official land reform institutions and the manner in which these 'alternative' discourses are negotiated and contested. For instance, discourse of tradition evident in submissions from community based organisations are frequently countered by discourses of environmental degradation or economic sustainability within the Land Reform Steering Committee. Fairclough (1995) has argued for a focus on the social institution and the discourses associated with a particular institution, rather than a focus on casual conversation. While analysis of conversational speech acts would have facilitated a deeper linguistic analysis, I have followed Fairclough by focussing on the Land Reform Steering Committee as a central institution in the land reform process, which acts as a pivot between the wider social formation and particular social events or actions in the implementation of the Land Reform Pilot Programme.

Discourse refers to language in action, a social practice that is linguistic, but produced and received through and by institutional, ideological structures and relations (Burman et al, 1997:8). The purpose of discourse analysis is to understand how these institutional power relations are reproduced and contested in everyday contexts of talk and action. Fairclough (1995) suggests that we regard the institution as a speech community with its own particular repertoire of speech events, its own scenes and settings, cast of participants, norms for their combination, topics, goals and purposes (1995:38). The orderliness of interactions in institutions depends on the acceptance of the rules of interaction in an institution. That is, rules of interaction which prescribe what can be discussed, by whom, the type of language that may be used and the forms of authority on which knowledge claims are based. These rules of interaction are contained within background knowledge that is taken for granted and they symbolise ideological representations of social relations. Fairclough argues that three dimensions of participants background knowledge base can be identified, each indicating the importance of ideological elements. Firstly, orderly interaction is dependent on knowledge of language codes, that is, the conditions for the use of certain words/expressions in connection with particular events or behaviours. For example, accepting and understanding the conditions under which one can talk about “illegal land invasions” or the knowledge of words/expressions which convey respect in particular circumstances. Secondly, there is the knowledge of principles or norms of language use in particular circumstances which qualify the actors as legitimate participants in a particular setting. Thirdly, such knowledge would include knowledge of the situation of the speech interaction as well as the knowledge of the world as a context for the situation (Fairclough, 1995:33-34). The ideological basis to institutional relations suggests that institutions exercise power, not only through their actions, but also through their mode of organisation, in essence, their very existence. In recognition of this, the institutional context in which the analysed speech

events take place is briefly set out in the next chapter. It is intended to provide the contextual elements necessary to make sense of the discourses which have been identified. In this research the institutional context of the data has itself been a focus of inquiry, rather than a constraint on the validity of the data. For these reasons I regard my sources of data as appropriate to the objectives and methods of this research.

As discourse is not merely the social act of language, but essentially ideological and intrinsically linked to meaning about social relations and practices, it cannot be studied as disembodied speech acts. Its institutional matrix, involving particular actors and rules for interaction is an essential element in the analysis of the speech act itself. As a result of this consideration, Fairclough (1995) argues for a principled basis for sampling that includes a sociological account of the institution, understanding its relationship to other institutions and the relationship between forces within it. This then facilitates an account of the order of discourse within it, its ideological discourse formations and the relationship between them. He argues that this should be followed with an ethnographic account of each ideological discourse formation. Once this has been done, one can identify for analysis interactions which are representative of the range of discursive formations and speech events, highlighting those which are particularly significant in terms of tensions between ideological discourse formations and between subjects (Fairclough, 1995:49). I have approached my data in a similar manner, focussing on particular, relevant speech acts, rather than attempting to discuss every speech event. In the following discussion I provide a description of the elements of discourse analysis which I have utilised.

### **2.3. Identifying legitimate discourses of land reform institutions**

The focal point of this enquiry must be the institution for the implementation of the Land Reform Pilot Programme, that is, the Steering Committee. As such, it is also the starting point of this enquiry. From this vantage I move on to identify the forms of argumentation and situation scenarios drawn on to substantiate claims for land acquisition and for land use. These forms of argumentation constitute the discourses of legitimate knowledge. This, together with an analysis of the rules of interaction suggested by discourses, indicate the legitimate discourse of the Steering Committee.

Fraser (1989) in what she refers to as the “socio-cultural means of interpretation and communication” has identified forms of argumentation as an important element of a discursive formation. She argues that in order to identify these forms of argumentation, one should identify the basis on which their claim for authoritative knowledge is made, for example, as statements based on scientific fact or oral histories. In considering reported needs of subjects, not only should one be sensitive to the form of authority on which the need claim is based, but also to the “in-order-to” relations implied by need claims. For example, it may be commonly accepted that black people need land, but only a consideration of the discourse in which these need claims are expressed can indicate for what purposes the land is said to be needed, for what people and with what additional services or support structures. The data I have utilised is particularly useful for this type of enquiry. While the minutes of meetings and reports from associated land reform institutions are not useful for deep linguistic analysis, they are detailed and reliable records of need claims and the arguments and scenarios constructed to support these need claims.

My method of data analysis entailed careful reading of all documentation and the consideration of all need claims made, the argumentation on which they were based, as well as the situation representations. From this, five themes for discussion became apparent, namely, discussions around the institutions of land reform (governmental, non-governmental and community based), discussions concerning the need for the participation of potential land reform beneficiaries and the associated problem of land invasions, discussions concerning the identification of land reform beneficiaries, discussions concerning the need for sustainability of land reform projects and sustainable livestock holdings and lastly, key problems of land reform and implementation that were identified and the solutions proposed to address these problems. The data was separated into these main themes (with substantial overlap) and then reconsidered with the intention of identifying differing forms of argumentation, differing scenarios of present and future realities, differing in-order-to relations and different constructions of the subjects of land reform. This refers to the positioning of subjects in relation to the land reform project - what kind of qualities these constructed subjects are endowed with through this subjectification, the nature of their interaction (or potential interaction) with various institutions and the nature of their influence on the Land Reform Pilot Programme assumed or implied by this particular construction of the subject.

It was evident from this consideration that while common terms were used by diverse participants, these were situated within different scenarios of present and future realities, made different need claims and constructed different arguments to substantiate these need claims. Among governmental participants there was a common basis for argumentation despite the very different beliefs and experiences of these actors. Governmental participants tended to value authority based on democratic process, demographically representative participation and



scientific/academic findings. This was in stark contrast to the forms of argumentation drawn on by community participants, which valued oral histories, local traditions and historical (often hereditary) rights. These different forms of argumentation and different present and future scenarios positioned the subjects of land reform in different ways and constructed different legitimate actors in the process. Chapters 4 and 5 discuss this in greater detail.

Ideological representations of social relations are symbolised in the norms of interaction of an institution as well as in the ideational function of language. As I have discussed above, the orderliness of interaction in an institution depends on the background knowledge of, among other elements, language codes and the principles and norms of language used in particular settings (Fairclough, 1995:33). In my analysis of the data, I have identified particular language codes (words used to convey specific ideological meanings) used similarly by both governmental and community participants even though their need claims, scenarios and forms of argumentation may differ. This similarity suggests that there is a dominance of one ideological discourse formation in governmental land reform institutions, such that the norms and ideology underlying particular words have become naturalised, presenting themselves as merely a technique to be mastered in order for subjects to be accepted as legitimate actors within these institutions (ibid.,42). This naturalisation of norms is to an extent evident in the widespread acceptance of the need for demographically representative committees for land reform beneficiaries and in the acceptance of the need for legal constitutions for these committees. This imposition of discursual constraints on subjects (if they wish to be recognised as legitimate actors) acts to construct the subjects of land reform. However, as Pechaux points out, in the context of a clearly dominant discourse, while counter-identification with the dominant discourse may be evident, dis-identification, that is, the formation of alternative discourses with a different

basis for norms and values (rather than merely an oppositional discourse, based on similar norms and values) will not be evident. In my identification of discourses in the Land Reform Pilot Programme, there are clear indications of dis-identification, where the fundamental ideological bases of discourses differ from those that are legitimised by the Steering Committee. For example, those discourses based on historical racial injustice which in at least one case led to the rejection of a land reform programme based on the payment of compensation to white land owners making land available for land reform purposes. Thus while there is some subjectification of land reform subjects through governmental and reform institutions, this does not exclude the contestation of particular subject construction. This subjectification and resistance is discussed in greater detail in chapter 5.

## **Chapter Three: The context of the Land Reform Pilot**

### **Programme in KwaZulu Natal**

The purpose of this chapter is to briefly set out the context in which the Land Reform Pilot Programme in KwaZulu Natal has taken place, identify the ideological positions underlying interactions in the KwaZulu Natal Steering Committee and establish the scale of operation of this committee. This context has been described through three levels of analysis.

Firstly I have discussed the social context in which the KwaZulu Natal Land Reform Pilot Programme (KZN LRPP) was situated - the pilot district - and the capacity of various interest groups to influence the programme.

My second level of analysis concerns the institutions which formed a framework for the KZN LRPP and the constellations of social relations which they reflected. Through this discussion I indicate how these institutions have shaped the parameters of permissible conduct in the KZN LRPP, that is, the rules of interaction in these institutions.

Lastly I have considered the wider ideological context of land reform which has conditioned the institutions involved in the programme and constructed the shared background knowledge of participants in these institutions. As an important principle of the land reform programme is that it is based on a free market relationship of 'willing buyer - willing seller', a consideration of the debates surrounding the private property clause in the lead up to the final draft of the constitution is essential to understanding this broader context. South Africa's constitution, a major hallmark of the new democratic government, was drawn up at a time of global neo-liberal

dominance. This global ideological framework has had a major impact on policy issues in South Africa. In the debate surrounding the private property clause this neo-liberal influence is apparent in attempts to establish a clause guaranteeing private property rights and in attempts to restrict land reform to the restitution of land rights. While these attempts were not completely successful, they have had an important impact on the final formulation and by association, the context in which land reform policy has emerged.

### **3.1. The pilot district<sup>1</sup>**

The Estcourt/Okahlamba/Weenen/Msinga magisterial districts were selected as the pilot district in KwaZulu Natal. This area included the Drakensburg Locations 1 and 2, the small urban settlements of Estcourt, Wembezi, Winterton, Colenso, Weenen, Pomeroy and Tugela Ferry as well as informal settlements and transit camps established in the 1970s. Land is owned by white farmers, the Ingonyama Trust, the state, black freeholders and mission stations. The pilot district is predominantly rural in nature<sup>2</sup>, agriculture is predominantly subsistence based within black communities and there is inadequate provision of infrastructure (KNPA, 1994:15).

Land claims and perceptions of tenure rights in the district date back to the period 1830 -1860 when settlement was re-established after the Mfecane wars and the expansion of Zulu power (Cross, C et al, 1996:7). This settlement was typified by attempts to re-establish ethnic clans. Forced removals were prevalent in the district, affecting black freehold communities, tribal communities on state land and farm labour tenants and involving as many as 300 000 people

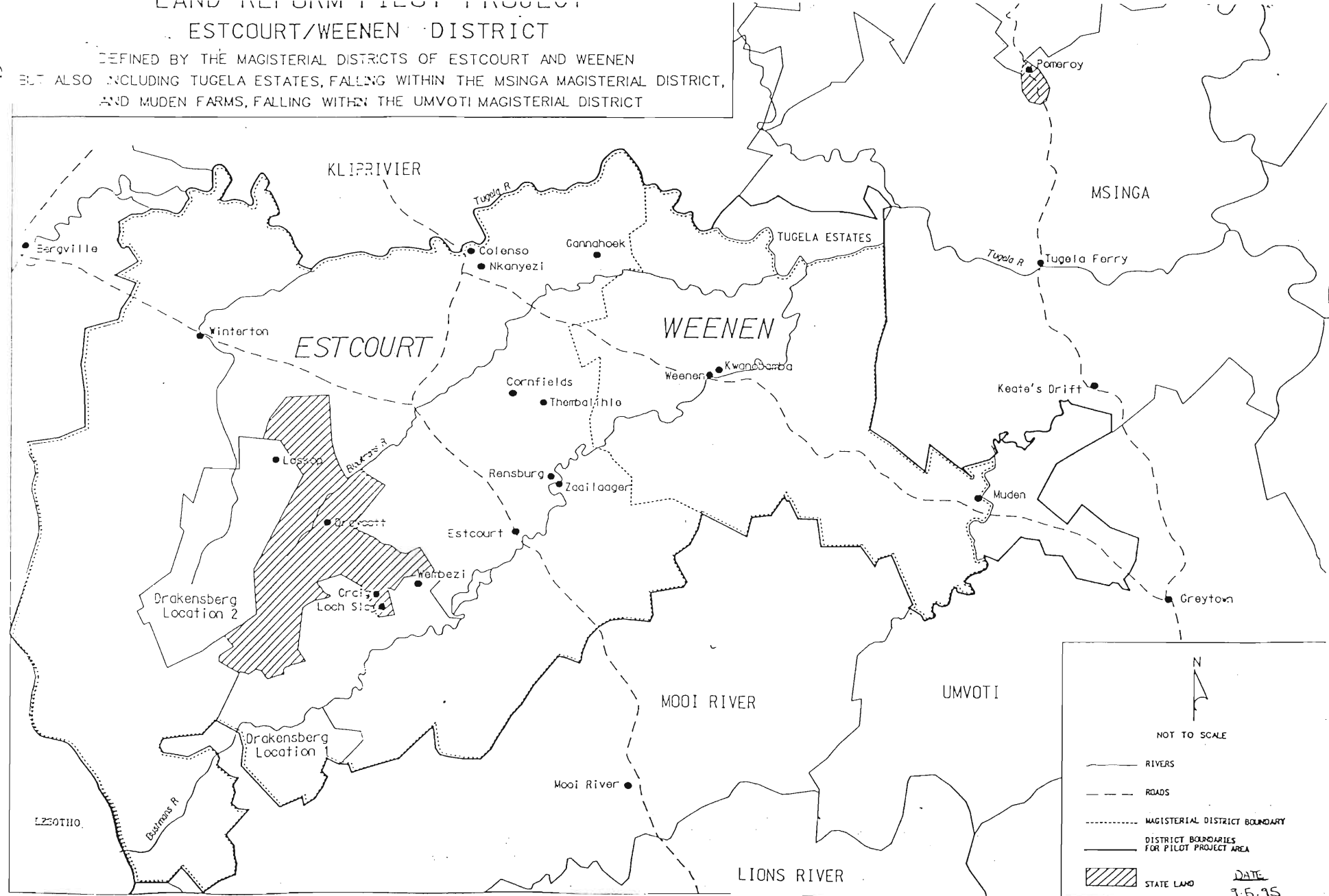
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<sup>1</sup>. See Map 1.

<sup>2</sup>. Defined as settlements further than 15 km from minor/small towns (KNPA, 1994:15).

# LAND REFORM PILOT PROJECT ESTCOURT/WEENEN DISTRICT

DEFINED BY THE MAGISTERIAL DISTRICTS OF ESTCOURT AND WEENEN  
BUT ALSO INCLUDING TUGELA ESTATES, FALLING WITHIN THE MSINGA MAGISTERIAL DISTRICT,  
AND MUDEN FARMS, FALLING WITHIN THE UMVOTI MAGISTERIAL DISTRICT



Map 1: Detailed map of KwaZulu Natal land reform pilot district (not to scale)  
(KZNP, 1994)



Map 2: Map of KwaZulu Natal showing Estcourt and Weenen Magisterial Districts as at 1994. (scale 1 : 2 500 000)

(Cross, C et al, 1996:10). Forced removals, evictions of labour tenants as well as natural population movements have fractured whatever cohesion might have existed in ethnic identity and land occupation. Tribes and communities have been split up, relocated onto land dispossessed from other tribes or forced to seek accommodation on white farms, black freehold land and in transit camp settlements. Contested claims to land expressed in terms of ethnic identity and histories, as well as escalating population densities have led to endemic land related conflict in the district.

These conflicts have been exacerbated by poor socio-economic conditions in the district. Formal unemployment in this area is high, at an overall 58% of the population. Most household income comes from casual farm employment, with average wages below R200/month (Cross, C et al, 1996:29). Income from direct agricultural production is almost non-existent; 2% of households reported earnings from agricultural production (ibid.,40) and only 36% of the households have access to arable land. The majority of employment is found within the commercial farming sector, with white farmers preferring to transport labour on a daily basis due to inadequate housing for labourers on farms (KNPA, 1994:15). Despite this picture of generalised poverty, there is economic differentiation; 12% of households record incomes above R2 000/month, while the median household income is R601 -R800/month (Cross, C et al, 1996:29). While these figures suggest quite extreme differences in income, they have not been factored for household size.

### 3.2. Interest groups in the pilot district

Policies of the National Party government have played an important part in the articulation of land need as a demand for the restitution of land. This influence has been generated by both apartheid land policy and the attempt by the National Party in the early 1990s to redress aspects of past policies. Attempts to regain land lost through forced removals and eviction of farm labour have an extensive history in the district.

The process for the restitution of people evicted from Charlestown through the forced removals policy, dates back to 1987 when an individual from Osizweni township submitted a petition of 1000 names to the KwaZulu government requesting the right to return to the settlement (Report, 1995b). Similarly, in the Weenen/Msinga district, representatives of evicted black farm workers began to organise in the late 1980s in response to increasing evictions from white farms (Alcock, 1994:129). This resulted in discussions with the NPA in 1990, which led to the establishment of the Weenen Working Group, composed of both black and white representatives. While black representatives had hoped to address a wide range of issues, such as development projects to supplement incomes, forced evictions and the impoundment of cattle by white farmers, their white counterparts sidelined their development interests and refused any discussion of evictions or cattle impoundment, saying that nobody had any say over a farmer's relationship with his workers (ibid.,). This resulted in a two day strike by farm labour in the district and a planned march, although this was eventually called off through the intervention of an individual from the executive council of the NPA, who promised to come up with a solution to the problems (ibid.,131). At this point, in 1993, the Provision of Certain Land for Settlement Act 126 was passed and identified as the means through which the Mgwenya community could buy back



some of the land from which they had been evicted. While their demands were not focussed on land alone, this was the only positive response they received and resulted in the formation of a new development committee to assist the government officials in fulfilling the provisions of the act (ibid.,). In 1993 the National Party government set up the Commission on Land Acquisition (COLA) to investigate restitution claims to state land and was active in hearing claims from tribes in the Estcourt district. While most of these claims were rejected on the basis of restitution and claimants were able to access land through the Provision of Certain Land for Settlement Act 126 (DLG&H, 1994), this policy intervention has strengthened the articulation of land need as a restitution of lost land rights. Restitution of historical land rights has driven initiatives taken by CBOs to identify potential beneficiaries in preparation for the Land Reform Programme. At the end of 1994 the Muden Land Committee began drawing up beneficiary lists identifying people who had been evicted from farms in the Muden area and stipulating the farm they would return to if it became available (Lonsdale, 1996). This articulation of land need in terms of tribal histories conferred significant legitimacy to the continued power of traditional authorities in the Land Reform Programme.

Apartheid policies led to overcrowding of tribal land and the disempowerment of traditional authority administration. In spite of this, traditional authorities are both a source of land demand and an institutional arrangement which is central to the administration and servicing of land reform (Marcus et al, 1996:81). Acquisition of more land by traditional authority structures would provide both the material resources and the institutional legitimacy to consolidate their position. Government departments and commercial farmers in the pilot district and elsewhere have continued to utilise these channels for the administration of communities and the

apply  
 implementation of policy<sup>3</sup>. The position of traditional authorities is also strengthened as a result of the absence of local government structures in rural areas and the relative familiarity with communal tenure as an institution for holding and managing land. Pre planning facilitators for Franschhoek pointed out that in their experience

... leadership and institutions emerge from the experience of a group to meet clearly understood tasks. It is difficult for beneficiaries to formulate concepts of management, ownership and tenure unless they have experience on which to base these concepts, powerful reasons to think about these concepts and time in which to do the thinking (Franschhoek, 1996).

Predictably, the majority of land reform projects in KwaZulu Natal involve communal land tenure forms (Liversage and Sapsford, 1996). Without adequate measures to ensure tenure security or to link local land administration with provincial administration (Hornby, 1996) and without clear guidelines for the role of traditional authorities in land reform projects (KZN LRPP, 1995d), traditional authorities are likely to continue to play an important role in community trusts for the administration of land and development issues (personal communication). This potential role is however constrained by the commitment of the Department of Local Government and Housing to reducing the impact of traditional authorities in the administration of settlements (personal communication). It may be further constrained by the incompatibility of traditional administration with individual tenure forms and commercial farming projects (Marcus et al, 1996).

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3. The district planning progress report indicates that some commercial farmers in the Estcourt region have aligned themselves with traditional authorities (IPS, 1996c) and there is uncertainty expressed over whether or not traditional authority lines of communication should continue to be followed (Workshop, 1995a)

Traditional authorities have an interest not only in their continued involvement in the administration of land, but also as claimants to land on behalf of tribes, which would provide them with considerable legitimacy to play a part in the administration of land and allow them to consolidate power and resources in communities. This was particularly evident in the case of Nkosi Khumalo ‘a landless chief’ who began investigating avenues for the acquisition of land on behalf of his tribe, the Amantungwa people (Review, 1995). A trust was established with people from Osizweni and the land was designated by Act 126 some time before a beneficiary list was received by the DLA. The number of people on the land rapidly escalated from 257 to 600 odd, there were allegations of an administrative fee being charged by Nkosi Khumalo for access to land (Report, 1995a) and when the beneficiary list was provided, a significant proportion of beneficiaries already owned property in Osizweni and Madadeni (Khumalo, 1996). This interest of traditional authorities in land reform was also evident in the Cornfields Tembalihle dispute between Nkosi Zulu and Nkosi Mabaso. The Department of Traditional and Environmental Affairs later explained that as Nkosi Zulu had not been designated land at Nkandla, he was being encouraged by other amakhosi to reclaim and occupy land in his traditional area (LRSC, 1996e). While the assertion of a right to land based on tribal affiliation (and thus historical legitimacy) is a powerful resource, this can also provide a framework for other tribal groupings to challenge this claim. Faced with contesting claims from other tribes, the Amahlubi, who had originally wanted tribal ownership and allocation of land, considered basing ownership of land on individuals within the tribe, rather than the tribe as an entity in itself (Report, 1996c).

There are a number of NGOs and CBOs operating in the district which have increased the influence which potential beneficiaries might otherwise have been able to exert over the

programme. Land invasions by organized and unorganized groupings, constitute a significant threat to both the ordered implementation of the pilot programme and the political loyalties of government departments<sup>4</sup>. Grindle and Thomas (1991:107) have argued that the perception of crisis is likely to heighten the concern for maintaining the legitimacy of the state and social stability, prompt the inclusion of higher level decision makers in the process and instil a sense of urgency to act. This it did. In the pilot district it served to counteract attempts by the Department of Agriculture (DoA) to stall the land reform process. It also provided substantial space for organised public groupings to influence the implementation of the policy, particularly in those aspects of the programme with which they already had some experience and which were more visible to the public. In turn their potential for local mobilisation was enhanced. Individuals in leadership positions within these CBOs and NGOs were often well placed to mobilise support for their demands and thus became significant stakeholders in the land reform process.

White farmers and the commercial farming sector also showed a keen interest in land reform, borne of the manner in which landed relations in South Africa's rural areas have been forged and maintained. While land dispensation has been a fulcrum in the development of the apartheid system, this has been most clearly and pervasively articulated not as a strategy for the racial concentration of land, but as a development strategy, involving the separate and 'autonomous' development of different 'ethnic groups'. Likewise, the process of removal of black people (existing as labour tenants and farm workers) from white farms was most dominantly articulated as a part of a rational strategy of modernisation and mechanisation of commercial farming<sup>5</sup>.

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4. In August of 1995 the district management team reported that both farmers and communities were blaming the pilot for the slow delivery of land and the resulting escalation of tension (LRSC, 1995e). In the same meeting, Mr. Kruger, acting secretary of the Department of Agriculture, requested that a report showing that the pilot was not to blame for this 'criminality' be submitted to the Minister of Agriculture.

5. See Marcus, 1989 for an extensive discussion of this process.

It is therefore unsurprising that white farmers in general accepted the need for restitution of land rights lost through racial discrimination and for a broadening of access to land along racial lines<sup>6</sup> (personal communication). However their acceptance of this process was conditioned by their insistence on the maintenance and protection of current land use standards, particularly the maintenance of commercial farming areas for the purpose of commercial farming and the restriction rather than expansion of communal land tenure and the use of farming land for settlement purposes (personal communication). This 'development' discourse finds resonance not only in the DoA but even more broadly within the state and beyond South Africa's borders. As such, white commercial farmers are well placed to influence the Land Reform Programme. The Natal Agricultural Union is the dominant organisation through which commercial farmers' are represented. This body operates through a well developed network of farmers associations (personal communication), has long-standing linkages to the Department of Agriculture and has been involved in land reform initiatives since the attempts to implement a policy of homeland consolidation, in the early 1970s<sup>7</sup> (personal communication). The expression of their interests and the nature of their organisation has meant that they have played an important role in the formulation and application of concepts of 'sustainable land use'. More so than black communities, they have been able to interface with government bodies in the more technical aspect of land reform - the planning of land use and land reform projects.

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6. The Natal Agricultural Union has for many years included a smattering of black commercial farmers.

7. This is also evident from the inclusion of Mr Shone (the president of NAU) in the Co-ordination Committee for the Land Reform Pilot Programme, which preceded the establishment of the Steering Committee.

### 3.3. Institutions of land reform

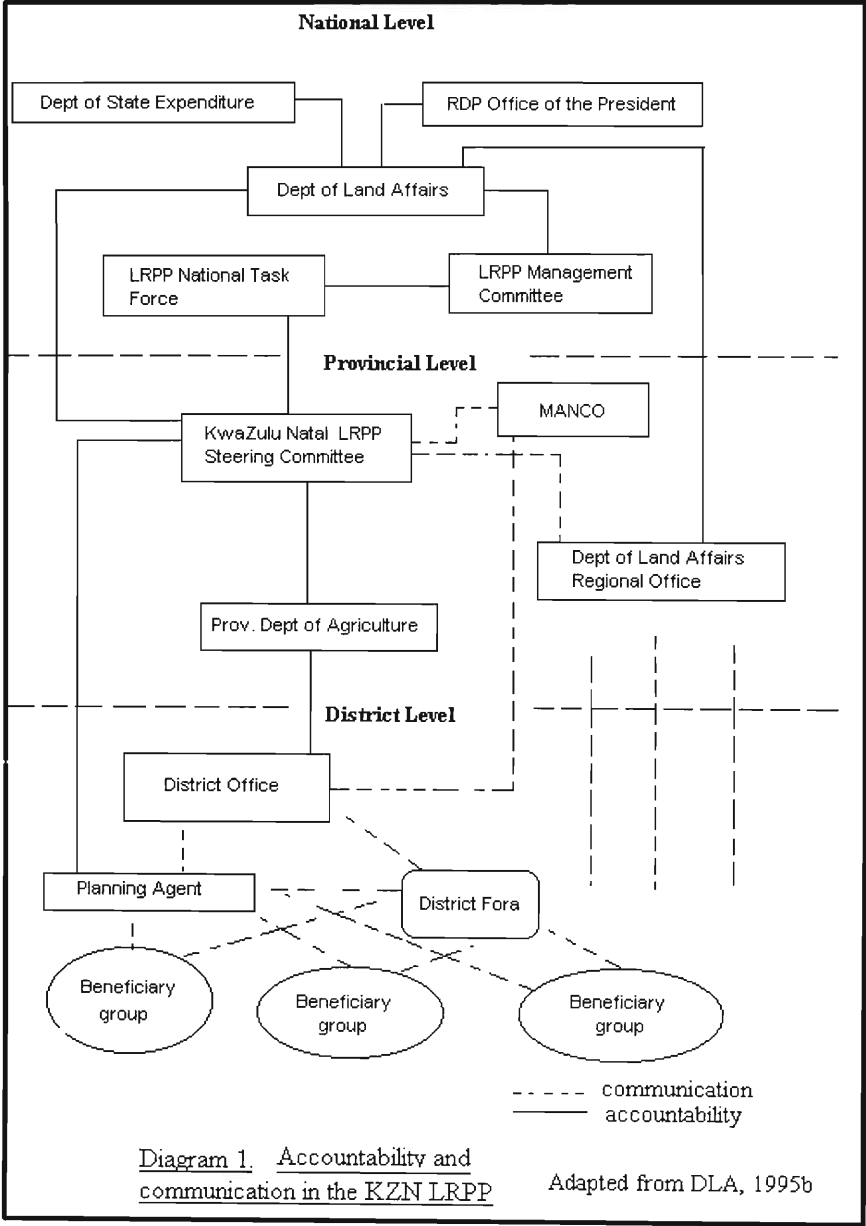
Land reform is a national competency of the Department of Land Affairs (DLA) although provincial departments have responsibility for the development and implementation of the Land Reform Pilot Programme. Several areas of development which are crucial to the success of land reform, for example regional planning and urban and rural development, are Schedule Six functions. These are areas where both national and provincial levels of government are competent to act, although where conflict arises the constitution allows for national legislation to override provincial. In 1995 Pilot Land Reform Programmes were established in all major provinces to

... initiate a national Land Reform Programme that is sustainable and replicable in diverse circumstances over time. It is designed to promote policies that make a significant contribution to household food security, sound local management of resources and sustained economic growth - while at the same time, developing the capacity of the government to respond appropriately to the needs of rural South Africans (DLA, 1994:5).

At the start of the Land Reform Pilot Programme the Department of Land and Agriculture was two separate departments. The pilot programme was the responsibility of the DLA which was ultimately accountable to the Department of State Expenditure, the RDP and donors for expenditure on the programme<sup>8</sup>. At a provincial level in KwaZulu Natal the provincial Department of Agriculture (DoA) was responsible for the Land Reform Pilot Programme and the RDP Presidential Lead Projects incorporating both restitution projects and redistribution

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<sup>8</sup> See Diagram 1.



projects (LRSC, 1995d). Whereas the Department of Land Affairs (DLA) was a substantially restructured department, the DoA was inherited largely unchanged from the apartheid government. Ideological differences and the practicalities of working out how constitutional directives were to be actualised had to be worked through in the course of the pilot project. Issues of constitutional responsibility between different departments and levels of government were major issues of concern for the DLA (personal communication).

Within the DLA at a national executive level there was a management team headed by a Pilot Programme Manager which was responsible for running the pilots on a day to day basis, monitoring and facilitating progress, producing policy proposals and making recommendations to a national Land Reform Pilot Programme Task Force set up by the Department of Land Affairs. This Task Force met monthly to review progress and make decisions on key issues. The Task Force was responsible for the overall policy development of the programme and was composed of one representative from each of the provincial legislatures, one representative from each of the national departments participating in the programme (Department of Housing, Department of Agriculture, Department of Water Affairs and Forestry and the Department of Land Affairs); one representative of the RDP national team and one representative from each of three NGOs concerned with land reform (The National Land Committee, the Land and Agricultural Policy Centre and the National Rural Development Forum).

Land Reform Steering Committees were established in each province to facilitate coordination between government departments and to build commitment to delivery. The KwaZulu Natal Steering Committee (KZN LRSC) was constituted by a representative from each of the following:



the Department of Land Affairs;  
 the Department of Economic Affairs and Tourism;  
 the Department of Agriculture;  
 the Department of Local Government and Housing;  
 the Department of Traditional and Environmental Affairs; and  
 the RDP Office.

There were also three non-statutory representatives chosen by the Regional Economic Forum (representing interests of the NGO/CBO sector, the business sector and labour) and two ex-officio members (a consultant to the DLA from Afra<sup>9</sup> and the financial officer for the responsible agency - the Department of Agriculture)<sup>10</sup>. The NGO/CBO representative was from Afra; the labour representative was an academic who has written extensively on the commercial farming sector in South Africa and the impact of changes in this sector on farm workers; and the business representative was the President of the Natal Agricultural Union which represents mainly white commercial farmers in the province.

The provincial Steering Committees were responsible for planing and managing the implementation of the pilot programmes in accordance with national policy and the individual context of each pilot district. Their terms of reference were as follows: administrative duties (cash flow plans and time plans and reporting); selection and appointment of personnel and agencies necessary for the land reform projects and district planning; overseeing the selection of beneficiaries and project plans, resolving disputes and ensuring the involvement of necessary institutions in the implementation of projects; ensuring co-ordination between departments and information dissemination to the public, as well as making suggestions on the implementation

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9. Afra is the largest land related NGO in KwaZulu Natal  
 10.( Minutes, 1995a; LRSC, 1995a)

of policy in the province and suggestions for the expansion of the Land Reform Pilot Programme (DLA, 1995b:9-10).

In practice the KZN LRSC had latitude on the selection of beneficiaries and the split of grant money between the cost of land acquisition and the cost of basic needs provision; the ratification of tenure forms and the role of traditional authorities in beneficiary communities; the flexibility with which the pilot programme boundaries were approached; the application of the criteria of ‘sustainability’ in ratification of project plans; and the prioritisation of projects in the face of limited funding and extensive land demand. It also had substantial leeway in the application of the principle of community participation in the Land Reform Programme, the selection and inclusion of ‘relevant’ institutions and government bodies in the pilot programme for the provision of after care and support; the valuation of state land and the application of the principle of “willing buyer - willing seller” in land acquisition.

Below the KZN LRSC there was the District Office (D.O). The District Office was responsible for the identification of beneficiaries, to oversee and manage district and project plans, initiate and facilitate structures and agreements to enhance communication between role players in land reform, to implement and facilitate the Land Reform Pilot Programme and the monitoring and evaluation of the programme (DLA, 1995b:16-18). The setting up of the District Office was the responsibility of the Steering Committee and the District Office was then directly accountable to the Steering Committee.

As a result of the urgency of the KZN LRPP and the difficulty in getting through meeting agendas, which was experienced by the Steering Committee, an executive structure - the

Management Committee (MANCO) - was established to assist the District Office with the day to day implementation of the pilot programme. MANCO became an important site at which decisions were taken, which were then referred to the Steering Committee for ratification (personal communication).

There are several issues that emerge from the institutional framework of the Land Reform Pilot Programme - issues around the selection of non-statutory bodies to be represented on the Steering Committee, the relative influence of various governmental and non governmental representatives and the impact of the formation of MANCO on the land reform pilot - are all issues which have had a bearing on the subject of this thesis. Given time and space constraints, as well as the need to focus, these issues have not been addressed. This contextualisation of the KZN LRPP focuses on two government institutions which have had an important impact on the process - the Department of Land Affairs and the Department of Agriculture.

### **3.4. Interest groups represented by these institutions**

Grindle and Thomas (1991) argue that while policy makers are not purely autonomous actors, neither are they the disembodied hands of societal interests. Policy makers operate within multiple interlocking contexts which shape their interpretations of the problems they wish to address, highlighting certain policy choices and making some policy options impossible to follow through (ibid.,37). Their personal characteristics - for example their willingness to take risks - influence how they will respond in particular circumstances. Their professional training and expertise, their ideological convictions and their past policy experiences influence their

interpretation of problems they wish to address and their identification of potential solutions (ibid.,34-36). Given this, it is useful to outline the past experiences of actors within the DoA and DLA in order to understand their orientation to land reform.

The Department of Agriculture was a staunch supporter and powerful influence on policy of successive apartheid governments and had experienced few changes in their structure, personnel, perspectives, or their method of operation. For them development was best achieved through free market principles and they favoured the establishment of small farmers on productive land, rather than communities utilising land for subsistence or simply residential purposes. This narrow focus on land as an agriculturally productive asset constrained the diversity of beneficiaries which they felt should be identified and the diversity of income generating activities which they felt warranted support. Their experiences in promoting Betterment policies in previously black designated areas focussed their concerns on the limitation of cattle holdings, the fencing of grazing areas and the separation of settlement and productive land. At the same time, their past experience with the reaction to these policies (particularly violent reactions to the limitation of cattle) discouraged attempts to physically enforce their conviction that cattle holdings should be limited, or to attempt to promote alternative land uses.

The Land Reform Pilot Programme has focussed concern on technical, institutional relationships and assumed social inequality either to be natural or that it could be addressed in the market. The Neo-liberal discourse in which the programme was situated, concealed structural inequalities as a result of class or gender. Not surprisingly, this discourse found resonance amongst those social classes currently privileged by the distribution of economic power. A small scale farmer scheme in Estcourt was proposed in response to the desire by white farmers that a buffer of small

farmers be established between them and black communal settlements. It was argued that this was necessary to prevent valuable farm land from being devalued by adjacent non productive or ‘ecologically harmful’ land use. In addition, the acting secretary of the provincial DoA attempted to prevent the use of the Land Reform (Labour Tenants) Act 1996 on the grounds that it fell outside the ‘development thrust’ of the pilot programme and as such was a matter for the DLA alone and did not concern the Steering Committee (LRSC , 1996f). Bureaucratic resources, such as the power of attorney that the DoA held for the administration of state land, enabled the department to influence the outcome of the KZN LRPP, specifically with respect to eligibility criteria for the lease of state land and the renewal of leases held by white farmers over land in the pilot district (Briefing, 1996a)<sup>11</sup>.

While the globally dominant neo-liberal ideology underpins all policy formulation of the newly democratic Government of National Unity, the swing put on this ideology varies across departments. While some, for example the DLA, try to soften the edges of this free market ideology, others for example the DoA, are more devout in their adherence. Where the White Paper on South African Land Policy (1997) commits the programme to addressing inherited injustices and inequalities, the National White Paper for Agriculture (1995) assumes farming as a business which should operate in a ‘free market’ context, without state buffers (Marcus, 1996: 15). This orientation was also evident in the Department of Agriculture’s approach to the settlement of state agricultural land in KwaZulu Natal and financial support schemes to support small farmers.

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11. Control over land has had a substantial influence on the pilot project and communities within the district. The Nkanyezi tenants outside of Estcourt were faced with considerable fines for the impoundment of cattle by the Colenso TLC. Despite the extreme need of the community for temporary land for the grazing of their cattle and the historical use of town commonage land for this purpose, the Colenso TLC did not allow the Nkanyezi tenants to utilise the area. Furthermore they indicated that they wished to sell the land on the market and did not intend to target landless or homeless people (Marcus, 1996:10).

The Draft Business Plan for the settlement of previously disadvantaged farmers on vacant agricultural state land in KwaZulu Natal, had among its objectives; the creation of independent entrepreneurs; the promotion of economically rational decision making; the sustainable use of natural resources; and the development of the full agricultural potential of the land in an economic way (Pringle, 1996:6). Key principles of this were that the farms would eventually be owned by private persons (or legally constituted bodies where each participant has a divisible share in the enterprise) practising farming on a full time basis or for the bulk of income generation. Conservation norms applied in determining farm size and boundaries and it was stipulated that financial returns must provide sufficient incentive for the farmer to practice agriculture on a full time basis and provide incentives to conserve and invest in the land (Pringle, 1996:6-7).

The Department of Agriculture also offered a state assisted scheme to facilitate production loans to small farmers, with the stipulation that the farmer or group must use predominantly family labour, have the ability to repay the loan and have the potential to develop towards financial independence (DoA, 1995). The aim of this scheme was to increase the accessibility of production loans to small farmers, help farmers to build a track record for credit and phase out direct state lending to farmers. The bulk finance scheme seemed to be aimed particularly at the LRPP, with finance terminated on 31/8/98. It made the assumption that small farmers differed from commercial farmers on the basis of the size of the enterprise, rather than the nature of the enterprise. The eligibility criteria limited assistance to those small farmers who had the financial capacity and productive potential to qualify for credit, but not the required collateral or credit record. This assumed that racial restriction was the only source of structural inequality and that this racial inequality could be addressed through the market mechanism. In the context of the

pilot district, where potential beneficiaries are extremely poor, rely predominantly on insecure casual agricultural work and are settling on land which is not of high productive value (Pringle, 1996) without the required support mechanisms, small farmer schemes can cater to only a very limited population and provide an extremely limited perspective on rural development (Vaughan, 1997).

Whereas the policy paradigm of the Department of Agriculture has changed little since the establishment of the GNU, the Department of Land Affairs is a new department, moulded in the post 1994 context (Marcus, 1996:14). The DLA has a number of individuals from the academic and NGO communities in influential positions and has a valuable relationship with Afra through key staff members. Afra regard their mission as an organisation and the successful implementation of the Land Reform Programme as synonymous (Afra, 1995). To this end it has endeavoured to place people in strategic positions to ‘unblock’ this process. Much of this intervention occurs at a local level, drawing on their recent history of community mobilisation around land issues, although it has also involved the secondment of Richard Clacey<sup>12</sup> to the DLA and the inclusion of Mdu Shabane in the Steering Committee as representative for the NGO/CBO sector.

This history and support base is reflected in the manner in which land reform policy has been articulated by the DLA. Vaughan (1997:37) has characterised the DLA’s articulation of land policy as deriving from ‘...an intimate knowledge of the undermining impacts of apartheid land policy on communities and individuals ... informed by the specific experiences of land dispossession resisted through community mobilisation by land interested NGOs during the

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12. Richard Clacey, previously the director of Afra, began his relationship with the DLA as consultant for the Land Reform Pilot Programme. At the end of this contract he was made Provincial Director of Land Affairs.

1980s'. This has resulted in a populist paradigm of land reform policy, seeking to improve access to land, redress the past injustices of land dispossession and alleviate poverty in rural areas through broader access to land (ibid.,). This history draws on discursive resources which could be used to contest the emphasis which the DoA places on the necessity of agricultural productivity in land reform. However, in view of the largely uncontested need for economic development in South Africa and the discordant discourses in support of alternative land uses, this populist paradigm has had minimal impact. For example, the criterion that new land should result in an improvement in rural livelihoods through agricultural land use was not directly challenged as an assumption that agriculture is essential for development. Rather, it was argued that 'an improvement in rural livelihoods' should be understood in terms of the conditions under which people exist, rather than in terms of what they considered to be an idealised conception of rural development (personal communication). While this could have been taken to include non-agricultural land uses, it did not contest the claim that agricultural land use is essential. The dominant discourse constructs land reform as an agricultural strategy for economic development, rather than primarily for secure access to land and housing. While the DLA might argue that poverty alleviation and basic human rights should be the primary objectives of the Land Reform Programme, given the wider context of land reform this discourse is comparatively weak.

Grindle and Thomas (1991:138-140) argue that when the costs of a policy are borne predominantly by government rather than the broader public and the policy is technically and administratively complex, reaction to the policy will take place predominantly within the bureaucratic arena. In policies of this nature, participation by the broader public is constrained and the success of the policy will be largely determined by the ways in which bureaucratic agencies and officials respond to the changes. Despite the principle of leverage of resources and



the contributions made by international donors to the implementation of the policy, the major cost of land reform is borne by government officials and institutions which have been required to change their accustomed forms of behaviour and relinquish a degree of control over land and land matters. The technical and administrative complexity of the land reform policy has in practice limited public participation to the implementation of individual projects<sup>13</sup> and drawn out the process of land and service delivery<sup>14</sup>.

Tensions and conflicts between government departments affected the implementation of the KZN LRPP, although the influence which they were able to assert was constrained by threats of violence and land invasions as well as by the need to account for financial disbursement. Despite their position as the responsible agency for the implementation of the pilot in KwaZulu Natal, the Department of Agriculture initially protested their lack of administrative capacity to provide for a secretariat, severely limited the resources which the secretariat had access to once it was established, refused to provide office space or computer equipment for the monitoring and evaluation team, neglected to perform valuations requested on farms, failed to attend community planning meetings and protested that they did not have the staff to provide assistance to the District Office<sup>15</sup>. While the Department of Agriculture did become substantially more cooperative once the programme was underway, their initial reluctance and inaction impacted on the progress and viability of the programme as a whole. It increased the mistrust in communities in the willingness of government departments to provide assistance and it also had

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<sup>13</sup>. Although national policy provided for the establishment of district fora to achieve community participation in broader planning issues, these have not been very successful. They tended to focus on very localised issues and often involved participation only in the process of submitting applications for funding (personal communication).  
<sup>14</sup>. The estimated time from a community establishing contact with the District Office, to the transfer of land, was approximately 18 months (Duncan et al, 1996:6).

<sup>15</sup>. After a meeting between the District Office and the Department of Agriculture, it was decided that the Department could provide one person for assistance to the pilot. When this was reported concerns were raised that the Department had close to 8 000 people employed in the region, but could provide only one to assist the pilot (LRSC, 1996e).

severe implications for the viability of individual projects. Channels for agricultural support and land use planning were not developed, reinforcing the impression that government departments would not deliver planning support and so reduced the incentive for communities to wait until planning had been completed before settling on the land (Rockydrift, 1996).

### **3.5. Property rights and the constitution**

Important principles of the Land Reform Programme is that it is based on a free market relationship of “willing buyer, willing seller” and is demand led rather than supply driven. In this framework, the state is cast in an enabling role to facilitate ‘equitable’ access to the land market for successful beneficiaries to purchase land. This involves the provision of a small grant per beneficiary household, the provision of facilitation and planning services to prepare grant applications and land use plans, legislation to protect and reform insecure tenure forms and to enable restitution for lost land rights as well as legislation providing a framework for the management of land related disputes. In this context, stabilizing landed relations is paramount, with an assumption that this is intimately associated with the protection of private property rights.

For nearly a century, a host of racially motivated legislation has prevented black people from freely acquiring land anywhere in South Africa and has restricted the lease of land to racially designated areas. Under the previous government property rights of white people were effectively protected through legislation. Claasens (1995) argued that while there is a need for a stable system of property rights in South Africa, the inclusion of a property clause in the constitution

threatens to entrench the privileged access to property which white people achieved as a result of racially restrictive legislation. She held that it would substantially reduce the capacity of the current government to address the inequality created and perpetuated through apartheid. In other countries where property rights have been enshrined in constitutions, they have been used to restrict or overturn legislation seeking to alter zoning regulations, control slum lords, protect the environment, control rent increases and regulate working conditions as well as inhibit the development of low income housing which affects the property rights of neighbouring property owners. In South Africa they could limit the scope of restitution, limiting it to those people who held legally sanctioned rights to land, prevent the expropriation of land for purposes of redistribution, severely tax the economic resources of the government to purchase land and could be used to overturn a host of development and poverty related legislation

In the interim constitution, three proposals were put forward for the property clause. The first was based on Claasens argument and proposed that there should be no clause in the constitution specifically protecting property rights.

The second proposal, while entrenching property rights, allowed for expropriation in accordance with a law of general application, in the public interest (including land reform) or for public purposes. This proposal would have provided a favourable framework for land reform, as the payment of compensation for expropriation was not automatic but dependent upon the decision of the land court. In deciding on compensation, the court would be required to consider the current use of the property, the history of its acquisition and the value of state subsidies that might have applied, the market value of the property and, significantly for land reform, the ability of the state to pay compensation. This proposal also suggested the specific exclusion of land

reform from the clause, as well as restitution, tenure reform and any other measure aimed at bringing about land reform (Marcus, et al, 1996).

The third proposal would have provided significantly greater protection for private property rights, to the detriment of land reform. In this proposal, property rights are guaranteed and all expropriation must be subject to compensation. The criteria used to determine the amount of compensation, exclude the ability of the state to pay, as well as the value of subsidies in the acquisition of the property and include the value of beneficial improvements to the property. While there is a specific clause protecting land restitution, there are no clauses protecting land reform in general, or tenure reform (Marcus, et al, 1996).

The final draft of the constitution represents a compromise on these positions, protecting private property rights, but also specifically protecting land reform and future efforts to bring about equitable access to natural resources. In the final constitution, compensation must be paid for expropriated land and the amount is subject to the current use of the property, the history of its acquisition and use, the market value of the property as well as the value of direct state investment and subsidies in its acquisition or capital improvement and the purpose of the expropriation. This formulation suggests that while the current private property dispensation is protected, the rights of those who have suffered under apartheid should be given equal consideration and protection. Furthermore, the final draft emphasises the state's responsibility to achieve more equitable access to natural resources and that the state has a limited obligation to fulfil conditions necessary for equitable access.

These debates around the private property clause signal the social forces contesting the policy

environment of land reform. The outcome reflects the balance of forces within and beyond the state. Although relatively favourable, the inclusion of a private property clause in the final draft could be seen to consolidate the neo-liberal framework in which land reform policy has emerged and reduce the potential of the Land Reform Programme to address structural inequalities in the South African countryside. Land reform policy does not privilege the land claimant over the owner of the property. While there is facility to expropriate land, restitution claimants are cautioned that they are not guaranteed of getting back the land they lost and land redistribution beneficiaries are required to work within a “willing buyer, willing seller” framework, where the buyer must walk away if the price is too high (DLA, 1997). While the final property clause does create room for manoeuvre, this space is not being utilized.<sup>16</sup> Possibly equally important is the fact that social actors counter to the neo-liberal framework are weak. This is clearly reflected in the White Paper on South African Land Policy (1997).

The White Paper on South African Land Policy (1997) justifies the principle of state facilitated, market led land reform in terms of the flexibility and participation that it allows for land reform beneficiaries to negotiate their entry into land reform. Whereas a state led, supply driven policy would constrain the range of options available for beneficiaries and constrain their participation, reducing the role of the state and engaging in land reform initiatives through the market in response to the demands of participants is intended to promote the participation of beneficiaries and their ability to mould the form which land reform takes.

Fine (1992:74) has argued that ‘...the political strategy associated with neo-classicism has been

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<sup>16</sup>. Post 1995 legislation for example, suggests that the state is willing to take a more pro-active position, providing for the expropriation of land for the purposes of land reform. However, the extent to which this legislation will be utilized is yet to be seen.

to cement an alliance around a consensual programme of liberal reform from above and self restraint from below'. The Land Reform Programme emphasises the need for local participation and the emergence of a vibrant civil society to ensure that policy meets the needs of its target groups and to facilitate the implementation of land reform in a context of very poor government capacity. At the same time, a government must govern to stay in power and as Ferguson (1989) has argued, 'development' is an important tool in the effort to govern. While there is undoubtedly an inherent tension between 'participation' and governance which is integral to an understanding of the context of land reform, these issues will not be discussed in this chapter. The relationship between state and the development subject is explored in detail through discourse analysis in chapter five of this thesis.

The context of the KZN LRPP has been of major significance to the manner in which implementation has taken place. As a result of past policy experience as well as the entrenchment of "culture" and "tradition" and the visibility of land acquisition, potential beneficiaries have focussed on the restitution of land rights. In this context traditional authorities have been well placed to consolidate their influence over rural communities through land reform.

While the concerns of potential beneficiaries and organisations of civil society have been focussed on the acquisition of land, white farmers and their representatives have been well placed to influence the planning of land reform projects. This sector has had the necessary association with and experience of interaction with government departments.

The policy framework in which the Land Reform Programme occurs has shaped the potential which land reform policy has to contribute to development and the potential it has to alleviate

poverty and land need. The existence of a private property clause in the constitution and the associated principle of ‘willing buyer, willing seller’, is of relevance not just as a result of the economic constraints of the programme, but also in terms of the broader environment that this principle and associated principles have shaped. The experiences and broad orientation of the DoA is to promote commercial agriculture, a concern which resonates powerfully with a global discourse of economic development and the neo-liberal policy framework of South Africa. While the DLA, as a result of their close association with NGOs, might have been more concerned to improve survival strategies of rural people, they have not been able to successfully challenge the DoA’s construction of land reform as an agricultural development strategy.

## **Chapter four: Emerging Discourses in the KwaZulu Natal Pilot Land Reform Programme**

One of the ways in which discourse can be analysed is in terms of its argumentative structure. This chapter provides a description of the chains of reasoning employed by dominant discourses and the discursive resources drawn on to substantiate claims.

Problem definitions frame the policy issue, highlighting some aspects of the situation, while throwing others into shadow (Weiss, 1989:97). A problem definition is

... a package of ideas that includes at least implicitly an account of the causes and consequences of some circumstances that are deemed undesirable and a theory about how the problem may be alleviated (ibid.,).

Problem definitions create and draw on a language for talking about problems which draws attention to some features of social life at the expense of others, locates responsibility for problems and mobilises political participation around issues or symbols highlighted by the problem definition (ibid.,115). Considering the discourses in which problem definitions are embedded is thus a central aspect of policy analysis. While Weiss suggests that the discourses in which need definitions are situated employ symbols and values which resonate with the largest possible audience, they need only resonate with the most powerful and influential audiences.

Of relevance here are the discursive formations and discursive resources evident in the KwaZulu



Natal Land Reform Pilot Programme. These are i) those discursive formations deriving from the historical context of our society, which might be termed discourses of tradition and historical injustice; and ii) discursive formations constructed around the 'economic development' imperative for the achievement of a politically stable and internationally competitive South Africa in the post-apartheid era. The discursive resources of 'participation' also require attention although the concept of 'participation' differs depending on who is using it and for what purpose it is used. In view of this it cannot be considered as a coherent discursive formation on its own. In one sense 'participation' is an integral part of the economic development discourse which emphasises participation as the most efficient and cost effective manner in which to implement development policies and integrate 'third world' communities into the global economy. At another level 'participation' is a goal in itself, involving the empowerment of previously disadvantaged and marginalised sectors of society. Participation in this sense is a powerful resource through which to contest expressed needs and through which the legitimacy of the post apartheid, democratic state is constructed.

#### **4.1. Discursive resources of tradition and historical inequality**

Historical experiences have a powerful resonance within state institutions and the broader public. People group themselves around the land issue in terms of forced removals and feelings attached to specific pieces of land (Workshop, 1995b). While the Steering Committee was unable to decide on the application of beneficiary selection principles in KwaZulu Natal, land demand, predominantly expressed as the restitution of land rights, had reached crisis proportions in areas of the pilot district. The response of the Steering Committee was to retain the broad criteria laid

out in national guidelines and request that applications for settlement and planning grants include a motivation from the community for the criteria used to select beneficiaries for the grants (LRSC minutes 29/1/96). Predictably the criteria used, focussed on the restitution of land lost. Participants at a workshop for the selection of beneficiaries to settle at Lonsdale, Luneberg and Hazerswoude, explained that the people selected were those

...who were moved from here. Their things were thrown out. The lorries came ... they went far away to places like Qudeni. It started about twenty years ago ... (Lonsdale, 1996).

The beneficiaries of this project included landless descendants of people who had been evicted (ibid.,). Experiences of forced removals are reflected in the idioms used to press land claims, motivating the selection of beneficiaries as well as the need for land. When asked how accessing land could improve their lives, respondents replied

...we will be secure - we can't be fired as before; ...we can build permanent structures - we know we will be living here for a long time; ...we will not be living here afraid of the owner who says: "You are not living here - move out" (Franschoek, 1996).

Similar historical idioms and vocabulary are reflected in the motivations for a National Land Reform Policy, argued in the Reconstruction and Development Programme.

Apartheid policies pushed millions of black South Africans into overcrowded and impoverished reserves, homelands and townships ... (A national land reform programme)

aims to redress effectively the injustice of forced removals and the historical denial of access to land (ANC, 1994:19-20).

The manipulation of African 'tradition' has played a central role in the legitimization of racial segregation (in terms of 'self determination' of politically constructed ethnic groups) and in the administration of rural African settlements by traditional authorities (Mare and Hamilton, 1986). Concepts of tradition and culture, suggested by an idyllic vision of rural and community life and cattle also figure prominently in these idioms of land need and the vocabulary of these idioms. In response to a suggestion that the Nkanyezi tenants consider moving into Weenen town, for example, they replied that this is not possible, as they are committed to rural life and cattle (LRSC, 1995f). Similarly, Franschoek applicants, when asked if purchasing a farm would provide a greater benefit than urban settlement, replied

(w)e like this land; we live well with the neighbours on this farm. Nearer Muden - there is a danger of children being run over. We burn wood, maybe if we go there we will be forced to use a stove and electricity. We don't like to live in a township, we like our land ... we don't want to live closer to town; we want to keep our livestock (Trench, nd).

Concepts of tradition and culture are also prevalent in the forms of argumentation for adjudicating conflicting claims, where oral and documented histories play an important part. *Izigodi* (traditional hereditary areas) are frequently the physical units by which beneficiaries were prioritised by community organisations and the basis on which land is identified for particular beneficiaries (personal communication).

Weenen Peace and Development Committee reached agreement that each of the seven *Izigodi* in Weenen should benefit from the LRPP. This project would meet the needs of the Nomoya *Isigodi* (Nomoya, 1996).

The restitution process, which adjudicates land claims on the basis of historical land ownership (albeit limited to the post 1913 period) accords authority to both documented and oral histories. This approach has also been particularly influential in shaping needs claims in the redistribution process and in entrenching traditional authority as a legitimate institution. In at least one case, there was a suggestion that by accessing land as individuals rather than as a tribe, a contested historical claim to land right could be bypassed<sup>1</sup>. The notion of ‘ghost boundaries’ for example, reflect a calling up of historical land areas, so that land is always considered to be the property of the indigenous “community” (personal communication). This construction of ‘ghost boundaries’ also has the implication of presenting ‘history’ and ‘tradition’ as an unchanging, neutral and objective representation of the past, which it can never be in South Africa (or elsewhere). This construction could be used to manipulate the land reform programme to entrench and legitimate Traditional Authorities. Indicative of this was the proposal that a government map of tribal areas in 1934 be used as the authoritative source for delineating tribal boundaries (LRSC, 1996e).

Collective stories of forced removals, evictions and tradition construct powerful social identities, positioning people not as individuals, but as members of historical communities. This focus on historical communities has obscured lines of distinction between interest groups and individuals

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<sup>1</sup> The District Office suggested that with other tribes now contesting the land claim of the Amahlubi, an ‘in principle’ decision would have to be taken as to whether the land would be held communally by the tribe, or whether ownership of specific beneficiaries within that tribe should be specified.

within communities, highlighting racially based injustices of the past and the threat of internecine violence and contestation over land.

#### **4.2. Discursive resources of ‘economic development’**

The imperative for economic development was a second, prominent source of discursive resources for pressing need claims. While this could be seen to include ‘needs talk’ it was most often expressed as ‘development talk’ and utilised an administrative vocabulary rather than a welfare vocabulary. The stories constructed around these issues draw extensively from the past, positioning people as victims and passive recipients of services. This constructs a ‘subject’ with a potential for making claims to government services, but who must be uplifted and educated away from this welfare orientation.

Idioms of land need are expressed in terms of the need for economic development which, it is implied, will redress the injustice of the past which prevented black rural people from benefiting from what economic development did occur. In a public reply to Graham McIntosh’s criticisms of the land reform programme, Hannekom stated

(t)he LRP is designed to bring justice to the victims of forced removals by addressing the land needs of the poorest and most marginalised sectors of our society and by fostering economic growth through giving aspirant farmers access to land. By doing so, we will lay the foundations for a strong and vibrant rural sector characterised by growth and stability (1996).

In the same reply he pointed out that land reform is not an end in itself, but that beneficial and sustainable land use must follow from access and security of tenure and situated the policy ‘within the context of other policy objectives, such as achieving food security, improved incomes and job creation’ (ibid.,). As I have indicated elsewhere, there is no clear strategy for achieving these dual objectives of poverty alleviation and rural economic development. In the absence of such a strategy, the conflation of these two objectives in the development discourse seems to imply either that poverty alleviation will follow “naturally” from economic development or that this is an abstract wish, an ideal.

Most often, land reform was expressed in administrative terms in what could be loosely termed ‘development idioms’.

The goal of land reform is to provide a frame work for decision makers to identify beneficiaries, prioritise projects and to allocate resources for investment in the districts over the next five years in such a way as to achieve sustainable development and to initiate a process in which equitable redistribution of land can take place (IPS, 1996e).

This administrative vocabulary was prevalent in both criteria for project prioritisation and in the motivations for the acceptance of the Lonsdale, Geluckstadt and Rockydrift application. These were that

- the committee has to consider applications placed before it;
- the project would alleviate the settlement problem in Mudén;
- the applicants have fulfilled RDP requirements;
- the applicants have been co-operative; and

- the approval of this would strengthen the case for others operating through the negotiating framework and stabilise broader concerns of people about land reform (Memo, 1996b).

Paradigms of argumentation mirror this technicist and administrative approach. Where historically based discursive resources draw on historical evidence to adjudicate claims and so implicitly include notions of ‘justice’, development based discursive resources draw on ‘objective’ notions of productivity and sustainability and expressively reject notions of justice or historical ties.

(I)t should be conveyed to all in RDP programs that land redistribution on sentimental terms would not be viable as the people must have a means of subsistence in the allocated area (LRSC, 1995f).

This ‘economic development’ discourse is especially dominant in discussions around what the land should be used for - that is, how productive and sustainable land use is understood to be achieved. Notions of sustainability in this development discourse centre predominantly on environmental concerns. These derive from the skills and long standing experience of the DOA within commercial farming and environmental protection. Particular notions of environmental sustainability are pervasive in their engagement with land reform. Environmental sustainability is expressed in terms of the limitation of cattle numbers on land and an expression of productive use of agricultural land - understood as commercial farming. Despite the fact that the assessment of carrying capacity of land has not necessarily been successfully enforced for commercial white

farmers<sup>2</sup>, the DoA consistently stipulates the carrying capacity of land to be settled by beneficiaries, to the extent that the Interim Manual for Land Reform in KwaZulu Natal, produced by Afra, included the number of livestock to be brought onto the farm as one of the elements to be reported on in the drawing up of a beneficiary profile for an application for planning and settlement grants (Afra, 1996).

Exactly what was meant by sustainable and productive land use becomes clearer in the consideration of the proposed small farmer scheme on the Estcourt state lands. This scheme was proposed as part of the Estcourt local options initiative, with the politically motivated intention to provide a buffer between white commercial farmers and black communal settlements (KZN LRPP, 1996a). A committee of small farmers was established from traditional authority wards and the land assessed in preparation for land use planning. The assessment was done on the basis of the amount of land that proposed beneficiaries could afford to purchase and the size of investment into production they could make. The outcome was that given the land purchase costs and the cost of inputs, potential productivity was insufficient to generate enough income to beneficiaries (LRSC, 1996f). This concern was based on the assumption that beneficiaries would rely solely on agricultural production for income and that production would be for sale not for subsistence. It also reflected a continued focus on fairly large land areas per beneficiary<sup>3</sup>. In response to a suggestion by planners of the scheme that co-operatives be allowed to purchase the land, the District Office reported that

(t)his would defeat the object of creating sustainable farming units and would most

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2 While the DoA stocking rate indicated that a maximum of 200 head of cattle should be allowed on the for Labuschagneskraal, the owner kept 420 head of cattle (Labuschagneskraal, 1996).

3. The suggestion that beneficiaries should be allowed to lease smaller land areas until they could afford to purchase larger areas was not pursued.



probably result in the formation of tribal co-operatives (Report, 1996c).

This narrow and circumscribed notion of sustainability resonated with the assumption and discourse of the private sector<sup>4</sup> as well as parastatal organisations which held that loans could not be provided for communal land holdings<sup>5</sup>. The argumentation presents environmental sustainability as the limitation of cattle holdings and the use of productive land for commercial production under individual tenure forms - a discourse strongly reminiscent of past land betterment schemes and of the proposals of the Tomlinson Commission in 1955 directed towards black communities.

On productive state land the 'productive value' of the land was held to be more legitimate as a means for adjudicating claims than poverty or historical ties. Thus, although there were six amakhosi competing for state land in Estcourt, it was stated that the land should be allocated to the most productive land use option (Minutes, 1996a). The draft policy on short term lease of rural state land also supported this view, stating that rentals should escalate at 10% per annum and that

... hardship and individual circumstances of applicants and lessees should not be considered as motivation or reason to set rentals at a lower rate than productive value (Draft, 1995b).

Scientific criteria are used to determine productive value. Although agricultural viability was

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4. The Programme Manager reported that although limited in nature, there was scope for collaboration with the private sector on high value agricultural and eco-tourism land (Programme Manager, 1996).

5. The Agricultural Credit Board would not lend money to community trusts (Minutes, 1996c) and neither would the KFC (personal communication) nor the DBSA (Report 1995c).

seldom a possibility and was never used to reject applications (personal communication), it was consistently used in the evaluation of projects. Even if this was no more than a symbolic form of argumentation, it remained an important paradigm for the adjudicating of claims.

Narrative conventions available for the construction of stories are an important source of discursive resources for framing policy problems in terms of economic development. These stories construct both the speaker's social identity and that of the subject of the story. Development stories in the Land Reform Pilot Programme construct the imperative for economic development and productive land use, as a reality that people must accept, presenting those who advocate this as 'realists' as opposed to the idealism of those who present 'need' as a motivation.

Inevitably, demagogues and advocates will state that the program must help the poorest of the poor and that the poor cannot make a down payment. Yet one aspect of real life is that the poorest of the poor often suffer disabilities of one or another sort that make them poor risks as independent small farmers. It is 'tough love' but they often really need an employer not a lender (Strasma, 1995).

These stories also desensitise 'need' and poverty, redefining these as 'unrealistic expectations'.

The managers of the District Office, Messrs LIMA are considered to be creating expectations in excess of the potential to deliver, given the budget constraints (Shone, 1995).

Along with the lack of realism of claimants, development stories also present communities

wanting land as ignorant in the sustainable use of land and as having an irrational desire for land, given their inability to use it productively and the poverty which results from this unsustainable and unproductive land use.

Mr T. van Rooyen reported that he had received a letter from the commercial farmers in Roosboom indicating that, whilst they would be prosecuted for committing similar offenses, the black communities were being allowed to overstock the veld and plough up any land... Mr van Rooyen was to hold a workshop ... for soil and resource conservation ... hoping to begin a long term process of education of the community (LRSC, 1996a).

Mr Clacey indicated that Mr G.McIntosh, on the neighbouring farm, had expressed a concern that by the families purchasing the portion of the land and living on the subdivided section, the community would be committed to a state of poverty for the rest of their lives. He suggested that it would be better for the community to move to Estcourt where they could find jobs and regular income to raise their standard of living (LRSC, 1996b).

Stories of black communities overcrowding land and perpetuating environmental destruction have a long history in South Africa (Beinart, 1984). Finding their most influential expression in the Tomlinson Report of 1955 (although never enacted as official policy), they underpin extensive attempts to dichotomize rural African communities into a class of commercially oriented small farmers with a permanent stake in the land and a class of landless township dwellers who would rely on wages for subsistence. The content of these conservation stories emphasises the role of the expert as a rational, value-free scientist, simultaneously dismissing

objections as irrational or ignorant and asserting the logic of free market capitalist development. While communities utilising land for settlement must be “educated” and strictly controlled to reduce harmful land practices and overstocking, those with knowledge of farming need only a

... chance to prove their worth ... (and a) ladder to enable those amongst the disadvantaged with agricultural ability to become full time farmers (IPS, 1996e).

This theme of the progressive force of capitalism and the ability of “educated” individuals to access the rewards of the free market is also evident in the manner in which development discourses in the land reform programme position people. Whereas restitution is for ‘the victims of forced removals’, the redistribution programme aims to ‘bring equity to the land market’, through the removal of market impediments and by reform of the institutions of credit and land tenure (Workshop, 1995a). As noted by Ferguson (1990) there is a simplistic assumption in this economic development discourse, that with the correct institutional mechanisms for land tenure, credit and markets, rural poverty can be eradicated.

Defining the criteria with which to identify potential beneficiaries, has been perhaps one of the most contentious areas of LRSC activity, as it encapsulates who will be included or excluded as well as what they can expect to use the land for and under what system of tenure. The Green Paper stated that land reform should target the ‘poorest of the poor’, landless people and women headed households. It included the need to broaden the commercial farming sector to include small and medium size enterprises, through the promotion of emergent farmers, although the grant provided for land acquisition and settlement was in no way sufficient to provide a basis for small scale farming activities (DES, 1995b). If the promotion of small farmer schemes was to

be pursued under the policy framework of land reform, the only real option available was to begin with a development plan, identify the requirements of the community to fulfil this plan and select beneficiaries who could, from their own resources, state grants or credit, provide the necessary financial resources<sup>6</sup>. A vastly different approach was suggested by the labour representative at a workshop with potential beneficiaries to draw up selection criteria (Workshop, 1995b). This representative suggested that as 80% of the district's households earn less than R1500/month, in order to select the neediest households within the KwaZulu Natal Pilot District, the maximum household income for eligibility should be reduced to R800/month. The scientific objective discourse of 'economic development' conceals the reality of economic inequality in the pilot district. Furthermore, it removes from consideration social and political relations perpetuating the marginalisation of sectors of the rural population.

Pechoux argues that there is a relation between discursive formations, such that while a dominant ideology can be discerned within different discursive formations, ideological struggle traverses this dominant ideology, coagulating thought into various areas and specialisms and bringing about shifting alignments between these different areas (Macdonnel, 1987:45). Similarly, Fraser (1989:163) argues that discursive resources, or the means of interpretation and communication, are a 'polyglot field of diverse possibilities and alternatives'. This is evident in emerging discourses of land reform. While a 'needs based' or welfare based discourse may be distinguished from the 'economic development discourse', it intersects with it in such a way that its potential opposition to the technicist development discourse is recast in support of the development discourse. This is discussed in greater detail in chapter five.

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<sup>6</sup> Steve Shone from the NAU put forward a highly similar proposal, that a broad development plan should be used to determine the requirements of the community and that this should then be matched to the budget allocations, with the community making up any shortfall in finance (Shone, 1995).

The economic development discourse has played a particularly significant role in the framing of policy issues and in the construction of relationships between state and civil society. Ferguson, in an extensive analysis of a development project in Lesotho, argues that the development discourse constructs a particular body of knowledge through which agents of development organise their interventions. While these development interventions might fail on their own terms

... they nonetheless have regular effects, which include the expansion and entrenchment of bureaucratic state power, side by side with the projection of a representation of economic and social life which denies 'politics'... (Ferguson, 1990:xiv).

Thus, he refers to development as

... an 'anti-politics machine,' depoliticising everything it touches, everywhere whisking political realities out of sight, all the while performing, almost unnoticed, its own pre-eminently political operation of expanding bureaucratic state power (ibid.,:xv).

A major criticism that must be made of Ferguson is his unqualified use of 'development'. Many would argue that development which aims to transform the status quo is inherently political and depends upon the recognition of how social, economic and political structures perpetuate the marginalisation of certain groupings. The meaning which Ferguson gives to 'development interventions' suggests that he is referring to interventions which propose economic solutions for the social and political problem of development. Ferguson also works from a conception of the state as an institution wholly controlled by a dominant economic class - the state as a disembodied hand which acts (successfully) to neutralise opposition to the status quo. This

simplistic conception of the state denies human agency, simplifies the cross cutting allegiances of social groups in and out of the state and fails to acknowledge the possibility of powerful interest groups which may exist outside of and in opposition to a democratic state.

Despite the criticisms that can be made of Ferguson, it is useful to consider development interventions as a means of expanding the power and control of the development agent. If we qualify development interventions to refer to economic development, then Ferguson's argument that this has the effect of expanding bureaucratic state power could provide a conceptual framework for understanding the relationship between state and society, which might be constructed through the land reform programme.

It is my argument that despite the existence of multiple and conflicting problem definitions, the conceptual framework in which land reform is taking place and the nature of the institutions (both state and public) integral to the implementation of the policy are inextricably embedded within a depoliticising economic development discourse and as such, depoliticise both poverty and the relationship between state and civil society. In my argument 'politics' refers to the exercise of power to maintain and reproduce social relations which involve unequal resource access. The use of the word 'politics' in the context of the pilot district is unfortunate and confusing. In view of the party political volatility of the pilot district, the Steering Committee has constantly tried to construct land reform as (party) politically neutral. Attempts by individuals to construct land reform as a party political project in order to mobilize public support for their private agendas, have been countered with presentations of development as neutral. What is of interest in this analysis is the use of an economic development discourse to support three objectives i) to substantiate the claim that poverty and inequality can be addressed through

institutional reform and private enterprise, ii) to resist the construction of land reform as ‘party political’ which would intensify conflict and could render the district ungovernable and iii) to establish and protect the sovereign right of a democratic state to take decisions on behalf of the public which it is held to represent.

For the remainder of this chapter I will provide evidence for the denial of structural social and economic inequalities this ‘development’ discourse implies and the primacy which it gives to the role of the state as a neutral institution acting in the objective public interest. In the following chapter I will outline the manner in which alternative discursive resources are used to contest this prevalent problem definition and discuss the implications of these emerging discourses for addressing rural poverty and shaping the relationship between state and civil society.

The Reconstruction and Development Programme in which land reform is situated, is focussed on ‘development’ rather than the reconstruction of relationships which underlie the endemic poverty of rural people<sup>7</sup>. The expression of land need in terms of historical inequalities and the allocation of land to community groups (defined by historical ties) rather than individuals, has further constrained the capacity of the programme to target individuals for poverty relief. Land need has been framed in such a way that racial inequality conceals more controversial class inequalities. This inhibits analysis of the relationships, both within communities and in the broader South African context which perpetuate rural poverty and inequality.

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7. The importance of this discourse was illustrated by the following quote from the Draft Rural Development Strategy of the RDP (Draft, 1995a):

One aspect of the transition is illustrated in terminology. Some provinces have stressed the role of the RDP in the transition by naming committees and official posts with this description. Others have looked beyond the transition to the long term and have encouraged committees to call themselves development forums or other appropriate names and have also tried to set up structures at a provincial level which stress the long term planning, budgeting and implementation process.



Poverty has been expressed as a technical concern, with reference being made to the value of the land itself and institutions of tenure and finance on which the sustainability of land reform projects is based.

(A) summary of the agricultural potential of the farm is imperative so that it could be ascertained if the farm was likely to become a poverty trap (LRSC, 1996b).

Whereas the national Task Force has grouped tenure and land rights, task teams in KwaZulu Natal have linked the issue of tenure to that of finance and institutions (IPS, 1996e). The case study proposal prepared by this task team suggested that

(p)rojects should be considered on an individual basis for the right 'mix' of tenure, finance and institutions, to ensure sustainability (Proposal, 1996).

A technical approach to development shortens what Fraser has termed the 'in order-to-relations', constraining the range of issues that are debated and restricting public participation in debates around what is necessary for the improvement of rural livelihoods. Moreover, the issue of who is responsible for public provisioning and how costs will be met, are viewed as being left to the "neutral" institution of the free market and competition.

Policy, administration procedures and laws relating to land development should stimulate the effective functioning of a land development market based open competition between suppliers of goods and services (Afra, 1996).

The limited scope of the Steering Committee was of course a major reason for this technical approach to political questions of poverty. As Bourdieu argues, dominant discourses legitimate the rules along which institutions and their practices are constructed, and the resources (or in his terms ‘capital’), which are necessary to prosper in this environment. Discourses which challenge these rules and ‘capital’ construction have not been apparent - issues such as the affordability of and access to land and the institutional support available for particular land uses were not reflected in the minutes of meetings. Land reform was presented as the blueprint to improving rural livelihoods. When the District Office attempted to broaden the focus of the pilot programme to bulk water supply, arguing that the land reform pilot will address a minority of households in the region, the request was turned down.

(L)and reform policy guidelines prohibit response to the request, ... first because funding has to be land acquisition related and secondly because the definition of basic needs excludes the provision of bulk infrastructure (DES, 1995b).

Similarly, a request from the planners of the Buthelezi community for funding for the preparation and cultivation of crops was rejected by the Steering Committee, which argued that funding running costs was not sustainable. It was only much later in the pilot programme that the Free State was able to persuade the national Task Force that available finance should be used to support production activities (personal communication).

The development discourse presents the land reform policy as a value free, unquestionable

benefit, which if applied correctly will improve rural livelihoods<sup>8</sup>. While the specific circumstances of rural people inextricably involve political questions of land access, land valuations and production relationships, the broader economic development imperative glosses over these controversial issues. In some cases an apolitical imperative for development was specifically advocated as a unifying force where these more controversial questions had led to conflict and disillusionment.

This forum (Colenso) was brought together around the issue of cattle impoundment. The difficulty of maintaining momentum and participation from all role players has been affected by the structures continued focus on this issue... A large amount of frustration is being experienced by both farmers and the proposed beneficiaries as solutions to the issue of affordability and therefore projects taking off are preventing the structures from having any other focus than land purchase. Long term vision needs to be built into this structure to bring role players back on board (Report, 1996c).

In view of the context of the Land Reform Pilot Programme, the Steering Committee utilised a technical (particularly administrative) development discourse for the specific purpose of countering attempts to present land reform as party political. This administrative rejection of attempts to use land reform as a means to mobilize political support is reflected in the criteria for the prioritization of projects and notions of political sustainability: that it will not lead to increased tensions or conflict either within the project, or within the district. These criteria stem

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<sup>8</sup> The difficulty of implementing land reform was expressed as follows:

A national government department is trying to interface with a particular local area. The challenge therefore is to mesh these national principles and criteria with the specific circumstances of this area (Workshop, 1995b).

from the guideline criteria for prioritising selection of projects (DLA, 1995b), which suggested that priority be given to projects that could be implemented effectively and quickly. This emphasis on administration was also reflected in the criteria for the prioritisation of second phase projects which included:

- institutional sustainability (larger groups are less manageable);
- sub district conflict (the project must not lead to increased tension);
- priorities to those projects that would unblock the land reform process;
- level of organisation in the community (facilitating successful implementation);
- pilot time frame (applications for funding should be able to reach the LRSC before 31/3/97);
- invasions (people who invade or threaten to invade have low priority); and
- impact on other land reform projects (large adjoining projects will impact negatively on each other, small adjoining projects could have the beneficial effect of sharing resources (Report, 1996d).

This objective, economic development discourse has also been drawn on to construct conflict between NGOs and the state and between different government departments as problems of the institutional arrangements, rather than as manifestations of more deeply seated contestations of authority and legitimacy, which are acknowledged elsewhere. In a briefing document for the tenth meeting of the Steering Committee, it is reported that

(t)he institutional arrangement between government, NGOs and CBOs is one of conflict and mutual disempowerment (Briefing, 1995d).

Similarly, the political contestation inherent in interactions between different state bureaucracies, is reconstructed as a problem of institutions, which could be alleviated with a technical response.

Recent assessments which attempt to identify blockages to progress point consistently to a range of institutional problems that are impeding development. This finding could have been anticipated in an environment where land reform is a new function for national government and where provincial government have to attempt a wholly new constitutional status (Draft, 1996a).

The emphasis on the need for institutional restructuring of the pilot programme, constrains alternative, more critical analyses of the land reform pilot which could focus on the policy as well as the implementation process. There is an underlying sense in statements made, that once the institutional problems are resolved, land reform will operate smoothly and achieve its optimistic objectives.

The result should be that the pilot has (as intended) helped to devise and test institutional means of implementing land reform and that its beneficiary communities will be served, from 1997 onwards, through permanent institutions of government with specified roles and responsibilities (ibid.,).

This discourse of institutional rationality is also drawn on in response to the possibility of local conflict.

There is a danger and concern that organised civil society will serve to threaten

government line functions. One of the responses to this concern is that the RDP and its associated programmes depend upon organised civil society establishing a partnership with local government (IPS, 1996b).

This is also suggested in the investigation into the feasibility of a conflict management system for land and land related conflict produced by IMSSA (1996).

Community forums refer to decision making structures set up to institutionalise the relationship between government (as resource distributor and service provider) and the community or group in question (as the recipient of resources and services). All negotiations between government and the community/group should take place within the structured confines of this forum (IMSSA, 1996).

A discourse of institutional rationality constructs the state as a neutral institution with unquestionable right and ability to decide on issues for the good of society and to address these issues successfully. This is not a criticism of the response of the state, so much as an elaboration of the discourse through which state power has been exercised. In the context of extreme levels of local conflict, which have intensified the marginalisation of the most disadvantaged sectors of the rural population, an extension and strengthening of state power is essential. The unquestionable authority of the state is clearly evident.

The introduction of a consensus based dispute prevention and resolution measures should not derogate from department officials responsibilities to take decisions where necessary. A consensus based decision making process transfigures the manner in which power is

exercised, but does not remove power from officials (*ibid.*).

Similarly, a proposal to set up structures in Estcourt to review applications and allow for non-tribal representation was supported with reference to the principle (among others) that

final decisions rest with the Steering Committee (Minutes, 1996a).

#### **4.3. Discursive resources of ‘participation’**

This analysis of emerging discourses in the Land Reform Pilot Programme suggests that the discourses of economic development and historically based racial injustice are dominant. This said, it is also necessary to consider the discursive resource of ‘participation’.

Levieux (1998), drawing on Nelson and Wright (1995), points out that the term ‘participation’ has diverse meanings and ideologies associated with it. ‘Participation’ has been used to describe a process through which policy already formulated can be more efficiently implemented. It has also been used to refer to a goal in itself leading to the empowerment of disadvantaged sectors of the population to undertake and control their own development process. In the material under consideration, the term ‘participation’ is used as both a means and as an end in itself by virtually all stakeholders in the Land Reform Pilot Programme. Government agents refer to participation as a means essential for the effective implementation of land reform in a context of limited financial and human resources and poor state institutional capacity.

As Fraser (1989) and Grindle and Thomas (1990) have pointed out, the more technical the policy approach, the less likely it is that public participation in the policy will occur. The implementation of the pilot programme has faced this problem as well<sup>9</sup>. Furthermore, as Friedman and Reitzes (1996) point out, there are numerous problems with the inclusion of representatives of civil society in state decision making structures in South Africa. Representatives of civil society are not democratically elected in the sense that the state is and so do not have the legitimacy to decide on national policy issues. In South Africa this concern is particularly germane as the historical origins of civil society organisations means that they often represent very small, sectoral interests. An additional point which Friedman and Reitzes (1996) highlight, is that if organs of civil society are to be included in state structures, they must be able not only to articulate the interests of their constituencies, but more importantly to ensure that their constituencies abide by the final decision taken. With no means to achieve this compliance, it is debatable how useful it is to include organisations of civil society in state decision making structures. In the Land Reform Pilot Programme these concerns are intensified by the high degree of conflict in the district. Key informants have highlighted the deliberate manipulation of political and land related conflict to provide support for the objectives of powerful individuals in the district (personal communication).

As a result of these factors, despite the emphasis on community participation in the Green Paper, participation has been limited to the implementation process. The Steering Committee has focussed its efforts on improving the communication of the programme (Briefing, 1995b) and the provision of institutional support ‘... for the formation of and strengthening of community

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9. The Roosboom progress report (Roosboom, 1996b) drew attention to the following:

(t)he ownership of land, the transfer of land and the allocation of land systems in the restitution process are complex and administered by different Acts. The different processes allow little opportunity for the community to become involved in the allocation of properties.



institutions to manage planning, land acquisition and development' (Briefing, 1995f).

An important aspect of this institutional support was the establishment of a "Pre Planning Facilitation Phase" with additional funding to contract NGOs to assist potential beneficiaries with grant applications. The intention of this phase was to '... ensure that all prospective beneficiaries in a potential project-specific area have participated in and undergone the necessary preparation for detailed planning and implementation' (Draft, 1995d).

The Land Reform Pilot Management Committee (MANCO), was formed to reduce the length of the agenda for the Steering Committee meetings and enable the Steering Committee to focus its efforts on issues of policy interpretation and refinement (KZN LRPP, 1995c). Representation to the MANCO takes place on a project by project basis, for the purpose of implementation rather than policy interpretation or refinement. In April of 1996, community representation was restricted to MANCO (LRSC, 1996c).

It could be argued that given the nature of political forces in the pilot district 'community' representatives are also likely to have engaged others in 'participation' as a means to an end. Stiefel and Wolfe (1994) point out that participation can be used as a means by any relatively powerful grouping. In this sense, the project and the call for participation is initiated by

some relatively privileged or powerful entity that has its own idea of what ought to be done, can command certain human and financial resources and believes the participation of the 'target group' can be enlisted provided it applies the correct methods (cited in Leveux, 1998:16).

At another level, the term 'participation' is used in the Steering Committee deliberations with the implied meaning of a goal in itself, involving the empowerment of the disadvantaged. At this level it is an important discursive resource, utilised by all stakeholders in the Land Reform Pilot Programme to substantiate and contest land related needs. In this sense 'participation' as a discursive resource, finds powerful resonance in the new democratic South Africa and is used to distinguish between the 'bad' policies of the past and the 'good' policies of the present.

ack.

The principle of demand driven reform is drawn from the lessons of the past when supply driven projects were initiated and did not succeed. This programme must be based on people, that is, the natural sciences must be fitted to human needs (Workshop, 1995b).

\* This use of the term 'participation' is synonymous with concepts of transparency, representation and democracy. These too, have been used as powerful discursive resources to legitimate decisions taken and to discredit objections. To wit,

Mr Alcock raised a concern that the third phase proposal advantaged better organised communities which went against RDP principles .... Mr Mnyaka said the process had been transparent and all had agreed to it (LRSC, 1996f).

The discursive resource of 'participation' is used in this sense by 'community' representatives to resist the restriction of their participation to the implementation process. A key informant reported that there was an attempt by a 'community' representative to manipulate the Land Reform Pilot Programme through his inclusion as an official 'community' representative to the Land Reform Steering Committee (personal communication). Minutes of this meeting suggest

that the ‘community’ representative used the discursive resource of ‘community participation’ as an instrument with which to contest the legitimacy of the Steering Committee. His claim to be included as an official representative was substantiated as essential to check the legitimacy of the bodies speaking on behalf of the rural communities, which he claimed to represent (LRSC, 1995d).

This use of the term ‘participation’, refers to ‘participation’ as a goal in itself, leading to a more equitable distribution of power in favour of disadvantaged groupings. Individuals within the Steering Committee countered this by drawing on the same term, ‘participation’, as a means to an end, in this case a means to improving the information that they had access to. Cast in this light, the most appropriate site for this kind of instrumental participation, was deemed to be the district fora and not the Steering Committee.

Government agents have also drawn on discursive resources of ‘participation’, ‘accountability’ and ‘democracy’ to support their claims for the sovereignty of the state and to signal that contestation of this authority would not be welcome.

South Africa has a historical window of opportunity for the structures of civil society (NGOs and the Private Sector) to be welcomed into partnerships with government at many levels, which the NGO sector should not squander. But equally, the NGO sector can no longer expect and should no longer want, to replace decision making within a democratic government structure (Draft, 1995a).

Amidst a concern for the control of the state over information and policy formulation, community

participation remains a constantly expressed need. This is situated within a discourse of state neutrality which is implicitly contrasted to the biased and subjective nature of community participation.<sup>10</sup> The socio-political context of the pilot district and information from key participants in the land reform programme, suggests that ‘community’ representatives were indeed using their power to manipulate local individuals for their own private agendas. This reality is contested through a discourse of state neutrality that suggests that while government has several roles to play, in both restitution and redistribution (e.g. as owner of land, facilitator of land reform and responder to land claims), government departments can choose which of these roles it is called on to act, unconstrained by conflicting roles (DLA, 1995c).

By presenting the state as the sole legitimate and unbiased body to formulate policy, objections from the public are disqualified as ‘biased’ and participation becomes a means to encourage individuals to accept government policy and internalise the selection criteria applied.

The importance of community participation is stressed ... In the process they will be able to participate and see how the plan is formulated and be better prepared to accept if they are not chosen to be one of the beneficiary communities. ... They will be fully informed and aware where their community is lacking and where they are adhering to the set criteria for qualification (Briefing, 1995a)

Ferguson (1990:256) identifies one of the instrumental effects of development discourse as the

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<sup>10</sup>. Opposition by the Steering Committee to the appointment of Mr Mnyaka was argued with reference to the criteria for appointment of facilitators which stated that appointments must fulfil an objective and unbiased facilitation function and that the facilitator could not be a potential beneficiary of the programme, or directly represent a group of potential beneficiaries (LRSC, 1995f). Later on in the pilot, a distinction was drawn between LIMA, as an independent organisation with its own values and approaches to development, and LIMA as the District Office management, implying that as an agent of government, the body did not have values but approached land reform in an objective, ‘value-free’ manner (DLA, 1996b).

expansion of state power. This discourse is based upon a construct of governmentality that places extreme importance on policy and development planning and the neutrality and legitimacy of the state's role in this. The expansion of state bureaucracies could have the substantial benefit of improving the access of rural dwellers to government services and through provision of services extending and entrenching state power in rural areas. This is suggested by the framework proposed for the establishment of a conflict resolution service for land reform, together with

... a land reform community contract between government and land reform recipients to align expectations with roles and responsibilities (IMSSA, 1996 ).

This economic development discourse constructs poverty as a result of aberrations in land tenure, finance and the operation of the market, which can be resolved through technical and administrative adjustments. Widespread poverty in rural areas is constructed as a result of these factors, created by a system of racial injustice and domination. In this discourse the state is presented as the most legitimate body to address these aberrations, through the application of development policies aimed at equalising access to an economic system, which is presented as a rational, value free force for development and modernisation. More deep seated issues, such as poverty perpetuated through class and production relations and the relationship between the state and civil society, are glossed over.

In the next chapter I will discuss the manner in which alternative discursive resources challenge this prevalent development discourse and the implications of these discourses for the relationship between state and civil society and the alleviation of poverty through land reform.

## **Chapter Five: Implications of emerging discourses in the KwaZulu Natal Land Reform Pilot Programme**

Many writers have drawn on Foucault's notion of discourse as an expression and construction of power, to highlight the importance of considering the problem definitions of policy makers and to highlight the implications of development discourses (see Ferguson, 1990; Fraser, 1989; Weiss, 1989). Robertson (cited in Gardner and Lewis, 1996:69) argues that development agencies are premised on the need to turn a heterogeneous and unreliable citizenry into a structured public, to construct and maintain a relationship between the state and civil society which can be controlled and ordered by the state bureaucracy. The discourses in which problem definitions are situated are essential resources through which knowledge and ignorance are constructed and reconstructed in an attempt to reconcile the interests of development agents with the interests of various publics affected by policy. As Van Ufford expresses it:

(t)he development effort must fit the interests and views of those who set it in motion and at the same time appeal to the various publics which are at the receiving end. As achieving both at once is usually quite impossible, knowledge and ignorance are implicated in complicated ways in the attempt to reconcile the irreconcilable (1993:142).

✕ Discourse is central to the construction of legitimate (accepted) forms of knowledge and following from this, who is designated as qualified to know (Fraser, 1989). Discourse, by constructing the knowledge system with which the 'problem' is defined and understood and by constructing the subject experiencing the problem as capable of certain types of action and

experiencing certain kinds of limitations, involves acts of power. Furthermore, discourse is situated in a network constructing particular forms of institutions, of knowledge and of practices. This understanding of discourse suggests that ‘development’ could be singled out as ‘an encompassing social space’ (Escobar, 1995:6 cited in Gardner and Lewis, 1996:71). Escobar argues that development practice uses a particular body of techniques which organise a type of knowledge and a type of power.

The expertise of development specialists transcends the social realities of the ‘clients’ of development, who are labelled and thus structured in particular ways. Clients are thus controlled by development and can only manoeuvre within the limits set by it (Ibid.,71).

Escobar continues to argue that while the development discourse can be modified by the introduction of new objects and variables, these tend not to alter the system of relations that hold the discourse in place (ibid.,75). Gardner and Lewis argue against this somewhat static view of development discourse, highlighting the variety of countervailing perspectives and multiplicity of voices encompassed in development work (ibid.,78). My research findings support development discourses as fluid and changing, rather than monolithic and static.

In South Africa, this fluidity is especially evident. Munro (1996) has argued that transitional states tend to be weakly rooted and are required, under often volatile political conditions, to establish the state as the legitimate political authority in society, constrain social conflict and generate sustainable social allegiance to the new socio-political order. This he argues, calls for a hegemonic project to underpin

... what one might call the politics of citizenship and state construction, which focus on establishing the Rules of the Game that regulate state-society relations in the post-transition era (Munro, 1996:1).

Such rules include the juridical and legal structures that underwrite citizenship and specify the access to civic resources by citizens and ‘... thereby define structures of social authority, political allegiance and the provision of public goods’ (ibid.,). In times of transition these rules are fluid. It is up to the state to construct effective institutions of governance and development in order to secure its over-riding authority over society (ibid.,2).

The construction of knowledge and ignorance, of subject and authority, through development discourses is an enlightening frame through which to observe this hegemonic project in the Land Reform Pilot Programme. Munro examines the RDP programme and highlights three sources of tension for state construction and hegemony in the document. Firstly, the urban bias of the document which marginalises rural communities and generates tension between the construction of inclusive citizenship and the macro-accumulation strategy. Secondly, the tension between development as the empowerment of the state as the over-riding social authority in rural areas and development as the empowerment of rural people, who exist under a principle of customary power. This customary power, legitimised and entrenched in South Africa through the discourse of tradition and community, has been referred to as ‘decentralised despotism’ (Mamdani,1996). The third issue identified by Munro, is the political difficulty of addressing expensive social rights and defining the state’s development responsibilities in a context of scarce resources.

This chapter aims to consider the implications of the emerging discourses, identified in chapter



four, for the construction and definition of rural needs, the relationship between state and society and the needs which can be addressed within this policy context. I have identified three categories of discursive resources that seem particularly influential in making need claims. Firstly, those discursive resources which draw on notions of historical injustice and perceptions of 'tradition'; secondly, those which draw on the principle of community participation in policy formulation and implementation and thirdly, those which are based on the imperative of economic development for their support. These discursive resources are not only active in the construction of policy needs and solutions, but in turn provide the resources to challenge identified policy needs and to challenge the authority of bodies identifying these needs and implementing solutions. In this chapter, following Munro's observations, I consider these discursive resources to have particular implications for negotiating rural needs in the context of scarce resources, in negotiating and establishing state authority in rural areas and in constructing relations between state and civil society. Taken together, these three issues construct particular entitlement relationships which must be negotiated in order to access both material and political 'public goods' .

### **5.1. Negotiating need in the context of scarce resources**

Ferguson (1990) and Munro (1996) have argued that the development discourse depoliticises poverty and extends and legitimates the state's authority and exercise of state power in society. This undermines alternative authority sources and, by controlling the social definition of the public good, restricts social expectations of state responsibilities and material outputs for social welfare (Munro, 1996:5). This development discourse draws on pervasive concepts of

‘modernisation’, emphasising the need to ‘modernise’ land tenure and institutions of credit, marketing and government, affirms the authority and capacity of the state to achieve development through policy manipulation, while concealing the social, economic and political relations perpetuating poverty. Ferguson argues that

... development may ... very effectively squash political challenges to the system - not only be enhancing the power of administration and repression, but by insistently reposing political questions of land, resources, jobs, or wages, as technical “problems “ responsive to the technical “development “ intervention (1990:270).

In the last chapter I argued that this apolitical, technicist discourse of economic development is prevalent in the implementation and formulation of the KZN LRPP. I argued that it concealed the social relations perpetuating poverty and inequality within communities, constrained the capacity of the land reform project to address poverty and inequality, increased the importance of administrative criteria in prioritising projects, while constructing the state as a neutral and authoritative institution in identifying needs to be met and the manner in which claims can be made. Certain sectors of rural society are able to meet the largely technical criteria for selection and therefore to benefit from the support services provided. Others, predominantly the most marginalised sectors, have much greater difficulty accessing useful state resources, or in Sen’s terminology, establishing entitlement relations with the state. My research (as Munro, 1996 and Ferguson, 1990 have argued), suggests that the economic development discourse delimits social expectations of state responsibilities and material outlays for social welfare.

While the economic development discourse presents a technical and supposedly objective

framework through which to formulate and implement the land reform programme, it also provides for its corollary - discursive resources countering the objective development imperative with notions of 'need' - poverty and inequality - and the state's obligation to meet those needs. A request for early settlement of the Rockydrift community was motivated (in part) on the basis of destitute families who had no place to live (Letter, 1996b). Similarly, the District Office facilitator motivated for the acceptance of an application for the planning and settlement grant on the basis of the poor conditions under which the applicants were living (Labuschagneskraal, 1996) and Afra's Interim Manual for Land Reform in KZN suggested that a quick way of assessing whether a project conforms to RDP principles is to ask if the project (among other considerations):

- targets the poor?
- increases household income and quality of life?
- ensures secure tenure?
- improves the role and participation of women and ensure that they benefit from land reform? (Afra, 1996).

This need discourse has provided support for targeting the poorest households as beneficiaries of the Land Reform Pilot Programme. Although poverty and landlessness were included and prioritised in the proposed criteria for project and beneficiary selection (Report, 1996c), the wider context in which the programme is being implemented constrains its capacity to achieve this.

This seems to be the result of several interrelated factors. Firstly, the past organisation and mobilisation in the district, combined with the social and political resonance of the 'historical

injustice' discourse, have led to the identification of groups as beneficiaries, rather than the selection of individual households. Nonetheless, groups have been required to motivate their selection of beneficiaries in terms of the criteria of landlessness, poverty and gender equality (Briefing, 1996b). Secondly, the low level of economic activity in the pilot district and the criterion that projects be economically sustainable, have led to a concern that if only the very poorest were accepted as beneficiaries, land reform projects could not be economically sustainable (personal communication). This concern led to a decision that groups would be accepted as beneficiaries if they had on average an income of below R1 500/household, thus maintaining a variety of income categories and so thereby potential income generating opportunities in land reform projects (personal communication). A third factor emerged in an attempt by the secretariat to ensure that those who could contribute to the cost of land, should do so.

... Weenen Estcourt districts in KZN are faced with specific problems regarding the 5% payment. The communities in these specific areas are made up of different groups of individuals from the poorest of the poor through to higher middle class. If this process is purely a state initiative, it will create problems regarding middle class and higher middle class people present in areas not contributing to land costs (Minutes, 1995b).

In the context of KwaZulu Natal, the outcome of this concern to "target the poor" was that communities accessing land under the pilot programme in KwaZulu Natal, were required to contribute approximately 5% of the purchase price of the property<sup>1</sup>. While the expressed intention in this case was to maximise resources available for rural regeneration, the criteria of

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<sup>1</sup> An equally important reason for this 5% contribution was an attempt to treat all communities equally - several properties in the pilot district had been purchased through Act 126, which required a 5% contribution.

economic sustainability, powerfully supported by the economic development discourse, in the context of group based selection which conceals class and gender inequality, has meant that those poorest households, unable to contribute the agreed amount, may very well be excluded from land reform projects.<sup>2</sup>

Gardner and Lewis have argued that ideas which start out as radical alternatives (like the notion of targeting the poor), are very often neutralised by the dominant technical development discourse (1996:104). They point out that strategies of income generation, marketing assistance and skills training, which might begin in response to a need to target the poor, fit in well with neo-liberal ideas of encouraging a culture of entrepreneurship, along with the extension of markets and privatisation (*ibid.*). Furthermore, strategies aiming to target the poor do not presuppose an acknowledgement of the structural relations which perpetuate poverty and inequality. They caution that

(t)he notion of the target group is closely related to the controlling urge embodied in the idea of “projectised” development, in which the socio-economic categories of beneficiaries simply become another variable which can be defined and adjusted by project staff (*ibid.*,106).

Sen’s work on poverty and famine (1981) has called for a reassessment of poverty indicators so as to highlight not the total availability of food, but rather the relationships which people can establish to gain access to food and the relative security of these relationships. This, he argues, provides for a more informative analysis of poverty and the vulnerability to poverty facing

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2. In at least one project, community representatives stated that no household would be allowed to settle unless they contribute the R2000 agreed upon (Labuschagneskraal, 1996).

certain sectors of the population in a particular society at a specific time. Entitlement theory maintains that a person's command over commodities depends on firstly, the person's position in society (their occupation, class, geographical position and assets or endowments) and the rules which render claims over endowments legitimate; and secondly, the available entitlement relationships through which these endowments can be translated into necessary commodities and the rules which legitimise and govern these entitlement relationships. What I would like to draw on here is the nature of the 'rules' or legitimacy that give rise to certain entitlement relationships that people might enter into to access food.

Charles Gore (1993) indicates three ways in which Sen defines the rules of entitlement - as legal rights, for example, legislation governing employment, property rights, trade, credit and social welfare; as the practical realisation of legal rights, for example, the principles, policies and wider conception of justice informing the interpretation and application of legal rules (ibid.,434); and lastly, as the informal rules in society which influence people's command over commodities (ibid.,438). This last definition of entitlement rules arose from Sen's attempts to incorporate a gender dimension into Entitlement Theory, recognising that it was not only a households access to food which determined an individuals access to food, but also the social mores, conventions and shared sense of legitimacy governing the distribution of food within the household (ibid.,433).

Entitlement Theory suggests that in order to understand what potential exists for the Land Reform Pilot Programme to address poverty in rural areas, a consideration of the legal and social framework in which the policy is formulated and implemented is necessary. In the discussion above of the outcome of attempts to target the poor as beneficiaries, the interplay of the

application of LF

discourses of historical injustice, economic/development and poverty, in a context of scarce resources, should be clearly evident. It is not enough to specify that a programme should address the poor, without a framework in which the rules of entitlement also support this objective. On a more general level, although need and landlessness are frequently mentioned as criteria for beneficiary selection, the package of criteria along which projects are prioritised tend to reduce the degree to which this is targeted. Respondents have pointed out that criteria developed by the Steering Committee are taken as guidelines by MANCO, rather than rigorously applied, with 'trade offs' being made between different criteria considerations (Briefing, 1996d).

Similarly, Munro (1996) and Morris (1993, 1991) have argued pressures towards a growth oriented macro development strategy in which the boundaries of inclusion and exclusion from a range of social benefits shift from being racially defined (as under the old apartheid order), to being defined by class, constrain national redistribution through state action (Munro, 1996:12). This broadly, is the conclusion of my thesis, that the prevalence and pervasiveness of the discourses of racial inequality and development in the LRPP, may serve to constrain the extent to which needs arising from structural relations of poverty and inequality can be addressed. As Munro (1996) and Marcus (1996) have argued, poverty reduction is left to the land reform programme which lacks the framework or strategies to address this in any systematic or coherent manner. Munro sums this up by concluding that

(i)n effect, the macro-economic strategy follows a modernist industrial paradigm in which the conditions of socio-economic citizenship for marginalised rural populations ... are tacked on (1996:13).

While the Land Reform Pilot Programme might succeed in improving access to land for a minority of poor rural households, the policy environment in which it occurs suggests that the rules governing endowment access and entitlement relationships have not been altered to strengthen poor rural households.

## **5.2. Negotiating state authority in rural areas**

In essence what is considered in this thesis is the potential provided by emerging discourses in the KwaZulu Natal Land Reform Pilot Programme to address rural poverty and inequality. Implicit in my reliance on discourse as a tool for investigation is the recognition that policy discourse does not act as a static determinant of resource access, but may also provide the space, or opportunities for rural people or groups to contest state control over the identification of needs and so the construction of the appropriate state resources which they might claim, the rules along which claims can be made (the rules governing state entitlement relations) and the distribution of the costs of providing these resources (or public goods). Of course this should not be taken to suggest that if contestation does occur it will be by poorer groupings. The greater likelihood is that elite sectors of rural society have greater capacity to draw on discursive resources to contest state decisions.

In this section I will discuss opportunities provided by discourses of historical injustice and participation to contest state control over land reform policy formulation and implementation. In order to appreciate the nature of the challenge to state authority posed by these discursive resources, it is necessary to consider the relationship between rural authority forms and central



state authority.

Mahmood Mamdani (1996), argues that the quintessential form of African States is that of the 'bifurcated state'. Munro, citing Mamdani, explains this as a state which

...rests on two distinct power principles: a principle of civil power grounded in a legitimating language of rights and a principle of customary power grounded in a legitimating language of tradition and community (1996:6).

South Africa, according to Mamdani, exemplifies this bifurcated state. An important implication of this observation, is that

... under these different forms of social authority, different populations experience different structural and ideological relationships with the state and therefore have different expectations of citizenship (ibid.,).

In South Africa, these authority forms have never been entirely separate. Rural populations were subjected to haphazard and inconsistent applications and interventions of both traditional power and modern political power as state bureaucracies and local chieftaincy systems attempted to increase their authority over rural populations, sometimes working in unison, sometimes in opposition. As Munro contends

... this state form depended on a radical splintering of accountability between legitimating principles of rights, traditions and technocratic rationality. For rural citizens,

it represented a kind of “shell game” state in which responsibility for social conditions was constantly displaced in order to sustain authoritarian control. ... The defining feature of citizenship for rural people was not so much centralised or decentralised despotism but generalised uncertainty (ibid.,7).

The post-transition government in South Africa faces an urgent need to dismantle traditional authority, to re-order the structures of social power in order to secure the over-riding social authority of the state. Mamdani (cited in Munro, 1996:6), suggests that a ‘de-tribalisation’ of social power is necessary to establish the state at the centre of authority in rural communities.

A consideration of the material in the light of this observation of distinct authority systems in rural areas, suggests that discourses of historical injustice, resting on notions of collective racial and ultimately ethnic dispossession and the destruction of community, are important discursive resources from which to challenge state control over the land reform process.

In November of 1995 the secretariat reported to the national Pilot Programme Task Force that:

(i)n terms of the business plan, the identification of projects and the budgets associated with them are subject to a transparent, clearly articulated set of criteria for beneficiary selection. In practice however, the programme has inherited a situation where processes and expectations were already set in motion prior to the establishment of the programme. This has limited the capacity of the programme to implement the process as originally envisaged. Furthermore the situation has been compounded by the fact that the processes that the programme has inherited created the expectation that they would be restitution

driven (KZN LRPP, 1995d).

This conflation of restitution and redistribution provides potential beneficiaries with significant social legitimacy for making claims to land, increasing the perceived legitimacy which potential beneficiaries have to identify appropriate beneficiaries and the land to which they lay claim. The Restitution Act qualifies this claim as a ‘claim to a right in land’, rather than simply ‘land claims’, which implies an accepted land ‘right’ (Afra, 1996). However, statements by Minister Hanekom emphasise the injustice which land reform is trying to address, implying that a legitimate government has an obligation to address this injustice.

(Land reform) ... is a serious and in many ways, unique programme thrust upon us by a history of brutal dispossession. We have no choice in the matter - we owe it to our people to address these inherited realities (Hanekom, 1996).

Furthermore, at a national meeting of officials engaged in the land reform programme it was pointed out that the overall approach should be to see land restitution and redistribution bodies as a joint team, as restitution and redistribution were both claims and needs based (Notes, 1995). Although land redistribution highlights a variety of potential beneficiaries, including aspirant small farmers, there is an implicit recognition that historical injustice (however broadly defined) should be one of the criteria for selecting beneficiaries.<sup>3</sup>

Negotiations around the identification of land and beneficiaries began soon after Minister Hanekom had visited the district to popularise the programme. Beneficiary lists were drawn up,

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3. One of the motivations provided by MANCO for the acceptance of a funding application, was that the composition of the group included evicted labour tenants and thus fitted selection criteria (MANCO, 1996a).

based on local history of evictions in the area and evicted households were identified, along with the farms to which they would return (Lonsdale, 1996). The socially perceived legitimacy of the ‘rights’ which people have to land is almost beyond question; as Mr. Mnyaka and Mr Alcock (both field workers in the district) pointed out:

(p)eople on the list see themselves as selected because they are on the list (Workshop, 1995b).

As argued in chapter four, the historical basis of this ‘right’ provides the legitimacy for the selection of dispossessed ‘communities’ as beneficiaries, rather than individuals, chosen on the basis of government defined criteria of need or marginalisation. Definitions of ‘community’ are fluid and one’s membership depends more on the acceptance of this by other members of the community (or community spokespersons), than on legal or geographical factors. The Roosboom beneficiaries took a decision that they should be referred to as ‘the Roosboom community’ rather than the ‘Roosboom beneficiaries’. Their widely inclusive definition of their community suggests that they clearly recognise the contestation of power and control which the terminology change involves<sup>4</sup>. Contestation of authority over the settlement of land is explicit in statements by Mr Mnyaka that additional settlement of people on land should be at the discretion of beneficiary communities (Minutes, 1995d), as well as the repeated suggestion that a district based committee (the Muden Land Committee) should hold land for individual trusts and decide

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4. It was reported that the Roosboom steering committee had decided that the term ‘community’ rather than ‘beneficiaries’ should be used in referring to the Roosboom Community. The community was defined to consist of:

- all landowners in Roosboom
- all Roosboom land owners not resident in Roosboom
- all legal tenants in Roosboom (IPS, 1996a)

on the inclusion of additional people in those settlements (Franschoek, 1996)<sup>5</sup>. For the purposes of the Pilot Land Reform Programme, the definition of ‘the community’ is ultimately the prerogative of community spokespersons, thus increasing the power these individuals have over the identification of beneficiaries for the land reform programme. As long as beneficiaries meet general criteria associated with the programme<sup>6</sup>, government officials can only challenge the identification of beneficiaries, by challenging the representivity of these spokespersons. Evidence of this is clear in the basis on which the beneficiaries for the farms Zailager and Kentucky are challenged<sup>7</sup>.

The social legitimacy underpinning these land claims, constructs specific opportunities for the contestation of land reform implementation. Most obviously, if a community or individual believes that they have a historical claim to land, they can lodge a claim with the Land Restitution Commissioner, effectively halting all development and transfer of the land claimed, until the claim has been investigated and a decision reached. The Restitution Act provides for 3 years (from 1995 when the Act was passed) in which to lodge claims and five years for the claim to be brought to the Land Claims Court and adjudicated. In view of the volume of claims already submitted to the commission, the lodging of claims is a potentially significant resource

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5. Although the suggestion that land in the Muden district be held by the Muden Land Committee was unanimously opposed by the Steering Committee in November 1995, (Report, 1995a), in June 1996 the Franschoek Applicants, when asked how they would manage the farm, replied that ‘there might be a liaison committee (that is the Muden Land Committee) and a management committee on Franschoek itself’ (Franschoek, 1996).

6 The broad criteria that individuals cannot own property elsewhere, that the average household income in the group should be below R1 500/month and that women should have equal status.

7. The District Office reported that they were still trying to ascertain if the Estcourt Tenants Association leadership, which was making an application for the farms Zailager and Kentucky, was representative of farm workers in the greater Estcourt area. One of the reasons for the difficulty was that the beneficiaries were all very young and many of them were single (Report, 1996c).

which individuals and communities can use to halt contested land plans<sup>8</sup>. The social legitimacy of land claims also holds the very real potential of preventing private and state bodies from repossessing land in the case of loan defaults<sup>9</sup>. If threats to prevent the repossession of land are put into practice, the social and political context in which land reform is to take place could be significantly altered, with particular implications for tenure security and land use possibilities.

The discourse of historical injustice also provides a context for challenges to this principle of “willing buyer, willing seller” to emerge. There have been reports of conflict between stakeholders over the pricing of land (IPS, 1996c), as well as repeated criticisms that the land reform programme requires that it is market based, while communities value land in social terms (Workshop, 1996b). A more direct contestation of the private ownership principle emerged from a community in the Muden district.

..(P)eople on the farm didn't want to go the pilot route. Not willing buyers ... people on the farm said that ... (the owner) must not get money - our contribution has been suffering because of his (cattle) impounding (Trench, 1996).

In terms of Munro's work (1996), discourses of historical legitimacy, based on prevalent notions of tradition, racial inequality and the protection of ‘communities’, have significant implications for the negotiation of state power in rural areas. Essentially, these discursive resources underpin

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8. The Ndaba and Dlamini communities made claims for the restitution of state land in Estcourt, although they later admitted that they had no real claim to the land, but felt that if the Amahlubi community was to get land, so should they (Report, 1996c).

9. This threat has already been made. Nedbank repossessed the balance of the farm bought by the Gannahoek Trust and intended to sell the land at a public auction. The Gannahoek trust rejected the proposed sale, saying that the farm was theirs and they would not allow others to settle on it (Report, 1996c).

and legitimate a form of power activated in opposition to the supremacy of the state. This opposition is also articulated by potential beneficiaries through discourses of community participation.

Munro (1996:13) maintains that South African development policy (the RDP document) attempts to tackle the tension between macro-accumulation strategies and the establishment of state hegemony, by presenting development strategies as the outcome of consultative deliberation. This is evidenced in this study where 'participation' is used by government agents as a means for implementation and as a legitimization for the extension of state authority and control over rural communities.

The principle that community participation is essential for a successful land reform programme is itself a resource through which community spokespersons can exert control over the programme and over government representatives. If participation by community spokespersons in the project is required, restricting the access which government officials have to communities is a significant terrain on which they can assert themselves.

Mr Kruger indicated that a central concern of the Premier was the extent to which the amakhosi had been consulted about the programme. Mr Stewart informed the meeting that the District Office had requested to meet with the amakhosi but had been informed by Mr Mnyaka that they would have to liaise with him to gain access to Nkosi Mchunu (LRSC, 1995f).

The principle of community participation also allows community representatives to challenge

attempts by government officials to bypass existing community structures.

Planning must involve the community ... This was said to be a weakness of the RDP programme as they involve lots of structures, which are superimposed on existing structures, creating confusion (Workshop, 1995a).

Quite predictably, this has also used by community spokespersons to enrich their own positions.

... the community are paying “rents” and building structures. These people are not necessarily claimants, but are leasing land from the Chairman. The chairman is acting as a “gatekeeper” and is interfering with the rights of the community (ibid.,).

The leverage potential of the ‘participation’ discourse has been dramatically enhanced by the context of ‘crisis’ in which the pilot is being implemented. Grindle and Thomas (1991) have argued that by manipulating the perception of crisis, organised individuals (from both the state and civil society) can increase the control they have over policy implementation, force decisions to be taken and reduce the degree of consultation involved in the implementation process. Discursive resources of landlessness and poverty provide legitimacy for the crisis, presenting the ‘crisis’ as a result of state incompetence. This constructs the state’s authority as incurring the obligation that it address this poverty, rather than merely the resulting symptoms of land invasions and crisis.

Thus for example, in late July 1995 a briefing document to the LRSC pointed out that increasing frustrations with the slow progress of the pilot meant that communities were beginning to



threaten land invasions (Briefing, 1995b). In August, a similar link was made between landlessness and land invasions. In this instance, the response to concerns that ‘without a district plan land invasions would continue’ was that there was a need to address really desperate communities and that this could not be delayed until the development of a district plan (Minutes, 1995c). Through this discourse attempts to create the space for community participants to contest state resource provision and establish the moral legitimacy of land claims made through land invasions were made. Early on in the programme the secretariat recognised this route, suggesting that land invasions were in fact an attempt to establish a land claim in the context of a land redistribution policy which, unlike the restitution process, relies on a set of technical criteria along which state officials distribute a limited set of resources. To wit:

Mr Clacey clarified that, unlike the Redistribution Programme, the Restitution Programme did not experience the problem of threatened land invasions because the insecurity beneficiaries experienced over the land acquisition was addressed in that communities knew that their rights were definitely going to be enforced (LRSC, 1995h).

It is evident that this crisis discourse has provided opportunities for both community representatives and state institutions to increase their control over the implementation of the land reform policy. On the one hand, perceptions of a ‘crisis’ has led to greater participation by community representatives (especially NGOs) in decisions taken and has allowed this sector greater influence over decisions. Perceptions of crisis have enabled the Steering Committee to focus on the delivery of land, allowed community representatives to present their own criteria for beneficiary selection (especially in the face of government indecision) and reduced the capacity of government implementers to undertake planning and control the future management

of land and land uses.

Mr Clacey indicated that the communities wanted delivery of land immediately and that local leadership had not asserted itself in public forums to shift the approach from immediate delivery to a planned approach (LRSC, 1995h).

In a meeting between community representatives and the District Office, community representatives, after demanding that the criteria for selection should be finalised, presented local criteria for selection of beneficiaries. One of the criterion presented was that settlement of additional people should be at the discretion of those who benefited from the land reform pilot (Minutes, 1995d). This clearly challenges state control over settlement planning and future land uses. In at least one case, this contestation involved community representatives refusing government officials access to the list of beneficiaries which had been selected.

... (G)aining access to the list of particulars of beneficiaries was proving difficult - the government is being denied its right to exercise its responsibility to the community (Minutes, 1995c).

Crisis has formed the backdrop to demands from community representatives to greater participation in the implementation process and has been used to motivate the acceptance of projects. While the appointment of a Midnet<sup>10</sup> member as a District Office facilitator was rejected outright by the Steering Committee, the chair pleaded that ‘... the issue must not be politicised’ (LRSC, 1995g). At the next meeting, the Midnet delegation called for direct

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<sup>10</sup> Midnet is an umbrella NGO linking CBOs and NGOs in the KwaZulu Natal Midlands.

representation of Midnet/community organisations on the Steering Committee (LRSC, 1995h). While representation on the Steering Committee was not achieved, community representatives were included in the MANCO. The demand for participation might not have been so quickly addressed had it not been for the perception of crisis and the fear of increased conflict. Similarly, after several delays in the acceptance of an application, the Mudén Working Group sent a letter to the Steering Committee, highlighting tensions within the district. They warned that:

(t)hese frustrations will be difficult to contain if promises are not met within an understandable time frame. In the light of the above it is of extreme importance that the application for the required funding is not delayed (letter, 1996a).

While MANCO was composed predominantly of technical appraisers (personal communication) which could limit the degree of community participation possible, the body held substantial influence in the implementation of policy and became a potentially powerful site for community participation. The influence of this body was contested by members of the Steering Committee who were not also involved in MANCO. They rejected statements that MANCO made the decision on acceptance and prioritisation of project applications, while the Steering Committee endorsed these decisions, insisting that the Steering Committee should be more than a rubber stamp (LRSC, 1996d). While it was subsequently agreed that the Steering Committee should make the final decisions on project applications, MANCO ultimately determined what information about projects was relevant and how that information was presented to the Steering Committee. MANCO became the site at which the real decisions were made. As one respondent put it:

... we always word it as a recommendation, but at the end of the day we have done most of the debating ... we essentially are making the decision, but they are a watchdog for our decision (personal communication).

This experience underscores the veracity of Grindle and Thomas' (1991) argument that the perception of crisis can also be powerfully used to motivate for the setting up of smaller groupings able to take decisions quickly. Similar findings emerge from the KwaZulu Natal Pilot Programme, particularly the construction of MANCO, which is motivated with reference to the unacceptable slowness, indecision and inaction of the Steering Committee. The construction of MANCO, and the decision that there should be community representation on the body, has increased the influence of organised civil groupings, especially Afra on the implementation of the land reform programme.

On the other hand, the perception of crisis has also given legitimacy to a heavier handed intervention by the state in the implementation process. Land invasions and the perceptions of crisis these created have led to the interpretation of obstacles to delivery as a result of 'the tension between quick delivery and RDP principles, particularly in the area of community control and decision making' (W.C. LRSC, 1995). Similar interpretations were made in KwaZulu Natal where there was mention of a '...conflict between process and the urgency of delivery' (Workshop, 1996b). This presents the context of crisis as given and the 'problem' experienced as process, particularly community participation. It also legitimates decisions taken by state officials without due consultation - with other officials and/or community representatives. In one instance for example, the Chair of the LRSC explained that while consultation with community representatives had not taken place, this was because

... the LRSC had gone into an active area and were “trying to put out fires “. The order of action was that the LRSC gave instructions to the District Office to familiarise themselves with the situation on the ground and to establish at first hand who the beneficiary groups (were) and what the nature of their needs were (LRSC, 1995h).

The perceived crisis of land invasions was also used by the Department of Agriculture as justification for the acceptance of short term leases of state land in Estcourt, without consultation with the District Office or Steering Committee (Briefing, 1996a).

Crisis was also used in an argument to attempt to bypass ‘established procedures’. Thus in the first meeting of the KZN LRSC, for example, the representative of the RDP office suggested that in view of the expectations of communities there was no time for advertising for the district office manager and that, given Richard Clacey’s experience, the Steering Committee should consider appointing him to the position as soon as possible (LRSC, 1995a). While Mr. Clacey declined to take up the position, insisting that it should be advertised, the use of crisis perceptions to motivate the appointment is clear.

The selection of projects to be ‘fast tracked’ as a response to this crisis, seems to have also depended on the degree to which these projects were administrable and on the perceived ‘representativeness’ of those committees driving the project. This calls into question the manner in which certain sectors, interests and forms of organisation are defined as representatives of ‘civil society’. One of the ways in which discourse involves acts of power is in the construction of knowledge and ignorance - of who holds knowledge and so authority as well as which ideas

and opinions constitute knowledge and which do not. While the discourse of participation and the manipulation of the perceived crisis provide space for substantial contestation of state power, the discourses of participation also construct a particular knowledge system, expressed in and underpinning particular institutional forms. The relative absence of well developed civil society institutions in rural areas, in comparison to an extensive state bureaucracy, can perhaps account for the observation that ‘communities’ seem to have difficulty finding a basis from which to contest state identification of representative and non-representative spokespersons. This construction of representative and non-representative spokespersons, has particular relevance for the rules that govern and legitimate state entitlement relationships which rural people could potentially establish. What needs to be considered is the manner in which entitlement relations between civil society and the state have been constructed in the pilot programme. More specifically, a better understanding is needed of how some community organisations are accepted as representative of their community and so legitimate in their presentation of demands to the state.

### **5.3. Civil society and state relations**

As I have indicated elsewhere, ‘participation’ is often treated very simplistically as a simple mechanism through which to ensure the success of the programme. Despite this broad impression from the material, there are also clear instances where the representativeness of community structures and the appropriate relationship between community forums and the state are questioned. The representativeness of community structures is brought into question through an alternative discourse - that of ‘needs’ and poverty - highlighting the differential capacity of

interest groups within communities to take up the opportunities offered by the Land Reform Programme. At a national Task Force meeting, the Gauteng Steering Committee reported that

(a) capacity building programme is needed to ensure that the interests of the poorest sections of the community are not overshadowed and dominated by those of cattle farmers (Gauteng LRSC, 1995).

In KwaZulu Natal similar concerns were expressed in the case of the Zaailager project, which would use most of the budget for Estcourt. The solution identified was to restructure the Estcourt Tenant Committee in order to make it

... more representative so that this issue can be appropriately addressed (Report, 1996b).

Concerns for representation were also highlighted as a result of the pervasiveness of the discourses of tradition and past experience of the abuse of 'traditional' authority.

Prior to the amalgamation of the Bambanani and Hlanganani development fora, non tribal representation, especially farm workers, was strong in the Bambanani forum. The Umtshezi forum however, is strongly aligned with the Amahlubi and Amangwe Tribal Authorities and non-tribal representation has dwindled (Minutes, 1996a).

These concerns are perhaps indicative of an attempt to shape relations between rural civil society and the state in order to entrench the state as the ultimate body of authority in areas where neither traditional authority nor state authority has been adequately established. Munro has

highlighted the need for the state to replace traditional authority forms in rural communities and establish itself at the centre of community relations. This involves not only the extension of state bureaucracy to these areas, but also a change in the basis on which entitlement relations are established between bodies of authority and civil society. As indicated above, the principle of ‘community participation’ provides the discursive resources with which community representatives attempt to reduce the control which the state has over the identification of beneficiaries, future management of the land and the implementation of the pilot programme. Within this discourse of participation, the most obvious resource available to state agents to contest unwelcome community demands is to deny their representation of the wider community. In the context of the pilot district these concerns for the representativeness of community spokespersons may have been well founded (personal communication). What is of relevance here is not whether the question of representation was appropriate, but the conceptualisation of ‘representative’, which acts to construct the rules by which relationships between the state and civil society can be established.

Ferguson (1990) argues that the state, through provision of state resources, acts not only to ‘serve’, but more importantly to control. He argues that development action, regardless of its success in terms of stated objectives, has a very real and important effect of extending bureaucratic state power. This is power exercised not simply through the existence of state institutions in rural areas, but through the extension of state power, as a particular form of power. Entitlement relationships and the rules governing these relationships, express and extend state power. To this end community groupings in the KZN LRPP have elected equal numbers of men and women to trust committees (Mistgunst, 1996), held workshops and drawn up legal constitutions, in order to interact with government through established bureaucratic rules (IPS,



1996a; letter, 1996a). Those community groupings which have had access to NGOs and are familiar with these bureaucratic rules, are better able to access government institutions and so enter into 'entitlement relationships' with the government.

To consider the rules of legitimation underpinning entitlement relations between state and rural society, it is also necessary to consider the broader framework in which these entitlements exist. McIntosh (1996) has highlighted the difficulty of civil society organisation in rural areas of South Africa. He draws attention to the history of rural South Africa, of forced removals, patronage and clientist relations, the reliance on urban areas for income and the generalised poverty of rural populations. This history he argues, has resulted in communities, that are defined by geographical location, but are characterised by marked inequalities in wealth, political influence and needs. Relations of patronage provide an important means of survival for rural households, who are faced with insecure and often inadequate entitlements to wages remitted from urban areas, state pensions or haphazard and insecure employment. These relations of patronage - between poor households and wealthier households, chiefs and subjects, shop keepers and clients, or employers and employees - mitigate against the emergence of a vibrant civil society capable of articulating the needs of the poorest, most insecure households. Autonomous organisation is also constrained by the economic and political isolation of rural areas. Strikes and consumer boycotts are not feasible means for rural populations to express grievances and non payment or destruction of state services holds more difficulties for rural populations than it does for those they target. Rural organisation, when it does occur, tends to be reactive rather than pro-active in nature. With the exception of NGO action, there is little potential in rural communities for the emergence of civil society organisations demanding increased access to state resources. In this context the notion of the land reform (or any other

rural policy) being 'demand driven' is problematic

Munro contends that such an expectation is unrealistic. It places processes out of reach of many rural communities, or it places their development trajectory in the control of organisations who can generate such information whether their interests coincide with those of community members or not' (Munro, 1996:22). He concludes that the right of rural communities to demand public goods has been blended into their responsibility to do so (ibid.,23). Friedman and Reitzes (1996) raise other concerns with this. They argue that by the identification of civics and other elements of the liberation movement as part of civil society, they are

... incorporating them into government decision making is not to include civil society - it is to give the election winner two bites at the representational cherry. At best, this would simply formalise a change of power in which one set of interests with the ear of the governing party is replaced by another: at worst, it would insulate government from the full range of interests in society by placing between them and it an artificially selected "civil society" (Friedman and Reitzes, 1996:59).

While some of these contentions are questionable - given the wide variety of organisations that are included in civil society, the problem of a selected group and the issue of representation is worth considering in the context of the arguments already presented. Participation in civil society is voluntary while representation and accountability are preconditions for participation in government. Civil society constituents do not have to be representative or accountable to the public (ibid.,62) so calling them up is a particular way of engaging with the participation discourse.

The RDP is taking place in a world context in which the state is increasingly seen to be too inefficient and inflexible to respond appropriately to development needs and where the activities and resources of the state are increasingly constrained (Marcus, 1996). At the same time, as Munro points out, South African society is in the midst of a transition, in which it is imperative that the state establishes its legitimacy as the paramount form of authority in society (Munro, 1996:20). Attempts to assert the primacy of state authority over non-governmental and community based organisations, are at the same time mediated by the state's lack of capacity and development resource. As Munro concludes, the state is attempting to both rely on and control the development initiatives of non-public agencies (ibid.,21). Gardner and Lewis (1996:107), drawing on Farrington and Lewis (1993), point out that the increase in NGO activity in Southern countries has often constituted

... a response by alienated middle class groups within civil society to a weak or resource poor state's inability to deliver services and resources.

Indeed, radical critique of NGO's suggest that rather than promoting change, NGOs actually

... preserve the status quo by setting up a system of patronage based on the flow of development assistance, which undermines and depoliticises local grassroots organisation (ibid.,109).

Depoliticising social groupings is not only a state led activity but could be seen to be a vehicle used by vested social interests at any level of social organisation to mobilise or protect their interests. These observations are particularly salient in South Africa, where the principle of civil

society participation is state policy rather than a response to a rural reality of civil organisation.

While discourses of historical injustice and participation provide opportunities to contest state control over the formulation and implementation of land reform policy, they do not provide equal opportunity for rural people to influence the policy. Discursive resources have been shown to construct the subject as a particular person, with particular capacity for action, in specific situations. The discourse of historical inequality constructs the subject as a community, dispossessed on the basis of race or ethnicity with a capacity for organised action to assert land related needs. Whereas a discourse of class oppression, or gender oppression, would highlight class or gender based interest groups, the discourse of historical, racially based injustice highlights racial and ethnic groupings, submerging class and gender inequalities which bring into focus other relationships that perpetuate poverty and inequality in rural areas. Discourses of 'participation' construct and express a particular knowledge system and particular institutional forms. Marginalised rural households and marginalised communities, lack familiarity with the institutionalised rules of 'participation' and lack experience in interacting with these institutional forms. The legitimacy of their representations may thus be denied or indeed may not exist. As a result the Land Reform Programme is likely to privilege those communities or groups who are familiar with and so are able to negotiate the lines of access to government resources. Similarly, those households which have past experience or current potential to fit the label 'emergent farmers' are, through problem definitions, rendered visible to state departments as 'potential beneficiaries'. By this route, if no other, they too have better access to established entitlement relationships through which to access state resources. Equally, traditional authorities by virtue of established links with government departments (however haphazard), also have better access to state based entitlement relationships. Quite predictably, small farmer

organisations have been highlighted in land reform discussions<sup>11</sup> and traditional authorities (referred to as ‘landless chiefs’) have been allocated land on behalf of their tribes (Review, 1995), while others have been encouraged to settle on particular farms which form part of their ‘tribal area’ (LRSC, 1996d).

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11. Black Farmers organisations were represented within the KwaZulu Natal Agricultural Forum, the Business representative to the KwaZulu Natal Steering Committee was Regional Director of the NAU, which represented black commercial farmers as well as white and one of the issues raised at the Green Paper Workshops, was specific representation for black farmers on land reform institutions (Workshop, 1996a). In addition, community consultation in the development of a plan for the use of Estcourt state land, was conducted through small farmer organisations, although this consultation did include women’s organisations and more broadly based development organisations (Report, 1996a).

## Chapter six: Conclusion

It is possible to show that the discourses in which policy needs and solutions are situated, construct the policy environment. Through this certain needs are highlighted while others are obscured and particular relationships between the state and society are constructed. In so doing certain interests are privileged over others.

This study confirms the work of Pecheaux (in Macdonell, 1987) who identifies discourses as ideological practices through which relations of domination are reproduced. In my analysis this is particularly evident in the discourse of ‘economic development’ where poverty is constructed as a result of inappropriate institutional relations. Through this, the discourse promotes the identification of institutional reform and market led development as the solution. This blocks alternative policy responses and obscures more deep seated social relations which perpetuate poverty and inequality. This discourse strengthens an historically advantaged position typified in the DoA which sees productive land use as inseparable from commercial agriculture. This position finds particular resonance in the global dominance of <sup>neo</sup>ne-liberal ideology and in a land reform programme which offers no alternative conceptions of how rural survival strategies can be enhanced and which does not challenge the relevance of the economic development paradigm.

Ideology is not a discrete entity belonging to one class or another, rather, it emerges out of class struggle. Given this, discourse, as an ideological practice is both a weapon and a site of struggle. Discourses of ‘economic development’ are also actively used as weapons for ideological struggle, constructing those who emphasise ‘poverty’ and ‘need’ as idealists, and their calls to address these

issues as unobtainable. While discourses of ‘need’ create the space for the identification of alternative policy objectives, it constitutes a weak opposition to the dominant ideology of neo-liberal, economic development.

Bourdieu’s conception of dominant discourses constructing ‘linguistic fields’ in which certain types of ‘capital’ or resources are valued over others, has been particularly useful in conceptualising the implications of emerging discourses in the KZN LRPP. While discourses may provide resources through which authority and identified needs can be contested, they do not provide equal resources to all participants. Discourses which can be identified in the programme, that is, discourses of historical racial injustice, of economic development and discourses of participation, have had an impact on the programme precisely because certain actors are in possession of the resources valued in the linguistic field constructed by the discourse, while others are not. For example, within the discourse of ‘economic development’ individuals with the capacity and intention to engage in commercial farming are privileged as they fulfil the dominant conception of ‘productive land use’. This discourse of economic development constructs the subject of land reform as a small, black, commercial farmer and identifies support services and tenure forms appropriate to this subject.

Discourses of historical, racial injustice identify the subject of land reform as black people who have been dispossessed of land. The histories which are drawn on to substantiate this land loss utilise discursive resources of tradition and historical land loss. This discourse constructs traditional authorities as legitimate leaders and the subject of land reform as a timeless ‘community’. This discourse, particularly concepts of tradition and hereditary land areas has been drawn on to challenge the “willing buyer, willing seller” framework of land reform and to contest the authority

of the state. As the subject of land reform is constructed as ‘the community’ those individuals who can present themselves as community spokespersons are endowed with the authority to determine who constitutes ‘the community’. This is a major resource through which local support can be mobilised and authority maintained.

The resource provided by this discourse is strengthened through discourses of ‘participation’. White (1994) points out that discourses may be actively used to manipulate the institutions and participants involved in policy formulation. In this study this has been particularly evident with the use of discourses of ‘participation’ and ‘crisis’ by both state and non state actors. “Participation” (implying the empowerment of the disadvantaged) has entered the policy discourse as a resource through which to contest the authority of the state and as a resource through which the legitimacy of state authority has been constructed. The discourse of ‘participation’ has been used to contest control over and access to policy making structures as well as to the potential beneficiaries of land reform.

Foucault and Bourdieu have highlighted the importance of considering the institutional rules and practices which are both constructed through dominant discourses and which act to construct the discourse itself. Discourses of participation construct particular institutional forms and rules through which participation in the state must take place. Some individuals are better placed than others to negotiate these rules of participation, and so have greater capacity to access state resources. In the context of a weak, poorly developed civil society and a ‘demand led’ Land Reform Programme it is unlikely that poor marginalised individuals will have the capacity to ‘participate’ in state structures effectively. Access to state structures is controlled by elite groupings through which the poor must (in vain) attempt to articulate their needs.



A major difficulty in this study has been to consider discourses as both practices reflecting and reproducing particular ideologies, as well as weapons of struggle between interest groups. It has been particularly hard to associate discourses with particular interest groups as participants frequently draw on contradictory discourses in order to resist opposing claims, giving the same words different meanings, or using them to different intent. Volishinov (1929) suggested this, pointing out that

(a) particular social sign is pulled this way and that by competing social interests, inscribed from within with a multiplicity of ideological “accents” (cited in Eagleton, 1991:195).

An additional limitation of discourse analysis in this study has been that while this method can illuminate the different interests being articulated it cannot indicate the material outcome of these competing interests. For these reasons I feel that empirical research is necessary to confirm or deny conclusions reached through a discourse analysis.

Despite these reservations, I believe that discourse theory makes an important contribution to understanding the environment in which policy is implemented, the role of agency in negotiating policy through implementation, and the implications of this implementation process for the distribution of power in society. Through the analysis of emerging discourses with which policy issues are defined and need claims substantiated, I have been able to uncover the rules governing state entitlement relationships, the basis of acceptable forms of argumentation and validation for accessing state resources and the manner in which individuals outside the state contest these rules of entitlement. These differing forms of argumentation suggest that access to state resources is

restricted to a politically influential minority in rural areas. My findings mirror those of several other commentators, highlighting the likelihood of continued economic and political inequality in rural areas, despite policy aimed at alleviating this inequality.

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Minutes (1995c)      Untitled minutes : KwaZulu Natal: 24/8/95

Minutes (1995d)      Minutes of meeting with Midnet, DO and DLA: KwaZulu Natal: 27/11/95

Minutes (1996a)      Minutes of meeting between Afra, D.O. and IPS: KwaZulu Natal: 26/2/96

Minutes (1996b)      Minutes of meeting between district fora and District office: KwaZulu Natal: 11/3/96

Minutes (1996c)	Minutes of the National Pilot Task Force Meeting 1/2/96
LRSC (1995a)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 15/3/95
LRSC (1995b)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 27/3/95
LRSC (1995c)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 20/6/95
LRSC (1995d)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 27/7/95
LRSC (1995e)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes 24/8/95
LRSC (1995f)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes, 21/9/95
LRSC (1995g)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 26/10/95

LRSC (1995h)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 23/11/95
LRSC (1995i)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 14/12/95
LRSC (1996a)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes 29/1/96
LRSC (1996b)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes 28/3/96
LRSC (1996c)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes:24/4/96
LRSC (1996d)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes: 23/5/96
LRSC (1996e)	KwaZulu Natal Land Reform Pilot Programme Steering Committee Minutes 20/6/96
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**Personal communication**

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Pringle, D. KwaZulu Finance Corporation, KwaZulu Natal. Interview conducted April 1996