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A Critical Analysis of the Policy Advocacy Role of Civil Society Organisations in
Land Reform Issues: A Case Study of the Association for Rural Advancement in
the Land Redistribution Programme in KwaZulu-Natal

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DECLARATION

I declare that this dissertation is my own unaided work. All citations and borrowed ideas have been acknowledged. It is being submitted for the degree of Master of Social Science in Policy and Development Studies, University of KwaZulu-Natal, Pietermaritzburg, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

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ABSTRACT

This study aims at exploring the policy advocacy role of civil society organizations in land reforms policy using the Association for Rural Advancement in KwaZulu-Natal as a case study, and focusing specifically on the aspect of land redistribution programme.

The specific objectives of the study are to identify the advocacy strategies used, to assess their strengths and weaknesses, to examine the extent to which land redistribution programme is being influenced by the advocacy action of AFRA, to identify the limitations in policy advocacy for land redistribution, and to assess the effectiveness of AFRA's policy advocacy work in the lens of the factors for effective policy advocacy delineated by Bratton (1994: 48-55). Thus, this study provides an understanding of the magnitude and challenges of policy advocacy functions of CSOs in such a sensitive issue as the land ownership in South Africa.

This study has been informed by qualitative research methodology in both data gathering and analysis. Data were collected using a triangulation of data collection techniques, and analyzed using thematic analysis, which is a method for identifying, analysing and reporting patterns (themes) within data.

It has emerged from this study that civil society organisations provide avenues for voices and issues that may not have been prioritised by policy makers to be placed on the public agenda. A wide range of strategies to engage with the state are employed by civil society organisations, and those strategies are strategically employed in a complementary manner so that they could be more effective depending on the issue at hand and the context within which advocacy is being made. Furthermore, it comes out the study that there are many challenges faced by the CSOs involved in land issues, among others are the antagonistic climate portraying the relationships with the state, the issue of funding, the low literacy level of rural landless people, etc.

For more impact to be perceived in policy influence, the study suggests that CSOs in the land sector and AFRA in particular should establish an effective networking framework in order to pool resources, and share expertise and experience; they should increase their clients' involvement in policy process by making opening their membership to rural people living in the communities they work with; examine the possibility to gain domestic financial base. For government agencies, more particularly the Department of Land Affairs, it is suggested to reassess their relationships with the civil society so that the two sectors work collaboratively for the best of the poor people they all have to serve.

ABBREVIATIONS

AFRA	: Association for Rural Advancement
ANC	: African National Congress
CBOs	: Community Based Organisations
CPAs	: Communal Property Associations
CSOs	: Civil Society Organisations
DLA	: Department of Land Affairs
ESTA	: Extension of Security of Tenure Act
HIV/AIDS	: Human Immunodeficiency Virus / Acquired Immune Deficiency Syndrome
ILC	: International Land Coalition
KZN	: KwaZulu-Natal
LAPC	: Land and Agriculture Policy Centre
LRAD	: Land Redistribution for Agricultural Development
LRLU	: Land Rights Legal Unit
NDA	: National Development Agency
NGO	: Non-governmental Organisation
NLC	: National Land Committee
NPHCN	: National Primary Health Care Network
NPO	: Non-Profit Organisation
OECD	: Organisation for Economic Co-operation and Development
PLAAS	: Programme for Land and Agrarian Studies
SABD	: South African Business Directory
SACBC	: South African Catholic Bishops' Conference
TAC	: Treatment Action Campaign
TNDT	: Transitional National Development Trust
WSWB	: Willing Seller – Willing Buyer

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CHAPTER I: INTRODUCTION

1.1 Background to the research problem

It has been claimed by some scholars in development that many of the causes of underdevelopment lie in the political and economic structures of an unequal world, notably in trade, commodity prices, debt and macro-economic policy, as well as in the distribution of land and other productive assets among different social groups (Edwards and Hulme, 2002: 60).

According to Edwards and Hulme (2002: 60-61), it is extremely difficult, if not impossible, to address these issues in the context of the traditional service delivery NGO project. Other forms of actions are necessary: they suggest that advocacy is an important element in the activities of NGOs.

The importance of policy advocacy is also emphasised by David (2001: 123), who affirms that advocacy is the second major role of NGOs after service delivery and asserts that, by advocacy, NGOs seek to advance the interests of under-represented groups through negotiations with power holders, usually the state, but increasingly also with the corporate sector.

Regarding the issue of land in South Africa, land ownership is one of the issues of apartheid injustice that people of the new South Africa hoped would be addressed as soon as possible by their government (DLA, 1997). As Kahn (2007: 6) has observed, however, the majority of the people who are in need of land are poor and voiceless to raise their concerns; this has driven a certain number of civil society organisations to seek to establish a platform for the plight of the poor landless to be heard.

As one of such CSOs seeking to establish a platform from which rural people can voice their concerns, AFRA is an independent land rights nongovernmental organisation based in Pietermaritzburg, KwaZulu-Natal. It aims to redress past injustices, to secure tenure for all, and to improve the quality of life and livelihoods of the rural poor. AFRA works towards this vision by networking with other organisations to lobby for a just and effective land reform programme for the benefit of rural poor within an integrated rural development framework.

A problem is that Civil Society Organisations (CSOs) are having a surprisingly limited impact on policy and the lives of poor people (Court *et al*, 2006: 14). According to Court *et al*, despite evidence of more open and accessible policy contexts, recent assessments highlight that CSOs are often failing to influence policy processes in developing countries, where it is noticed that

civil society and the state often live rather separate lives, with governments continuing to set the policy agenda much on their own. Civil society, meanwhile, may not necessarily be pro-poor (Court *et al*, 2006: 14). Court *et al* further report on a study that carried out governance assessments in 16 developing countries, accounting for 51% of the world's population. They observed that, in general, CSO contexts (freedom of expression and freedom of association) were rated as quite open, but input into policymaking was low in general and then it was found that civil society impact remains low in many countries (Court *et al*, 2006: 14).

It is against this background that the present research plunges into a critical analysis of the policy advocacy role of Civil Society Organisations in land redistribution issues. This study views the involvement of CSOs and, in this particular case, the Association for Rural Advancement (AFRA), in land issues as a clear signal that poor landless or marginalised citizens are not left voiceless in the policy arena.

1.2 Motivation and significance of the study

There appears to be little empirical data on the policy advocacy work of civil society organisations in South Africa and specifically its role in a sensitive issue like the land redistribution programme, one of the three components of the land reform programme of post-apartheid South Africa. Research on the policy advocacy role of CSOs in land reform issues, the advocacy strategies used and their strengths and weaknesses, the success and failures of the advocacy work carried out and the participation or non-participation of communities concerned in advocacy activities, etc. - is therefore well-timed.

This study will provide an understanding of the magnitude and challenges of policy advocacy functions of CSOs. It is to be viewed as an opportunity to add to the body of knowledge of policy advocacy role of civil society organisations. There is no doubt that its results will inform AFRA, in particular, and other NGOs involved in advocacy activities, in general.

1.3 The purpose of the study and key research questions

This study aims to explore the policy advocacy role of civil society organisations in land reform issues and it focuses on the land redistribution facet of South Africa's land reform policy. It proposes:

1. To identify the advocacy strategies used by AFRA in land redistribution issues
2. To assess the strengths and weaknesses of each of those policy advocacy strategies
3. To examine the extent to which the land redistribution programme has been influenced by the advocacy action of AFRA
4. To identify the limitations in policy advocacy for land redistribution
5. To assess the success or failure of AFRA's policy advocacy work, according to the factors delineated by Michael Bratton (1994: 48-55)

The following are the critical questions to be answered by this study:

1. What are the advocacy strategies employed by AFRA in land redistribution issues?
2. What are the strengths and weaknesses of each of the policy advocacy strategies used by AFRA?
3. To what extent is the land redistribution programme being influenced by the advocacy action of AFRA?
4. What are the challenges faced by AFRA in policy advocacy work for land redistribution?
5. What are the organisational characteristics of AFRA that can contribute to its success or failure in policy advocacy work?

1.4 Preliminary literature review

This section examines the literature related to CSO's policy advocacy strategies, clients' participation or non-participation in advocacy functions undertaken by CSOs, the factors affecting policy advocacy and challenges to the policy advocacy work of civil society organisations.

1.4.1 Policy advocacy strategies

In an attempt to conceptualise its policy advocacy work, Action-Aid India (quoted in David, 2001: 124) outlined six possible strategies for advocacy with its partners, which is considered as the advocacy "tool kit" for NGOs everywhere:

- Negotiations;
- Lobbying (i.e. influencing key individuals);
- Gaining membership of government bodies;
- Building networks and coalitions;
- Using the media; and
- Conducting campaigns.

Depending on the issue at hand, other scholars (Edwards and Fowler, 2002: 61; Glaser, 1997: 13; Fox, 2001: 617; DeSantis, 2008: 46-47; Ranchod, 2007: 7-8) have delineated further strategies:

- Research and publications,
- Public education,
- Petitions,
- Social movements (protests, demonstrations, boycotts, ...), and
- Legal action.

As these strategies have been identified in a context different from that of a South Africa recovering from a long period of struggle for a democratic government and an end to racial segregation policies, this study aims to identify the strategies used by AFRA in the specific case of South Africa and in the case of a sensitive issue like the land redistribution programme.

In practice, these strategies often turn out to be complementary and mutually reinforcing (Fox, 2001: 617). They change over time and no one strategy is likely to determine the political outcome, so CSOs may engage in a wide range of advocacy activities (Reid, 1998: 296).

1.4.2 The participation of clients in advocacy functions undertaken by CSOs

In a report on a seminar series to explore the engagement of non-profit organisations in the policy process, Reid (2000: 3) concludes that nonprofits are regular players in policy and politics and may or may not include citizens in their internal organisational affairs or engage citizens in public action.

Reid makes a distinction between advocacy as representation and advocacy as participation, asserting that non-profit advocacy as representation evokes the familiar phrase “on behalf of”, drawing meaning from the Latin word *advocare*—coming to the aid of someone (Reid, 2000: 3).

When advocacy is viewed as representation of interests, values, or preferences, questions may arise about the legitimacy of organisations to represent people.

Advocacy as participation addresses the ways organisations stimulate public action, create opportunities for people to express their concerns in social and political arenas and build the resources and skills necessary for effective action (Reid, 2000: 4). According to Reid, advocacy examined as social and political participation emphasises how people take action “on their own behalf.” Non-profit advocacy, as participation, refers to collective action and social protest, as well as the face-to-face contact of people and their political leaders (Reid, 2000: 4).

DeSantis (2008: 38), in the setting of Canadian advocacy CBOs, highlights a number of benefits of civic participation:

- CBOs and citizens offer experiential knowledge that can help solve local problems;
- The greater the diversity of people involved in informing policies, the greater the likelihood of more effective solutions;
- Advocacy is a form of public participation that helps to reduce exclusion for marginalised groups;
- Citizen involvement in policy development improves policy legitimacy; and advocacy can enhance democracy and increase social capital, because people come together to work on common goals (DeSantis, 2008: 38).

Another approach is pointed out by David (2001: 111). An NGO can work with its clients in the community to assist them in generating pressure or ‘demand pull’, so that people can claim better services from government and hold government agencies more accountable.

The present research would like to explore whether or not the advocacy activities of AFRA in the land redistribution programme are portrayed by clients’ participation or representation and the consequences in either case on the land redistribution programme.

1.4.3 Factors for effective public policy advocacy

In a study conducted in the agricultural and rural development sector in Zimbabwe and Kenya, Bratton (1994: 48-55) suggests five key factors that contribute to effective public policy advocacy:

- (i) *The structure of the organisation*: the civil society organisation more likely to succeed is the one that possesses both local roots (membership organisation with a popular base) and a channel to articulate demands to the policy centre (Bratton, 1994: 48-49).
- (ii) *The scope of the programme of the organisation*: in this regard, Bratton (1994: 50) stresses that organisations with clear and simple objectives are most likely to be effective at their chosen task and, particularly as far as policy advocacy is concerned, civil society organisations are likely to be most effective if they specialise in particular policy subject areas.
- (iii) *The composition of clients*: Bratton (1994: 51) states that organisations representing the poorest populations are likely to express policy demands requiring substantial departures from the *status quo*, and which are difficult to implement. Organisations that represent a homogeneous clientele can articulate a clear and unambiguous policy platform, as opposed to organisations whose members have mixed or competing claims (Bratton, 1994: 51).
- (iv) *The nature of relations with government*: it is suggested (Bratton, 1994: 54) that NGO leaders need to develop a range of political skills to manage an ongoing relationship with state leaders, which involves building alliances with powerful individuals and constructing coalitions that can survive the circulation of the elite. According to Bratton (1994: 54), this requires tactically the ability to tread a narrow line between confrontation and co-optation and to choose carefully the issues on which to praise or pressure the government.
- (v) *The relations with donors*: an organisation's level of dependence on foreign funding is negatively related to its effectiveness at policy influence and organisations tend to attain economic sustainability, and also policy voice, to the extent that they build a domestic base of financial support (Bratton, 1994: 54).

Different scholars have highlighted other related conditions for a successful policy advocacy. Leslie and Helweg (1997: 12) argue that effective advocacy, or achieving a well-defined policy outcome, is most likely to occur with an autonomous and strong civil society that has a permanent institutional capability to:

- 1) Access the political arenas where public policy and decision-making take place;
- 2) Articulate and press for desired policy change and reform *vis-a-vis* concerned public decision-makers;

- 3) Ensure that decisions, once made, are implemented;
- 4) Continually monitor policy implementation; and,
- 5) Where necessary, reformulate policies that no longer serve their initial purpose (Leslie & Helweg, 1997: 12).

The study intends to look critically at these characteristics in the case study of AFRA in its advocacy role for policies aimed at a fair redistribution of land to landless people within the framework of South Africa's land reform policy.

1.4.4 Challenges to the policy advocacy function of CSOs

In a study carried out within the framework of a programme to improve the capacity of Southern civil society organisations to influence pro-poor policy, Court *et al.* (2006: 16-20) have identified a number of obstacles, some related to political factors and others to CSOs themselves.

Concerning political factors, Court *et al.* (2006: 16) state that, despite advances in political freedoms, many developing countries have contexts that constrain CSO work and engagement in policy processes. At one extreme, there is still a tendency for some governments to arrest or intimidate citizens who propagate views different from those in power and, more generally, policy-making processes simply are not transparent and/or open for CSO participation, or they are only open or responsive to the needs of certain elites or groups (Court *et al.*, 2006:16).

In a study on the advocacy role of CBOs in Canada, DeSantis points out that many governments perceive advocacy as an activity that must be controlled; they believe that it is one-sided and is not genuinely analytical. In the eyes of government officials, advocacy is negative, controversial and threatening (DeSantis, 2008: 48).

On the side of CSOs themselves, Court *et al.* assert that:

- **CSOs have limited understanding of policy processes (and interest in engagement):**
as the former UN Secretary General, Kofi Annan, has noted: *'To change the world, we*

must first understand it', this applies as much to the policy process as it does to a specific policy issue (Court *et al.*, 2006: 17).

- **Inadequate use of evidence by CSOs:** many CSOs have a wide repository of knowledge, including real expertise in an issue area or an understanding of the concerns most important to their constituents. Using this effectively could help ensure that their own work is more effective. Yet evidence is still inadequately used (Court *et al.*, 2006: 18).
- **Poor communication by CSOs:** policymakers complain about the inability of many CSOs to make their findings accessible, digestible and in time for policy discussions (Court *et al.*, 2006:19).
- **Weak links to other actors:** development transformations tend to occur when four factors come together: political leadership, public engagement, effective practice and good ideas (Court *et al.*, 2006:19). Networks are thus an exceptionally effective organisational model.
- **Technical and financial capacity constraints:** overcoming the issues identified above will require financial investment and a wide range of technical capacities. CSOs have significant constraints on technical and financial capacities that can limit their ability to engage with policy processes and use evidence effectively (Court *et al.*, 2006: 20).

Court *et al.* (2006: 37) found that 65% of CSOs noted lack of capacity as an important constraint on their ability to influence policy and, consequently, they suggest that CSOs should address these constraints by either building their own capacity or networking with other actors to benefit from external capacity.

As contexts may vary across countries and policy issues, the present research will look at the challenges faced by a CSO in policy advocacy functions on land issues in the particular background and current context of post-apartheid South Africa.

1.5 Research methodology and methods

1.5.1 Research design

This study is a case study aimed at exploring the policy advocacy role of civil society organisations in land reform issues. It has focused on one civil society organisation, namely the

Association for Rural Advancement in Pietermaritzburg, KwaZulu-Natal. It has focused, moreover, on one component of South Africa's land reform programme, namely the land redistribution programme. This case study has been guided by qualitative research methodology relying mainly on secondary written sources of data and some face-to-face interviews.

1.5.2 Population and sampling

The type of sampling used in this study is purposive sampling. According to Babbie and Mouton (2001: 166), in the purposive sampling technique, the choice of respondents relevant to the project is guided by the judgement of the researcher and the purpose of the study.

AFRA employs currently 21 members of staff in various capacities and roles and 10 amongst them took part in this study, because of their functions related to land rights or communication.

1.5.3 Data collection and analysis

The study used a qualitative approach in both data gathering and analysis. Primary and secondary data have been collected.

Primary data were collected using techniques of face-to-face interviews designed for members of staff whose functions have to do with the land redistribution programme. Interviews were tape recorded and some notes were taken during the interview.

Secondary data were of crucial importance in this study and were collected for use in the development of the research proposal, in the literature review, in assessing the advocacy work undertaken through various publications and in the discussion of the research findings.

Data were collected through a triangulation of data collection techniques. According to Babbie (2002: 275), triangulation is the use of several different research methods to test the same finding. Data gathered were analysed using thematic analysis. Thematic analysis is about trying to identify meaningful categories of themes in a body of data (Fulcher, 2010). Thematic analysis is a method for identifying, analysing and reporting patterns (themes) within data (Braun and Clarke, 2006: 77). It is a form of discourse analysis, the focus of which is any form of written or spoken language such as conversation or a newspaper article (Fulcher, 2010).

Since qualitative research relies so heavily on the researcher's interpretation, Lincoln and Guba (1985: 290) suggest that the results must be grounded in the data and not the researcher's biases, interests or perspectives that may interfere with the results.

1.5.4 Delimitation of the study

Due to resource and time constraints, the study will only consider the advocacy activities carried out between 1990 and 2010. The choice of this period is motivated by the fact that 1990 is the period where voices were being raised for equitable policies and the dismantlement of the apartheid government.

The secondary data analysed in the study are constituted by publications and reports made by AFRA during the period of the study and articles related to the works and achievements of AFRA published in local journals.

The focus on policy advocacy work will be on advocacy activities carried out on agenda setting and policy implementation. Geographically, the study is concerned with the work of AFRA in KwaZulu-Natal province.

1.5.5 Ethical considerations

The researcher will make use of professional and ethical standards to collect and analyse data, as it is crucial in any social research. In particular, the ethical principles that guide the relationships between the researcher and respondents will be observed. Care will be taken to respect the respondents' rights. The principle of voluntary participation, which is closely related to the requirement of informed consent, will be respected. Research participants will be fully informed about the procedures and will be given the opportunity to consent on participating in the study or not. Anonymity and confidentiality will be ensured in order to protect the research participants. The researcher will be careful about sensitive information and will avoid embarrassing or discomforting questions.

1.6 Structure of the dissertation

This dissertation will be structured in five chapters. The first chapter constitutes the general introduction, where the background of the study, the motivation and significance, the purpose and key research questions, the preliminary literature review, as well as the research methodology and methods, are outlined; the second chapter provides a conceptual framework, where key concepts of the study, namely public policy, policy advocacy, civil society organisations and land reform policy are discussed.

The third chapter is concerned with the case study, where the context of AFRA's advocacy function and a policy framework of the land redistribution programme are discussed.

The fourth chapter presents and analyses the findings from the documentary research (secondary data collected) and the face-to-face interviews. The last and concluding chapter will be a recapitulation of the findings of this study and some recommendations.

CHAPTER 2: CONCEPTUAL FRAMEWORK

Introduction

Chapter 2 presents the conceptual framework and theoretical review of public policy, policy advocacy, civil society organisations and land reform policy.

2.1. Public policy

Public policy has been defined in various ways by a number of authors, meaning that like many other concepts in social science, there is no universally accepted definition of public policy. What those definitions have in common is that they consider public policy as a course of action (or inaction), designed to achieve a goal. Thus, Davis (quoted in Colebatch, 2002: 49) defines policy as “a course of action by the government designed to achieve certain results”.

Instead of taking a course of action, government may also choose to do nothing. Therefore, non-decision or inaction by the government can also, in itself, constitute a public policy (Dye, 1982: 18) and can have as great an impact on society as government action. Brooks (1989: 16) defines public policy as “the broad framework of ideas and values within which decisions are taken and action, or inaction, is pursued by governments in relation to some issue or problem”.

This point of view of action and inaction raises the concern of the way decisions are sometimes prevented from being taken by the government on potential issues over which there is a clear conflict of interests.

Anderson (1997: 9) has noticed that most of the time, a gap exists between decisions made by government and their execution (what is actually done). He defines policy as “a relatively stable, purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern”; public policy is then defined as “actions developed by governmental bodies and officials with the aim of meeting specific objectives (1997: 9-10).

2.2. Policy advocacy

2.2.1. Definition

According to Reid (2000: 5), policy advocacy most frequently refers to advocacy that influences government policymaking, but Jenkins’s definition of policy advocacy as “any attempt to influence the decisions of an institutional elite on behalf of a collective interest” (Jenkins, quoted

in Reid, 2000: 5) encompasses decision-making in any kind of institution inside and outside of government.

With reference to the NGOs case, Najan (quoted in David, 2001: 123) defines advocacy as “the attempt by NGOs as ‘policy entrepreneurs’ to prod government to do the right thing, though it can be a strategy which can be equally directed at the private sector”.

A more explicit definition, which includes a proactive aspect of advocacy and a possibility of client involvement is proposed by Ezell (2001: 23), who asserts that “advocacy consists of those purposive efforts to change specific existing or proposed policies or practices on behalf of or with a specific client or group of clients”.

Cohen *et al.* (quoted in DeSantis, 2008: 43) state that advocacy has many different meanings and that, in theory, advocacy has no bounds. Reid has the same opinion when she asserts that the term ‘advocacy’ has multiple meanings, depending on the context in which it is used, broadly describing the influence of groups in shaping social and political outcomes in government and society (Reid, 2000: 6).

One measure of advocacy effectiveness is, as stated by Reid (2000: 5), the extent to which a group succeeds in shaping new policy that directly benefits its constituency.

Advocacy can be both a process and a product: the process of advocacy can be defined as the act of speaking or of disseminating information intended to influence individual behaviour or opinion, corporate conduct, or public policy and law; it means “speaking up for yourself or for an individual, family or community in a situation that is viewed as undesirable, unfair and changeable” (DeSantis, 2008: 42).

The definition of advocacy as a product focuses on a general goal of improving people’s lives. Advocacy can enable those who need help to find their own voice and it is a way of giving power to citizens who are powerless in their relationship with the state (DeSantis, 2008: 42).

2.2.2. Policy advocacy in policy process

Generally, the policy-making process is considered to include the following main components: agenda setting, policy formulation, decision-making, implementation and policy monitoring and evaluation (Howlett and Ramesh, 1995: 11). Policy influence refers to how external actors are

able to interact with the policy process and affect the policy positions, approaches and behaviours in each of these areas (Court *et al.*, 2006: 6).

It is to be noted that advocacy can take place at any step along the way (DeSantis, 2008: 40). Yet, in reality, policymaking does not work through these components in a linear manner; in developing countries in particular, the processes are often more informal (Court *et al.*, 2006: 6). Nevertheless, the depiction is useful, since it identifies the different components that are critical to policy processes.

A key point is that each policy component involves a range of actors, institutions and processes; and some actors are important across the policy process, while others only play a key role at certain points (Court *et al.*, 2006: 6). Court *et al.* (2006: 6) suggest that, for civil society organisations seeking to influence policy, it is vital to understand the institutions and actors involved in policy processes, both on a formal and informal level.

At the agenda setting stage, research-based evidence from CSOs can help put issues on the agenda and ensure they are recognised as significant problems which require a policymaker response. CSO inputs can be even more influential if they also provide options and realistic solutions. Better use of research-based evidence can influence public opinion, cultural norms and political contestation and indirectly affect policy processes (Court *et al.*, 2006: 9). Reid suggests that CSOs have an important role to play outside government in shaping public opinion, setting priorities for the public agenda, and mobilising civic voice and action (Reid, 2000: 5). Policymakers have therefore to be convinced that the issue does indeed require attention, with evidence provided to enhance the credibility of the argument.

In policy formulation, Court *et al.* (2006: 32) argue that CSOs act as a ‘resource bank’, informing policymakers of the options, channelling resources and expertise into the policy process and building a consensus and striving to bypass formal obstacles to consensus. CSOs may present evidence of their political position, as much as their competence, in order to be included within formulation discussion (Court *et al.*, 2006: 9).

In the implementation, CSOs complement government capacity by their ability to enhance the sustainability and reach of the policy; to act as dynamic ‘platforms for action’; to innovate in service delivery; and to reach marginal groups (Court *et al.*, 2006: 32).

CSOs have often been successful innovators in service delivery that informs broader government implementation. The key to influencing implementation of policy is often to have solutions that are realistic and generalisable across different contexts (Court *et al.*, 2006: 10).

Finally, CSOs provide valuable feedback for public policy evaluation. Through their close association with communities and citizens, many CSOs offer an assessment of the social impact of policy from their civic vantage point (Reid, 1998: 298). Research-based evidence produced by a CSO can be further used to influence the monitoring and evaluation of policy, helping to identify or not whether policies actually are improving the lives of their intended beneficiaries. (Court *et al.*, 2006: 10).

Policy processes are complex, with varied and different points of entry. CSOs are only one set of actors and the evidence they produce is only one of numerous factors that matter for policy influence.

In the context of land issues, Saruchera and Odhiambo (2004: 4) stress that civil society formations have an important role to play in the formulation, implementation, monitoring and evaluation of policy. It is only then that the theoretical land and resource rights of the poor may be realised in practice.

2.2.3. Role-players in policy advocacy

Advocacy seeks to help “relatively powerless groups, such as women, children, poor people (...) and people with disabilities” (Jansson, 1999, quoted in DeSantis, 2008: 45). According to DeSantis (2008: 45-46), there are at least four categories of “who” advocates for these powerless groups:

- (i) The first category is self-advocacy – people who speak on their own behalf;
- (ii) Second, individual or case advocacy exists wherein a person speaks on behalf of someone who cannot (e.g. parents who speak on behalf of their disabled children). Yet, a study by the American Association of Retired Persons (AARP) found that citizens feel more effective when they work as a group on policy issues than when they act alone (Reid, 1998: 294).

(iii)Third, mass advocacy takes place when large groups of people, usually not a homogeneous group, create public actions. This may take the form of interest-group or grassroots advocacy, which occurs when individuals and CBOs collectively identify specific issues and connect with decision-makers (Cohen *et al.*, 2001; McCarthy and Castelli 2001 quoted in DeSantis, 2008: 45). Coalitions are an example of groups of CBOs and individuals who agree to act in concert on particular issues of common interest, but maintain a clear identity.

(iv)Fourth, professional advocacy includes lawyers, professors and specially educated people, who work with people with disabilities for example (DeSantis. 2008: 46).

As advocacy usually involves dialogue among three groups of people those who are directly negatively affected by a policy or government action, organizers/advocates and governments many CSOs create the place and space for excluded people to talk about social policies (DeSantis. 2008: 46).

NGOs are mostly viewed as organisations that have the opportunity to influence policies as the public at large knows them, trusts them and has faith in their motives (Edwards and Hulme, 1992: 199). Politicians and ‘experts’ respect the field-level evidence they bring, the media like the first-hand nature of their experience, official aid agencies want to build closer connections and so are disposed to listen carefully to what they have to say and, sometimes, celebrities stand ready to be identified with their causes (Edwards and Hulme, 1992: 199).

2.3. Civil society organisations (CSOs)

2.3.1. Definition

National and international bills of human rights recognize the right to associate as a human right. This right of association, that gives guarantee to individuals to establish, to join or take part in the activities of an association, is of great significance to non-governmental organisations in South Africa (De Wall et al., 2000).

There are many different definitions of civil society and, according to Ranchod (2007: 2), they are sometimes contending, some classifying CSOs as all institutions and organisations outside of government, including trade unions, consumer organisations, the formal and informal sectors, non-governmental organisations (NGOs) and community-based organisations (CBOs), religious organisations delivering welfare services, corporate social investment, employee assistance programmes, occupational social work and social workers in private practice.

Others see civil society as the realm of associations which are independent of the state, engage with it but do not seek to take it over (Swilling and Russell, 2002: 7).

Habib and Kotze (quoted in Habib, 2003:3) define civil society as “the organized expression of various interests and values operating in the triangular space between the family, state, and the market”.

For the purpose of this study, the definition shaped by the technical team working for the Department of Welfare and Population Development on drafting the Nonprofit Organisation Act of 1997 seems to fit for the organisation concerned in this investigation. It reads:

“A private/independent, (voluntary), (self-governing), non-profit distributing association of persons established for the purpose of promoting the well-being, circumstances or prospects of the public and/or addressing the concerns and issues that detrimentally affect the public” (quoted in Swilling and Russell, 2002: 8).

For the sake of clarity, the terms “civil society organisations”, “non-governmental organisations”, and “non-profit organisations” will be used interchangeably and synonymously. Thus, according to Davids *et al.* (quoted in Nzimakwe, 2008: 90), “non-governmental organisations are private, self-governing, non-profit organisations promoting people-centred development. They are answerable to their donors and to the communities they work for. The prime objective of non-governmental organisations is to render assistance to individuals or developing communities in order to promote sustainable development at grassroots level.”

In the particular context of South Africa’s civil society, the nature of the apartheid government in South Africa’s history led to the creation of new civic groups that were different to those that had previously existed. Civil society formations during apartheid in South Africa were based on race,

ethnicity and class and were largely drawn in advocacy work opposing the apartheid government (NDA, 2008: 17).

The National Development Agency (NDA, 2008: 17) noted that, though civil societies in the apartheid era worked towards common goals, they had a coherent centre as well as being locally focused and shaped geographically and thematically all over the country. After 1994, many civil society leaders moved into government or into business. They thought the battle was over and won. This shift had deep implications for the NGO sector in South Africa; the sector was portrayed by inexperienced leadership and the result has been a gearing down in civil society action, particularly among the trade unions (NDA 2008: 18).

2.3.2. CSO funding

The funding of CSOs is a crucial issue in the carrying out of their activities. Ideally, NGO services should be supported by the people who benefit from them. However, for Southern NGOs it is unthinkable to expect the poor to shoulder all the costs of their own empowerment (Edwards and Hulme, 1992: 142).

This makes CSOs turn towards funders, either the government or other donors from inside or outside the country, to finance their activities, consequently creating a dependence on funds.

A number of researchers have demonstrated that the reliance of CSOs on government funding will have many consequences on their activities; they become more closely aligned with state priorities (Hudson 1999; Vogel 1991. Quoted in DeSantis, 2008: 36) and are less likely to criticise government policies if they are funded by that government (McFarlane and Roach 1999c; Vogel 1991 quoted in DeSantis, 2008: 167; David, 2001: 119).

CSOs, as a form of social organisation providing space for citizens to come together to participate in policy processes, this civic engagement aspect could be seriously compromised (DeSantis, 2008: 38). If a government controls an organisation's financial resources, it will expect certain behaviour from that organisation, thus practically controlling it.

Likewise, concerning the funding from external donors, an analysis of NGO concerns has shown that there have been externally-imposed priorities. Over the past two decades, many shifts in emphasis have been affected by 'flavour of the month' choices or by priorities set by donor agencies (Edwards and Hulme, 1992: 141). Thus, because development NGOs are

dependent on external resources, the danger of becoming driven by funding is very real and, even with the best of intentions, donor agencies can fuel this problem (Edwards and Hulme, 1992: 141; Nyamugasira, 1998: 300).

Bratton summarises this, saying that “an organisation’s level of dependence on foreign funding is negatively related to its effectiveness at policy influence” (Bratton, 1994: 54).

According to Edwards and Hulme (1992: 142), feelings of dependence are exacerbated by the belief that development NGOs will survive because funding will always be available. Therefore, there is an urgent need for development NGOs to become more self-reliant. The self-respect of development NGOs is undermined by agreeing to whatever the donor requires, so long as the grant is secured (Edwards and Hulme, 1992: 142).

2.3.3. CSOs – Government relations

The relationship of the state and civil societies varies across countries and continents and the type of relationship varies according to the type of activities that are engaged in by civil societies. Such activities *inter alia* include social, political, economic, environmental and cultural activities. There are some situations where the relationship of the two sectors is rifted and, in some other scenarios, they tend to work hand in glove. Habib (2002: 147) observed that some relationships between civil society actors and state institutions will be adversarial and conflictual, while others will be more collaborative and collegiate. Where there is contention, it is on the exact role or location of civil society in the state-centred development approach. In any case, the degree to which national NGOs are able to have policy influence depends greatly on the nature of their relations with government (Bratton, 1994: 52).

According to Kabemba (2005: 4), the state has no problem with working with the civil societies in areas of development governance, but the issue that concerns the state is to what extent it should involve civil society to alleviate problems that affect the society. Kabemba further states that where the state is weak and dysfunctional, the state is scared that the civil society will challenge its dominance and in some scenarios take over control of the state (Kabemba, 2005: 4).

Despite contributions by civil societies to development governance, some African leaders view civil societies as enemies. This is illustrated by Tandon (2000: 352), who observed that a participatory development model proposed by civil societies challenges the state model of development practice, because the approach of civic groups to development tends to be a

“bottom-up approach”, calling for putting people at the centre of the development, which means removing the state and its agencies from of the centre. In this context, Baccaro (2005: 2) observed that civil society organisations are often described as intrinsically more dynamic, innovative and efficient than states, marred by inflexibility, outmoded practices and rent-seeking behaviour of state bureaucrats. Consequently, the relationship of the state and civil society is a competition. Under such situations clashes have occurred between government and civic groups through civil disobedience (Baccaro, 2005: 2).

Baccaro’s observation is corroborated by Cardoso (2003: 3), who states that many civil society organisations feel frustrated with the obstacles and barriers to substantive participation in policy making and in actual implementation of agreed programmes. Conversely, many governments react negatively to increased interaction with civil societies, perceiving their growing influence with the decision-making process as a threat to their national interest and sovereignty (Witt, 2006: 13). In such situations the government also uses its political muscle to thwart the activities of the civic groups.

Commenting on the negative relations of the state and civil societies in development governance, Kabemba (2005: 5) pointed out that civil societies remain closely monitored and, in many states, do not enjoy the freedom and space to operate freely and support state actions. However, he also noted that there is no country in principle that openly opposes the presence and work of civil societies, but they are not prepared to make formal structures to formalise their relationship with civil societies (Kabemba, 2005: 5).

In the African context, in general, according to Bratton (1989: 412), the relationship between the state and civil society is at a crossroads, as the post-colonial tendency to expand political control has heightened, with economic crisis forcing the state to retreat from overambitious commitments, yet African political elites are enthusiastic for economic restructuring not involving a new commitment to civil liberties and democracy.

Another characteristic of the state civil society relationship is emphasised by Edwards and Hulme (1992: 140) who talk about the balance between autonomy and co-option, by which many NGOs try to balance autonomy and survival by agreeing to be co-opted by government. He explains this by pointing out that, in the past, when development NGOs were small groups hardly noticed by government and wider society, autonomy was not an issue. Once such NGOs emerge from the cocoon of purely local issues and begin to tackle problems that invariably result in face-to-face interaction with government, participate in debates on national issues, seek to advocate for policy changes and carve out a niche for themselves, the question of autonomy

becomes crucial (Edwards and Hulme, 1992: 140). Edwards and Hulme (1992: 140) qualify every relationship as one of “give and take”, forcing some NGOs into compromises they cannot support, with the tendency of governments to expect total support in exchange for resources and security. Edwards and Hulme (1992: 141) conclude that the process of co-option is smooth and gradual, with many NGOs ending up as little more than extensions of government.

2.3.4. CSOs – Government relations in South Africa

In the particular context of post-apartheid South Africa, CSOs – state relations can be found, according to Habib (quoted in Mngxitama, 2004: 56-57), in three “blocks”: the first is the “formal NGOs” that benefited from the policy and legislative changes in the post-apartheid era and consequently tend to have a collaborative relationship with the state; the second is the survivalist welfarist organisations that are too preoccupied with everyday challenges of staying alive to enter into anti-systemic discourses and actions; and the third is social movements that are said to have explicit political aims to counter the negative effects of the neo-liberalism and globalisation processes promoted by the post-apartheid state.

Although the colonial and the apartheid states tolerated the extensive growth of a diverse and complex black non-profit sector, as long as it remained apolitical (Swilling and Russell, 2002: 68-69), before 1990 many CSOs were part of the ANC in the quest to overthrow the state and replace it with a democratically elected state. After 1994, these organisations’ main activity was to pursue citizens’ interests by seeking a place for them in government agendas (Ranchod, 2007: 4). According to Ranchod (2007: 4), a few years after democratic government took over the period was founded by reconstruction and development programmes, which aimed to address the injustices of the apartheid era. The ANC government envisaged civil society as a partner in achieving its goals.

There is therefore a widespread conviction that, after the 1994 general election in South Africa, the atmosphere created by the new government was of pluralism (Noyoo, 2000: 1); the relationship between the civil society sector and the new government was bolstered in policy development and implementation, engaging NGOs in funding and delivery of development projects in line with public policy agendas (Salamon and Sokolowski, 2004: 116). The civil society organisations worked with the new government in providing services to the communities, who were officially denied resources by the apartheid government (NPHCN, 2001: 1).

.”However, this situation began to change when the government began to isolate civic groups from various decision-making processes (Salamon and Sokolowski, 2004: 116).

In terms of human rights, the relationship of the government and civil societies seems tense, as the latter accuses the former of depriving its citizens of their rights. Such tension is exemplified by the relationships between the TAC (Treatment Action Campaign) and the government of South Africa under the Mbeki administration, where TAC and other civil society organisations linked their calls for the government to take into consideration issues of HIV/AIDS, arguing that access to anti-retroviral drugs for HIV positive people is a human right, in line with the right to access to healthcare (TAC, 2001: 234).

Habib (2002: 147) has pointed out that such as the TAC displayed adversarial relations with the state on one issue and more collegiate relations on another; other organisations, like the Homeless People Federation (HPF), challenge and oppose some state institutions, but have established partnerships with others.

In a bid to maintain a good relationship between the government of South Africa and civic groups, NPHCN (2009: 2) observed that the government of South Africa assigned the office of the Reconstruction and Development Programme the task of looking at how relationships could be fostered between government and civil societies. This assignment led to the establishment of an agent which would respond to the immediate needs of non-governmental organisations involved in development, for example the Transitional National Development Trust (TNDT) in 1995. TNDT was given a two-year life-span which expired in 1997 (NPHCN, 2001: 2). From the politics of South Africa after independence, it can be concluded that the government worked well with the civic groups in an effort to bring development to the people.

According to NPHCN (2009: 1), a research done on the relationship between the government of South Africa and civic groups recommended that, with recognition of the vital role which civil societies play in democracies, there is a need for a conducive environment in which civil societies organisations can flourish. The study found that the relationships between state and civil societies need to be strengthened, in order to meet development needs in the country. This can be done through clear channels of communication between the two parties.

2.3.5. Policy advocacy role of CSOs

The policy advocacy role of CSOs is becoming more and more significant: it is speculated that the successes of development NGOs are not sustainable if they do not result in policy changes

through advocacy (Edwards and Hulme, 1992: 145). More and more CSOs are moving beyond service delivery, engaging in informed advocacy as an important route to social change and as a means of holding governments to account (Court *et al.*, 2006: 14). For many CSOs, policy influence is a part of their organisation's agenda, as they have become aware that policy engagement can lead to greater pro-poor impacts than contestation (Court *et al.*, 2006: 14). Organisations can engage in advocacy activities to various extents: as the primary focus of their work, as a regular part of their overall activities and, on occasion, when an issue spurs them to action (Reid, 2000: 2). Some groups have specific organisational structures and decision-making processes to accommodate their political affairs; others join coalitions or policy networks to increase their capacity to advocate effectively (Reid, 2000: 2).

Diamond (1994: 8) reveals that civil society creates "channels other than political parties for the articulation, aggregation, and representation of interests" and this function helps those who are traditionally marginalised by the state. This is also the opinion of Kahn, who has observed, concerning the land issue in South Africa, that though the majority of the people who are in need of land are poor and voiceless to raise their concern, a number of civil society organisations have sought to establish a platform from which the plight of the poor landless can be heard (Kahn, 2007: 6).

In this same context of South Africa's land reform issues, NGOs have acted as a vehicle for rural mobilisation and have given a voice to relatively organised rural communities, farm workers and labour tenants, facilitating regular interaction between the Department of Land Affairs and rural community representatives during the formulation of the Green and White Papers on land reform (Weideman, 2004: 152). In addition, the landless lobby groups and NGOs played a major role in rejecting the 'willing-seller, willing-buyer' principle proposed by the World Bank as its ideology underpinning the new land policy (Pasensie, 2010: 4). According to Pasensie (2010: 2), those CSOs called for more state intervention to make land available through, for example, selective expropriation of underutilised land and the introduction of land markets by imposing land taxes and placing ceilings on ownership of landholdings.

Thus advocacy is an important role of civil society organisations in seeking to advance the interests of under-represented groups and examples of some worldwide credit in this ground are abundant: the establishment of a code of conduct for the marketing of babies' milk and the drafting of an international essential drugs list, removing restrictions on the importation of certain clothing manufactured in the Third World (such as shirts from Bangladesh), establishing an emergency reserve so that European Economic Community food surpluses become more readily available for famine relief, concerted action on international environmental, issues such

as global warming and rainforest destruction and affording special debt relief to the poorest countries. (Edwards & Hulme, 1992: 197).

2.4. Land reform policy

Land reforms have become an imperative in countries with a large majority of people residing in rural areas where they derive their livelihoods from land. For this majority, secure access to land is the foundation of any effort to alleviate poverty. The World Bank recognises the role of secure access to land for conflict prevention, economic growth, poverty reduction and protection of the environment (ILC, 2007: 18). According to Plant, the moral argument for land reform is based on the fact that people have a general right to land (LAPC, 1993: 5)

In order to address the land question in all its dimensions, many African states are reviewing their legal, policy and development frameworks to ensure access to land for production. Land policy reforms have been undertaken, or are in the process of being undertaken, in virtually all the countries of sub-Saharan Africa (Saruchera and Odhiambo, 2004: 1). These reforms entail the promulgation of national land laws and policies and are being undertaken in response to a variety of imperatives, the most prominent of which are liberalisation and privatisation (Saruchera and Odhiambo, 2004: 1). In addition, the pressure from social movements for land redistribution can, under some conditions, influence land reform (ILC, 2007: 10).

Despite the attention given to land issues, prominent in pro-poor land agendas in national policies and new legislation, the implementation of reforms has been highly problematic. Impacts on the poor and their livelihoods have been muted and mixed and, to date, remain a challenge, owing in part to insufficient political will (ILC, 2007: 12) and the role played by urban elite in the elaboration of land reform, emphasising economic imperatives alone, at the expense of social imperatives (ILC, 2007: 19).

Conclusion

This chapter attempted to provide a conceptual framework and theoretical review of the key concepts and main themes of the study, namely public policy, policy advocacy, civil society

organisations and land reform policy. The following chapter provides the background of the case study where the spotlight is fixed on AFRA, the KwaZulu-Natal province and the land reform policy, with particular emphasis on the land redistribution programme.

CHAPTER 3: BACKGROUND TO THE CASE STUDY

This chapter seeks to provide an understanding of the case study. It gives a brief presentation of AFRA and its geographical setting, as well as the policy framework of land policy in South Africa, with special emphasis on the land redistribution programme.

3.1. Background to the Association for Rural Advancement (AFRA)

AFRA is an independent rural land service organisation that strives to redress the legacy of an unjust land dispensation in South Africa. AFRA is committed to promoting the values of non-racialism, gender equality and participatory democracy (AFRA, 1999: 1).

The target group of AFRA is constituted by black rural people in KwaZulu-Natal, particularly the marginalised who have been dispossessed of land and are subject to insecure tenure, or who do not have the resources to access land (Harley and Fotheringham, 1999: 6). Among other forms of work, AFRA is networking with different organisations to lobby for a just, equitable and effective land reform programme for the benefit of the target group within an integrated rural development framework (Harley and Fotheringham, 1999: 6).

Created in 1979, in response to the massive and continuing hardships imposed on black people in rural KwaZulu-Natal by the Government policy of uprooting and relocating them, the founders of AFRA, who were all concerned with the ongoing forced removals and other issues of social injustice, had the objective to increase their knowledge of the problems in the rural areas and to discuss and formulate the most effective method of instituting a co-ordinated action programme (Harley and Fotheringham, 1999: 82).

AFRA has then reviewed its communications strategy to more effectively advertise its lobbying and advocacy orientation, hence shifting away from implementation toward more of an advocacy and lobbying orientation on its positions and issues and on drawing the public's attention to the plight of landless people (AFRA, n.d.).

Area of operation

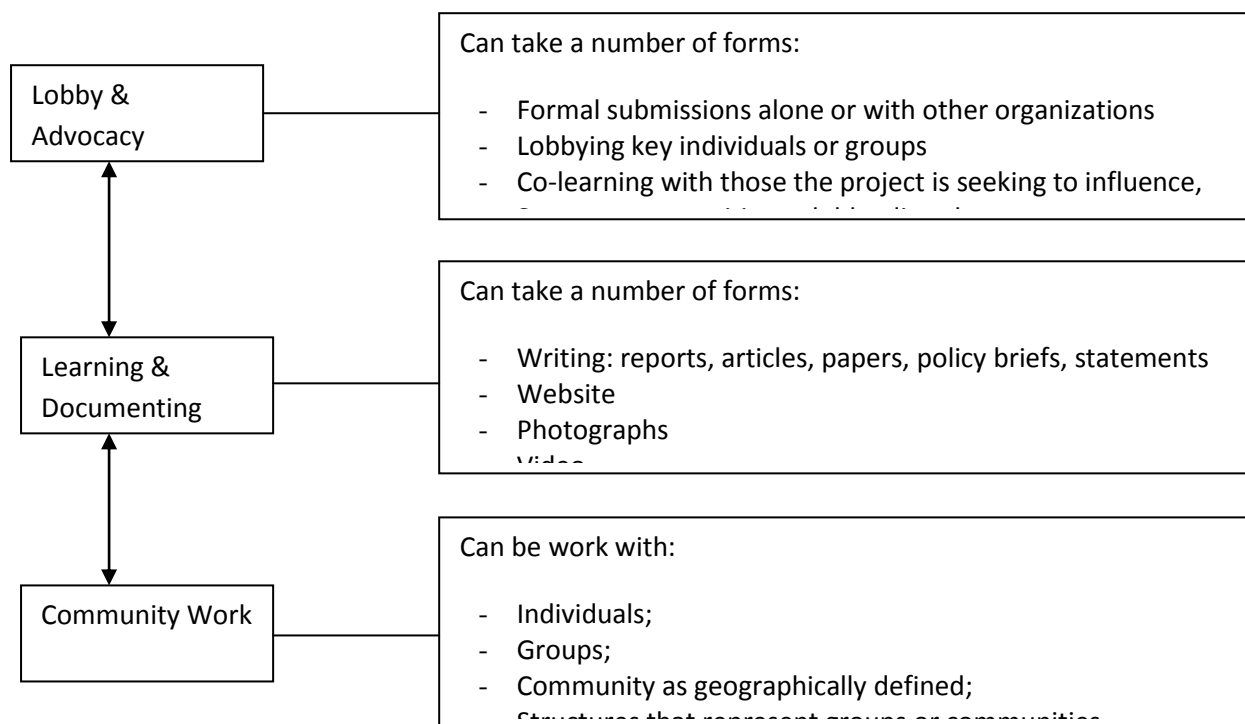
AFRA operates in 14 communities located in 8 District Municipalities of KwaZulu-Natal province (as showed in appendix 1)

AFRA' operational model

AFRA's operational model can be articulated as having three components, which feed into and inform each other:

- Community level
- Learning organization –documenting experience and learning
- Lobby and advocacy

Figure 1. Operational model



Source: AFRA's information Unit.

3.2. Brief Overview of the KwaZulu-Natal province

This section provides a brief overview of the province of KwaZulu-Natal, only in terms of aspects related specifically to land and land ownership, demography and poverty in rural areas.

KwaZulu-Natal is one of nine provinces of South Africa. With a total area of 94 361 square kilometres, KwaZulu-Natal is the country's third-smallest province, taking up 7.7% of South Africa's land area, but has the second-largest population, estimated at 10.6-million people in 2010 (South Africa Info, n.d.).

Prior to 1994 (27/04/1994), the territory now known as KwaZulu-Natal was made up of the province of Natal and the homeland of KwaZulu. In the 1830s, the northern part was the Zulu kingdom and the southern part was briefly a Boer republic called Natalia (1839 – 1843). In 1843, the latter became the British colony of Natal; Zululand (KwaZulu in Zulu) remained independent until 1879, when it was defeated by the colony of Natal in the war of 1879. In 1910, the colony

became a province of the Union of South Africa, and in 1961, of the Republic of South Africa (SABD, n.d.).

The population KwaZulu-Natal comprises a fifth of South Africa's entire population. The province is nearly three times as densely populated as an average South African province and is predominantly rural. KwaZulu-Natal's households are among the poorest in South Africa (KZN Treasury, 2004: 3). This is especially the case in non-urban areas of the province, where most of the population resides and where poverty is concentrated. Poverty is exacerbated by greater-than-average HIV/AIDS prevalence rates, especially the prevalence rates of ante-natal HIV/AIDS (36.5%), whereas the South African average is 26.5% (KZN Treasury, 2004: 4).

At the time of South Africa's political democratisation in 1994, a proportion of 50.04 % of the farmland (including provincial parks) area of 8.19 million hectares in KwaZulu-Natal was controlled by a small minority of white owners. It is estimated that 6 755 large-scale commercial farms covered for 4.13 million hectares (Lyne and Ortmann, 1996: 70). Of the remaining 4.06 million hectares, 2.84 million hectares were occupied by about three million black South Africans under communal tenure, 0.04 million hectares were privately owned by "non-whites", 0.42 million hectares were farmed by the State itself (including forests) and the remaining 0.76 million hectares were used for provincial parks (Lyne & Darroch, 2004: 10).

A report from the provincial treasury points out that the poverty rate in KZN province stands at 61% while the national average is 57% (KZN Treasury, 2004: i).

As far as the land issue is concerned, Egero (1991: 18) claims that a study in KwaZulu-Natal showed that almost a quarter of rural households had no access to land and 16% had neither land nor livestock. The contribution of agriculture to the average rural household income nowhere exceeds 20% and any meaningful agricultural activity has effectively ceased for larger proportion of the population of the 'homeland'.

According to the Department of Land Affairs (DLA, 1997), the percentage of households who need land in KwaZulu-Natal is 78.3%. This percentage is the highest, as the average for the country is 67.7%.

3.3. Land reform policy in South Africa

In the particular context of South Africa, land ownership and use has always played an important role in shaping the political, economic and social processes in the country (DLA, 1997). Past

land policies were a major cause of insecurity, landlessness, homelessness and poverty in South Africa and, according to the Department of Land Affairs (DLA, 1997), they resulted in inefficient urban and rural land use patterns and a fragmented system of land administration, severely restricting effective resource utilisation and development.

The strongest imperative driving the government to land reform was, according to OECD (2006: 71), the need to redress the inequitable land allocation of the past, to foster reconciliation and stability, to support economic growth and to improve household welfare and alleviate poverty. Land reform aims to contribute to economic development, both by giving households the opportunity to engage in productive land use and by increasing employment opportunities through encouraging greater investment (DLA, 1997).

Chatikobo (2004: 31) added that land reform has been viewed as a response to restoration of human dignity, since the displacement of the rural poor communities during the apartheid regime dehumanised the people, as they were stripped of their dignity through the loss of property and land.

The White Paper on Land Policy (DLA, 1997) acknowledges that the successful delivery of land reform depends not only on an integrated government policy and delivery system, but also on the establishment of co-operative partnerships between the state and private and non-governmental sectors. The vision is of a land policy and land reform programme that contributes to reconciliation, stability, growth and development in an equitable and sustainable way (DLA, 1997).

3.3.1. Land policy components

Land policy should ensure accessible means of recording and registering rights in property, establish broad norms and guidelines for land use planning, effectively manage public land and develop a responsive, client-friendly land administration service (DLA, 1997).

According to the Department of Land Affairs (DLA, 1997), the central thrust of land policy is the land reform programme that has three aspects: land restitution, land redistribution and tenure reform.

However, for the DLA (1997), the success of these elements of the programme is dependent, in the long run, on more than mere access to land. The provision of support services, infrastructural and other development programmes, is essential to improve the quality of life and the employment opportunities resulting from land reform.

Tenure reform programme

Land tenure reform is being addressed through a review of present land policy, administration and legislation to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure (DLA, 1997; OECD, 2006: 71).

For the Department of Land Affairs (DLA, 1997), this is the most complex area of land reform, as it aims to bring all people occupying land under a unitary legally validated system of landholding, to provide for secure forms of land tenure, to help resolve tenure disputes, and to make awards to provide people with secure tenure.

Restitution programme

Land restitution seeks to return what has wrongfully been taken. This is being achieved through the restitution of the land or financial compensation (Kahn, 2007: 6). Land Restitution covers cases of forced removals which took place after 1913 (DLA, 1997). They are being dealt with by a Land Claims Court and Commission established under the *Restitution of Land Rights Act, 22 of 1994* (DLA, 1997; OECD, 2006: 71).

Redistribution programme

Land redistribution is aimed at providing people with access to land for either settlement or agricultural purposes (OCED, 2006: 73). It seeks to provide land for “urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture” (Kahn, 2007:5-6). Land Redistribution makes it possible for poor and disadvantaged people to buy land with the help of a Settlement/Land Acquisition Grant (DLA, 1997).

3.3.2. Historical background to land reform in South Africa

The history of land issues in South Africa dates to the 17th century, when most indigenous people lost control of their land after 1652, through “a long process of purchase, negotiation, force, legal decree and fraud” (NLC, 1995: 3). White settlers backed by the British Empire, were able to force claims to territory and their definition of the right to land was based on the notion of private property (NLC, 1995: 3).

The National Land Committee (NLC, 1995: 5) pointed out that in 1909 the Mission Status and Communal Reserves Act was passed and later followed by Land Act of 1913. These Acts, as

NLC stated, "...entrenched black people alienation from land and limited their access to reserves". It was a clear "culmination of a wide range of racist land practices" (NLC 1995:5).

The Natives Land Act No 27 of 1913

Although previous laws and Acts, as noted by the NLC (1995: 3-5), had already started to interfere with the rights of Africans to control their land, it is the 1913 Act that made black South Africans pariahs in the land of their birth. The Native's Land Act No 27 of 1913, also known as the Black Land Act, according to Proctor *et al.* (quoted in Chatikobo, 2004: 32) racially divided the land between blacks and whites. This draconian Act not only subdivided the land according to race but also prohibited any race from buying land from places designated for the other race. The Act decreed that only certain areas of the country could be owned by 'natives'. These areas amounted to only 7% of the whole land mass of South Africa (Harley and Fotheringham, 1999: 13). Black people were only allowed to stay on farms as wage labourers or labour tenants (Kahn, 2007: 2).

The three main reasons given for why the 1913 Natives' Land Act was passed include the principle of territorial segregation, the increase of the provision of cheap African labour and the reduction of competition from African peasant farmers (Harley and Fotheringham, 1999: 14).

This Act was resisted by political opposition from the newly formed South African Native National Congress (SANNC) and from African independent churches. It has been described as the most suicidal piece of legislation any government has put on the statute book (Harley and Fotheringham, 1999: 17).

Native Trust and Land Act of 1936

The Native Trust and Land Act of 1936 came to reinforce the policy of segregation, with the effect of increasing the supply of labour. According to Harley and Fotheringham (1999: 21), this Act touched the lives of all black South Africans, giving added shape and content to the reserve policy and establishing new controls over black people living on white-owned farms.

It added more land to the scheduled reserves of the 1913 Act, defining it as "released land", and the Act identified a further 6.2 million hectares of land to be added to the reserves which would potentially increase the size of African land from 7 to 13%, what was, in fact, considerably less than what had been originally envisaged, since white pressure groups had successfully whittled down the various proposals for more land for the reserves (Harley and Fotheringham, 1999: 21).

The Act placed an absolute limit on the land that would be made available for African settlement. This, together with African freehold land in non-scheduled areas now being regarded as ‘black spots’, provided the basis for future forced removals (Harley and Fotheringham, 1999: 21).

In other words, the Native Trust and Land Act of 1936 was orchestrated to deprive Africans of their right to own property (land) and liberate themselves from economic predicaments. Kahn (2007: 3) revealed that it is estimated that, by 1918, black people in reserves were only able to produce 45% of what they required to survive, contrary to 40 years prior to that, when they were engaging in subsistence farming, producing enough to feed their families and a surplus to sell. The situation became worse as the population among blacks increased on limited, non-arable land, which gave birth to informal settlements and squatters (Chatikobo, 2004: 34).

3.3.3. Land ownership under apartheid

When the Nationalist government was elected in 1948 it acted unapologetically against Africans living in white areas. It is during this period that millions of native people lost their land and had to relocate to already densely populated reserves” (NLC, 1995: 5; Harley and Fotheringham, 1999: 28).

From 1948 to 1990, South Africa witnessed the introduction of more draconian, inhuman laws that further suppressed Africans’ right to own land in their native nation (Glücksmann, n.d: 13). Glücksmann points out that what makes South Africa's apartheid era different to segregation and racial hatred that have occurred in other countries is the systematic way in which the National Party, which came into complete power in 1948, formalised it through the law.

Glücksmann (n.d: 14) states that in 1950 another oppressive law called The Group Areas Act No. 41 of 1950 was passed. The Act “forced physical separation between races by creating different residential areas for different races.” The Act led to the involuntary removal of people living in the ‘wrong’ areas, for example coloureds living in District Six in Cape Town (Glücksmann, n.d: 14).

In an attempt to eliminate squatters from farms and urban areas, the government introduced the Prevention of Illegal Squatters Act of 1951 (NLC, 2002: 3). This Act gave white farmers and local authorities the power to evict farm tenants. The Act was further buttressed by the passage of the Bantu Laws Act of 1964, which made it easier and quicker to remove tenants and “black spots residents”.

According to Chatikobo (2004: 34), there is an estimation that between 1960 and 1983 about 2.3 million South Africans were removed from their rural areas, which were converted for commercial agricultural purposes.

To sum up, the extent of the land problem during the apartheid era can be expressed by the fact that white people, who represented 10% of the entire population, owned 90% of the land (Harley and Fotheringham, 1999: 26).

3.3.4. Land reform policy in the post-apartheid era

Given the history of land appropriations, which ended with vast arable lands in the hands of the minority, there was evidence that the injustices of the past needed to be redressed with the dawn of a democratic government.

A target was set to transfer 30% (approximately 82 million hectares) of all agricultural land to Black South Africans by 2014. Having realised that this target would not be met, the National Department of Agriculture's Land and Agrarian Reform Programme (LARP) subsequently recommended that the target be shifted to 2025 (Lahiff, 2008: 5; Pasensie, 2010: 1). This move is viewed as a way of improving the nutrition and incomes of rural poor people, decongesting the overcrowded former homelands areas.

In order to achieve the objectives of the Redistribution Programme, the just as the previous government used Acts to segregate blacks, the democratic government had to pass legislative laws that support land reform.

Key National Land Reform Acts

The property clause in the Constitution of South Africa

As far as the land issue is concerned, the section on property clause reads, *inter alia*, as follow:

- *The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.*
- *A person or community whose tenure of land is legally insecure, as a result of past racially discriminatory laws or practices, is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.*

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

These three key elements constitute the core of the land reform programme, namely land restitution, land redistribution and land tenure (Kahn, 2007:5).

Provision of Land Assistance Act 126 of 1993, amended by the Development Facilitation Act of 1995 and later amended to the Provision of Certain Land for Settlement Act 26 of 1998.

The objectives of the Provision of Land for Settlement are:

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

The Upgrading of Land Tenure Rights Act 112 of 1993, as amended, provides for the upgrading of various forms of tenure into ownership. The Act provides for assistance in identifying the rightful holder, mediating disputes and surveying and transferring land.

Provision of Certain Land for Settlement Act 126 of 1993 (later renamed in 1998).

- To provide that the Minister may render financial assistance for the acquisition, development and improvement of certain land and to secure tenure rights.
- To empower the Minister to expropriate certain land.
- To further provide for the delegation of powers by the Minister.

The Restitution of Land Rights Act 22 of 1994, which provides for the restitution of rights in land to those dispossessed of land by the racially based policies of 1913.

The Land Administration Act (No. 2 of 1995) makes provision for the assignment and delegation of powers to the appropriate authorities.

Development Facilitation Act 67 of 1995. The aims of this piece of legislation were:

- To speed up reconstruction and development programmes and projects and set out principles for land development.
- To provide for a Development and Planning Commission to advise government and to provide for development tribunals in the provinces.

- iii. To implement land development objectives and measure local government performance.
- iv. To provide nationally uniform procedures for the subdivision and development of land in urban and rural areas.
- v. To promote security of tenure and the early provision of subsidies and loans in the land development process.

The Land Reform (Labour Tenants) Act 3 of 1996 protects the land rights of labour tenants on privately owned farms and provides a process whereby such tenants can acquire full ownership of the land they occupy.

The Communal Property Association Act 8 of 1996 enables groups of people to acquire and hold land in common, with all the rights of full private ownership.

The Extension of Security of Tenure Act 62 of 1997 (ESTA) was enacted to protect occupants of privately owned land from arbitrary eviction and provides mechanisms for the acquisition of long-term tenure security.

As this study is more concerned with the redistribution facet of the land reform programme, it is worthwhile to have a further look at this aspect of South Africa's land reform programme.

3.4. Land redistribution programme

In broad terms, according to the World Bank, land redistribution is an effort by governments to modify the distribution of land ownership. It is often an attempt to transform an agrarian structure composed mainly of large-scale farms into one where family farms are predominant, by taking land away from large landowners, or the state, and redistributing it to tenants and landless peasants. Historically, land redistribution has been carried out to abolish feudal, colonial, or collective forms of landownership and, more generally, to correct old wrongs (Binswanger-Mkhize *et al.*, 2009: 4).

In the South African context, the concept of land redistribution has been developed as a result of redressing the past injustices of land dispossession.

3.4.1. Acquisition of land

There are several approaches to acquiring land. Much of the controversy around land redistribution concerns the “optimum” mechanisms for land acquisition because the cost of

acquiring land represents a significant share of the total cost of a land redistribution programme (Binswanger-Mkhize *et al.*, 2009: 21).

One acquisition mechanism is outright confiscation or seizure of land. This occurred in the revolutionary land reforms of France, Russia, Eastern Europe, China, Cuba and other communist countries. Only when land is acquired by confiscation is there no or little direct cost of land acquisition— but confiscation has many other undesirable consequences, such as reduced investor confidence and an international backlash. These consequences can easily lead to a devaluation of the currency, imposing the costs of land reform on the entire nation. History shows that governments have mainly two options to manage land reform, without disrupting the economy and the political system: (1) expropriate the required stock of land with compensation or (2) acquire the land on a “Willing-Seller Willing Buyer” basis. In practice, these two options often coexist in the same country (Binswanger-Mkhize *et al.*, 2009: 21).

Willing Seller–Willing Buyer Approaches

Under the WSWB principle, land typically is acquired from landowners willing to sell their property to a willing buyer (usually the state). The land is then redistributed to groups or individuals. The key to WSWB is that the land transfer is a voluntary transaction (Binswanger-Mkhize *et al.*, 2009: 21).

In many WSWB programmes, the buyer of the land was the state. In some cases, the state enacted laws that gave it the right of first refusal, to make it easier to acquire the land needed for a land reform programme. But in a number of recent programmes, the buyers were the beneficiaries themselves. In such cases, the land passes directly from the previous owner to the new owner, without ever becoming state property, thus saving significant transaction costs and avoiding delays. The idea behind this approach is to simplify the process. It also aims to bring it more in line with what the beneficiaries really want, because some may want a farm close to where they currently live, others may want a farm much closer to an urban centre; some may want a large farm suitable for livestock production, while others may want a small plot close to town for irrigated vegetable production (Binswanger-Mkhize *et al.*, 2009: 21).

In South Africa, agricultural land prices on the open market approximately doubled between 1994 and 2005. During the same period, the prices paid under the redistribution programme (that uses the market-assisted or community driven land purchase approach) increased accordingly, but in every year except 1996 they were about a third lower than market prices. Some

researchers suggest that land of less-than-average quality was purchased under this programme, and this may explain the discrepancy (Binswanger-Mkhize *et al.*, 2009: 24).

3.4.2. Purpose of land redistribution in South Africa

The purpose of the land redistribution programme is to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life (DLA, 1997). The programme aims to assist the poor, labour tenants, farm workers, women and emergent farmers. Redistributive land reform is largely based on willing buyer-willing seller arrangements. Government assists in the purchase of land without being the buyer or owner. It makes land acquisition grants available and supports and finances the required planning process. In many cases, communities are expected to pool their resources to negotiate, buy and jointly hold land under a formal title deed (DLA, 1997). Opportunities are offered for individuals to access the grant for land acquisition.

Whereas restitution and tenure reform cater to specific groups of people, who have legally enforceable rights (the programmes generally are referred to as “rights based”), redistribution is a more discretionary programme that seeks to redress the racial imbalance in landholding on a more substantial scale. The legal basis for redistribution is the Provision of Certain Land for Settlement Act of 1993 (amended in 1998 and now titled the Provision of Land and Assistance Act), but that is no more than an enabling act that empowers the Minister of Land Affairs to provide funds for land purchase. The details of the redistribution programme thus are contained in various policy documents, rather than in legislation (Lahiff, 2009: 175).

3.4.3. Outputs of the land redistribution programme

The redistribution programme is designed to achieve the following outputs (DLA, 1997):

- A more equitable distribution of land, which will contribute to national reconciliation and stability.
- Substantially reduce land-related conflicts in areas where land disputes are endemic.
- Help solve the problem of landlessness and pave the way for an improvement in settlement conditions in urban and rural areas.

- Enhance household income security, employment and economic growth throughout the country (Weideman, 2004: 214).

3.4.4. The need for land

The Department of Land Affairs (DLA, 1997) recognizes that land physically locates people's sense of being in the past and the present and, for many people, interest in land is simply for residential purposes, but for a substantial minority, in addition to being a place to live, land has potential productive value. The reasons why people need land and the role that it can play in alleviating poverty differs widely between urban and rural, and within urban and rural settings (DLA, 1997).

In the rural areas, land is needed for a variety of purposes, where conditions are very complex and diverse: land is needed by farm workers, labour tenants and women who need to grow food to feed the family; it is needed by farm workers who want access to land to graze a few stock and, in any one community, there are likely to be those who are landless, some who have access to a small patch of land for cultivation and a minority who are able to produce a surplus and wish to produce more (DLA, 1997).

For agricultural purposes, a programme of *Land Redistribution for Agricultural Development* (LRAD) has been designed to provide financial assistance to black South African citizens to access land, specifically for agriculture (DLA, 1997). The strategic objectives of LRAD include: contributing to the redistribution of the country's agricultural land; improving nutrition and incomes of the rural poor who want to farm on any scale; reducing congestion in the overcrowded areas of the former homelands; and expanding opportunities for women and young people who live in rural areas (OECD, 2006: 67).

In a bid to contribute to the alleviation of poverty and to economic growth, it is important that the redistribution programme be designed in a manner which will allow it to respond to different needs and circumstances in appropriate ways. Redistribution thus seems to be the most important and far-reaching component of land reform in South Africa (Lahiff, 2008: 21).

3.4.5. Financial assistance to the Land Redistribution Programme

To achieve its land reform objectives, the Department of Land Affairs (DLA, 1997) makes available the following land reform grants:

- I. LRAD Grant: The LRAD grant allows for black South African citizens to access land specifically for agricultural purposes. This grant can be accessed, on an individual basis, per sliding scale from a minimum of R20 000 to a maximum of R100 000, depending on the participants' own contributions. The grant would be used to cover expenses such as land acquisition, land improvements, agricultural infrastructure investments, capital assets, short-term agricultural inputs and lease options.
- II. LRAD Planning Grant: This grant provides financial assistance for project planning to applicants.
- III. Settlement/Land Acquisition Grant: This grant is currently set at a maximum of R16 000 per qualifying household, to be used for land acquisition for settlement purposes, enhancement of tenure rights and investments in infrastructure and home improvements.
- IV. Grant for the Acquisition and Development of Land for Municipal Commonage: This grant is to enable primary municipalities to acquire land in order to extend or create commonage and provide infrastructure on the land to be acquired, or on existing commonage for the use of qualifying persons.
- V. Restitution Discretionary Grant: This grant is set at a maximum of R3 000 per restitution beneficiary household, where the original land is to be restored or where compensatory land is to be granted, through the means of a negotiated settlement of the restitution claim. The grant is awarded to enable the successful claimants to take charge of their land, upon transfer.

Under the programme, the government provides a number of grants and services and, to varying degrees and in different ways; the grants and services are applicable to the three land reform programmes: Restitution, Redistribution and Tenure Reform (DLA, 1997).

The primary source of direct financial assistance to potential beneficiaries will be the Settlement/Land Acquisition Grant (DLA, 1997). Of critical importance is the fact that the grant will be used as flexibly as possible. The grant is set at a modest level and is in line with the grant administered by the Department of Housing, intended to assist in providing minimum shelter conditions for first-time house owners. Similarly the Settlement/Land Acquisition Grant is intended to provide a modest dwelling and/or a productive land ownership opportunity (DLA, 1997).

3.4.6. Addressing gender equality

It is essential that gender equity be ensured in the land redistribution and land reform programme, so that women achieve a fair and equitable benefit. This requires the removal of all legal restrictions on participation by women in land reform. This includes reform of marriage, inheritance and customary law, which favour men and contain obstacles to women receiving rights to land; clear mechanisms in both project planning, beneficiary selection and project appraisal to ensure equitable benefit from the programme for women and men; specific provision for women to enable them to access financial and support services; specific mechanisms to provide security of tenure for women, including the registration of assets gained through land reform in the name of women as direct beneficiaries; training in gender awareness and participatory gender planning for all officials and organisations involved in implementing the land reform programme; developing a partnership with NGOs/CBOs, who are often a key source of support to women; ensuring that the monitoring and evaluation system for the land reform programme provides the information necessary to monitor women's participation (DLA, 1997).

All of the above points refer not only to redistribution but also to the Land Restitution and Tenure Reform programmes. A Women's Rights in Land sub-directorate has been established in the Department of Land Affairs. It is responsible for ensuring that all the Department's policies and programmes properly fulfil the requirement for gender equity (DLA, 1997).

3.4.7. Achievements to date

In terms of overall achievements, land reform in South Africa has consistently fallen far behind the targets set by the state and behind popular expectations. In 1994 virtually all commercial farmland in the country was controlled by the white minority and the incoming ANC government set a target for the entire land reform programme (restitution, tenure reform and redistribution) to transfer 30 percent of white-owned agricultural land within a five-year period (Lahiff, 2009: 178). The target date subsequently was extended to 20 years (that is, to 2014), but at current rates of land transfer, meeting even that target is most unlikely (Lahiff, 2009: 178). Government has tended to attribute this slow progress to resistance from landowners and to the high prices being demanded for land, but independent studies point to a wider range of factors, including complex application procedures and bureaucratic inefficiency (Lahiff, 2009: 178).

By March 2007, almost 4.2 million hectares had been transferred through the various branches of the land reform programme, benefiting an estimated 1.5 million people (Lahiff, 2009: 178). The

greatest amount of land (54.79 percent) was transferred under the redistribution programme (including state land disposal and tenure reform), with the balance transferred through restitution (Lahiff, 2009: 178). The total transferred is equivalent to 5 percent of the agricultural land under white ownership in 1994. However, the actual impact on white-owned land is considerably less than this, because much of the land transferred under the restitution and tenure reform, some of the land under redistribution, and all of the land under state land disposal was land formerly owned by the state (Lahiff, 2009: 178).

Conclusion

This chapter discussed aspects related to the case study context. It attempted to offer a few glimpses of what is AFRA and its work, as well as an understanding of its geographical context and a policy framework of the land redistribution programme. This familiarity with the issue is of significant importance in the understanding of the presentation and discussion of the study findings, which is the object of the next chapter.

CHAPTER 4: FINDINGS AND ANALYSIS

Introduction

This chapter presents and analyses the research findings. The findings are presented in four sections related to the five research questions that guided the study. Section 4.1 discusses the research questions numbers 1 and 2; section 4.2 presents and analyses the findings related to question number 3; section 4.3 discusses the research question number 4 and section 4.4 is related to research question number 5.

Findings are presented under the main themes identified within data collected through face-to-face interviews and AFRA's documents. They are analysed using the qualitative method of thematic analysis, which is, according to Braun and Clarke (2006: 79), a method for identifying, analysing and reporting patterns (themes) within data.

Data have been collected, on one hand, through interviews with 10 AFRA staff members, purposefully selected because of the relationship between their portfolios and the object of the study and ,on the other hand, through publications of AFRA such as Afra News, annual reports, press statements and the website. For the sake of anonymity, participants in this study are identified by code names, from AS01 to AS10.

4.1. Policy advocacy strategies used by AFRA

The main advocacy strategy used by AFRA in its activity is found to be lobbying in its various forms. According to Belete and Senyane (2011: 10), lobbying is the communication process by those who have identified the problem and its solution (advocates), with people who have the power to enable space for the solution to be implemented. Thus, in this case study, lobbying is seen as a general concept encompassing a variety of forms of communication that can be through

face-to-face contacts, meetings, written documents, phone calls, radio talk shows and audio-visual documents (videos).

Other strategies used include networking, social movements, negotiation, legal advocacy and community empowerment. None of these strategies are mutually exclusive and each strategy has its own strengths or weaknesses, according to the issue at hand and the context within which they are used.

A point to highlight here is the importance attached to the use of personal informal relationships with government officials and politicians in lobbying, networking, or negotiating, as expressed in this extract by one of the respondents:

“So people I know I can phone them and say what’s happening with this? How can you assist? It really works, especially the personal kind of informal networks people are much more relaxed, and other things which works is that most of the guys used to work with me here, so I know them, some of them we used to be in ANC together during the struggle, so I can phone and say what is the government is thinking about this, can you assist here in this? People are having a problem. So for me it is less about writing formal letters, I tend to use more informal personal relationships a lot. They can support the formal, but mostly I use informal” (AS03, 10/10/2011).

This practice meets the assumption of Bratton, according to which the degree to which national NGOs are able to have policy influence depends greatly on the nature of their relations with government. Whether or not NGO leaders are able to cultivate close personal contacts with the powers-that-be is one of the best predictors of major and sustainable impact (Bratton, 1994: 52). He says that “In Africa where public resources are often allocated along personalistic or patronal lines, the most useful ties are informal ones” (Bratton, 1994: 53-54).

Thus, along with formal practices in communicating with government officials and politicians, there are informal contacts relying on personal ties.

4.1.1. Lobbying through direct contacts with key individuals or groups

Lobbying key individuals or groups in face-to-face contact is mostly directed at government officials and politicians through formal meetings, seminars and workshops. This strategy has been used very often by AFRA to push for changes or amendments of some pieces of legislation (AS04, 10/10/2011; AS05, 11/10/2011; AS06, 11/10/2011; AS07, 11/10/2011), or to push for the enforcement of an existing law which, for one reason or another, is not enforced (AS01, 10/10/2011; AS08, 12/10/2011; AS10, 12/10/2011). In this regard, one respondent gives an example:

“People in a community in Greytown were moved from the area where they lived and they had to live in tents. Afra had to assist them in terms of processing their application to be placed back in their land, and more important was to undertake a lobbying of key government officials and members of parliament. This was a big case and the process may usually take years but with our help, they managed to return to their area” (AS01, 10/10/2011).

In the view of a number of respondents, although advocacy strategies are interlinked and complement each other, it is asserted from experience that one type of strategy may suit more effectively in a particular case and be weak in another case. Nevertheless, this lobbying through face-to-face contacts is ranked as the strongest strategy in terms of attaining desired outcomes.

4.1.2. Lobbying through letters, emails and memos

This form of lobbying is very frequently used by AFRA, according to most of the respondents. It is used to express an opinion or the views of a given community on an issue, or to communicate its position on the issue concerned at that time (AS02, 10/10/2011). The lobbying in this way is mostly concentrated on government officials and politicians, but can also be directed at other CSOs, depending on the matter that is being dealt with.

However, some respondents affirm that this strategy doesn't work well in most cases, as for example, according to the respondent AS06 (interviewed on 11/10/2011), *“writing is not very strong; when somebody is faced with the letter, he can ignore it or respond it, it is like. He doesn't care of this much”*.

Another respondent expresses his/her frustration when (s)he puts it this way:

“we have a lot of frustration. When you write formal letters requesting specific information around a specific issue or project, requiring their [government officials] intervention really takes time. Now I've been trying to set up a meeting with them since June, there is a community having a problem up in Zululand, I've written them a letter since June to try and get them to go there and assist the community; no response, it really got no response. So it is really difficult. Writing letters, formal letters, and all those things, it works but at a very very limited extent. I've written another letter to a manager here in a provincial office requesting a specific update on this case. Nothing, no information” (AS03, 10/10/2011).

4.1.3. Use of the media

The policy advocacy work of AFRA is also done through the media, which is used to raise awareness of issues, by issuing press statements, articles in local newspapers and opinion pieces. AFRA publishes its own newsletter, which is distributed widely to different stakeholders, as one respondent explained: *“we send it to government, we send it to policy makers, parliament, we try to identify them in the key departments so that the message is sent across”* (AS01, 10/10/2011). Its content is mainly about AFRA’s views on current legislation and practices in the land sector, and it also serves *“as a platform for issues raised at the level of the communities”* (AS07, 11/10/2011).

The other important vehicle used by AFRA to communicate its position on different topics related to land is its website, www.afra.co.za, about which one respondent says that it *“helps to prod the government and to lobby them [government officials]”* (AS07, 11/10/2011).

For some years after the end of apartheid, radio broadcasts have been used successfully as a medium to get to the audience composed of rural communities who are primarily Zulu-speaking and whose literacy level is low. According to this respondent, *“in the past, AFRA used to host show where people could phone in and ask questions in land matters and AFRA provided the responses”* (AS07, 11/10/2011). This is confirmed by an article published in Afra News (n° 25 of 1993: 19) where it is stated:

“Radio-Zulu, the radio station with the largest number of listeners -5 million- gave AFRA air time on eight different occasions to talk about land issues and to field questions from callers. The programmes helped AFRA to popularise current issues around land to people who have little access to other forms of information. It also helped us to deepen our understanding of the range and scope of land problems in South Africa”.

Media, as a policy advocacy strategy, is thus adopted to generate public awareness and educate people about an issue. However, it has been emphasised that, at present, radio stations and local newspapers have no more interest in land issues. For one respondent, *“land is not [at present] a clamorous issue”* (AS01, 10/10/2011), and according to another, *“land issues are not seen as an issue for news unless there is a drastic action like the nationalization of farms”* (AS07, 11/10/2011).

4.1.4. Social movements

McAdam (1982: 25) defines social movements as “those organised efforts, on the part of excluded groups, to promote or resist changes in the structure of society that involve recourse to non-institutional forms of political participation”.

Tarrow (1994: 4) prefers to see social movements not as expressions of extremism, violence and deprivation, but as collective challenges, based on common purposes and social solidarities, in sustained interaction with elites, opponents and authorities.

In the case of AFRA communities, social movements have occurred in the form of demonstrations, marches, sit-ins, petitions and picketing. The role of AFRA has been, as one respondent states, *“to mobilize people and try to get them to voice out their frustrations, their angers”* (AS10, 12/10/2011). Social movements are most of the time a confrontational form of advocacy strategy, which usually relies on a direct action including large groups of people involved in creating a public display of support or opposition (DeSantis, 2008: 47). This assumption is confirmed in the AFRA case study, where social movements are seen by some respondents as *“a case of advocacy which really relies on the masses themselves taking action to put pressure on the government like the municipality”* (AS03, 10/10/2011). The broadly shared thought is that social movements make the government react, but as a confrontational strategy, it is to be adopted only for some particular issues and *“depending on who is representing the other side [government]. When people are together using numbers, it always wins more often than not”* (AS06, 11/10/2011).

Another participant in the study recognized that demonstrations and sit-ins have taken place in the past and have served to solve problems at that time (AS07), but even in recent times, as another puts it:

“Sometimes we engage in campaign with communities, it can be picketing, it can be marches, it can be sit-ins. Those are commonly the campaign we engage in in terms of trying to deal with and engage government around the problems that people are experiencing. We also, when there are bills that government is drafting with the view of developing a legislation, we also engage communities around those bills for communities to voice their opinions and submissions” (AS10, 12/10/2011).

In the early 1990s, AFRA actively involved itself in cases of symbolic land invasions, where people invaded their former land, but without the intention to stay there, at that stage. They were merely giving advance notice to the government, saying “here we are, and we intend to come back to the land taken away from us”. They were very clear that one day they would return to their land. Such initiatives gave the momentum to lobby for a Restitution Act and a Land Claims Court and, eventually, the restoration of places such as Cremin (Harley and Fotheringham, 1999: 134).

4.1.5. Legal advocacy

Legal advocacy is a form of advocacy through the courts that has been developed to defend groups of disabled people, minorities, children, women and others (Reid, 1998: 299).

Legal advocacy is used by AFRA through its Land Rights Legal Unit (LRLU), the main objective of which is to address the problem of provision of quality legal services to farm dwellers and rural communities. The LRLU provides legal representation, legal advice, training and advocacy and research, where it advocates for favourable amendments to legislation, as well as lobbies for the development of beneficial land policies and practices (LRLU pamphlet).

A majority of respondents (7/10) mentioned the use of this strategy by AFRA and the dedicated role of the LRLU in legal advocacy. Although there are cases that are referred to court, some respondents see court as a last option, preferring first to mediate and settle the matter with concerned parties, because they find that the procedures in courts are long and the outcomes are uncertain, as this respondent says:

“The Court sometimes is the last option, before you have to mediate, or facilitate, you have to meet the client and or even if possible you can consult with the farm owner. After that you can take the matter to the Department of Land Affairs, you have to discuss with them to see if that matter can be resolved. If after that we’re failing the option is to take the matter on Court. (...) In Court it is a long procedure, a case referred to the court is no more ours, it belongs now to the Court which will decide. Sometimes it comes negatively. It is why we prefer negotiation before a case is referred to the Court” (AS08, 12/10/2011).

4.1.6. Research advocacy

Research advocacy refers to the advocacy work based on the production and dissemination of research-based evidence concerning a particular issue. Research in this case could be seen as any systematic effort to increase the stock of knowledge (Court *et al.*, 2006: 5). Court *et al.* consider that policy and practice which are informed by systematic evidence are more likely to produce better outcomes.

Research is one of the strategies used by AFRA in seeking better policies, for refining harmful or ineffective policies, or for ensuring that good policies are implemented. Research in AFRA is often conducted in the form of an experiment when, for example, as this respondent puts it:

“We pilot some projects in rural communities that we work in and we see the impact of that. Then we try to share what we have learned with the government and then try to influence them

[government officials] to use the models that we have discovered when we were doing our research. We try to come up with better solutions in terms of land redistribution (AS01).

Research undertaken by the organisation allows the development of better alternatives. This is explained by a respondent, who argues that research is important in advocacy work, because “*to be able to make advocacy happen, one has to have a clear position which is an alternative, as it is very easy to criticize, but to criticize and saying look, this is a better alternative*” (AS07). Thus, research provides good-quality information and, according to Nyamugasira (1998: 301), “without a constant supply of good-quality information, advocacy cannot be successful”.

Sabatier (1991: 148) cautions that it is rare that a specific piece of research strongly influences a major policy decision and when that happens it is usually because a source respected by all participants has done an excellent job. Research is thus an ongoing activity of AFRA as it has always tried, in its day-to-day activities, to influence policy-makers in the submissions addressed to government and parliament, in commentaries on legislation, and in various reports focussed on particular issues related to land. This corresponds to what Sabatier (1991: 148) explains, that the normal pattern of influencing policy is a process of “enlightenment” whereby the findings accumulated over time gradually alter decision-makers’ perceptions of the seriousness of the problems, the relative importance of different causes, and/or the effects of major policy programmes.

4.1.7. Networking

Networking is a policy advocacy strategy used by AFRA and it revolves around the idea that, as one respondent states, “*being just one small NGO in one province, we don’t have much impact at the national level unless we get together with other NGOs (...). The collective voice is stronger than the individual voice of a single organisation* (AS07).

The relationships with other CSOs in terms of networking are dynamic and may change over time, based on the issue dealt with. It is possible to enter into a network with peer-minded NGOs but also with any other CSO. There are no permanent networks, even though there are networks that last, like the National Land Committee (NLC), in which AFRA was affiliated with another eight NGOs concerned with land issues and rural development (Afra News, n° 51, 2001: 23). Other networks tend to be temporary, as, for example, when AFRA networked with other 21 NGOs in Natal to voice their concerns when the government unilaterally developed a land reform policy and decided to dispose of three million hectares of state land to Bantustans (Afra

News, n° 23, 1993: 8). There are many other networks that form and disband, depending on the issue being dealt with and this correlates with AFRA's mission statement, where it is asserted that AFRA will work towards its vision by, *inter alia*, networking with others to lobby for a just, equitable and effective land reform programme, for the benefit of its target group within an integrated rural development framework (AFRA mission statement).

AFRA uses informal networks with government officials, politicians and other CSOs (AS03) and this agrees with what Kihato and Rapoo (quoted in Ranchod, 2007: 7) refer to as “behind the scenes interactions with policy-makers and unofficial discussions between government officials and CSOs”. This is true in the case of AFRA, since there are former AFRA staff in those institutions of decision-making.

4.1.8. Negotiation

Negotiation has been, and is still being, used by AFRA as a strategy to advocate for land redistribution in terms of land donation or facilitating land lease or land purchase. It is directed at policy-makers, as well as at farm owners. Examples abound about communities that have acquired land through negotiations in which the role of AFRA was significant. In the early 1990s, negotiations were used to help communities who lived in farms owned by other people, to purchase some portions of land on those farms from their owners, as in the case of the Gannahoek community in the Colenso district (Harley and Fotheringham, 1999: 133), or to acquire land through donation, as in the cases of the Mooibank community in the Ngotshe district which received land from the Mondi forest group; the case of the Cornfields communities in the Uthukela district; and the AmaHlubi communities, which received land from the state-owned land managed, at the time, by the province of Natal (Harley and Fotheringham, 1999: 172-174).

Some participants in this study argue that negotiation with farm owners has very often been used to resolve issues related to the denial of rights to land for people who live on it, like the issue of burial on farms and the problems of relocation of farm dwellers. (AS01, 10/10/2011; AS08, 12/10/2011; and AS09, 12/10/2011).

4.1.9. Community empowerment

Community empowerment can be seen as an advocacy strategy, in the sense that it is a means to enable communities to voice their concerns themselves, using various advocacy tools. AFRA

empowers communities it works with in numerous ways, as highlighted by the respondents in this study:

- To meet people in their communities (fieldwork) to discuss issues of their concern (AS02);
- To organize workshops for discussing proposed bills, comparing and contrasting them with current legislation, and to consider the potential impact this could have on them (AS09);
- To disseminate information about legislation and the rights of people on farms (AS01; AS04; AS05; AS07; AS08);
- To support the communities in making their own submissions (AS04; AS05);
- To give the communities a platform from which they can articulate their issues (AS01).

This is in line with the assertion of Nyamugasira (1998: 302) that “the poor live in the so-called culture of silence, from which they must be liberated. The first step is, then, to meet them at their own level before they will speak.”

As examples to illustrate the extent of community empowerment in policy advocacy, AFRA worked in the early 1990s to organise labour tenant communities in Weenen, Colenso, Vryheid and Richmond. This allowed representatives of seven labour tenant and farm worker communities to pass a resolution calling on government to consult with farm workers and labour tenants in developing legislation providing for the security of tenure for labour tenants and farm workers and to help them to buy land. The resolution also called for the extension of worker’s rights (such as a minimum wage and workmen’s compensation) to farm workers; and for help with evictions (Harley and Fotheringham, 1999: 135).

In March 1993 AFRA organised a meeting of labour tenants from seven districts in the province. The tenants agreed to form a regional structure to co-ordinate activities around labour tenancy rights and this structure became part of the broader national campaign by communities who were claiming land (Harley and Fotheringham, 1999: 135).

The purpose of this section was to answer the first research question, which was to identify the advocacy strategies used by AFRA in land redistribution issues. Concerning the second research question, which was to assess their strengths and weaknesses, it has been attested by respondents and corroborated in AFRA’s reports and other documents that the strengths or weaknesses of a strategy are not easy to assess, as they depend on a number of factors: the nature of the issue that is being dealt with, the context of the issue and the people to whom the advocacy action is directed (representatives of state or other elite). It has also been revealed that more than one

strategy is usually used at a time in a single case. The following are some extracts from the interviews:

- They [strategies used] are interlinked, because when you lobby, you don't just lobby through meeting, you have different strategies that you use to engage the government (AS01).
- The strategies used complement one another (AS02, AS04, AS05).
- They support one another (AS03).
- Every strategy fits in a particular aspect of the issue dealt with (AS04).
- There has to be more than one strategy because of the nature of the land stuff (AS07).

These assertions are consistent with the opinion of Fox, who observed that, in practice, policy advocacy strategies often tend to be complementary and mutually reinforcing (Fox, 2001: 617).

Even though these assertions show that it is not easy to point out a single strategy which is to be taken as the most effective, it has been underlined that strategies involving a face-to-face, direct contact with key individuals in government or/and in parliament are more effective than strategies relying on writing letters, emails, memos, or reports. Discussing confrontational strategies such as demonstrations and marches, Bratton argues that NGOs gaining a "voice" for the poor in policy-making through non-confrontational means is a more useful strategy for NGOs in Africa than "empowerment" against the power structure, which he sees as confrontational, because it allows the NGO leaders to identify openings in the system and to cultivate non-adversarial working relationships with the politically powerful (Bratton, quoted in David, 2001: 125).

4.2. Influence of AFRA's advocacy work on the land redistribution programme

This section, which answers the third research question, aims at investigating whether or not the advocacy activities undertaken by AFRA are influencing, in a significant way, the land redistribution programme in terms of formulation and adoption of favourable policies for landless people to have access to land, in terms of changing unfavourable policies, or in terms of the implementation of existing land redistribution policies.

4.2.1. Influence in policy formulation and adoption

The influence of AFRA in policy formulation and adoption is mainly linked to its outstanding networking with other CSOs, in what was known as the National Land Committee (NLC). The

NLC, as an office and network of affiliates, fully participated in land policy formulation processes and in the implementation of land reform projects (Afra News n° 51, 2001: 21). As some respondents in this study said, collective endeavour has been preferred because the voice of a single organisation operating in one province cannot be strong enough to have an impact at the national level (AS02; AS07).

AFRA on its own has influenced, to a lesser extent, the formulation and adoption of policies through commentaries and other submissions made, for example, as this respondent says about the contribution made to the Green Paper on land reform, “*we made valuable comments in one of our submission that I think was considered by the government*” (AS02). Another respondent feels that Afra influences the adoption of policies through the “*submission to the parliament on issues related to the concerns of the communities on land redistribution and on land tenure security and extension*” (AS04). Still another confirms that “*we make submission to the parliament in accordance to the request from the consultation with communities*” (AS05).

This influence is viewed with scepticism by one respondent, who gives the same example of the Green Paper on land reform:

“you can’t change anything but it is open for the public. So no matter what research evidence you can bring, it won’t move them because there is already a decision about the way they should go around this specific issue. This is really a weakness, and it is not on our own, it is a political environment out there that makes difficult to really influence” (AS03).

This uncertainty about the real influence of AFRA’s advocacy on policy formulation and adoption casts doubts on the extent to which the land redistribution programme can actually be influenced by AFRA on its own, without entering into networks with other organisations to gain a stronger voice.

4.2.2. In amendment of unfavourable policies to landless people

A number of respondents (6/10) in this study point out that AFRA has successfully managed to push the parliament to pass amendments to the legislation which prevented burials on farms. According to an external evaluation report made in 2006, there has been intense lobbying of the Minister and the Portfolio Committee on Traditional and Local Government Affairs of the KwaZulu-Natal Legislature, and the farm dweller structures and partner organisations were briefed on the status of the Amendment Bill. Farm dweller participation in public hearings was facilitated (Cousins, 2006: 26).

Del Grande (in AFRA Annual Report, 2005: 7) states that the inability of farm dwelling families to bury family members on farms has become a symbolic battle concerning rights to land in rural areas. In KwaZulu-Natal, the provincial government outlawed it in 1994, by passing legislation forbidding burials anywhere but in designated cemeteries. AFRA, through its work with its land legal cluster partners, has faced running battles with land owners to allow the practice of burying on farms to continue. This battle was taken to parliament by AFRA in 2003 and finally saw victory in 2005. The profile given to farm dwellers through the various campaigns gave impetus to the final passing of the amendments.

Apart from this successful case of the amendment to the Burial Act, there is no other clear indication of any distinct action of AFRA in a change of legislation. However, to a certain extent, there are other pieces of legislation related to land policy that have been amended, over time, in favour of landless people since 1991. It is not easy, however, to establish the input of the particular advocacy work of AFRA in those changes, as it is not the sole NGO involved in land issues, but its affiliation in the National Land Committee cannot be overlooked when talking about its influence on policy amendment.

4.2.3. In implementation of existing land redistribution policies

The advocacy work of AFRA is more perceptible when it comes to the implementation of land redistribution policies in the communities it works with. The data from the interviews, and from documents consulted, illustrate many cases in which the policy advocacy work of AFRA has had an influence on the implementation of the existing policies in land reform policy and particularly in the land redistribution programme. The work done in terms of advocacy involves empowering the communities concerned and assisting them to prepare their claims and to follow up their processing by engaging the government bodies concerned (AS01; AS03; AS06; AS09; AS10). This is crucial, as in land redistribution programmes the requirement is that land is not transferred to individuals or individual households, but to a group. As a consequence, people need to constitute themselves into legal entities known as the Communal Property Associations (CPAs).

Nell and Shapiro (quoted in Harley and Fotheringham, 1999: 166) comment that “the patience and guidance that AFRA gives to the communities is invaluable it enables them to make crucial decisions which will contribute to their future sustainability”. This is illustrated by the case of Cornfields and the adjoining community of Tembalihle, which negotiated 8 000 hectares of land in 1993 and received it in November 1994, after the creation of the necessary legal entity. AFRA

played a key role in lobbying and negotiation and in helping the community to create a clear structure that was to be responsible.

Other examples illustrating the influence of AFRA advocacy work can be found in the case of the support provided, through lobbying and negotiation, to the AmaHlubi community, who received 8 522 hectares of state land through an 80% subsidised land purchase (Harley and Fotheringham, 1999: 174); the Amaphuthini community at Estcourt, which was landless, received the ownership of land through lobbying, media, negotiation and community empowerment undertaken by AFRA; the Alcockspruit community in the Amajuba district; Ekuthuleni community in Uthungulu, and so on (AS10).

Although these are cases where the influence of AFRA's advocacy work is perceptible in terms of the implementation of the land redistribution programme, there is a broadly shared belief that land reform in South Africa, and particularly the land redistribution programme, is failing to deliver, as it has consistently fallen far behind the targets set by the state and behind popular expectations (Binswanger-Mkhize *et al.*, 2009: 171; Pasensie, 2010: 4).

The reasons behind this apparent failure to deliver can be traced back to the circumstances of the formulation and adoption of that policy which occurred in the context of the transition to democracy (1990-1994) where, according to Lahiff (in Binswanger-Mkhize *et al.*, 2009: 170), the transition to democracy occurred through a negotiated settlement, where the political compromise that ensued left much of the power and wealth of the white minority, including land ownership, more or less intact. Landlessness and the mechanisms that create it still exist and government policy to address this is based on what would be approved by international forces in the global economy and is therefore market based. Therefore this market approach keeps intact the power dynamics that create landlessness, because those who hold power in the market are those who gained power previously (Mkhize, 2001:6).

In terms of influencing land redistribution policies, it is difficult to determine what changes can be directly attributed to AFRA's interventions, as there is no target set concerning the changes to be made through AFRA's intervention and how to measure them.

4.3. Challenges to policy advocacy work of AFRA

4.3.1. Relationship with government bodies

Regarding the challenges faced by AFRA in its advocacy work for land redistribution, most of the respondents in this study underlined a sort of mistrust and lack of co-operation from the government bodies such as the Department of Land Affairs. One respondent confided:

“we are mostly perceived by government as people who are like trying to cause havoc in whatever we do because they expect us to preach the same gospel as they are. Actually not, we still remain maintain our independency in terms of thinking and the ability to analyze and see issues” (AS02).

This creates mistrust between the CSO and the Government bodies, since the organisation continued to engage with the government in pointing out some of the problems in the field. Another respondent explained:

“I think within officials and Government there was a paranoia which still exists today, which is why it becomes difficult to gain access from Government since we became critical to some of the policies that they were putting forward. I think this resulted in the animosity between civil society and I think political also it was exacerbating because we saw some political leaders attacking civil society, not only in the land sector but just generally posturing saying who are you, we are the government that has been elected, 80%, so you can’t talk. There are people within the department [Department of Land Affairs] who see civil society as a threat” (AS03).

The interviews revealed that there is poor collaboration with the Department of Land Affairs, and most respondents (8/10) expressed this concern. These are some interview extracts articulating these worries:

- *“they do not like consultations and most of the time they do not want to respond to our requests” (AS04).*
- *“there are people within the department who see civil society as a threat” (AS03)*
- *“The government bodies, mainly the department of land affairs sometimes are not willing to co-operate in matters regarding the concerns of farm dwellers and land issues in general” (AS05).*
- *“the government sometimes is impatient; it doesn’t give like enough time for people to seriously engage with this kind of issues. They just want to introduce, as if you come in with a different view, you tend to be labelled, as counterproductive, counter revolutionary” (AS06).*
- *“our most challenge is about getting response from government. Our biggest challenge is to get the desired intervention from the department of land” (AS09).*
- *“I think the government doesn’t have a political will to address land reform. So whatever we try to do as an organisation working with the people who are having challenges in terms of*

land reform, who should be beneficiaries of land reform is always faced to these problems that manifest themselves as a result of the lack of political will from government” (AS10).

The above statements are, to a certain extent, in line with the argument of Court *et al.* (2006: 16) according to which, “despite advances in political freedoms, many developing countries have contexts that constrain CSO work and engagement in policy processes. (...) more generally, policy-making processes simply are not transparent and/or open for CSO participation, or they are only open or responsive to the needs of certain elites or groups”.

4.3.2. The role of other powerful stakeholders

Another challenge is the influence of other powerful people in the policy area, such as traditional leaders and white commercial farmers who, as one respondent put it, “*are the people that you get to always listen to*” (AS03). Most of the time, the traditional authorities have been the custodians of land, even during the land reform programme. Respondent AS10 stated:

“they still regard themselves as people who should take transfer of land when the government is bringing back land to black people. And since government wants people to establish legal entities so that to receive land, there is now a conflict between these structures in terms of land administration responsibilities” (AS10).

There are always these tensions. The legal entities regard themselves as the owners of land and traditional authorities regard themselves as the owners of the land. They feel they should be handling these land administration responsibilities.

A respondent highlighted another challenge to advocacy work, according to which “*people have different expectations on both sides: land owners believe there shouldn’t be any land reform redistribution and potential beneficiaries believe they should be given the whole farm in their claims*” (AS05).

For the majority of respondents, in such environmental work, tangible change is hard to achieve, as the opportunities to exert influence tend to be limited in the face of the rules and procedures of the system.

4.3.3. The low literacy level of people in rural communities

The low literacy level

The interviews uncovered other challenges related to the beneficiaries themselves. As demonstrated by the majority of respondents, the rural people working with the organisation have a low level of literacy and this makes it difficult for them to grasp what the laws and policies concerning them are about and to understand the language and concepts of the policies. Concerning the language barrier, one respondent explained: *“the majority of them are illiterate as well so as those policies are actually drafted in English; you pass most of the time not only to demystify the concepts but also doing translation”* (AS06).

This low level of literacy contributes to the problem of the lack of awareness of the rights of landless people living on other people’s farms as farm workers. This was emphasised as a serious obstacle by one respondent: *“another issue we are facing is where some farm owners are not giving to their farm workers the right salary set by the Government. Some people come to report such cases but others don’t report it, and in this case you don’t know what to do if they don’t report it”* (AS08).

Lack of organisation

Another difficulty related to the beneficiaries themselves is their lack of organisation. AFRA finds it hard to organise them, especially when they live in the deep rural areas. Even the proposed structures (Communal Property Associations), that are essential for beneficiaries to receive land, are not well operational. This is due, as one of the respondents said, to the fact that:

“These are foreign institutions that people are not familiar with, then because they want land, they have no other alternative, they have to establish those entities and take transfer of land. Part of the establishment of these entities is for them to draft constitutions and after having received land they don’t follow their constitutions because they take them as a requirement to receive land” (AS10).

4.3.4. Problem of funding

In Chapter 1 it was pointed out that, according to Court *et al.* (2006: 20), CSOs have significant constraints on technical and financial capacities that can limit their ability to engage with policy processes and use evidence effectively.

The interviews in the present study revealed that there are challenges that are attached to the funding of NGOs and CSOs in South Africa because, as one respondent said, “*Northern countries consider South Africa as a well off country and prefer channel the funds to NGOs of more needy countries of Africa. So it is not possible to undertake the advocacy work with very limited resources*” (AS07).

In the past, AFRA used to tender for a government contract. There was a national programme to register land tenures. At that time, AFRA needed money, but as Respondent AS07 puts it, *AFRA found itself in difficult relationships with the communities it worked with, because the community people were saying who are you now? Are you Afra or the government? What happen if you criticize the government while you are doing the work of the government?*” However, it is a fact that AFRA has never received funds from the government and, to cope with this challenge of funding, AFRA is exploring, in collaboration with other NGOs, what is now called “Corporate social responsibility”, where businesses are encouraged to contribute towards civil society.

4.4. Factors that contribute to effective policy advocacy

4.4.1. Structure of the organisation

Bratton pointed out that the civil society organisation more likely to succeed is the one that possesses both local roots (membership organisation with a popular base) and a channel to pass demands to the policy centre (Bratton, 1994: 48-49). Thus, according to Bratton (1994: 54), CSOs can succeed in their advocacy work if they have a claim of origin from the grassroots and also if they have a proper channel to communicate their demands to policy-makers.

The operational model of AFRA presented in Chapter 3 shows that it has three components, which feed into and inform each other: community work, learning and documenting, and lobbying and advocacy. A number of respondents in this study pointed out the extent to which community empowerment and involvement in advocacy work is crucial in AFRA’s approach to working. Many respondents emphasise that AFRA *doesn’t only just speak for* rural community people *but also gives them a platform in which they can say their issues* (AS01). AFRA also assists communities in organizing themselves, so that they are able to voice their concerns (AS02), leading them to make their own submissions (AS04). One respondent says that AFRA supports and enables communities to do their own lobbying, thus providing them with a platform (AS07).

Another respondent observes: *“we need to develop structures and engage with the structures with the view of giving them the capacity so that they can take up issues on their own and not relying on us as an organisation”* (AS10).

This shows that AFRA has managed to draw support from the communities it works with, as it enables them to speak for themselves, or it speaks on their behalf without imposing its views on them. However, even though AFRA enjoys support from the communities, its structure is not the one described by Bratton (1994: 48) as a “membership organisation”, or a community-based group which is informally constituted and run solely by the members themselves, because its clients, the rural landless people, are not members of the organisations. This may cast doubt on the aptitude of AFRA to effectively carry out the advocacy work. Nevertheless, AFRA possesses proper channels (see section 4.1) to communicate the community demands, as well as its own demands, to policy-makers and, as a coping mechanism to address the issue of grassroots integration, AFRA recruits its fieldworkers among people of the communities it works with.

4.4.2. Scope of the programme

The scope of the programme of AFRA is expressed in its vision: AFRA is a land rights organisation that aims to redress past injustices, to secure tenures for all and to improve the quality of life and livelihoods of rural people (AFRA mission statement).

Today, AFRA works in two main focus areas (Afra, 2009: 3-12):

- (a) Rural land and citizenship rights and
- (b) Agrarian reform and development.

The broad objectives of focus (a) are:

- Monitoring and research;
- Legal action
- Advocacy (Afra, 2009: 3).

The broad objectives of focus (b) are:

- Monitoring of agrarian reform policies, proposals, plans and implementation;
- Articulate on the ground views on agrarian reform;
- Report on agrarian reform case studies;
- Build capacity to monitor food security developments (Afra, 2009: 12).

Concerning the geographic focus, since 1992 AFRA has concentrated its activities on the Natal midlands, as it has disengaged from Kosi Bay due to a lack of capacity, especially considering the remoteness of Kosi Bay (Harley and Fotheringham, 1999: 150).

According to Bratton, organisations with clear and simple objectives are most likely to be effective at their chosen task (Bratton, 1994: 50). As far as policy advocacy is concerned, civil society organisations are likely to be most effective if they specialise in particular policy issues of limited scope in which their staff can accumulate relevant technical expertise (Bratton, 1994: 55).

A look at AFRA's scope of programme and objectives, as expressed in its vision, leads to the conclusion that its scope is not as limited as is suggested by Bratton. If we consider, for example, the aim to redress past injustice in land issues, there are too many aspects to consider, such as the restitution of land unduly taken from their owners. This is in itself, an ambitious venture, namely the redistribution of land to the current landless who were dispossessed in different ways and security of tenure for all. The aim to improve the quality of life and livelihoods of rural people is another ambitious endeavour for an organisation with limited resources like AFRA.

The initiative of AFRA to focus its activities in two areas has enabled its staff to acquire a certain technical expertise in land legal rights and agrarian reform, and to secure some achievements. Harley and Fotheringham (1999: 131) enthused that the shift of the scope of AFRA's programme has made it remain in touch with real issues that needed to be addressed in terms of policies concerning land issues. It became concerned with assisting communities to reclaim land taken away from them under apartheid and assisted those communities that had not been removed. This job has been done with success (Harley and Fotheringham, 1999: 131).

4.4.3. Composition of clients

According to the study conducted by Bratton (1994:51), there is a suggestion that the "social composition of an organisation's clientele affects whether it can act as an effective advocate". It is thus important to understand the composition of the clients of AFRA in order to understand the likelihood of the organisation succeeding or failing in its policy advocacy work.

Bratton (1994: 51) states that organisations representing the poorest population groups are likely to express policy demands requiring substantial departures from the *status quo* and which are difficult to implement. Organisations that represent a homogeneous clientele can articulate a

clear and unambiguous policy platform, as opposed to organisations whose members have mixed or competing claims (Bratton, 1994: 51).

AFRA's clients are black rural people in KwaZulu-Natal, whose land and development rights have been undermined, whose tenure is insecure and who do not have sufficient access to land and resources to fulfil their developmental aspirations or basic needs (AFRA mission statement). Most respondents in this study confirm that AFRA works with communities of landless poor people who live either as farm dwellers or as farm workers on other people's farms, or who live in other areas, but who are claiming the restitution of their land taken during the colonial period or under the apartheid regime.

The fact that these people have in common is that they are landless and are claiming their right to land that most of them have lost. They are poor and their landlessness status makes them a homogeneous clientele, despite some discrepancies: there are some who claim back the land they used to own and there are others who just ask for land because they do not have any land and they need it. According to the above argument from Bratton, and given the composition of AFRA's target group, it is likely that AFRA will act as an effective advocate. However, this factor is not the only one that can make an organisation successful in policy advocacy.

Clients' participation

In Chapter 1 the assertion of Reid (2000: 3) was mentioned. It concerned the engagement of non-profit organisations in the policy process. These organisations may or may not include citizens in their internal organisational affairs or engage citizens in public action. Advocacy is defined here as representation or as participation. Advocacy as representation evokes the familiar phrase "on behalf of" (Reid, 2000: 3). When advocacy is viewed as a representation of interests, values, or preferences, questions may arise about the legitimacy of organisations to represent people.

Advocacy as participation addresses the ways organisations stimulate public action, create opportunities for people to express their concerns in social and political arenas and build the resources and skills necessary for effective action. It emphasises how people take action "on their own behalf" (Reid, 2000: 4).

Although AFRA is not a membership organisation (according to Bratton (1994: 48) a membership organisation is a community-based group which is informally constituted and run solely by the members themselves), it has been observed throughout the interviews with AFRA staff, and from the documents and reports of AFRA, that it strived to build and develop the capacity of its target groups to voice their issues themselves.

According to the 2007 AFRA annual evaluation report (2007: 13), the role of AFRA as a catalyst for change is happening through the building of a strongly organised people with a strong voice. A participant in the study said that there is a need to develop structures and engage with them, with the *“view of giving them the capacity so that they can take up issues on their own and not relying on us as an organisation”* (AS10).

AFRA committed to facilitate the creation of a provincial structure of rural people, a rural social movement which is a platform from which rural people can voice their concerns and, in so doing, place political pressure on the government to meet their needs (Harley and Fotheringham, 1999: 182).

In this regard it can be said that rural voiceless communities have been empowered to gain the capacity to voice their concerns and to engage the government. In an evaluation report, Cousins (2006: 7) observes that AFRA’s approach is to support the building of broad-based landless people’s organisations across the province. It acknowledges that AFRA has made some meaningful contributions to the rural land sector and continues to be highly valued by the rural men and women and communities it works with. It retains the respect of its peers and of various government departments (Cousins, 2006: 2).

4.4.4. The nature of relations with government

As described earlier in the conceptual framework, the relationships between government and civil society s vary from to. Habib (2002: 147) observed that in some situations these relationships are adversarial and conflictual, while in other situations they are more collaborative and collegiate.

Bratton noted that the degree to which national NGOs are able to have policy influence depends greatly on the nature of their relationships with government (Bratton, 1994: 52).

According to the interviews with AFRA staff, the relationships between government and especially the Department of Land Affairs and AFRA are riddled with mistrust and lack of collaboration. A number of participants in the study revealed that government bodies, mainly the Department of Land Affairs, are sometimes not willing to co-operate in matters regarding the concerns of farm dwellers and land issues in general. They are not willing to respond to AFRA’s requests and do not want to provide the desired intervention when requested to.

Statements by AFRA staff show that AFRA faces challenges in its relationship with government in policy advocacy work. The advocacy work is curtailed by the relationship, which is

characterised by adversary, irresponsiveness and lack of interest to co-operate by the government agencies. In his explanation of how relationships with government affect the success or failure of an NGO's policy advocacy work, Bratton (1994: 54) stated that this requires the ability to tactfully tread a narrow line between confrontation and co-optation and to choose carefully the issues on which to praise or pressure the government.

One of the coping mechanisms adopted by some AFRA staff members to gain access to policy-makers has been to develop informal networks based on personal relationships with some key government officials and politicians (AS03). This practice gets support from the assertion of Bratton (1994: 53-54), according to which, in Africa, where public resources are often allocated along personalistic or patronal lines, the most useful ties are informal ones.

According to Bratton (1994: 54), NGO leaders need to develop a range of political skills to manage an ongoing relationship with state leaders, which involves building alliances with powerful individuals and constructing coalitions that can survive the circulation of elites.

The interviews suggest that the relationships between AFRA and government bodies it works with are hampering a successful advocacy work, rather than enabling it.

4.4.5. Relationship with the donor

Bratton (1994:54) has argued that an organisation's level of dependence on foreign funding is negatively related to its effectiveness at influencing policy. Organisations tend to attain economic sustainability, and also policy voice, to the extent that they build a domestic base of financial support (Bratton, 1994: 55).

This research has revealed that AFRA, like many other NGOs in South Africa, relies mainly on overseas funding (AS07). Its main funders are the ICCO (Interchurch for Development Co-operation), Christian Aid, the Belgian Embassy, Broederlijk Delen, Joseph Rowntree Charitable Trust, Oslo School of Architecture & Design, Cluster, Oxfam (2008 AFRA annual report, 2008: 33) and the European Union (LRLU pamphlet).

Since the dawn of democracy in South Africa, funding is a problem for national NGOs, because funders now prefer channelling funds to the government, which is supposed to implement democratic changes and take over the work which was done by NGOs under apartheid. Another disadvantage is that northern countries consider South Africa as a wealthy country and prefer to channel funds to NGOs of more needy countries. Finally, funders choose to fund specific projects rather than provide core funding to organisations (Harley and Fotheringham, 1999: 157).

AFRA has, however managed to maintain close relationships with its funders and succeeded to retain most of its funders and funding, including core funding. Funders recognised that AFRA was “an organisation that delivers” (Harley and Fotheringham, 1999: 160).

The argument that AFRA’s relationships with its donors are good for the progress of their objectives is supported by one of its funders, who was quoted as follows:

“I think AFRA is an excellent . (We) feel very little need to do detailed ‘monitoring’ of the programme, since it is professionally run, has clear objectives and is constantly evolving and challenging itself to do better and to adapt to its changing context. Administrative and financial systems are sound, efficient and reflect good practice. The partnership is a pleasure” (Harley & Fotheringham, 1999: 142).

The statements above show that, even though it has been implied that dependence on foreign funding is negatively related to the effectiveness of CSOs at policy influence, AFRA funders contribute to its success in policy advocacy work and they continue with their support to the organisation, as they tighten controls over the focus of the work which would qualify for funding (Harley and Fotheringham, 1999: 160). Respondent AS07 said that AFRA is exploring what is called “corporate social responsibility”, where businesses are encouraged to contribute towards civil society organisations (AS07).

Conclusion

Chapter 4 has presented and discussed the findings from the interviews conducted with some AFRA members of staff and from a range of documents produced by AFRA. The advocacy strategies used by AFRA in its advocacy work in land redistribution programme have been identified and discussed. The influence of AFRA advocacy work on land redistribution, the challenges to policy advocacy work and the factors that contribute to effective policy advocacy have also been discussed in this chapter. In brief, one of the important elements to underline is that it appears that the poor relationships depicted in the lack of co-operation with government bodies hamper the advocacy work of AFRA concerning the land redistribution programme. Chapter 5 summarises these findings and draw a conclusion to this study.

Chapter 5: GENERAL CONCLUSION

This chapter summarises the main findings of the study, focusing on the five research questions discussed in the previous chapter. Important conclusions will be drawn and some recommendations formulated for different stakeholders in policy advocacy for land issues.

The purpose of this study was to critically analyse the policy advocacy role of civil society organisations in land reform policy using the AFRA in KwaZulu-Natal as a case study and focusing specifically on the aspect of the land redistribution programme.

The specific objectives of the study were to identify the advocacy strategies used by AFRA in land redistribution issues, to assess the strengths and weaknesses of those policy advocacy strategies, to examine the extent to which the land redistribution programme is being influenced by the advocacy action of AFRA, to identify the limitations in policy advocacy for land redistribution and to assess the success or failure of AFRA's policy advocacy work in view of the factors for effective policy advocacy delineated by Bratton (1994: 48-55).

5.1. The policy advocacy strategies used by AFRA

In the advocacy work of AFRA, the study identified nine forms of advocacy strategies. These are lobbying through direct contact with key individuals or groups in government or other policy-making bodies, lobbying through the written form of communication, the use of the media to raise awareness on an issue, social movements, legal advocacy, research, networking, negotiation and community empowerment.

In the view of a number of participants in the study, these strategies are interlinked and complement each other. Each strategy has its strengths and weaknesses, depending on the issue at hand, the particular context within which it is used and the institution being lobbied. This finding is supported by Fox, who observed that, in practice, policy advocacy strategies often turn to be complementary and mutually reinforcing (Fox, 2001: 617).

It has been emphasised that the strategies involving direct contacts with key policy-makers tend to be more effective than the strategies relying on written communication (written communication here does not encompass the mass media) and strategies regarded as confrontational such as demonstrations tend to be used in very exceptional situations. To some extent, this is supported by Bratton's study, which observed that NGOs gaining a "voice" for the poor in policy-making through non-confrontational means is a more useful strategy for NGOs in Africa than "empowerment" against the power structure (Bratton, quoted in David, 2001: 125).

As shown by the data collected, AFRA is using the strategies for policy advocacy in an effective way, combining them strategically in order to make the most of each of them and taking into account the issue dealt with, the context and the nature of the institution being lobbied. It is important to assess the nature of the organisation being lobbied and its degree of openness. This is supported by Edwards and Hulme (2002: 62), who feel that the fundamental requirement for successful influencing is a degree of openness on the part of the organisation that is being lobbied; if this is not present, no amount of information or experience-sharing will induce changes in the system.

Another worthwhile point to bring to light in this study is the integration of advocacy work in AFRA's mission statement and in all its strategic plans. This is consistent with Geller and Salamon's observation that "a lack of integration of advocacy into an organisation's plan will result in advocacy that is either defensive or responsive to external forces, rather than advocacy that can help solve problems or achieve the organisation's ambitions" (Geller and Salamon, 2009: 6).

5.2. Influence of AFRA's advocacy work on the land redistribution programme

The answers to research question three showed that the policy advocacy work of AFRA has a relative influence on the land redistribution programme, in terms of formulation and adoption of policies favourable to landless people, in changing unfavourable policies and in implementing existing policies that, for reasons related to other interests at stake, were not implemented.

This study found that AFRA has been able to influence the formulation and adoption of policies by networking with other land-related organisations in what was the National Land Committee. Otherwise, it has not been easy for a small NGO operating in a portion of one province to have a voice strong enough to influence policy formulation at national level. To a lesser extent, AFRA has attempted to influence policy through research, submissions and comments on released drafts of bills or policies, but the outcome is viewed with scepticism by some AFRA staff.

In terms of influencing the change of unfavourable policies, data collected indicate a case where AFRA has managed, through lobbying and community empowerment, to successfully bring about the amendment of an act of the provincial parliament. For other amendments of policies related to land that have taken place, it is not easy to establish the exact role of AFRA, unless this is assumed, as AFRA worked most of time in networks with other civil society organisations within the National Land Committee or in other temporary networks.

Concerning the implementation of existing land redistribution policies, the influence of the advocacy work of AFRA is more observable. Many cases of that influence have been illustrated through interviews and AFRA reports, where, in the operational area of AFRA, there are a number of communities who have received land through advocacy support from AFRA.

Given these results to the present research, it can be argued that AFRA's advocacy work is more successful in policy implementation than in policy formulation or adoption. To some extent, this is explained by Geller and Salamon (2009: 4), who state that nonprofit advocacy is more successful when it is responding to a proposed policy or legislative cut, rather than when it is trying to pro-actively advance a policy proposal, since creating and passing new policies involves numerous steps and actors and it often requires a level of resources, commitment, and sophistication that many organisations do not possess.

Finally, policy advocacy influence in the land redistribution programme is difficult to assess, as there are no targets set concerning the changes to be made through the intervention and how to

measure them. It is not easy to determine what changes can be directly attributed to AFRA's interventions.

5.3. Challenges to the policy advocacy work of AFRA

This study found that there are many challenges that AFRA's policy advocacy work is facing. These include antagonistic relationships with government bodies, the unreceptive role of other powerful stakeholders in land issues, the low literacy level of people in rural communities and the problem of funding.

The relationship with government bodies, especially the Department of Land Affairs, are portrayed to be mistrustful and characterised by a lack of co-operation, hindering AFRA's full participation in the policy process. This confirms what Saruchera and Odhiambo (2004: 2) found in their study, that state-civil society relations in most African countries are strained and characterised by suspicion, at best, and repression and muzzling of criticism, at worst. This is corroborated by Court, who states that, "despite advances in political freedoms, many developing countries have contexts that constrain CSO work and engagement in policy processes" (Court *et al.*, 2006: 16).

The low literacy level of people in poor rural communities constitutes another challenge AFRA is facing in its policy advocacy work. In effect, this problem makes the advocacy work more complicated, as there are barriers to the means used to raise awareness on issues of land or citizens' rights about land, and it hinders the capacity of the people to organise themselves. This is explained by Nyamugasira (1998: 299-300), when he observed that the poor are typically unorganised, inarticulate, quite frequently dependent on local patrons, less educated, less *au fait* with communications, less likely to use government services and less likely to travel outside their home areas. The low literacy level and lack of organisational capacities induces the tendency of AFRA to act on behalf of poor rural communities, despite efforts made to empower them.

This study found that funding is a challenge to AFRA's advocacy work, as it relies mainly on foreign funding, which depends on the good will of the donor. AFRA tried, in the past, to obtain funds by contracting with the government, but this created a suspicious climate on the part of the communities it works with and this way of gaining funds was abandoned. This reaction is explained by David (2001: 110), who observes that some NGOs find that entering into a contract with the government simply robs them of their spirit and their independence.

5.4. Factors that contribute to effective policy advocacy

In the light of the fifth research question, it was found that AFRA does not meet all the factors delineated by Bratton (1994: 48-55), but it appears that, in its functioning, AFRA strives to cope with limitations inherent in its organisational structure, which hamper its policy advocacy work.

Concerning the structure of the organisation, even though AFRA does not claim its origin from the grassroots, its operational model suggests that AFRA is working very closely at the grassroots level with the communities it serves, giving them a platform from which they can make their voices heard. AFRA has developed a wide range of strategies that it uses to engage with policy-makers. We can say that AFRA has a channel to communicate demands to the policy centre, and to a lesser extent, it has a popular base.

Another factor is the scope of the organisation. In this regard, the study found that AFRA has a more or less broader scope, which encompasses a large number of aspects to be dealt with. This contrast with Bratton's study, which observes that an organisation with clear and simple objectives is most likely to be effective at their chosen task (Bratton, 1994: 50). AFRA has managed to focus its activities on two focus areas and this has enabled its staff to acquire a certain technical expertise in their area of operation: land rights legal unit and agrarian reform.

The third factor is related to the composition of AFRA's clients. The study found that AFRA works with the black landless of poor communities in rural areas of the Midlands of KwaZulu-Natal. They are all poor and landless and this makes them a homogeneous clientele as far land issues are concerned. Bratton (1994: 51) concurred: organisations that represent a homogeneous clientele can articulate a clear and unambiguous policy platform, as opposed to organisations whose members have mixed or competing claims.

The fourth factor is the nature of the relations with government, where, according to the present research findings, it appears that the relationship between AFRA and the government bodies, especially the Department of Land Affairs are characterised by a certain mistrust, which leads to a lack of co-operation. This problem seriously hampers the advocacy work of AFRA. This is what Bratton (1994: 52) meant, when he said that the degree to which national NGOs are able to have policy influence depends greatly on the nature of their relations with government.

Concerning the last point, which is about the relationship with the donors, the study found that AFRA relies on foreign funding and enjoys good relationships with its donors. However, the

dependence on foreign funding leads us to question the sustainability of AFRA's advocacy work, as this kind of funding can be terminated at any time. This is consistent with Bratton's argument, that organisations tend to attain economic sustainability, and also policy voice, to the extent that they build a domestic base of financial support (Bratton, 1994: 55).

However, this is a challenge as the domestic base of financial support cannot come from AFRA's clients, who are almost the poorest of the poor. As suggested by Edwards and Hulme (1992: 142), it is unthinkable to expect the poor to shoulder all the costs of their own empowerment. The domestic base of financial support cannot come from the government, because of the fear AFRA would have of criticising government policies if it is funded by that government.

5.5. Conclusion

It emerges from this study that civil society s provide avenues for voices and issues that may not have been prioritised by policy-makers to be placed on the public agenda. A wide range of modes of engagement are employed by civil society s in their interaction with government. These modes of engagement or advocacy strategies are more effective when they are employed in a manner that they complement each other, depending on the issue at hand and the context within which the advocacy is being made. Apart from technical and managerial competence, civil society organisations need to build a political clout, as there is increasing evidence that policy-making is a game of numbers, in which mobilising a critical mass of support secures the leverage necessary to secure the attention of the makers of policies and laws (Saruchera and Odhiambo, 2004: 3). Furthermore, it emerges from the study that civil society organisations involved in land issues work in a somehow hostile, rather than an enabling context, and, consequently, it is not surprising that land redistribution policies and programmes are still at the mercy of market forces and the aspirations of landless poor people are still delusions.

5.6. Recommendations

- Following the break-up of the National Land Commission some years ago, a stronger voice in land issues policy advocacy is needed. Civil society organisations engaged in land issues should establish an effective networking framework in order to pool resources and share expertise and experience, so as to impact more effectively on government policy.

- It has been shown that the structure of an organisation influences its effectiveness in policy advocacy. It has been demonstrated that the possession of local roots by a CSO enhance its effectiveness in policy advocacy (Bratton, 1994: 49; DeSantis, 2008: 38). In order to be more effective in its policy advocacy effort, AFRA needs to increase its clients' involvement in policy development, by restructuring and opening its membership to rural people living in the community it works with.
- State-civil society interaction is unavoidable and, in a democratic state, this interaction should be in favour of the well-being of the underprivileged people in the society. Consequently, the government should reassess its relationships with the civil society, so that the two sectors can work collaboratively for the best of the poor people they all have to serve.
- AFRA should consider the possibility of searching for a domestic financial base as this would provide the foundation upon which a voice in policy debate can be legitimately raised. Research has revealed that governments are more likely to heed domestic political representations if the poor and their allies pool their own scarce resources in support of a policy issue (Bratton, 1994: 55).
- Finally, in order to make possible the assessment of AFRA's advocacy influence on the land redistribution programme, AFRA ought to establish targets concerning changes to be made through its intervention in a given period of time.

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APPENDICES

APPENDIX 1

AFRA'S OPERATION AREA

Location of communities in which AFRA works

Community	Local municipality	District Municipality
Babanango	Ulundi	Zululand
Bergville	Okhahlamba	Uthukela
Cornfield	Umtshezi	Uthukela
Dannhouser	Dannhauser	Amajuba
Dukuduku	Mtubatuba	Umkhanyakude
Ekuthuleni	Mthonjaneni	Uthungulu

Gongolo	Umtshezi	Uthukela
Greytown	Umvoti	Umzinyathi
Howick	Ungeni	uMgungundlovu
Impendle	Ingwe	Sisonke
Mooiriver	Mooi Mpofana	uMgungundlovu
Newcastle	Newcastle	Amajuba
Utrecht	Utrecht	Amajuba
Vryheid	Abaqulusi	Zululand

Source: AFRA's Information Unit.

APPENDIX II

INFORMED CONSENT FORM



**Faculty of Humanities, Development and Social Sciences
School of Sociology and Social Studies**

Informed Consent Form

Introduction and project information:

My name is Mr Jean Claude Ruzindana, a master's student of Social Science in Policy and Development Studies at the University of KwaZulu-Natal, Pietermaritzburg campus. I am conducting a research project entitled 'A critical analysis of the policy advocacy role of Civil Society Organisations in land policy issues. A case study of AFRA in land redistribution programme in KwaZulu Natal. The purpose of the study is to investigate the role of civil society s in terms of policy advocacy in the issues of land redistribution to landless people. From this study I hope to gain an understanding of the contribution of policy advocacy in the vision and mission of this .

I have selected your organisation purposefully because of its involvement in issues of policy (land policy) and development (rural advancement). The interview is for academic purpose as partial fulfilment of my master's degree. As a registered postgraduate student at UKZN, I would like to request your participation in the research. This interview should take about 40 minutes of your time.

This document will detail your rights as a research participant, please read it carefully and sign if you agree to participate.

Your rights as a participant:

Please note the following rights and expectations you have and may hold regarding this research:

1. Your participation in this research project is entirely voluntary and you may choose to withdraw from the research without penalty at any time for any reason.
2. The information you provide will be kept confidential. This means that when the research is reported, your identity will be protected.
3. There are no direct benefits for your participation.
4. All the interview scripts and tapes will be kept by the supervisor for the period of five years and then everything will be destroyed.

Contact details:

Researcher: Jean Claude Ruzindana

Project supervisor Mark Rieker

Contact number: 0027 786 858 899

Contact number: +27 (0)33 260 5619

Email address: ruzindana@gmail.com

Email address: riekerm@ukzn.ac.za

Formalisation of consent

Signature of participant: _____

Signature of researcher: _____

Date: _____

Date: _____

APPENDIX III:

INTERVIEW GUIDE FOR FACE-TO-FACE INTERVIEWS TO MEMBERS OF STAFF OF AFRA INVOLVED IN LAND RIGHTS ISSUES AND COMMUNICATION

Introduction

My name is Jean Claude RUZINDANA. I am a student of policy and development studies at the University of KwaZulu Natal, Pietermaritzburg campus, preparing my master's degree.

I am conducting a study about the policy advocacy role of civil society organisations in land reforms issues in Pietermaritzburg.

As one of the participants purposely selected on the basis of your line of work to take part in this research, you are requested to express your views by responding to the questions I am going to ask you. The information you are going to give will help to have a better understanding of the advocacy work you are carrying out. Your answers will be treated with confidentiality; your identifications will appear neither in the analysis nor in any publication of the outcome of the study.

This interview should take about 40 minutes, and before we get started, if you consent, I would like you to sign an informed consent and remind you that you are free to withdraw your participation at any time if you so wish or if you feel uncomfortable with the questions.

Questions

1. Identification: - Position (title of responsibility) in AFRA
- How long have you been working with AFRA in this position?
2. In your day-to-day duties, what are the strategies are you using to advocate for better policies or for implementation of existing policies in land redistribution issues?
3. In your opinion, which among those strategies have proved to be efficacious?
Are there any reasons that explain that success?

4. Can you talk about strategies that have shown weaknesses?
What are, according to you, the reasons behind those weaknesses?
5. Can you talk about a success story showing an impact of your advocacy action on the land redistribution programme?
6. What challenges are you facing in policy advocacy work for land redistribution?
How do you cope with those challenges?
7. What do you suggest can be done to improve your policy advocacy role?

Ending

Thank you for your time, should I need clarification or further details I will contact you and make arrangements. Or if you think you got information that you think is vital for this research you can contact me through contact details on the informed consent I gave you.