What space for farm dwellers?

Exploring the contextualisation of land reform and participation in Amajuba, KwaZulu-Natal

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Abstract

Major approaches to land reform have been argued to lack holistic thinking and contextualised solutions that impede on sustainable implementation projects. This has brought scholars to move towards a rethinking of land reform takes on a constructivist perspective to implementation setting and essentially emerge from contextualised conceptualisations. A critical element in such poly-rational approaches is meaningful participation. In South Africa, land reform became a central national development goal after apartheid to begin the long journey of historical redress. However, progress has been slow and less than 10 per cent of agricultural land had been transferred to landless demographics (PLAAS 2016, 67). As a result, farm dwellers who live in the private countryside on land that they do not own continue to live under circumstances that exacerbate their livelihoods, their land tenure security and access to basic services.

Through a qualitative and constructivist approach, this thesis explores the nature and relevance of land reform in South Africa against the backdrop of the general literature and the perspectives and livelihoods of farm dwellers and civil society actors in Amajuba, KwaZulu-Natal. Critical elements in the process of contextualisation include *inter alia* contextual research and meaningful participation. Thus, the nature of participation for farm dwellers in land reform processes are scrutinised using typologies and concepts of participatory space, and how civil society actors claim spaces for farm dwellers. It finds that in Amajuba, KwaZulu-Natal, land reform policy – exemplified by the nationwide Agri-Parks Programme and a local agri-village project – uncovers significant gaps between farm dweller contexts and conceptualisations of projects, which may implicate the sustainability of project implementation, its effect on poverty and inequality reduction and democracy.

Key words: land reform, farm dwellers, participation, South Africa, contextualisation.

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Abbreviations

ADM – Amajuba District Municipality

AFRA – Association for Rural Advancement

ANC – African National Congress

APP – Agri-Parks Programme

CBO – Community-based organisation

CPA – Communal Property Association

CRDP – Comprehensive Rural Development Programme

DARD – Department of Agriculture and Rural Development, KwaZulu-Natal

DHS – Department of Human Settlements

DLA – Department of Land and Agriculture

DRDLR – Department of Rural Development and Land Reform

IDP – Integrated Development Plan

LCC – Land Claims Court

LRC – Legal Resources Centre

LTA – Land Reform (Labour Tenants) Act 3 of 1996

NDP – National Development Plan

NGO – Non-governmental organisation

RDP – Reconstruction and Development Program

SEFA – Siyaphambili Emajuba Farm Dwellers Association

1 Introduction

In 1994, the year of South Africa's first democratic election, the country was left with one of the most disproportionate land distributions in the world. To address the legacies of colonialism, segregation and apartheid, land reform became a central national development goal to begin the long journey of historical redress. Subsequently, a new Constitution in 1996 provided three rights to land: the right to equitable access to land, the right to tenure security and the right to restitution. However, to this day land reform progress has been slow and less than 10 per cent of agricultural land had been transferred to landless demographics (PLAAS 2016, 67). Based on the current pace of finalising restitution claims, it will take 709 years to complete the process (High Level Panel 2017, 233). Today, most land remain in the hands of the few, and the initial pro-poor focus that characterised the Mandela-government's land reform programme has deviated from the interests of the most vulnerable citizens (High Level Panel 2017, 59; Hall 2008). One significant implication of stagnant progress is that vulnerable groups who live as occupiers on private farmland are left with in insecure tenure (PLAAS 2016).

Land reform in South Africa has been subject to frequent reminders by the international development community of Zimbabwean conditions post-2000 that have been presented as polarising and violent as a result of more forceful expropriation methods (Hall et al. 2013; Kleinbooi 2009, 193). While South African land reform has avoided such descriptions, the slow pace of progress has been attributed to passiveness and perhaps an approach that has been too diplomatic (Hall 2008). Land reform is not a random method for development where the outcome trumps the process. Land reform necessarily deals with skewed land distributions in contexts with high inequality, and often, but not always, entails that some will lose while others gain land (Lipton 2009). Naturally, there are socio-economic, or simply economic, power dynamics at play and conflict is commonplace. Based on international experiences, some have reduced land reform to a dead form of development because the rural sector has either become irrelevant for development or that the power of the state has dwindled in an increasingly liberalised and 'developed' countryside (Lipton 2009, 273). In this thesis, I explore the nature and relevance of land reform in South Africa against the backdrop of the general literature and the perspectives of key stakeholders. More specifically, I explore the extent to which land reform

authorities in South Africa make programmes relevant for their intended beneficiaries, and how beneficiary perspectives are represented or empowered in land reform processes.

Rationale and motivation

According to Lipton (2009), 1.5 billion people globally have either been pulled out of poverty or are less poor as a result of gaining access to agricultural land through land reform. It is a strategy that seeks to conquer key developmental challenges including poverty alleviation, inequality reduction, economic growth and food security (Deininger 1999; De Villiers 2003; Bhandari and Linghorn 2011; Borras and Franco 2010), and it remains significant in academia, politics and development practitioner circles (Borras 2007; Sikor and Muller 2009; Lipton and Saghai 2017).

South Africa has a long history of segregation and dispossession that were central instruments to ensure domination during colonisation and apartheid (Beinart and Delius 2015). As a result of history, livelihood impacts are still carrying social and economic legacies that post-apartheid policies have attempted to reconcile through a three-legged land reform approach. The fundamental objectives of the three pillars of land reform in South Africa – land redistribution, restitution and land tenure reform – include the reconciliation of the past in a way that boosts the economy, alleviate poverty, and create equitable structure for access to land.

The land reform literature identifies three major approaches that have been subject to the same criticism: the design of intervention has largely reflected the generalisations of professionals and thus detached from the interests and livelihood challenges of intended beneficiaries (Lipton 2009, 61). Both globally and in South Africa, most land reforms have been state-led affairs (SADC 2010, 46), and implementation of centrally conceptualised programmes is thus weakened by contextual obstacles that tend to escape consideration (Lipton 2009, 61). In post-apartheid South Africa, large-scale national programmes have been popular, and, as one of my informants said, the government *loves* to adopt an internationally defined construct of a development project regardless of compatibility with the South African context.[1] A recent report from the High Level Panel

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[1] Glenn Farred, AFRA Programme Manager, Interview, November 11, 2016.

in South Africa argued that the slow progress and lack of empowerment of intended beneficiaries

> …has created a great sense of injustice, particularly as white landowners and business people are seen as being more empowered – and enriched – than claimants themselves (HLP 2017, 242).

Behind this argument were the voices of numerous intended beneficiaries of South African land reform that emphasised their plight for inclusion in decision-making processes. Participatory methodologies have frequently been argued to be pivotal for democratic and sustainable land reform (Chigara in Anaafo 2013; Ng'ombe et al. 2012; Wolford 2010), and it has been said that governments need to learn how to engage constructively in debates with key stakeholders (SADC 2010, 58). In this thesis, I explore the approach of South African land reform and the degree to which it is contextualised to the challenges and needs of beneficiaries. Thus, I address a context that has been largely neglected in land claims processes: the rural countryside.

While land reform is essential in both rural and urban areas, access to land in rural areas is a significantly urgent issue. Globally, 80 percent of the global poor live in rural areas and depend mainly on the farming economy (World Bank 2016, 5; Lipton 2009). In South Africa, farmland is where poverty rates are the highest and where the outflow of people into urban areas are increasing (De Villiers 2003, 147). Farmland property is particularly significant due to its role as a 'gatekeeper' to local income, status and power, and that large land holdings in developing countries predominantly derive from land seizures, interventions by colonial or recent governments or inheritance (Lipton 2009, 147,148). In 1994, the ANC promised to redistribute 30 per cent of white-owned land to its black landless citizens but 22 years later less than 10 per cent has been transferred (PLAAS 2016, 67). Needless to say, progress has been slow, and it is having a particularly heavy toll on vulnerable groups that live on privately owned farmland without formal tenure status. While there is no official statistical data on the exact number of this ambiguous demographic, studies have estimates that *farm dwellers* constitute about five per cent of the South African population (Visser and Ferrer 2015, 8). This is a significant number

that exceed the Indian population in South Africa.[2] Regardless, farm dwellers are largely ignored in government action and rhetoric.

Borras and Franco (2010) argue that "the most promising approach to 'democratic land governance' is one that combines people's mobilisation 'from below' with state reformists' initiatives 'from above', and is vertically integrated from the local to the international levels" (2010, 24). Thus, the central objective in this thesis is to address the farm dweller demographic, the contextual compatibility of land reform programmes and to what extent the authority's participatory interventions are meaningful and empower farm dwellers. I do this in the context of Amajuba, KwaZulu-Natal and the planned implementation of two land reform initiatives, the Agri-Parks Programme (APP) and agri-villages, that are both part of South Africa's current approach to land reform.

In 2015, the government announced the enrolment of the APP: a new nationwide land and agrarian reform programme that aims to transform and decentralise the agricultural sector while revitalising and empowering rural communities (DRDLR 2015). In the context of the APP, a familiar concept reappeared on the government's agenda. The *agri-village* is a debated concept that initially referred to a constructed village on the outskirts of a farmer's property for farm workers to establish their livelihoods and for farm owners to maintain a ready pool of labour (AFRA 2017b). Agri-villages have been implemented sporadically across South Africa, including KwaZulu-Natal, and the construct has been criticised for its resemblance with apartheid-like farm owner-farm worker relations (DHS 2012). Furthermore, they have been rendered poverty traps, eviction centres and municipal service burdens (AFRA 2017b). In an example of contemporary conceptualisation of agri-villages in Amajuba, however, it is argued that these constructed villages mitigate central issues of tenure insecurity, service provisions, adequate housing and employment opportunities (EDM 2017).

Problem statement and research questions

This thesis critically examines the polarised experiences of land reform in South Africa, and how and to what degree the dynamics between different stakeholders – in particular

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[2] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

farm dwellers, civil society and land reform authorities – have led to the empowerment of farm dwellers in Amajuba, KwaZulu-Natal. A critical element in this regard is the degree to which participatory mechanisms between governmental institutions and farm dwellers exist and whether these channels affect decision-making. Thus, the main research question of this thesis is:

To what extent are policy approaches to land reform in KwaZulu-Natal contextualised to reach intended beneficiaries, and to what extent are beneficiary perspectives included in planning and implementation of these policy programmes?

I venture two sub-questions to articulate my main research question in more detail and with contextual specification. First, I seek to explore the premises of contextualisation for land reform initiatives in Amajuba, KwaZulu-Natal. I do this with a particular focus on the perspectives of farm dwellers in Amajuba and civil society actors, and thus ask the question:

- *How do the initiatives of land reform authorities address the challenges of farm dwellers in Amajuba, KwaZulu-Natal?*

Second, I address the participatory nature of land reform initiatives to further explore the implications of participation in practice, and how civil society actors adapt and contribute to farm dweller organisation. I do this by asking:

- *What characterises the spaces for participation between authorities and farm dwellers, and how do civil society actors contribute to unify farm dwellers' perspectives?*

Through a qualitative approach, this thesis aims to contribute to the broader discussion of land reform as a central development strategy. By addressing some of the key challenges associated with local application of centrally conceptualised land reform programmes and emphasising some of the implications of potential misuse of participatory approaches I hope to contribute to the wider discourse on the rethinking of land reform.

Roadmap

The thesis consists of seven chapters. In this introduction, I have presented the topic of this study, the rational of my analysis and the research questions that I intend to answer. In the next chapter, I review the relevant literature and present the theoretical foundation for my analysis. I first define the concept of land reform and thus the associated objectives followed by a review of the major approaches to land reform. The chapter ends with a rationale for combining land reform and participation. In Chapter 3, the focus turns to land reform in South Africa and the land-related legacies of colonialism, segregation and apartheid with a specific focus on the history and legacy of labour tenancy in KwaZulu-Natal and Amajuba. Chapter 4 is where I outline my methodological approach and explain how I collected data mainly through participant observation and semi-structured interviews. Chapter 5 and 6 address the research questions and contain the analysis of the findings and data collected during the research period. In Chapter 5, I address the first sub-question and thus begin by establishing the farm dweller demographic in Amajuba and KwaZulu-Natal and the challenges they encounter in the private countryside. I then proceed to discuss the government's approach to farm dwellers based on the two land reform initiatives – the APP and the agri-village project – that have been proposed in Amajuba, and through a brief review of the visibility of the farm dweller in official statistical data. This chapter concludes with the demonstration of a significant gap between the livelihoods of farm dwellers and the conceptualisation of the two initiatives. Based on the previous chapter, Chapter 6 addresses the spaces in which authorities interact with key stakeholders and to what extent these spaces and the power dynamics within them implicated the empowerment and unification of farm dwellers in Amajuba. Finally, Chapter 7 concludes and summarises the findings, discussing the implications of the gap between policy and context, and the way in which authorities, whether governmental or non-governmental, utilise spaces for participation.

2 Analytical framework

Land reform was, and continues to be, the leading state activity in areas of rural development (Sikor and Muller 2009) but the means and ends of reform vary. In this chapter, I aim to give an overview of the general literature on land reform and highlight a major trend in the criticism of major approaches that emphasises the lack of contextualisation in most efforts to implement reform programmes. Before venturing some of the approaches adopted I first establish the meaning of land reform, how it may be defined and some of the fundamental objectives. Followed by a discussion of the major trends in land reform approaches, I turn to a critical perspective that leads me to a discussion of a poly-rational approach to the field. Finally, this chapter turns to participation in land reform and thus the central aspect of relational implications between and within groups of key actors, influencers and stakeholders.

What is land reform?

Because of a long history and a variety of approaches forged by different actors there exist numerous interpretations. Definitions of land reform legislation, policy interventions and government projects and programmes range from broad and virtually uncritical interpretations of intent and beneficiaries, to narrow definitions that exclude key aspects of reform. One of the broadest definitions characterises land reform as "any improvement in land tenure or agricultural organisation" (Tai in Sheppard 2008, 555). The dilemma with such a definition is that it makes no requirements to what constitute "improvements" and for whom, and thus makes the mistake of indirectly accepting any interpretation of what an improvement or goal may be. Similarly, narrow definitions that describe land reform merely as redistributive interventions for the benefit of small-scale farmers and agricultural labourers (Warriner in Sheppard 2008, 555) exclude groups with insecure tenure that are not defined as farmers or farm labourers. Further, it isolates land reform to redistribution which excludes the multitude of land reform initiatives that currently exist, such as land tenure reform and post-totalitarian reform. While redistribution is important for equitable land distribution it may not solve underlying socio-economic power-relations and structural inequalities. Thus, there are challenges associated with both broad and narrow interpretations.

The fundamental goal for land reform is closely linked with the methods used to achieve it. According to Banerjee (2000), the fundamental end goal of land reform is an equitable land distribution to alleviate poverty, to which land reform is justified with two key aspects: That an equitable land distribution is desirable, and that the costs involved are worthwhile. First, while the redistribution of land in contexts of a highly skewed land distribution is a goal in itself he emphasises the productivity gains of small-scale farming in developing countries. It is desirable because it may alleviate the pressure of urbanisation if land is redistributed in rural areas. However, the greater argument for the provision of land for poor families is that land can be a permanent source of income and may provide grounds for furthering of the means of production (Banerjee 2000).

Liberty has been key in several experiences of land reform, and in particular in contexts where land-based relations have been or are characterised by skewed power-relations and domination. Liberty-enhancing land reform include programmes and projects that actively limit land accumulation with land-ceilings and expropriation-like distribution of excess land to the poor (Lipton and Saghai 2017, 61). However, aside from such specific policy interventions liberty in itself bridges land reform and local participation. According to Lipton and Saghai (2017), a person's liberty is determined by the degree to which one's actions are dependent on the tyranny of necessity or in large part is conditioned by others. As such, it is the task of a liberty-enhancing government to first, establish or maintain social and institutional arrangements that prevent individuals, groups or enterprises from excreting arbitrary control over the choice of others; and second, to enable and facilitate the exercise of self-determination by securing individuals' access to valuable options.

Current conceptualisations of land reform reflect the increasing recognition of the multitude of ways that access to land is constrained (Sikor and Muller 2009). With the wide variety of motivations, historical contexts and points of departure to meet such as goal it has been suggested that land reform is too prescriptive to identify pro-poor land-related policy. Instead, it has been suggested that *land policy* has become a more popular term due to its less value-laden associations and presupposed ability to include a wider variety of policies that has to do with land (Borras and Franco 2010). Land policy refers to all policies that have to do with land, which may be useful due to the increasingly diverse agendas for land reforms. However, the goal of land reform is by no means neutral

or unbiased (Lipton 2009). Similarly, this thesis is concerned with land-related policy, legislation, programmes and projects that are by no means neutral as it carries strong political messages and high stakes for governments. Land reform has a moral and democratic foundation whether it is apparent only in political rhetoric or in actual intent and implementation. As such, it is assumed here that land reforms that strengthen inequality, consolidate power with the already land-rich, and reinforce inequity and exclusion in land-based social relations have failed, are failing, or have been labelled land reform in political rhetoric without carrying its intent. *Land reform* is thus characterised by prescriptive and normative characteristics, and is defined here as:

> …legislation and policy intended and likely to directly redistribute ownership of, claims on, or rights to current farmland, and thus to benefit the poor by raising their absolute and relative status, power, and/or income, compared with a likely situation without the legislation'' (Lipton 2009, 328).

Here, Lipton emphasises legislation as key in land reform, and further identifies not only the physical redistribution of land but also includes the right to claim and own land. In a way, the definition approaches land reform as an instance with future currency (with laws and systems attached to its sustainability for those with those with initial 'lower relative status) as opposed to a 'land reform project' that ends with land transfer.

While often forgotten or ignored, agrarian reform is invariably integral to land reform (FAO 2003, 69). This is explicitly addressed in the above definition. It specifies that the land in question is predominantly productive land intended for farming or with farming potential. As such, it addresses one of the most vulnerable demographics in the world: the great majority of those living in extreme poverty who live in rural areas and predominantly rely on agricultural practices for subsistence and well-being (Prosterman and Hanstad 2006, 763). It further prescribes intent of land reform actors as pro-poor and reductionist in terms of socio-economic inequality. Perhaps most importantly, Lipton stresses that land reform legislation and policies ought to bring about positive development for the poor "compared with a likely situation without the legislation". This further emphasises the aspect of intent on behalf of the land reform authority that may choose a variety of land reform types, which I now turn to.

Policy options

There are three main types of land reform that states have adopted across the major approaches, discussed below. The commonly used umbrella policies include land redistribution, land restitution and land tenure reform (De Villiers 2003). During the 20th century, *redistributive land reform* was the means by which socialist states sought to break up feudal systems of power and gain support from revolting peasant movements (Sikor and Muller 2009). Today, the element of political support is still important but increasingly fragmented in terms of target groups. This will be discussed further below under the section on political opportunities and obstacles (Lipton and Saghai 2017, 60). *Land redistribution* is largely associated with the classical land-to-the-tiller principle of distributing land to landless peoples (Sheppard 2008, 556) who may have been subject to systematic oppression and social reproduction. This is contextual. The practical execution entails government acquisition of private land, either by expropriation or voluntary sales by landowners, followed by schemes of distribution to the landless (Platteau 1996, 30). However, redistribution may also take on a less interventionist method where the state provides beneficiaries with grants and loans to acquire land from landed classes via the market (Obeng-Odoom 2012, 165).

Land restitution, also known as post-totalitarian land reform, deals with specific target groups who have been previously dispossessed of land as result of an oppressive and totalitarian regime, and is defined as the reversal of farmland seizures by particular colonising of ethnic groups (Lipton and Saghai 2017, 64; Sikor and Muller 2009, 1307). Restitution programmes can also take on a claims-driven principle in which beneficiaries themselves are responsible for claiming their rights to lost land, and as such become *land claimants* (Sikor and Muller 2009).

Redistribution and restitution do not necessarily influence tenure systems, but land tenure reform policy needs to be distinguished. Issues related to land tenure tend not to be exclusively addressed unless particular development programmes encounter challenges with ambiguous definitions of land-related rights (Cousins and Claassens 2004, 144). In practice, *land tenure reform* primarily refers to policies and programmes with structural objectives, construct or restructure land-related institutions and administration, and to design tenure systems that address socioeconomic and legal structures, and power dynamic that govern land (Unruh 2010, 1726). Land tenure reform may cause some

confusion as it overlaps with both of the above-mentioned categories. First and foremost, the category calls for an understanding of land tenure. *Land tenure* refers to "the relationship, whether legally or customarily defined, among people as individuals or groups, with respect to land and associated natural resources" (FAO 2002, 36). It encapsulates institutions or rules that define the system of allocation of land ownership, rights use and management. Thus, land tenure systems determine who can use what resources for how long, and under what conditions. Land tenure reform is often interchangeably termed *land tenure security*, which essentially is the end goal of reform. Land tenure security is believed to be vital for human development (Obeng-Odoom 2012, 161), and is commonly said to be *'secure'* if it assures owners or tenants that their rights will be free from expropriation, encroachment or forced eviction (Obeng-Odoom 2012; FAO 2002; Du Plessis 2006, 3). The policy options range from land claims processes, land acquisitions and (re)distribution, improve access to land for certain purposes, land use planning, infrastructure development, agrarian reforms and commercial support, resettlement programmes, security of tenure and training (De Villiers 2003, 2).

In the absence of land redistribution or wider pro-poor agrarian reform, there are grounds to believe that politicians choose to focus on land rights because it fits with a particular (neo-liberal) view of development rather than strong pressure from below (Lahiff 2003, 51). At the very basis of land tenure reform there is a polar divide between sociologists and anthropological, and neoclassical economic views regarding the 'how' of tenure security. The aching blister is the matter of property and whether property rights systems individualised, or communal land ownership and management systems go hand in hand with the sense of security (Obeng-Odoom 2012). On one hand, the formalisation of currently informal holdings, such as occupiers on state or private land or customary holdings in communal tenure, have been argued to bring non-economic empowerment. On the other hand, De Soto (2000) considers communal land holding 'dead capital' and a cause of insecure land rights because the land cannot be traded or used as collateral for credit. Such arguments have in particularly been relevant in Sub-Saharan Africa where customary and communal land has contributed to heated debates on the distribution of power in participation, representation and legitimacy (Sikor and Muller 2009). Still, it is significantly cheaper for states to transfer land rights to traditional authorities in the name of land tenure reform than to redistribute land with private title deeds or to transfer land

through restitution and land-claims processes. The controversy that this represents have been linked with the lack of consultation with the rural poor (Lahiff 2003, 51–52).

State-led land reform

Land reform has been subject to major changes. The common feature of pre-1990 land reforms is that they were inherently state-led. It is meant by *state-led land reform* that policies and programmes are "conceived by national governments in a top-down fashion and implemented by their administrative branches through bureaucratic modalities" (Sikor and Muller 2009, 1307). In other words, it is characterised by the active role taken by the state in expropriation and land acquisition (Lipton 2009), redistribution, conceptualisation and planning. The state's central role is often justified with an ethical and a capability claim. It is assumed that the state, within its capabilities, has a better ability to ensure food security, to redistribute land and power, and to compensate 'land losers' (Lipton and Saghai 2017; Borras 2007; De Villiers 2003). However, state-led reform has also been associated with radical state-led initiatives that confront imperialism, ideological positions and power structures in the national economic system. One of the most radical experiences of such reform in contemporary contexts, is the reform taking place in Zimbabwe (See: Yan Hairong and Chen Yiyuan 2016).[3] In the 1960s and 1970s, land reform was used as a remedy against customary land tenure systems which were believed to cause political conflict, reproduction of social injustice, and stagnation of economic growth (Atkins 1988, 935). Land reforms were central in socialist movements and seen as key to dismantle the feudal classes resolve issues in agrarian societies, and reverse skewed land distributions. The methods utilised at this time were confined to state-led and redistributive programmes (Sikor and Muller 2009, 1308; Borras 2007, 4). Around 1990, academic, policy and political debates challenged the effectiveness and feasibility of the state's position in development (Borras 2007, 6), and a market-orientation emerged.

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[3] Earlier examples of radical state-led reforms have been characterised by state acquisition of all farmland that was redistribution to smallholders forced to farm under co-operatives under state administration. Such examples often failed to contribute to food security for rural poor. In China and Soviet it resulted in famines and coercion, and it has been termed 'the detour' of land reform due the significant disorientation from the objectives of land reform (Lipton and Saghai 2017, 60).

Market-led land reform

During the 1980s, the neoliberal shift in economic and political ideology across international financial and development institutions[4] introduced structural adjustment programmes (SAPs) that also influenced many countries implemented land reform. The widespread failure of SAPs also seeped into land reform (Lahiff, Borras, and Kay 2007, 1420). The state failed to meet expectations and land reform decreased in popularity (Atkins 1988, 943). What has been termed 'new wave land reform' is an example of an attempt to leave the state-led rationale, which is defined as "a set of laws, mostly post-1985, to redistribute land without classical Land Authorities, and generally characterised by decentralisation, the use of land markets, and reluctance to compel" (Lipton 2009, 259). It was first and foremost a response to the top-down and confiscatory approach to land reform and amounted to the emergence of a *market-led reform*. Pro-market scholars and development practitioners argued that the state's capacity is limited in the face of regulation and redistribution of land, and that the market's ability to affect rural peoples is considerably more effective (Deininger and May 2000). The wider critique of the state and its capacity to facilitate and implement development at this time affected land reform significantly. The market-led approach leaves the idea of state acquisition of land and targeted redistribution and embraces a model of *willing-buyer, willing-seller*, or other policies such as liberalised land rental markets and tenancy, termination of land-size ceilings and privatisation of non-private land (Lahiff, Borras, and Kay 2007). However, market-orientated land reform policies have been argued to be unreliable and too costly both for beneficiaries and governments (De Villiers 2003). It is non-interventionist and actively passive, and relies on willing owners of excess land, and governments with sufficient resources to accumulate land for redistribution, or to deal with financial support systems for 'willing buyers'. However, it has been argued that land reform has rarely occurred without an element of force to compel landowners to sell land or discount the price of compensation rarely resulted in land reform anywhere in the world (Moyo 2000 in De Villiers 2003, 150).

The recurring argument in the land reform literature criticises market-led and technocratic reforms that tend to belittle or ignore the social, cultural, economic and political contexts

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[4] These international institutions included the World Bank, Inter American Committee for Agricultural Development, and the International Labour Organisation (Atkins 1988, 943).

of beneficiaries (De Villiers 2003; Borras and Franco 2010). The success of land reform is often set by economic and utilitarian value standards assigned by the market over its social a cultural worth (Spalding 2017). Land is seen as a production facility in a free market environment, in which the state may intervene to correct market imperfections and failures (Atkins 1988). That rationale may provide explanations and paths of improvement for an integrated neoliberal agrarian sector. However, there is little understanding and respect paid to meanings of land that are not purely economic, such as social and cultural capital that underlie institutionalised structures of inequality and social reproduction. The cultural ties to land and wealth (knowledge) generated and transferred between generations suggest that an holistic approach that include both economic and socio-cultural aspects of land is essential for sustainable land reform (Spalding 2017, 544) Land means different things to different people, and the only constant characteristic is that its material nature or form is defined by a specific and unchangeable geographical location, and according to Spalding (2017) the human-land relationship has come to be defined by the highly dynamic, but also quite recent, economic history on the land. Demographic, land use, and markets have changed significantly and development has come to assign value to the land beyond its capacity to produce and support life on this planet (Spalding 2017, 544). While typical land reform programmes from the World Bank in 1980s and 1990s had specific aims to regularise private property and to facilitate the creation of land markets, the need to sustain people over time suggest that both economic and sociocultural aspects of the human-land relationship must be taken into account for more equitable land reform policies (Spalding 2017).

Community-led land reform

As a response to the increasingly detached, or "external expert stance" to development and land reform, *community* and *stakeholder participation* was placed at the centre of attention in development and land reform discourse (Sikor and Muller 2009). The *community-led approach* to land reform has been argued to offer a democratic alternative to technocratic initiatives implemented from above (Berry 2009), but *community* has come to have various meanings depending on context, which I return to in Chapters 5 and 6. The emphasis on "stakeholder participation" was brought into the World Bank vocabulary and increasingly utilised in land reform formulations in the mid-1990s (World Bank 1996), and from this perspective several scholars characterise community-led land

reform as a strategy where the government primarily provides financial and technical support to poor citizens based on demand. Within this framework, acquisition and redistribution of land is a market matter with facilitation provided by the government (Prosterman and Hanstad 2006, 780; Deininger and Binswanger 1999; Van Den Brink et al. 2006, 32). This is also known as negotiated land reform where the community consists of landowners and land poor buyers who negotiate land deals and prices with the government as facilitator (Deininger 1999). In a market-oriented setting, it is thus argued that the 'community' (sellers and buyers) drive the reform. Deininger and Binswanger (1999) argue that the combination of market- and community-orientation is superior in that it avoids the confrontational and conflict potential of land reform, and that it stimulates land markets. They also conclude that examples from Latin America suggest that upper grant ceilings for beneficiaries increase incentives to buy run-down and unproductive farm with potential for productivity and profit gains (Deininger and Binswanger 1999, 267). Byamugisha (2014) describes *inter alia* an example from Malawian as a community-based market-assisted approach that essentially takes the wording from the World Bank's project description (Weideman 2004). These perspectives see community as recipients of land, or beneficiaries who receive productive assistance from governmental institutions by demand (Byamugisha 2014, 3). As such, the community is essential in certain aspects of planning and implementation but are not necessarily the most central stakeholder group.

A general critique that even encapsulates community-led land reform is the lack of stakeholder participation. While community-orientation focus more on contextualised knowledge, challenges and needs the common criticism of durability and sustainability prevails. In Malawi, the World Bank generated a land reform model using the liberal economic *willing buyer, willing seller* model, and its success has been debated. The project was pursued to sustain the mainly agriculturally based economy, and to cope with challenges associated with a largely disproportionate land distribution and increasing land pressure on smallholders (Luwanda and Stevens 2015, 123). It was characterised by decentralisation, community-orientation and volunteer-based participation, and its objective was "to increase the agricultural productivity and incomes" of a significant number of rural families (World Bank 2013, 2). According to a performance review conducted by the World Bank in 2012, the project had high success rates in terms of both productivity enhancement and higher incomes for beneficiaries (World Bank 2013, 25).

In summary, the performance assessment by the World Bank was largely positive to the performance of both the Bank and other involved institutions. However, an assessment conducted by an independent institution a year later show detrimental results regarding the durability and sustainability of progress (Luwanda and Stevens 2015). The main failures were *inter alia* attributed to the lack of collaboration and coordination between actors, influencers and affected parties. Their tenure arrangements were changed from communal management and ownership to individualised leasehold managed and registered under Trusts (Luwanda and Stevens 2015, 125). The lack of communication between the planners and the beneficiaries resulted in a programme that ignored contextual knowledge of landless and land poor smallholders. As a result, few of the beneficiaries progressed into sustainable enterprises and few years after the World Bank pulled out beneficiaries no longer enjoyed higher incomes, increased productivity, or food security due to lack of post-settlement support (Luwanda and Stevens 2015, 132). Despite the emphasis on key stakeholders and the poor, neoliberal ideas of community-led reform are not necessarily associated with the democratic arguments that characterises this approach. Community-led reforms are highly contextual and imply different roles for individual people, their collective organisations and state actors, as well as different relations between them (Sikor and Muller 2009, 1310). To place the landowner and intended beneficiary in the same category is the first concern. The second concern is the limited emphasise on the role and visibility of the state in the process. Sikor and Muller (2009) bring the community-led approach further away from the market and present a less liberal understanding of "community" that recognises and emphasises the significance and authority of local institutions over land in contextual terms. They argue for a holistic approach to the position and role of bottom-up political initiatives, power relation and actual land tenure arrangements (Sikor and Muller 2009).

State-, market-, and community-led land reforms are three of the most common positions in the land reform literature, and they have emerged as a result of criticism of the other. The paradox is that the above-mentioned approaches and policies in land reform cannot be seen as separate from, or incompatible with state action as there are obvious relations between the state and "community" to achieve legal and administrative changes in favour of the land claims made by certain groups (Sikor and Muller 2009, 1310). Thus, they are by no means static categories that practically exclude one another but provide frameworks into which land reforms have taken form and direction in various contexts. What the

tripod in the land reform discourse reveals is that each of the approaches are conceptualised on the basis of criticising the other, and thus make for difficult convergence, which leads me to the perspective of those who argue for a rethinking of land reform.

Rethinking the discourse

The overarching discourse on land reform is mainly concerned with what can be argued to be a quarrel between three key sectors – the state, the private sector, and civil society – that need to cooperate. After all, land reform is not only a matter of process but also outcome. As a result, scholars have come to categorise these as *mono-rational land reform* (Davy, 2009 in Anaafo 2013, 423). It is a potential pitfall to believe that state-, market- and community-led land reform cannot be constructively and contextually defined with beneficiary conceptualisation. To the contrary, a *poly-rational approach* to land reform depends on the support from the state, the community and the market, if relevant (Bhandari and Linghorn 2011). The mono-rational characteristics of the debate presented above is criticised by scholars as it diverges from democratic principles. Development discourse on democracy and participation is substantial but the systematic link between democracy and land reform is virtually underexplored in contemporary literature on deepening democracy (Borras and Franco 2010, 5). The causal relationship between pro-poor land reform and democratisation is often assumed but not demonstrated (Lipton 2009). The poly-rational perspective emphasises the benefits of rethinking land reform with holistic rationale, interdisciplinary research and criticism. It is argued that thinking of land reform from a mono-rational nature creates obstacles to successful implementation because the technocratic nature of mono-rationality tends to first be based on the major discourses and second adapted to contexts. A fundamental shortcoming, among others, in such national programmes is the gap between land reform authorities and the intended beneficiaries of land reform. Using examples from land management, Pretty (1995) emphasise the subjective nature of science and how this can enable land authorities to legitimise land-use projects that not necessarily respond to beneficiary needs. A myriad of policy recommendations from trustworthy and methodologically legitimate sources are subject to human influence and may thus produce a wide range of different results from the same context. Thus, Pretty (1995) argues that the challenges is

not only to recognise the difference between such sources but that the competing values represented need to be mediated between affected actors (1995, 1250). The Malawian example, above, illustrates how a local project, regardless of intention to emphasise community participation, skipped such mediation and further meaningful dialogue with beneficiaries. The competing values that inform such policy, leads Pretty (1995) to argue for an approach that provides better forms of active participation and platforms for decision-making that engage wider public interests and social movements (1995, 1250).

In an attempt to mitigate the gap between the major land reform discourse and democracy, Anaafo (2013) argues for a *poly-rational* approach to land reform, in which holistic thinking and context are rendered integral. Based on general systems theory, the poly-rational approach is conceptualised based on arguments of fundamental rethinking, plurality, democracy and participatory methodologies. The rationale behind the theory is illustrated with a metaphorical comparison to a natural geographical dendritic drainage system, in which the diversity of tributaries and their numerous characteristics is part of the totality of the hydrology of a geographical region. He illustrates the approach as a natural drainage system in which all strands of a main river outlet – the tributaries – and their characteristics – the collection, movement and storage of water, its speed, volume,
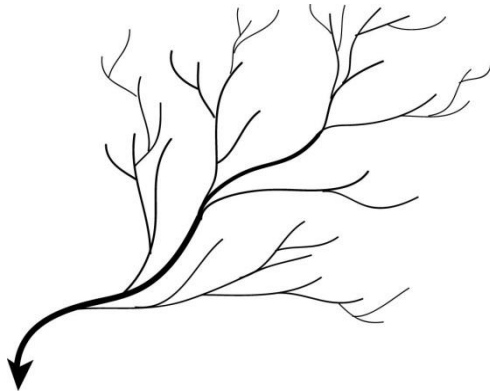
Figure 1. A natural geographical dendritic drainage system.

sediment content, level of siltation and colour – all determine its characteristics. "Any effort to bring about changes in the development of a river must necessarily take into consideration the tributaries" (Anaafo 2013, 424). Arguably, this provides useful lessons for land reformers, and brings this discussion to the role and characteristics of the tributaries, their people and their voices. As illustrated above, participatory efforts associated with the processes of major approaches to land reform have been criticised for

a lack of empowering effect, which leads me to the next section on the role of participation in land reform and how such efforts are scrutinised.

Participation and land reform

Several scholars have promoted the role of participation in land reform (Chigara in Anaafo 2013; Ng'ombe et al. 2012; Wolford 2010). De Villiers (2003) connects beneficiary participation with sustainable land reforms and argues that it is detrimental that beneficiary groups assume ownership of the process and thus the expected outcome to limit the risk of polarisation between the state and the target demographic. Land reforms designed from above, without any or less productive forms of participation (which I will turn to below) may not only encounter obstacles to implementation by landowners but also intended beneficiaries. The implementation may be weakened by the lack of organisation of rural citizens and even a lack of willingness and motivation to cooperate (Lipton 2009, 61). The lack of contextual understanding and meaningful participation of key stakeholders has led to unsustainable results, as seen in the Malawi example above. In contemporary participation discourse,[5] scholar, politicians and development practitioners largely agree that participation and social mobilisation is detrimental for sustainable development outcomes, which also applies to land reform (Viterna and Robertson 2015; De Villiers 2003; Wolford 2010; Luwanda and Stevens 2015). Responsive and accountable land reform authorities may lead to greater access to state services and resources for rural beneficiaries of land reform, as well as greater realisation of their rights as citizens, which in turn may further increase the state's responsiveness and accountability (Gaventa and Barrett 2012).

Another way of looking at it is that participation is not something that grassroots actors do – it is a *relationship*. Within this dynamic, relationship between the state and the citizenry enter civil society actors, which is here defined as "the organized expression of various interests and values operating in the triangular space between the family, state, and the market" (Habib 2005, 673). States can rarely afford to simply roll out land reform

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[5] Despite the wave of criticism in post-development discourse during the 1990s, there is growing consensus among scholars that political participation, *participatory democracy* and social mobilisation is key for a responsive democracy, and may be one of the most effective ways to set development priorities that will work in local contexts (Gaventa 2004b, 3; Ng'ombe et al. 2012; Wolford 2010, 92; Viterna and Robertson 2015, 256).

from above, which according to Wolford (2010) creates an opportunity for land reform to become a site for participatory governance. The bureaucracy may have limited capacity to address and improve structural deficiencies and may thus become an efficient civil service mechanism for situations in which the citizenry transgresses the boundaries of legal and acceptable behaviour. "As transgressions become more widespread, responding becomes more 'banal' or common until it is so common-place that it earns a place in political culture and institutional process" (Wolford 2010, 96). On the other hand, Lipton (2009) describe the potential for participation in land reform less as a struggle and more as a calm and structured cause of well-organised rural poor with time and inclination to discuss and compromise, reasonably high levels of mutual trust between land reform authorities and stakeholders, and a somewhat sympathising rural rich demographic (2009, 128). These three ways of understanding participation in land reform diverge. Gaventa and Barrett (2012) describe a potential scenario where the state is seen as a provider of participation for its own benefit, while Wolford (2010) see potential for structured state responsiveness as a result of bottom-up struggle. Lipton (2009), on the other hand, put responsibility both on the citizenry and land reform authorities to engage in participation in a 'civil manner' (Lipton 2009, 128). Participation is a multi-dimensional concept which meaning depends on context of means of utilisation (Oakley 1991 in Warburton 1997). In land reform, the means is the power to influence decision-making (Lipton 2009, 61) for land reform authorities, beneficiaries and other actors and influencers in land reform to which I will now turn.

The voices in land reform

As mentioned above, the mono-rational nature of land reforms has led scholars to think of land reform from a poly-rational perspective in which the diversity of contexts is the fundament (Anaafo 2013), much like constructivist thought of how there can be multiple interpretations of a phenomenon (Moses and Knutsen 2012, 11). In the pursuit of benefiting the poor, raising their relative status, power and income through mechanisms of land reform (Lipton 2009, 328) the spaces between reform, programme and context introduces complexities between actors, influencers and beneficiaries. The dynamics between an increasing range of actors with differing goals and strategies call for a nuanced understanding of the interaction between beneficiaries, civil society and the

state, in driving reform. Whose voices matter, and what are the surrounding and interacting power-dynamics at play?

According to Lipton (2009), there are three categories of people who act in and influence land reform. Land reform *outsiders* are not affected by, or have a stake in, land reform in any particular way, but seek to judge and analyse land reform and its effect on income, status of power for the poor, fewer gross or unearned inequalities, growth, sustainability, and stability (Lipton 2009, 13, 15). This group of people include professions such as academics, policy analysts and journalists who may or may not be qualified to report, analyse and potentially influence policy (Lipton 2009, 13). In addition to these, some civil society organisations and non-governmental organisation may fall within this category. The role of non-governmental organisations (NGOs) have been central in development discourse since the late 1990s, and was deemed a crucial actor in the quest for 'good governance' (Rahman 2006). But not all organisations of non-governmental orientation are rendered outsiders. NGOs characterise organisation that are officially established and run by employed staff, well-supported, and are often relatively large and well-resourced. Thus, it may refer to international as well as national and local organisations. As a mere provider of services, it is argued that NGOs relieve governments of their responsibilities, and the degree to which NGO activity can help animate civil society, consolidate the political rights of citizens, and ensure responsive government depends on the degree to which NGO activity is linked to the broader polity. If the link is weak, they may create obstacles for the achievement of accountable and responsive political systems and a robust consolidation of political citizenship and a responsive democracy (Rahman 2006). The assessment of land-related organisations and general community-based or beneficiary-led organisation emphasises the level of autonomy, capacity to organise and to achieve goals, and the extent of influence of wider social actors (Bhandari and Linghorn 2011, 3).

It is assumed that *authorities*[6] or *land reform authorities* largely share the priorities of outsiders but that other motivations may also influence this group in practice. Land reform

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[6] Lipton uses the term *governments*. However, the actors and influencers within the sphere of the state and the government in land reform in KwaZulu-Natal range from municipalities, provincial departments and governmental actors who not necessarily act within the same policy frameworks. The term *authorities* or *land reform authorities* to a greater extent connote a national-local context as opposed to a national-international one.

authorities include the state, government, and their provincial and municipal branches and their officials. Political stability and the wish to stay in office may also drive their actions, as well as less obvious motives such as self-enrichment, patronage and revenge (Lipton 2009, 14).

The final category, *interested parties*, is in most cases the group that consist of the largest number of people (Lipton 2009). It is a category that is divided into two groups: *directly affected* and *indirectly affected*. Those who are directly affected by land reform depend on context of motivation, and the ultimate and intermediary goals of land reform.[7] Lipton's categorisation of *interested parties* and its sub-categories are broad terms that avoid specification of those who must give and those who must receive (power and land). Interested parties in developing countries may also be divided into three different categories that are contextualised to experiences of land reform: (1) rural households whose main source of income is agriculture, but who lack ownership or owner-like rights to land; (2) rural households who live on state or collective farms in communist or formerly communist countries; and (3) rural households, particularly those that are indigenous or pastoral, who occupy public or other land on which they hold no formally recognised rights (Prosterman and Hanstad 2006, 764). Changes in land ownership, production and demographic may have an impact on the wages and employment terms for rural workers, as well as food prices. As such, indirectly affected parties include consumers and rural workers (Lipton 2009, 14). While NGOs can be difficult to place, as mentioned above, community-based organisations (CBO) less complicated to place as they usually make up a smaller organisation, they tend to be issue-based, they comprise interested parties and depend on funding from NGOs or other donors (Mercer 2002, 6). As such, CBOs are not outsiders because they exist as a result of contextual issue-resolution and are thus entangled in the outcomes of land reform.

The idea of stakeholders who fit into categories such as the above is merely a framework that makes analysis orderly. In practice, these categories are not neatly identified or stay put in the box they are 'supposed to' fit in. NGOs, for example, are understood to be

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[7] For instance, classical land reform, or "land-to-the-tiller" (See: Conning and Robinson 2007), affect different stakeholder groups than that of de-collectivisation (See: Lerman 2009).

crucial for the participation of citizens and land reform beneficiaries (SADC 2010, 58) but their position within Lipton's framework becomes complex in practice.

NGOs, as a civil society actor, may take on two different roles in the political space: 1) as an institution of service delivery; or 2) as a facilitator of social mobilisation and empowering participation. While both approaches may provide useful resources, the former is divorced from official structures and political systems. The categorisation of NGOs may vary significantly with regards to the context of participation depending on their main role in society. As service providers, participation is less politicised than if they engage in the facilitation of empowerment (Rahman 2006, 452). As a service delivery institution an NGO may remain an outsider regardless of the effects of land reform except that the delivery needs may change. However, as a facilitator of mobilisation and empowerment the organisation may move between 'outsider' and 'indirectly affected' if the organisation is seen as a threat to the state. Organised groups within these categories may also comprise individuals who own farms, who have claimed land or are part of the demographic of intended beneficiaries. Thus, Lipton's framework of actors and stakeholders provides a basis to identify actors and influencers while scrutinising their participatory role in influencing land reform programmes and projects.

Conflicts between interested parties

While the overarching goals of land reform may be widely agreed upon land reform is by no means a conflict-free affair. Land reform comprise a variety of stakeholders and influencers with a variety of goals and methods to get there and conflicting claims and views are unavoidable, in particular in a setting with land acquisitions for redistribution and claims for restitution. The above-mentioned actors and influencers are associated with general concerns and goals that are related to structures of power, gains and losses of coalition options, and procedures. Regarding these actors and influencers' interests in participation…

> …the underlying issues are essentially the same [in several contexts] – 'nobodies' in several arenas are trying to become 'somebodies' with enough power to make the target institutions responsive to their views, aspirations, and needs (Arnstein 1969, 217).

What all of the three categories – outsiders, land reform authorities and interested parties – have in common is that they all wish to influence the procedure or outcome of reform in one way or another (Lipton 2009) but where may they disagree?

Interested parties are not a homogenous group and conflict between and within communities in this category is expected. Perhaps the most obvious is the conflict between land losers and land gainers, which is explored in Chapter 5. However, conflict within groups of land beneficiaries is perhaps less explored (Lipton 2009). This may be due to the already paralysing effect of conflict between the major actors and influencers. According to Lipton (2009), inter-beneficiary conflict occurs between beneficiaries with different points of departure and concern the nature of distribution between those who have some land and those who have none. Some contend that liberal participatory inclusion exacerbate conflict and reinforce the interests and power of the already powerful (Cooke and Kothari 2001). On the other hand, others argue that participation reduces the potential for inter-beneficiary conflict (Reed 2008, 2421).

Spaces for participation and how to scrutinise participatory quality

Arnstein's (1969) argues that there are different types of participation, some of which that merely pose as 'participation'. Much like one of her own typologies (Figure 2), she argues that participation is not merely a token representative of itself. In 1969, she deemed it necessary to establish that there is such a thing as unproductive participation and while perceptions of participation have developed her *ladder of participation*, which is discussed below, remains a useful analytical tool in current spheres of authority-citizen relations, such as the arena of land reform. According to Cornwall (2008), typologies are useful points of departure to understand the different types and approaches to participation. At the basis of most typologies is a fundamental different between effective and unproductive participation. Cornwall (2008) discusses theories that build on different perspectives and actors, and that create boxes and niches in which different types of participation are ranged or positioned normatively from 'good' to 'bad' (2008, 270).

Arnstein's (1969) ladder is often used to explain the disparities in stakeholder participation, and has been argued to be a valuable tool if one wants to evaluate the real

power of citizens over the decision-making process (Polunic 2000, 342; Ng'ombe et al. 2012). The ladder is based on a perspective in which the citizen is at the receiving end of projects and programmes, and that those on the lower levels attempt to gain access to the arenas that make relevant institutions responsive to their views, aspiration and needs (Arnstein 1969, 217). While Arnstein's point of departure is the receiving end of participatory approaches, Pretty assumes the perspective of both those utilising and those providing participatory channels. Similarly, he lists seven types of participation in which the 'lowest ranking' *manipulative* and *passive* types include token representation and invitation to participation post-decision-making. Apart from *self-mobilisation*, which I will return to below, *interactive participation* involves citizen and beneficiary involvement in problem conceptualisation and further into planning and implementation of a development project. As such, there Pretty (1995) equally understand participation normatively as levels from good to bad.

White (1996), on the other hand, offers insights into the different interests at stake in various forms of participation. The typology is used as an analytical tool for how people make use of participation, to identify conflicting ideas about why and how participation is being used at any particular stage in a process (Cornwall 2008, 271). White's typology of interests is also a normative grade-ranging tool that see some types of participation as better than others. From the perspective of the receiving end, the different types are considered as either inclusive, a cost, leverage and empowerment. White's typology of participation aims to illustrate the diversity of forms, function and interests that hide behind the catch-all term 'participation', and serves as an analytical tool for deeper understanding of the interests that inform participatory approaches (White 1996, 7). Arnstein reminds us that participation is ultimately about power and control (Cornwall 2008, 271). White (1996) argues that there is a need to deepen the analysis of participation to understand *who* participates and how these people make use of spaces for participation. While Pretty provides an understanding of participation from a perspective that includes both the perceptions of creators of participatory space and those on the receiving end, White (1995) further reminds us that however participatory a development project is designed to be, it cannot escape the limitations on this process that derive from the power relations in wider society (1995, 13). Accumulatively, the three authors provide frameworks to analyse the level of participation from the perspectives of both authorities

and interested parties, their interests in the spaces for participation, intent of invitation and objectives that participants seek to obtain.
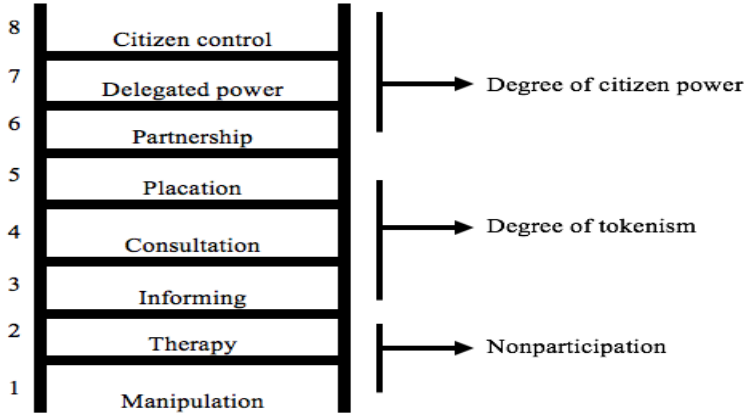

Figure 2. The ladder of participation by Arnstein (1969).

Empowering spaces for participation

Participation is a form of power (Kesby 2005; Arnstein 1969; Gaventa 2006; Cornwall 1995), and if we use Arnstein's (1969) ladder, more productive types of participation are empowered types of participation. Similarly, Kesby (2005) argues that redistribution of power and the establishment of more reciprocal relationships between directly affected interested parties, outsiders and land reform authorities can lead to empowering participation where people's capacity to analyse and transform their lives provide practical means to facilitate empowerment (Kesby 2005). *Empowerment* transgress understandings of excreting power *over* others and rather describes power *with* others (Kesby 2005, 2051). Thus, empowerment could acknowledge entanglements of power more explicitly than terms such as *resistance* or *resisting power* (2005, 2050). Kesby's (2005) understanding over empowerment is that one can be subject to the realisation that one does not need to reproduce the status quo (power relations) but can instead seize control over the material and discursive processes that govern daily life. Further, the reflexive nature of becoming empowered suggest that empowerment cannot be delivered but can be facilitated by outsiders (Kesby 2005, 2051). In Chapter 6, the notion of individual transformations of empowerment is only a vital first step. In order to challenge hegemonic formations by changing the laws and institutions of society, empowerment must develop into collective forms of struggle (Kesby 2005, 2051).

The transformative or empowering potential for *spaces for participation* must always be assessed in relationship to the other spaces which surround them. *Spaces* signify opportunities, moments and channels where citizens can act to potentially affect policies, discourses, decisions and relationships that affect their lives and interests (Gaventa 2004b, 36). With spaces come boundaries and with delineations of inclusion and exclusion comes power relation that determine the rules of the space, the possibilities within the space, and the bodies, discourses and identities that may enter (Gaventa 2006). According to Gaventa (2006), channels for participation are forges by power dynamics, and the fluidity of these dynamics determines the extent to which certain perspectives are welcome and have power to influence decision-making (2006, 27). Arnstein (1969) defines citizen participation as citizen power through her ladder of participation, which resonates with the position of power relations at play within and surrounding invited spaces for participation.

Invited spaces for participation constitute forged spaces created by bodies regarded as authorities who thus hold the power to invite citizens, users or beneficiaries to participate (Gaventa 2004a; Cornwall 2008). These authorities may be governments, international agencies, or NGOs (Gaventa 2006, 26). With spaces to which some are invited there are also spaces with other terms of inclusion. Participative initiatives tend to be commended regardless of outcome, and due to the expectation of good intent limitations tend to be ignored or forgiven (White 1996). However, to deepen political participation is not an easy task and scholars who call for horizontal distributions of power also warn of the pitfalls associated with the process of mediating between multiple and diverse local-level demands (Viterna and Robertson 2015). While invited spaces for participation are necessary it is by no means a sufficient method to ensure effective participation (Cornwall 2008). Invited spaces are often structured and owned by those who created them, such as land reform authorities or NGOs (which in that context would be seen as an authority) no matter how participatory they seek to be (Cornwall 2008, 275).

In addition to invited spaces, spaces may also be self-created and claimed or *closed*. The latter makes for difficult analysis of participation as a closed space of decision-making has no pretence of broadening the boundaries of inclusion (Gaventa 2006, 26). A closed space may also be seen as a 'provided' space in which authorities of various kinds (state, expert or NGO) make decisions behind closed doors and 'provide' for the public. Closed

spaces may seek to restore legitimacy by creating invited spaces (Gaventa 2006, 27). Space that people create for themselves – *created* or *claimed spaces* –, on the other hand, are characterised quite differently from that of invited (and closed) spaces. Mostly, such spaces consist of people with common concerns, and they are essential for groups with little power or voice in society, as sites in which they can gain confidence and skills. They develop their arguments and gain from the solidarity and support that being part of a group can offer (Cornwall 2008, 275).

Summary and application

This chapter has focused on the theoretical perspectives, the major historical shifts and debates in land reform literature. It positions land reform as a significant, although failing, tool for poverty alleviation and inequality reduction. The literature on land reform reveals that there is a significant lack of bottom-up conceptualization in land reform both in the international and some country-specific discourses. Despite increasing efforts to include beneficiaries the move from state-led and market-led land reform to community-organization continues to be characterised by a technocratic rationale and minimum beneficiary participation. In Chapter 5, the analysis approaches two specific initiatives that are interconnected – the nation-wide APP and a local agri-village project in Groenlvei, Amajuba. From a farm dweller perspective, the discussion moves between the national and the local while scrutinising the initiatives' appropriateness to context and brings in theoretical considerations from the major approaches to land reform and its poly-rational critics. Chapter 6, which is also primarily based on a farm dweller perspective, hinges on the argument of the previous chapter and thus highlights some of the participatory structures that are directly and indirectly affiliated with one or both of the initiatives. The participatory frames of reference (White 1996; Gaventa 2006) and typologies (Arnstein 1969; Pretty 1995) introduced above, provides a mainstay for the analysis of participation in closed, invited and claimed spaces. Before turning to the local context in Amajuba, the next chapter provides a historical contextualisation of farm dwellers and land reform in South Africa and KwaZulu-Natal.

3 South African land reform context

Introduction

For the analysis in following chapters to make sense, I provide some background information on the context of Amajuba, the historical context of farm dwellers in KwaZulu-Natal and the role of land NGOs in rural struggles against apartheid and forced removals. Throughout the chapter, key actors and influencers in land reform in KwaZulu-Natal are discussed. It is primarily based on a farm dwellers perspective of who they interact with, which include farm dwellers, farmers and their associations, state, provincial and district institutions and departments, and community-led and non-governmental organisations. However, before I turn to contemporary relations, I briefly discuss the historical context of farm dwellers and their tenure status.

The 1913 Land Act and labour tenancy

The Natives' Land Act 27 of 1913 (1913 Land Act), has been referred to as the law that has had the greatest impact on the lives of non-white South Africans, and the foundation of South Africa's racially organized society (Coles 1993, 712). The Act introduced territorial segregation and officially allocated scheduled areas in which *natives*[8] could reside without terms and conditions regarding employment. These scheduled areas – also known as (former) *reserves* or *townships*[9] – were scattered across the country in order to prevent permanent settlement of black South Africans in the cities and the urban areas surrounding the cities (McClendon 2002, 19). The land allocated to *natives* at the time amounted to 13 per cent of the total landmass, although this number has been subject to debate (Feinberg 1993, 68; Beinart and Delius 2015, 32). The law attempted to dictate the movement and concentration of the black population. However, Cherryl Walker (2014, 286) stresses that the "white" areas, such as the productive and white-owned countryside, were never predominantly populated by whites but by employed *natives*. The Act also dictated the terms of employer-employee relations outside of the reserves.

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[8] I here use the term *natives* as it was used in the public and legal discourse at the time.

[9] A South African township is a specific term used to describe areas in which there were scheduled areas for *natives* during the segregation and apartheid eras.

It stated that no occupation was legal without an employment agreement in which the *native* had to work for a minimum of six months for the owner. This referred to a type of tenant and labour agreement, known as *labour tenancy*, that was common in KwaZulu-Natal and the rest of South Africa in the 19th and 20th century (McClendon 2002). Generally, there were no salaries involved but tenants received payments in kind.[10] A labour tenant household would provide seasonal work for the farm owner. Parts of KwaZulu-Natal are very dry and thorny where farm owners would have specific labour farms where they only had labour tenants. "Whites never bought these farms to use for anything… but as labour farms to have a pool of labour[11]". For the farm owner, the labour tenancy system ensured that the he or she had a ready pool of labour for diverse farming production.

The current popular political narrative and the Constitution position the 1913 Land Act as the starting point for land dispossession and racial segregation. However, its significance has been subject to heated debate both in relation to its intent and its direct effect. The intentions behind the Act have been analysed by scholars in terms of capitalist interests in the mines and the countryside, the tradition of segregation, and the political environment in which it took place (Feinberg 1993, 66–67; Wolpe 1972; Bundy 1988, 135; Plaatje 2007; Beinart and Delius 2015; Wickins 1981). Records have shown that the restriction of sharecropping and other possible loopholes for African farmers to accumulate wealth and compete with an increasingly fragile white agricultural sector was in particular important. It was specifically designed to create and serve an increasingly technology-driven and capitalist agricultural sector. The agricultural bureaucrats who stood behind the Act saw the sharecropping regime, labour tenancy and cattle-keeping as a threat and pushed for the segregation of *natives* into scheduled areas as a solution (Beinart and Delius 2015, 25). Regarding the Acts direct impact, Solomon Plaatje, who collected data in Orange Free State immediately after its enactment, argue that it had a direct impact and that it caused a wave of land dispossessions (See: Sol Plaatje 2007). Others, however, argue that the Act had limited significance in other provinces and that it consolidated a process that was already well underway (See: Thwala 2001, 2; Beinart and Delius 2015, 39; Coles 1993, 712; Walker 2014), and that it was merely "an example

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[10] Rauri Alcock, Interview, December 8, 2016.

[11] Ibid.

of enabling legislation and soft power" (Beinart and Delius 2015, 25). The Act may not have caused land dispossession or launched a great wave of forced removals comparable to the past. It recognised the existence of land dispossession and the structures that accompanied it (Beinart and Delius 2015; Hall 2014). Thus, it was significant in the sense that it represents a cornerstone in the foundation of what later consolidated segregation and created *de facto* apartheid.

Increasing tensions in the countryside

In KwaZulu-Natal, evictions may have taken place based on the 1913 Land Act but black farmers were still able to retain a significant foothold on the land they occupied even after 1913 (Rosa 2012[12]). In many areas, including KwaZulu-Natal, landowners were still dependent on the socio-economic relationship they had with black farm workers because the agricultural sector continued to be labour intensive (Beinart and Delius 2015). Thus, the motivation to get rid of labour tenancy was low.

Under the circumstances of segregation, the labour tenancy system also made sense for black farmers. Typically, the young men of the household, and sometimes the women, worked six months one the farm and then left the countryside to work in or near the cities (McClendon 2002). In isiZulu, this system was called, and is still known as, *isithupha*.[13] It meant that black South Africans were given a small plot of land to live and engage in subsistence farming on white-owned farmland in exchange for labour on the farm. An informant described how one person may have worked on the farm for a year and then moved to the urban areas to work and earn money for *idilayii*[14] or the family. Generally, the verbal contract stated that all young men in the tenant household would provide six month of seasonal farm labour. The exchange consisted of labour for land with no monetary payment of salary[15]. Occasionally, there was payment in kind of excess produce from the farm (McClendon 2002).

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[12] Forthcoming English translation acquired via e-mail correspondence with Marcelo C. Rosa.

[13] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

[14] *Idilayi* is what young men gave to the family of the women that they wanted to marry (McClendon 2002).

[15] Rauri Alcock, Interview, December 8, 2016.

New legislation in 1977, called the 'Blackening of Rural Areas Act', further restricted the use of labour tenancy. The apartheid government decided that farm owners could not have more than seven black families on a farm. The government was worried that too many black South Africans were moving onto the farms. It made sense for farmers to have 20 black families on their labour farms because more tenants meant more labour free of cost.[16] The pressure to utilise the farm as effectively as possible increased as labour farms were no longer a legal set-up. Farm owners who up until now had largely excreted power of the labour tenants' labour force increasingly expanded their areas of control (Hornby 2014). On some farms in KwaZulu-Natal, farm owners increased their cattle herds, which meant that the grazing areas and fields for independent cropping of labour tenants increasingly diminished. The withdrawal of access to fields was replaced with daily allowances of milk and maize. Farm owners had allowed herds from five to 30 cattle but during the 1980s, labour tenants were pressured to reduce their cattle herds. Farm owners implemented grazing rents, incorporated labour tenants' smaller herds into the economic management of their own cattle. In this way, they acquired control over their tenant's herds, and therefore the economy (Hornby 2014, 130). Cattle have a socio-economic value in Zulu history and culture. Tensions further increased as farm owners put their own cattle on the labour farms which meant that labour tenants had to reduce their own herds. Regardless of the increasing restrictions from outside forces and forced eviction, labour tenancy in KwaZulu-Natal has a significant stronghold on the land. Walker (SPP 1983) explain the resilience of labour tenancy in KwaZulu-Natal as an institution based on compromise between labour needs of the uncompetitive white farming sector and the deep African attachment to the land and their social and cultural needs of keeping cattle (1983, 70-82). Thus, despite increasing restrictions from outside forces, farm owners may have had to evict families to avoid fines and slowly moved away from classic labour tenancy but large segments remained on the land. In post-apartheid South Africa, the remnant of people who managed to hold on to land in the white countryside are known as *farm dwellers*[17], which I will return to below.

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[16] Ibid.

[17] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

Rural struggles and land NGOs

Rural struggles against apartheid are less explored than that of their urban counterparts, which were characterised by the masses of people gathering in popular protest in urban spaces. In the countryside, the struggle has been rendered differently and land NGOs across South African have been argued to have had a significant impact in the organised struggles on white-owned farmland between late 1970s and the 1980s (Sato 2012, 3). It has been estimated that more than 3.5 million people were subject to forced removals during apartheid (1960-1983). About half of these were rural African farmers, farm workers and labour tenants evicted from white farms and from 'black spots' where Africans had bought land before 1913 (some after) and lived on rural freehold land acquired before 1913 in areas that the Government regarded as white South Africa (Sato 2012, 1). The increasing insecurity and evictions that followed on white-owned farmland both as a national project and individual exercises of power by farm owners, triggered the formation of many land NGOs across South Africa (Sato 2012).

During the first years of the 1980s, land NGOs from across the country came together with activists to form the surplus People's Project (SPP) that later created the predecessor of the national representative body, the National Land Committee. The network is in particular known for the publishing of the most extensive study of forced removals during apartheid (Sato 2012, 3). Apart from research and documentation, land NGOs assisted rural communities in the defence against forced removals. However, it was not always possible to other than to document the violent incidents and publicise for awareness purposes, which Cherryl Walker (2008) recalls from some of her first encounters with forced evictions of black communities in KwaZulu-Natal in the late 1970s. Land NGOs also engaged in activities that organised and connected black rural communities that experienced the same hardships of eviction. To empower rural communities to fend for themselves was a task that some feared due to the vulnerability of rural workers' livelihoods (Sato 2012, 8). This focus was subject to debate in the making of the first land NGO in South Africa, the Association for Rural Advancement (AFRA), and Walker was a central figure in the consolidation of their role as a facilitator as opposed to service providers (Sato 2012). The section below will historically contextualise the organisation and their work with farm dwellers in Amajuba.

Association for Rural Advancement

AFRA was the first land-based NGO in South Africa and have been working with land rights in KwaZulu-Natal since the late 1970s. Since then, the organisations has remained loyal to their target group, "rural black people whose land and development rights are undermined, whose tenure is insecure" (AFRA 2003, 1). The organisation was founded in Pietermaritzburg in 1979 by a committee of volunteers composed mainly of former members of the disbanded Liberal Party (Walker 2008, 2). At its inception, AFRA associates debated the role the organisation should take on in relation to forced evictions, whether they should focus on 'black spot' or farm workers and labour tenants. Walker had a central role in the organisation of their activities and long-term goals. AFRA's principal focus has been to voice their opposition to forced removals through research and advocacy, and they have interacted with the state since the first years of their existence (Sato 2012, 12). Walker contributed to reflection on their perceived role as 'white outsiders' and facilitators of the politicisation and progressive organisation of rural communities (2012, 8) as opposed to merely oppose evictions. Eventually they realised the limitations of their resources and their position as 'white outsiders' in the efforts to mobilise rural communities. Thus, their initial tasks comprised extensive field research, which became part of the SPP's study on forced removals during apartheid (Sato 2012, 9). Their work also consisted of creating a network between communities facing evictions and legal assistance provided by the Legal Resources Centre (LRC). While the legal approach proved to be too inefficient during AFRA's earlier years, they have returned to litigation and are currently in legal disputes with the DRDLR over the implementation of the *Land Reform (Labour Tenants) Act of 1996*, and recently won a restitution case near Pietermaritzburg.

On the eve of the 1990s, AFRA expanded both in size and scope. With the changing political environment their work followed. However, as their archive of newsletters show, their objective remained the same: to empower communities to engage with land reform processes to meet their needs, including land tenure security. In 2000, after three years of planning, AFRA shifted strategy and their work became more project-based, and *inter alia* created a focus area called Strengthening the Civil Society (AFRA 2000, 10) as a response to the collapse of civil society structures and community organisation in South Africa (2000, 22). The Director of AFRA at the time argued that the mobilisation of

communities had become increasingly difficult post-apartheid as there were no immediate burning issues that people were prepared to sacrifice their lives for (2000, 22). In subsequent years, AFRA reported of deteriorating relationships between civil society and the government, which meant that civil society increasingly were left out of key processes (AFRA 2002, 15). In 2006 and 2007, the critique against civil society in the land and agricultural sector heightened and were blamed for on-farm violence (AFRA 2007). These were some of the years when AFRA and other land-NGOs were struggling to remain in the field.

Regardless, AFRA's work with community organisation and empowering black rural people has continued to this day. In 2015, the organisation continued to work the strengthening of community organisation, learning and networking in Amajuba (AFRA 2016, 13). AFRA's role in Amajuba had been to monitor and document rights violations; to provide or refer farm dwellers to legal assistance; and to refer rights abuses to government, municipalities and districts. However, their role changed significantly from 2014 as a result dwindling resources.[18] In order to cope with resource restrictions, AFRA could no longer include Amajuba as part of their focus area.[19] Before AFRA pulled out of the district they agreed to hand over the tasks to a group of farm dwellers. This community-based organisation (CBO) constitutes representatives from each of the local municipalities in Amajuba: Newcastle, Dannhauser and Emadlangeni. The organisation is called Siyaphambili Emajuba Farm Dwellers Association (SEFA) and in 2016 they were in the process of making their mark among farm dwellers in the Amajuba countryside.

In this regard, AFRA's tasks was related to the hand-over of the tasks that they previously did. As such, they assisted in the democratic establishment of SEFA. Further, the transitional period depended on the transfer of knowledge of how to run a non-profit organisation, the role and responsibilities of the different committee positions; teaching how to monitor, document and refer matters to the government; and teaching SEFA-members how to apply for funding, keeping books and the general tasks of administration.

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[18] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.
[19] Ibid.

In 2016, SEFA emerged as a local CBO in Amajuba in the midst of a changing policy-environment and new projects while also dealing with legacies of the past.

Post-apartheid land reform and land NGOs

With Mandela as the first democratically elected president and the ANC in power, the rebuilding of South Africa vigorously began with the construction of a national development plan in 1994, the Reconstruction and Development Programme (RDP). Following the abolishment of apartheid and its extensive list of discriminatory policies South Africa was left with one of the most disproportionate land distributions in the world [refref], and the role of land NGOs changed significantly (James 2011). In the 1990s, the repressive laws on activism and organisation were abolished. Land NGOs from across South Africa had already created a basis for collective action and created a strong united front with the demand for a nationwide 'back to the land' campaign that had a noteworthy impact on land reform policy and the restitution programme (Sato 2012, 4).

ANC further followed up on the promise they made in the Freedom Charter in 1958 and presented land reform as a pillar of the constitutional transition period, democratisation, poverty reduction and livelihood improvement in rural areas:

> …South Africa belongs to all who live in it, black and white… our people have been robbed of their birth right to land, liberty and peace by a form of government founded on injustice and inequality…(ANC 1955)

This is an excerpt from the first sentence of the Freedom Charter that the ANC ratified in 1912. Here, the ANC addresses the structural causes of poverty and inequality while the access to land is linked directly to democracy and development. Land was a topic subject to heated debate between Mandela and F. W. de Klerk after the abolition apartheid and as a result there was no land reform clause in the Interim Constitution of 1993 (Rugege 2004, 3), which signals the polarised positon on the land question at the time. In 1996, however, the Constitution of the Republic of South Africa was ratified, in which land reform became a governmental obligation. Section 25(5-9) addresses citizens' right to equitable access to land, and it states that:

> (6) 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.

And that:

> (7) 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.

Section 25(8-9) further legitimise the government's responsibility to enact legislation that ensure these rights while also disallowing provisions that deny these constitutional rights. In other words, the constitutional obligations given to the South African government is granted significant space. On behalf of the population as a whole, the government is obligated to "foster conditions which enable citizens to gain access to land on an equitable basis" (The Republic of South Africa 1996, para. 25:5). The Constitution included three different reform programmes – land restitution, land redistribution and land tenure reform – all of which aimed at creating a more equitable land distribution, poverty alleviation and food security.

The first post-apartheid government launched the restructuring of the legal framework on land, and at the end of the century the legal position of farm dwellers was significantly strengthened (Brooks and Kjelstrup, 239). The composition of the Department of Land and Agriculture (DLA) may have influenced the process. Post-apartheid NGO staff were brought into the transitional government and were later tasked with the implementation of land reform in the DLA. It was the high profile of these former NGO officers that gave this program its initially strongly "rights-oriented" character: a reaction to, but also a result of, the fact that apartheid South Africa had in turn been "quite self-consciously a legal order" in which "nothing was done without legal authorization, from removals to detentions" (Martin Chanock in James 2011, 24).

The *Land Reform (Labour Tenants) Act of 1996* (LTA) was enacted to provide security for people living on land owned by another private entity. It is set out to provide what is known as labour tenants and other farm dwellers with mechanisms to apply for official restitution of land rights to the land that they live or wish to live on as a result of past dispossession (Parliament of the Republic of South Africa 1996). Section 16 enable labour tenants to apply for ownership of the land that they live on. In the application

period between 1997 and 2001, around 80 000 applications were lodged to the Director-General of the Department of Rural Development and Land Reform (DRDLR). The Act further outlines the obligations of the Department as facilitator of land reform and as an intermediary of land claims applications. Section 17 proclaim that the Director-General is responsible for applications and their progress through the systems as well as informing affected parties about these procedures. Further, if an application encounters conflict it is the task of the Director-General to refer the case to the Land Claims Court.

In 1997, the *Extension of Security of Tenure Act* (ESTA), was aimed at protecting the rights of labour tenants to prevent illegal evictions, an issue that did not automatically disappear together with apartheid and remains as a persisting issue (Visser and Ferrer 2015, 82). While giving due recognition to the rights, duties and legitimate interests of owners, the Act aims to regulate arbitrary evictions and to achieve long-term land tenure security for vulnerable occupiers (Parliament of the Republic of South Africa 1997). As the title and the preamble demonstrate, ESTA is an Act of Parliament envisaged in s 25(6) of the Constitution to improve security of tenure for those 'whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices'. ESTA is in particular relevant for the tenure security of labour tenants and other farm dwellers. However, its implementation has on many occasions been criticised for coming to a halt at the top in governmental processes, and as such never reached the ground and translated into *de facto* security of tenure (AFRA 2016, 13).

In 1997, the *White Paper on South African Land Policy* presented five central issues for the government to focus on. These included: the practical process of upgrading land tenure; overlapping and competing rights to land; how to combine the promotion of beneficial communal tenure, tenure rights and sustainable natural resource management; combining development programmes with tenure security for communities without legally secure rights; and providing tenure security for millions of people living in insecure arrangements (DLA 1997, 11). In all five points, security of tenure remains an underlying principle. A set of guiding principles set out to inform the development of a consequent land reform legislation and programme for implementation were also defined, which argued for an equitable and rights-based approach with proper systems for adjudication, and contextualisation and democratisation of tenure systems (1997, 16). With these laws in place, the tenure security of farm dwellers and farm workers increased

on paper and people who identified as labour tenants were also provided for in terms of securing their rights to lands they had been driven to by colonialism, segregation and apartheid. However, the livelihoods of farm dwellers remain insecure, and according to the Diagnostic Report (PLAAS 2016, 12) the rights established through ESTA and LTA have only been tried implemented through legal action. An example of this is the class action lawsuit known as *'Mwelase, AFRA & Others versus The Department of Rural Development, the Minister of RDLR & Others'*[20].

Leaving the farm dwellers behind

The turn of the century marked a major shift in South African land reform policy where the fundamental aim of national development was to create a class of black commercial farmers. However, this programme increased the challenges for the most vulnerable as it effectively abandoned support of the poorest segments of the society (Hall 2015). As mentioned above, NGO staff were put in government positions to deal with the land question. When the new government took over all of these positions were replaced and the staff returned to the civil society sectors. While NGOs and the state had collaborated on various cases of tenure reform in the countryside their motivation were driven by very different values. James (2011) distinguish between a greater concern for the culturally contextual realisation of lived property rights for farm dwellers among NGOs and the governments' focus on realising property rights according to the current understanding of land and property in the Constitution, which I return to below.

Beneficiaries of the new development programme can receive between R20'000 and R400'000 if they were able to gather R5000 as a deductible. The grant eligibility is based on a positive correlation between grant amount and income of beneficiary. In other words, beneficiaries are able to claim larger grants the larger deductible they can provide. As such, the policy conformed to the LRAD's aim to create a black commercial farming class but all the while abandoning a pro-poor approach and the wider framework of poverty reduction and livelihood improvement (Aliber and Cousins 2013, 143). Further, in relation to land tenure reform, little or no funding was provided for the implementation

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[20] For further reading on this litigation see the Legal Resources Centre's report on *Land Restitution in 2016: Where to from here?*

of ESTA and the LTA (PLAAS 2016). Generally, the changes in land reform and in land tenure reform did not translate into significant transformations on the ground due lack of local commitment and a short sighted support mechanism (2016, 10).

In 2009, Jacob Zuma was elected president and with him followed restructuring of the government's land and agricultural institutions. The Department of Land and Agriculture, which collectively handled rural development, land reform and agricultural affairs was divided into the Department of Agriculture, Forestry and Fisheries (DAFF), and the Department of Rural Development and Land Reform (DRDLR). A new land reform policy framework was also introduced. The new policy was introduced as the *Comprehensive Rural Development Programme* (CRDP), and is intended to facilitate "an effective response against poverty and food insecurity by maximizing the use and management of natural resources to create vibrant, equitable and sustainable rural communities" (Republic of South Africa 2009, 9). The programme presents agrarian transformation, rural development and land reform as primary focus areas, which should be implemented through micro-projects in especially vulnerable areas. The programme focuses on the development of rural business initiative, co-operatives, agro-industries, and infrastructure and public facilities for farmers.

The vision of the CRDP further emphasises the role of local citizen participation in rural areas, and the formation and training of local level and accountable structures that formulate challenges and needs. It aims to create "vibrant, equitable and sustainable rural communities" that *inter alia* possess characteristics such as general ethics, innovative and problem-solving orientation, the ability to preserve and transfer indigenous knowledge, and basic citizen responsibilities (DRDLR 2009, 10). While the CRDP and its participatory emphasis will be discussed further below and in Chapter 6, the programme became the basis for new land reform programmes and projects.

The last overarching land reform policy framework was published was a Green Paper on Land Reform published for comment in 2011 (PLAAS 2016, 11). The Green Paper was only eleven pages long and has been criticised for being too short and merely presenting bullet point principles of conduct. However, it does present some of the programmes and institutions that the DRDLR and DAFF are currently pursuing (DRDLR 2011), such as the APP, agri-villages and the Strengthening the Relative Rights of People Working the Land. The last one is otherwise known as the 50/50 policy and is perhaps the most

controversial policy proposed by the Zuma administration apart from the enactment of the Expropriation Bill (See: E. W. J. du Plessis 2014; Michelman 2012; Marais 2015) in 2016. The 50/50 policy proposes a type of share equity scheme between farm owners and farm workers that on paper will transfer shares equally between workers and owners and thus increase the real powers of farm workers in management and tenure.[21] While there is only one farm the pilots the 50/50 policy in KwaZulu-Natal, the APP has planned to construct 27 piloting units or agri-hubs in KwaZulu-Natal.

The Agri-Parks Programme

The DRDLR have conceptualised the APP to mitigate what they argue to constitute the four main challenges of rural development and land reform: poor infrastructure, unemployment, stagnant agriculture sector and lack of diversification of economic opportunities in rural areas, and over-reliance on grants and remittances. The state of the productive countryside is generally depicted as areas with challenges regarding under-utilisation and productivity. KwaZulu-Natal is the province with the highest number of households engaged in agriculture with 23 per cent. However, compared to the provincial population the share of agricultural households is significantly lower than in the Eastern Cape and Limpopo (Stats SA 2016c, 2). Thus, the population in KwaZulu-Natal is more dispersed than in neighbouring provinces.

The above-described demographic – who live in the less provided for countryside with lower levels of education but with agricultural potential – and their production challenges are the target groups for the programme. Small-scale agricultural producers are an economically active demographic that has been largely neglected in South African land reform and service delivery [ref], which the programme intends to mitigate. The Agri-Parks concept is new in South Africa and academia has yet to tackle this aspect of South African land and agrarian reform in its unique historical and socio-economic context. The understanding for agri-parks is thus based on the DRDLR's own public conceptualisations and presentations.

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[21] In practice, however, the 50/50 scheme was left out in KwaZulu-Natal because it was 'bad business' to follow the government's initial plan. Instead of increased tenure security, the farm workers now feel more pressured while the majority shareholder still is perceived as the boss (Farm owner, Personal communication, December 20, 2016).

An Agri-Park is defined as a "transition or buffer zones between urban and agricultural uses" that "provide networks of contacts between producers, markets and processors, but also provide the physical infrastructure required for the transforming industries" (DRDLR 2015, 15). The programme is still in its early stages and the directly and indirectly affected stakeholder groups, such as farm dwellers, have yet to be collectively informed although some elected representatives, such as ward councillors, have attended some meetings. These meetings have been convened by the DRDLR, and the public representatives who comprise stakeholder representatives form part of what The implementation of The agri-parks will according to the DRDLR be implemented through a participatory system set out in the Comprehensive Rural Development Programme (CRDP), which are thoroughly analysed in Chapters 5 and 6.

What makes the AP programme a land reform matter is that it is led by the DRDLR and the programme's objectives is it to *inter alia* promote 300 000 new smallholder farmers and create 1 million new jobs in the agricultural sector. These new farmers will need land. The former Chief Director of the DRDLR in KwaZulu-Natal, Anwhar Madhanpall, argues that the development of Agri-Parks should be closely aligned with land reform strategy[22]. The programme should be seen as an instrument to ensure that where restoration of land is taking place, there are opportunities for agricultural development, production and integration into the value chain. As such, the APP can be an instrument of integration into the value chain for land reform beneficiaries. The DRDLR will make use of existing state and communal land with agricultural potential, and argue that the mere physical access to markets will foster the development of a class of black farmers who will have technical expertise and the ability to supply the market at the desired quality. In addressing the prevailing rural-urban unequal divide, the APP will revitalise the South African rural towns, induce economic growth, ensure provision of proper access to services rural South Africa will comprise of growing and revitalised towns with proper access to services, and create strong linkages to the cities (AFRA 2017b).

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[22]Anwhar Madhanpall, Former Director of DRDLR KwaZulu-Natal, Interview, December 13, 2016.

The agri-village project in Groenvlei

According to Emadlangeni Local Municipality (2017), agri-villages in their local municipality is a Black Economic Empowerment initiative, and will serve as a production unit for the APP. Thus, it will comprise facilities for storage and packaging, mechanisation, logistics, management of production and capacity building, technical expertise, and possible local input supply depots (2017, 180). An agri-village project in Groenvlei, is the first of five to be implemented in Emadlangeni, which has caused a reoccurrence of debates regarding this controversial structure. Agri-villages were presented as a concept before land reform authorities in 1992, at the Natal Agricultural Union Congress where it was claimed that they would provide tenure security to farm workers, and make cost of service delivery as low as possible (AFRA 2017b, 9). They remained part of the land reform discourse after the first democratic election, and the White Paper on Land Reform from 1997 (see above) suggested agri-villages as an off-farm settlement option for farm workers with insecure tenure (DLA 1997, 70). Of low-income labourers, the farm worker position has been rendered one of the most unfavourable in terms of secure tenure, service provision, and adequate housing (Tissington 2010, 58), and it has been suggested that agri-villages provide better health care and educational services to farm workers in labour-intensive commercial farming districts (Lincoln 1998, 131). As such, the concept was brought into the South African context with the intention of bettering the livelihoods of farm workers and their socio-economic position in the South African agricultural economy (AFRA 2017b, 9).

In 2009, the Agri-Village re-entered the discourse on land and agrarian reform in the CRDP to mitigate the lack of rural service delivery, despite heavy criticism in the past (AFRA 2017b, 10). The CRDP argued for the potential of agri-villages to increase the pace of land tenure reform, contribute to local economic development on farms, and to mitigate conflicts between farm owners and dwellers (DRDLR 2009, 18). However, the purpose of agri-villages in the CRDP was presented mainly from a perspective of how they could lighten the burden for the government as opposed to farm dwellers and farm workers (Hall 2009a, 261).

While agri-villages have been proposed as solution, they have also been rendered poverty traps, eviction centres, and municipal service burdens to mention a few (DHS 2012). They have been argued to have become municipal service burdens and unsustainable farm

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worker settlements (AFRA report, 11). The DHS recommended in 2009 that agri-villages ought to be a last resort, as major issues have been raised in relation to capacity of rural municipalities, and the degree to which government will allocate resources and capacity for planning (Visser and Ferrer 2015, 195). In 2012, the Department of Human Settlements (DHS) published a report that examined the state of a series of agri-villages in KwaZulu-Natal that were implemented in the 1990s. The report stated that the constructs gave echoes of apartheid-style dumping grounds of excess people and inadequate service delivery (DHS 2012, 10).

Most recently, agri-villages have been proposed as part of the APP in Amajuba where agri-villages are presented as a component for employment opportunity, land access mitigation, agricultural revitalisation, and service delivery solution (ELM 2017, 180). The first out of five agri-villages in Emadlangeni will be implemented in Groenvlei, and is part of the municipality's redistribution programme. According to the local municipality's Integrated Development Plan (IDP), the agri-village is a development concept in which new settlements are created within commercial farming areas with an economic basis in agricultural activities (ELM 2017, 89). It is presented that these villages will bring together "commercial farmers, farm dwellers residents with agricultural livelihoods and traditional authority with some governance responsibilities and agricultural interests" (2017, 89). The local government's responsibilities are limited to service delivery.

Amajuba context

The primary data collection for this thesis was conducted in Amajuba, which is located at the north-west corner of KwaZulu-Natal and boarders to Mpumalanga in the north and Free State in the west. In this section, I will briefly address the socio-economic context in which farm dwellers in Amajuba reside. Due to the absence of specific statistical data on agricultural households in Amajuba I use the general statistics on KwaZulu-Natal for estimation.

Present day Amajuba was established in 2001 but historically the area has been subject to intense battles between the British, Boers and the Zulu Kingdom (See: Kruger et al. 2011; Brooks and Kjelstrup 2014; Josefsson 2014), and labour tenancy was deeply entrenched as the most common form of labour (Kruger et al. 2011, 5). The efforts of the
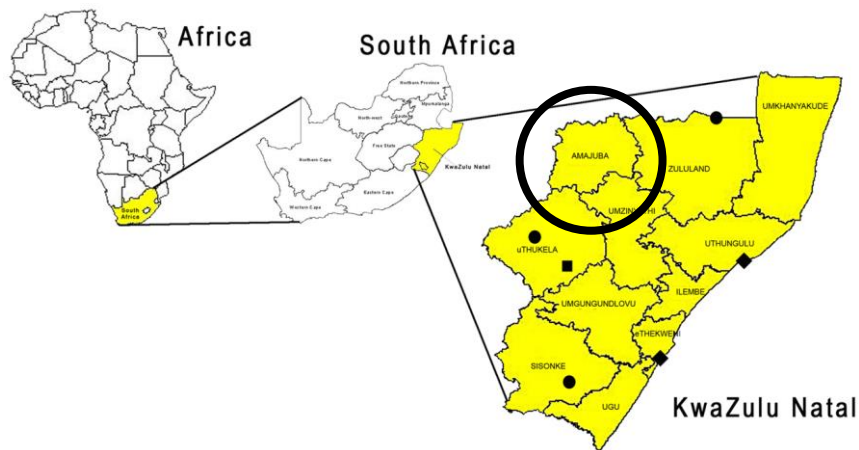
Figure 3. Map of South Africa and KwaZulu-Natal.

The circle indicates the location of Amajuba District Municipality where I conducted my research in November and December in 2016.

colonial state to curb the resilience of African farmers had detrimental effects in Amajuba, and in 1910 the remnant of black farmers had become labour supply for white farmers. The people in the province were also subject to intense removals between 1948 and 1982, and farms were bought to "soak up the flood from farm" (Kruger et al. 2011, 5). In other words, there were so many people evicted that space needed to be freed up for their relocation, and in one of the locations, Madadeni, the population is said to have grown from about 16 500 in 1960 to almost 400 000 in 1991 as a result of such relocations (Hart 2002 in Kruger et al. 2011, 5).

Today, the district is still predominantly rural and dominated by commercial farmland (ADM 2017, 15). The district consists of three local municipalities – Newcastle, Dannhauser and Emadlangeni – in which the population is erratically dispersed. Newcastle constitute the most populated municipality with one larger and densely populated town, while Dannhuser and Emadlangeni are defined as rural municipalities with one or two smaller towns (ADM 2017). Emadlangeni, the local municipality from which most of the data has been collected, is the largest local municipality with 62 per cent of the population living on farmland, which is the highest concentration in the district (Stats SA 2017, 7). Emadlangeni consist of small towns, its population is relatively small, and the urban part of the population live in areas outside small city centres.

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Agricultural households in Amajuba largely engage in subsistence farming and have low levels of education. The main place and scale of farming activity in South Africa and KwaZulu-Natal, alike, is the 'back yard', and the main purpose of agricultural activity is either to provide the main or extra source of household food supply. While over 80 per cent farm for household food supply only seven per cent engage in agriculture for main or extra income (Stats SA 2016c, 5).
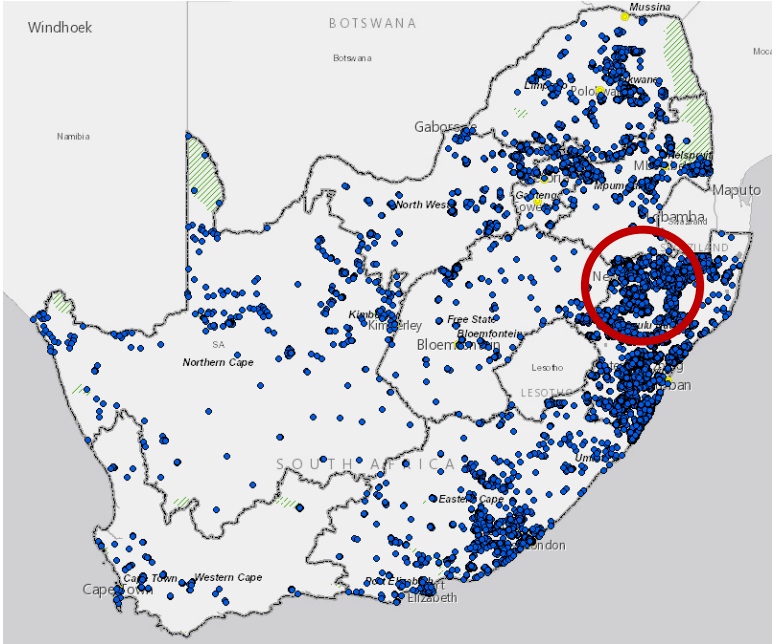
Figure 4. Registered restitution claims in South Africa.

From the DRDLR's interactive Geographical Information System (DRDLR 2017). The concentration of land claims in KwaZulu-Natal (inside the red circle) is in particular dense.

Rural dwellers in Amajuba generally have less access to education than their urban counterparts. There are generally low levels of literacy and skills among the populations residing in rural areas in KwaZulu-Natal, and limited opportunities cause youth and other job seekers to migrate to cities. Provisions of primary and secondary education in these areas are also largely neglected. In the rural local municipalities about 40 per cent of people have little to no education, which resonates with the same general education levels of farm working families (Kruger et al. 2011, 8). In 2016, 22 per cent of the population had no schooling at all and only 6.5 per cent had completed tertiary education in 2016 (Stats SA 2016b). In the private countryside, it is largely the farm owners who provide the primary schooling facilities with support from the municipality. Due to reasons that will be explored in Chapters below, these schools are thus subject to arbitrary shutdowns.

Land claims and reform in Amajuba

The ADM's Area Based Plans from 2007 indicated that 67 per cent of land is either privately or commercially owned while the outstanding areas are under customary, state, municipal, or communal tenure (ADM 2017, 37). According to a farm dweller survey conducted by AFRA in 2008, there are about 45 000 farm dwellers in the district and about 575 farms while a DRDLR document indicates outstanding claims on 825 farm (Kruger et al. 2011, 13). There is much confusion regarding ownership of land in Amajuba, as there is no reliable land audit available from recent years. The challenge that Amajuba is facing is the large number of unresolved land claims, which is illustrated by the small blue dots in Figure 4. It has been estimated that there are 8628 unresolved labour tenant claims, and in Emadlangeni a total of 274 claimants have had their claims resolved (Kruger et al. 2011, 14). However, other estimations show much lower numbers of labour tenant and restitution claims, which highlights the complexity and confusion surrounding the land claims processes. In Amajuba, Emadlangeni has become the hub for land redistribution projects in Amajuba, and according to the ADM "large portions of land [are transferred] to rural communities" (ADM 2017, 40). This is the area in which the Groenvlei agri-village Project has been proposed and will thus become a unit of the APP.

Chapter summary

The background material presented above will be essential for the analysis that follows. The historical contextualisation of labour tenancy in KwaZulu-Natal provides a rationale for many aspects of South African land reform and for the focus of this thesis. The three overarching land reform programmes – land redistribution, restitution and land tenure reform – are interlinked in this context. Farm dwellers in Amajuba live in a complex environment where national and local planning affects their surroundings and their livelihoods, while they also live on land where the historical context of labour tenancy affect their tenure security. National programmes, such as the APP, and local projects, such as the agri-village project, alter the preconditions for their relation to the land they live on and their statutory owners. Land reform authorities that are central for the analysis in Chapter 5 and 6 include the Department of Rural Development and Land Reform (DRDLR) and the provincial Department of Agriculture and Rural Development (DARD). Further, the perspectives of the ADM and the local municipalities are included

as land reform authorities in relation to the APP and the agri-village in Groenvlei through official documents. The APP utilises redistribution for land acquisition and redistribution, while the agri-villager project seems to have become a part of redistribution and a production support unit for the APP. At the same time, numerous farm dwellers in Amajuba are affected by the Restitution Programme and land tenure reform because they have lodged land claims as either labour tenants or because of post-1913 land dispossession.

4 Methodology

In this chapter, I will account for the methodological aspects of this thesis. Qualitative research is characterised by and require adaptability and flexibility (Thagaard 2009), which describes the research context for this thesis well. I came to KwaZulu-Natal with an idea of what I would focus on and who I wanted to interview. However, the character of AFRA's work and the urgent nature of their focus area made my initial plan difficult to carry out. As such, the qualitative approach enabled me to adapt to the situation and explore pressing issues in real time. As such, the empirical content of this thesis has been collected with qualitative methods, including participant observation, several individual and group interviews and conversations with people who are directly and indirectly involved with land reform politics in KwaZulu-Natal, South Africa.

The objective of a qualitative approach is to gain a deeper understanding of how other conceive of a phenomenon through various data collection methods where the researcher in one way or another is situated in or near the research site (Thagaard 2009). The nature of the information gathered from each encounter has been unique, and I have relied heavily on secondary resources to bring these together and answer the research questions presented in the introduction. Because of my background, and the inevitable opinion I have formed regarding land reform as a political issue, I considered it necessary to adopt a constructivist approach to this study. Constructivists attempt to see information as equally valuable from individual truths: "… people are intelligent, reflective and wilful, and… these characteristics matter for how we understand the world" (Moses and Knutsen 2012, 10). Constructivist research thus aspire to capture and understand the meaning of social action as a "meaningful item within a wider context of conventions and assumptions", as opposed to presume the nature of a context and judge social action based on that understanding (Moses and Knutsen 2012, 11). The poly-rational approach to land reform, discussed in Chapter 2, may be explained as constructivism in practice. The nature of the approach brings context and holistic thinking to the fore, and is conceptualised based on fundamental rethinking, plurality, democracy and participatory methodologies (Anaafo 2013).

Field research

The field research consisted of one trip to KwaZulu-Natal, South Africa. Here I conducted most of my research in Pietermaritzburg and Amajuba. From November 8th to December 21st 2016, I was based in Pietermaritzburg while completing two trips to Amajuba. The scope and research area were limited to interaction with regards to land, basic service delivery, and two government programmes that seek to establish agri-parks and agri-villages, respectively. Further, the relations explored are limited to those between SEFA, AFRA, the local and district municipalities and government officials, and farm dwellers primarily in Amajuba but to some extent in and around Pietermaritzburg. During the seven weeks in KwaZulu-Natal I spoke with and listened to farm dwellers, people who live in CPAs (also known as land reform beneficiaries), members of the customary structure, members and employees of land-related CBOs and NGOs, current and former bureaucrats with the DRDLR and provincial Department of Agriculture and Rural Development (DARD), a farm owner and a scholar. In Chapter 2, I discuss the categorisation of influencers and stakeholders in land reform and arrive at Lipton's three categories: *outsiders*, *land reform authorities* and *interested parties*. The last category is divided into two sub-groups, *directly* and *indirectly affected*. These categories are theoretical and most of my informants cannot be bound by only one, which will be discussed in the analytical chapters. However, the categorisation has been helpful to indicate a diversity of the informants in this thesis.

Interviews

The approach of qualitative interviews is generally assumed to be more interactive, flexible and fluid, and thus giving some privilege to the accounts of social actors and individuals as data sources (Bauman et al. 2011). At the same time, the method necessarily depends on interview subjects' "varying abilities to recall the past, comprehend the present and consider the future" (Becker et al. 2011). As such, the qualitative interview method utilised during the research period of this thesis offer both opportunities and challenges. Interviews completed in relation to the data collection of this thesis were conducted with farm dwellers, land reform beneficiaries, outsiders, civil society actors and land reform authorities. I conducted seven individual interviews in Umgungundlovu, with civil society actors, a scholar and two representatives of land

reform authorities. In eThekwini, I conducted one interview with a former Director of the DRDLR in KwaZulu-Natal who were currently employed with the South African Sugar Association (SASA). In Amajuba, two individual interviews were conducted with two SEFA-members, one of which was a land reform beneficiary and one whose land tenure has yet to be secured. These interviews were conducted in the van while we were driving from one area to the other. Both interviews were recorded and later translated by my fellow data collector whose mother tongue is isiZulu due to the language barrier. The duration of the interviews ranged from 30 minutes to two hours.

Informants and snowball sampling

The informant for this study were acquired through snowball sampling, which entails that the researcher utilises the network within their own context or establish relations with key persons in another network who then may lead to other contacts (Thagaard 2009, 67). These contacts are called 'gatekeepers', and they may refer you in different directions and as such the snowball grows. However, I also experienced that it limited to a civil society "circle". This was a challenge that I attempted to cope with by independently initiate contact with 'gatekeepers' to other circles.

<u>Civil Society</u>

When using the snowball sampling method, it is useful to first establish contact with key individuals in the relevant environment prior to my arrival in KwaZulu-Natal, I contacted AFRA's programme manager to state the purpose of my visit. After a couple of e-mails back and forth I was wished welcome to their offices upon my arrival. Throughout the fieldwork, I was in close contact with AFRA throughout my stay, and they assisted me in the ways that they could with access to their staff and valuable contacts both in and outside the countryside, a desk space and their library. For most of November, the main research revolved around the organisation and farms dwellers in Umgungundlovu and Amajuba. In Amajuba, the main focus was a newly established community-based organisation called Siyaphambili Emajuba Farm Dweller's Association (SEFA). In a one year-long transition period, AFRA was committed to train and assist the new community-based organisation. During my first visit to Amajuba, I joined AFRA's field researcher, Ndabe Ziqubu, for the official launch of the organisation. The primary objective of the

second trip was to report back to participating communities on a research report that SEFA had conducted a couple of months earlier. The report focused on farm dweller organisation and the impact that this had on their access to land and services. Accumulatively, we visited all three local municipalities and multiple locations and communities within each local municipality.

Out of the civil society bubble?

The key challenges with snowball sampling is that it rarely leads you outside of the 'gatekeeper's' circle. AFRA opened several gates, the most central one being that to the farm dweller perspectives both in Umgungundlovu and Amajuba. However, I realised that I had to establish contact with other gatekeepers to access other circles. To explore the perspectives outside of AFRA, I contacted the DRDLR and DARD in Pietermaritzburg. A number of phone calls to the DRDLR provincial office in Pietermaritzburg did not lead to any appointments and none of my contacts referred me in that direction. Phone calls eventually gave me access to an informant with DARD but my efforts with the DRDLR remained unsuccessful.

During the last week of my stay, there AFRA held a workshop for young farm dwellers and farm workers where inter alia a representative from the DRDLR was on the agenda. Through this platform I was able to make an appointment while my connection to AFRA was obvious. This may have impacted the interview and the information that the official chose to disclose, and it may have influenced his decision to utilise his power as a gatekeeper to not refer me further. There was an ongoing lawsuit between AFRA and the DRDLR at the time, and my association with AFRA was unavoidable. In this context, I chose to be completely open about the fact that I had been exposed to what may be perceived as one side of the story, and that I was very happy to see another side that has been less explored in relation to the land-related challenges in KwaZulu-Natal.

Farm dwellers and land reform beneficiaries: Directly and indirectly affected interested parties

The farm dweller demographic is a much debated one in South Africa that is historically contextualised in Chapter 3 and further explored during analysis in Chapter 5. Primary accounts from this demographic was obtained primarily in both Amajuba but also some

in Umgungundlovu. In Amajuba, all of my informants were directly connected to the land either as farm dwellers, occupiers and/or labour tenants. The informants within this category are divided into two separate groups between SEFA members and other farm dwellers without an official connection to SEFA. The SEFA members were generally more politically engaged in the community, and some were former farm dwellers and land reform beneficiaries who currently lived in Communal Property Associations (CPAs). Through group interviews, individual interviews, participatory observation and unstructured personal communication a diversified collection of perspectives from the farm dweller demographic was recorded.

Participatory observation

Participatory observation became one of the most frequent methods of collecting information during the field research. Participant observation offer the chance to observe groups or organisations of specific substantive interest and may help to explore gaps in theory (Becker et al. 2011). The site of observation was the interaction between civil society actors – AFRA and SEFA – and farm dwellers. In Umgungundlovu I attended two workshops organised by AFRA who brought in farm dwellers and farm workers from several of the surrounding local municipalities. Here I conducted no individual or group interviews due to the lack of time and challenges with translation. This was before I got a translator. In Amajuba, I attended ten community meetings, of which eight were with farm dwellers in their respective municipalities. The other two included the official launch of SEFA held at Majuba Lodge in Newcastle and the final Management Committee meeting of the year 2016 held at the same location. The time in and to Amajuba consisted of long car rides where I interacted in many conversations with Ndabe from AFRA that often revolved around land issues and farm dwellers.

In Pietermaritzburg, participatory observation was utilised at AFRA's internal meetings, a meeting between AFRA and three different farmer's associations in the province, and a workshop for the Farm Workers and Farm Dwellers Platform. The main topic of concern at the meeting with the farm dwellers was SEFA and their introduction as a newly established CBO and representatives of farm dwellers in Amajuba. Central during the meetings were also the government's plan to establish both the APP and agri-villages, and verbal reporting on findings and conclusions of a study conducted by SEFA a couple

of months earlier. The study was concerned with the nature of farm dweller organisation and how it influenced their access to land and basic service delivery such as water and schooling. Thus, the information collected from these meetings included discussions and stories shared by participants.

During these meetings, language was an obvious barrier throughout my field research. KwaZulu-Natal is an isiZulu-speaking province, which is the largest vernacular language in South Africa. While I did learn isiZulu for two years during my bachelor's degree my oral communication skills have faded due to lack of practice. Beyond greetings and pleasantries my language skills fell short. Naturally, all community meetings, workshops, group and individual interviews with farm dwellers and land reform beneficiaries in Amajuba and in Pietermaritzburg took place in isiZulu, which meant that I was dependent on a translator, Ayanda Madlala, an Agricultural Extensions graduate from the University of KwaZulu-Natal. While I know that my translator and fellow data collector, Ayanda, did their best, I also know that real time interpretation, which is a field in itself, is exhausting and very challenging. Therefore, I assume that both spoken and underlying information about the interaction between SEFA, AFRA and farm dwellers most likely escaped collection. Such information was also lost due to the obvious lack of cultural and social knowledge on my behalf. Whenever possible, I recorded communication in isiZulu that was later translated to English.

Participant observation is a method that can be used to further a focus from a general interest in groups located on the margins of society, whose members tend to be left out of active participation in 'mainstream' social and democratic processes (Becker et al. 2011), which indeed had a significant role in the choice of focus for this thesis. However, one of the challenges that may arise is to focus on events as they unfold which in the Amajuba context became an issue of time management. Although the significance of land was brought up during all community meetings with farm dwellers there was little or no time to go explore these topics further as I was on AFRA's and SEFA's schedule. In most cases we were late to the meetings SEFA had convened and some community members had to wait for several hours. The lack of data on these important aspects have fortunately been explored by both civil society organisations and by scholars in the past. As such, the secondary literature has assisted me greatly with these perspectives.

Positionality

Thagaard (2009) says that constructivism see knowledge as constructed by those who participate in a specified social contexts (2009, 43). The objective of qualitative approach is to go deeper than quantitative methods to acquire an understanding of phenomena, but this cannot be done without interpretation and analysis of the data (Thagaard 2009). In the context of this thesis, I have attempted see and understand the challenges experienced by different parties from the perspective of their contextual realities but also realise that my predisposed context undeniably interfered with an objective position. With qualitative methods, the researcher necessarily use utilises his or her abilities to collect information and to make connections between the unique data from each encounter with informants and observations (Thagaard 2009, 47). I came to KwaZulu-Natal with few expectations regarding the process or outcome of my research as I had never been on such a journey prior to this one. However, I did not enter the country or the province without any preconception of the institutions and the people I was going to meet. In a foreign cultural context, the person that I am – a white Norwegian 24-year-old with a certain personality and upbringing, and an academic background from the School of Oriental and African Studies – have influenced my perception of the world and what constitutes 'right' and 'wrong', the aspects of the data that I chose to pursue, and the way in which my informants perceive me.

There is a notion that research between the conventionally understood "West" and the "developing world" is always exploitative, but Sheyvens and Storey (in Sumner and Tribe 2008) argue that this

> is based on the assumption that third world people have no power…[but]
> …the reality is that researchers rarely hold all the control of the research
> process (2008, 44).

The key demographic for this thesis, the farm dweller, is a marginalised group in a context of complex power dynamics between private, governmental and non-governmental entities. Thus, any person entering the context may be perceived as a representative of power positions (Thagaard 2009, 78). Throughout the fieldwork, I felt as an outsider in most respects although I also felt accepted as an observant and an interviewer. I entered the Amajuba countryside together with the well-known organisation, AFRA, and the new CBO, SEFA, which most probably excluded interpretations of alliance with the

government, or farm owners and their associations. In these contexts, people were informed that I was a student from Norway and that I did not know isiZulu but had a translator with me, which established my definitive role as a relatively powerless outsider.

I spent significantly more time together with the one of my key informants from AFRA, Ndabe Ziqubu, and SEFA members. Although my positionality in these contexts were relatively transparent, perhaps as a at times naïve female from a relatively protected upbringing, the privilege of my skin colour was made blatantly obvious during the encounter with a white farm owner, mentioned above. From my perspective, I understood our relation to be influenced by my personal context and personality. However, the underlying positionality that naturally come with South African history lingered also in the social contexts with SEFA, a position that I also needed to be aware of in other encounters.

My role in the 'small village' of land reform outside Amajuba

One of the most challenging aspects of my field research was to balance my role as an independent researcher and to be in close contact with AFRA. I had a desk space in their small office building and interacted with their staff almost daily. While this was primarily beneficial for the collection of information the relation may have caused both ethical and practical challenges. One of the questions that came up as I was able to gain contacts outside of AFRA's network was the degree to which I was liable to disclose my already well-established relationship with the people at AFRA. Although I would never share any information about whom I met or what we talked about I found it easier to disclose my connection with AFRA up front. I found that I could ask more direct questions when my fraught position on a lack of numerous perspectives had brought me to their attention.

As my contact base expanded, it became evident that most persons and institutions with either a primary or secondary focus on land-related issues have a long history of encounters and discussions, both private and public. Most of my informants from the official and institutional environment knew each other well and were often fully aware of the perspective of others. It confirmed some of the impressions I had about the land reform discourse among outsiders and land reform authorities: That everyone knows everyone, and that the debate on land is characterised by openness despite disagreement.

This openness between different actors is what caused the ethical challenge I encountered. Conversations at AFRA often revolved around the actions and opinions of different actors and it was often difficult to know what I could and could not share. It was often widely known to whom I was travelling as most of my connections were made through AFRA. After the first encounter with this dilemma, I always made sure to let my informants know about the fact that I had an office space at the AFRA facilities. To further ensure that I did not overstep, I made sure that my role in conversations became more of an observer as opposed to a participant.

Secondary sources

Snowball sampling, gatekeeping, and other limitation posed by language barriers and time management made it difficult to access a wider spectrum of informants and gain deeper understanding of certain perspectives. Thus, these gaps have been filled by a vast foundation of secondary literature that has been crucial in the formulation and analysis of the empirical data collected. The major challenge in the research for this thesis has been to draw lines between the literature and to some extent categorise perspectives and academic fields. To pick and choose literature that fits into an exclusive framework seems impossible as land and its meanings consist of layers on layers of social, political and economic relations and values that vary across domestic and international boundaries. Policies related to land, as with any policy, do not exist in vacuums. They are formed, supported, opposed, failed and implemented in unique systems of governance, politics and institutional constructs (Lindahl 2008, 130). These challenges, however, I believe have strengthened the confidence of the route that this thesis has taken. The process of identifying the essential from the non-essential information has caused a broad spectre of literature to form its foundation, whether utilised for the arguments in this thesis or not. The literary foundation has included a wide range of academic literature, research reports and materials from governmental and non-governmental organisations. Academic sources from development studies, sociology, political studies, anthropology and history, to mention a few, have been included as well as research reports and materials from a variety of local and international NGOs. Because of the wide variety of academic literature, the perspectives derives from contexts in Europe, South and Central America, Oceania, several parts of Asia, and Sub-Saharan Africa.

<u>Official documents</u>

South Africa statistical bureau, Statistics South Africa (Stats SA), official documents from the DRDLR and DARD, and legal documents have been central sources for establishing the context from a governing perspective in contemporary and post-apartheid South African land reform. However, the user experience with some of these documents have been challenging in relation to both agri-villages and the APP. The latter is a newly-enrolled programme and there is no academic discourse regarding this programme yet, and thus the government's own conceptualisation of the programme has been central for this thesis.

The information that is accessible primarily takes the form of power point presentations and pragmatic documents published on the government website. Numerous other programmes and reports are presented in this way and it has been a great challenge to sort out information that I could use and could not use. During a conversation with an informant I mentioned that there are a lot of power point presentations on the government website and that I was looking for an alternative site where they may publish more elaborate reports. However, the informant, whose job is land reform-related, said that this is something government institutions do to avoid direct responsibility for its content. Thus, wrongly presented statistics and other information can be excused in a power point format while this is more complicated in an official research or progress report. Regardless of the reasons behind the overly enthusiastic utilisation of power point presentations, I concluded that information displayed on such presentations would not be used to establish hard numbers of rigid information about the government's activity. Rather, these presentations have merely been used for indication and presenting the position of government institutions.

The concept of agri-villages poses a more complex example as it is not an official government programme. There is no information on agri-villages on the government website and an informant whose work revolves around land tenure did not have recollection of any such construction in KwaZulu-Natal. On the other hand, other informants spoke about government officials who had talked with intended beneficiaries about the programme only a couple of years ago. Above, I refer to a report published by the Department of Human Settlements where four agri-villages and three farm housing projects in KwaZulu-Natal were implemented. Still, the information on this concept is

meagre. The discrepancy presented by this example may not say much about these projects. However, it reveals that the agri-villages are not yet part of an official program or project. This may indicate that there is a lack of information between institutions. The nature of the information is primarily from individual perspectives and can therefore not pose as a valid foundation for my analysis. The information that has been accessible to me through participant and non-participant observation, interviews, and group interviews was more relevant for an analysis of stakeholder-relations and participation. The lack of information on these programmes supports the choice I made in that regard.

Reflections on fieldwork: Challenges and ethical considerations

Challenges and ethical consideration appeared throughout my fieldwork and as I look back and reflect over the situations I encountered. Apart from the challenges that I mention above in relation to the specific methods, sites and informants, there are other aspects of the data collection that need to be acknowledged in the analysis process.

Confidentiality and anonymity

According to Anderson et al. (2011), the responsibility of a researcher to protect the subjects' anonymity and confidentiality should never be trivialized. Even in cases where the subjects want to be named or do not care their anonymity and confidentiality should never be compromised (Anderson et al. 2011). The Amajuba context made anonymization of unique organisations and projects difficult. However, the opposition of the farm dwellers affected by the agri-village project is well-known among land reform authorities, which is also the case for SEFA-members. The information gathered during the fieldwork did not carry the potential to exacerbate the situation further. Otherwise, the information gathered was never shared with other informants except with the entities who were present themselves during *inter alia* community meetings or group interviews. Regardless, I have changed the names of individuals and the locality of the agri-village project as these names are not essential for the argument or the reader experience of this thesis. Within the category of the most vulnerable informants, the farm dwellers, this was a significantly important task and it was never experienced as an issue during the research

period. I refer to farm dwellers only in relation to the local municipality in which they reside.

Quality of research and 'trustworthiness'

As opposed to the positivist criteria set by traditional science, social constructivism is associated with a more relativist perspective (Sumner and Tribe 2008, 115). While the former strives to find 'truth' through objectivity, reliability, validity and generalisability, the latter acknowledges subjectivity and embraces the dynamics of human interaction with the researched. Thus, the quality of the findings is determined by reflections on 'trustworthiness' through credibility, dependability, transferability and confirmability (Sumner and Tribe 2008, 114). To strengthen the credibility and confirmability of the research the findings should be believable, and the personal values of the researcher is not a prominent element in the process, respectively. Throughout the thesis I make clear distinctions between the voice of the informants, the literature and my own line of reasoning and arguments.

With regards to transferability and dependability, the findings of this research both could and to some degree has been identified in other settings and time period than that of this research context. In several of the chapters I refer to literature and reports that acknowledge the lack of contextualisation of development projects, as well as land reform projects, and thus emphasise the lack of meaningful participation without going deeper into the significance of meaninglessness. The findings of this study can be utmost relevant for the comparison or foundation for further studies from perspectives of other key stakeholder in land reform projects or other development projects, and it could also serve as a foundation for further studies of beneficiary empowerment during or after implementation of agri-village project or the APP.

5 Policy responsive to context?

Above, I have presented and discussed the literature on land reform that form the theoretical foundation for my analysis. Chapter 2 provided the reader with relevant background information on land reform in South Africa, and the historical context of farm dwellers in the KwaZulu-Natal countryside, and this chapter further introduced the significant role of civil society actors in rural anti-apartheid struggles. In the previous chapter I presented and discussed the methodological approach of this thesis, which leads me to this chapter and what it aims to do. In this chapter, I return to the main research question posed in the introduction:

To what extent are policy approaches to land reform in KwaZulu-Natal contextualised to reach intended beneficiaries, and to what extent are beneficiary perspectives included in planning and implementation of these policy programmes?

As I state in the introduction, I set out to answer this question with two sub-questions, where the first addresses the two land reform initiatives, APPs and the agri-village project, and how these fit into the livelihood contexts of farm dwellers in Amajuba. The second sub-question explores the participatory spaces that these initiatives have used or seek to utilise, and to what extent civil society actors close a potential gap in participation. In this chapter, I address the first sub-question: *how do the initiatives of land reform authorities address the challenges of farm dwellers in Amajuba, KwaZulu-Natal?*

To answer this question, I first discuss the demographic that constitute farm dwellers and some of the key challenges they have to cope with as a result of their livelihood situation. Second, I turn to the approach of the authorities that lead the agri-village project and the APP, how these actors conceptualise countryside demographics and how they intend to implicate their livelihoods. Third, the discussion returns to the farm dweller demographic but from a perspective of the South African statistical bureau, Stats SA, to further underline the challenges that land reform authorities may encounter when attempting to address farm dwellers livelihoods. This chapter concludes by emphasising the gap between policy and beneficiary needs.

Introduction

I first heard of agri-parks when I had been in Pietermaritzburg for about a week. The first encounter was through a video published by the DRDLR, called *The Agri-Parks Story*. The video depicts a future South Africa in the year of 2025 where rural areas and small towns are thriving with agri-parks that have provided job opportunities, food security and opportunities to prosper. As the video presents, the APP "was a controversial programme that sought to bring rural communities to the forefront of participation and ownership in the agricultural economy of the country" (DRDLR 2016). After further research into the programme and discussions with AFRA employees, we realised that agri-villages, which AFRA already had some information on, seemed to be integrated in the APP through its connection with the land redistribution programme. The DRDLR claims that their capabilities to respond to citizens' needs and challenges are superior to that of the LTA and ESAT. This argument is significant because it carries a commitment to understand the livelihood challenges of their constituencies. In other words, do land reform programmes reflect the needs of their intended beneficiaries in the KwaZulu-Natal countryside?

Who are farm dwellers?

A number of legal provisions that have been rolled out in South Africa over the past 23 years are either directly or indirectly intended to affect the most vulnerable parts of the population, such as the people who live with insecure land tenure. The complexities of labour tenancy and the land reform on privately owned farmland, discussed in Chapter 3, quickly hit me during my first meeting in KwaZulu-Natal. Glenn Farred, AFRA's Project Manager, his son and I sat in his car on our way to AFRA's office in the middle of Pietermaritzburg, the KwaZulu-Natal provincial capital. Glenn turned around and asked: "Do you even know what a labour tenant is?[23]" Although I had spent the past two months in Norway attempting to understand the historical and socio-economic aspects of this exact question I quickly understood that this was a vast topic with contemporary implications that I was only partly prepared for and thus replied: "I thought I did but

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[23] Glenn Farred, AFRA Programme Manager, Interview, November 11, 2016.

judging by the way you ask I probably have no idea". He was a very well-read man with a great interest in history and based much of his knowledge on the South African historian, Colin Bundy[24]. In addition, unlike me he had lived his whole life in South Africa. This may have influenced the primary topic during our meeting when we sat down in his office and had a long talk on the historical contextualisation of labour tenancy and the legacies of apartheid. Today, what most people talk about in the context of land reform in the private countryside are farm dwellers. *Farm dwellers* are a complex and socially differentiated demographic.[25] There is a myriad of different definitions of what constitutes this group of people, and how they define themselves also vary.

> These are people who have been subject to herd movements, boundary adaptions, changing family structures and involuntary movement by farm owners. Historically, many of the people today who are farm dwellers would have been labour tenants.[26]

What Hornby emphasises here is that the defining characters of labour tenants have changed with time, and that farm dwellers are the remnant of classical labour tenants who managed to hold onto land during the 20th century that they originally owned under customary terms. The category is in particular complex as a result of the narrow definition of labour tenants in the LTA of 1996, which some argue have pushed farm dwellers to claim this position due to the lucrative rights that follow.[27] However, based on reflections made by AFRA veterans this analysis seems too crude. AFRA's Community Development Advocate, Ndabe Ziqubu, have worked closely with farm dwellers for the past 15 years and from his experience farm dwellers can be divided into three sub-categories: labour tenants, long-term occupiers and farm workers.[28] The definition of *labour tenants* is a passionately debated topic in contemporary South Africa, and the term has been subject to legal and political confusion dues to their history and basis in the specific socio-economic relation between a labour tenant and farm owner that evolved as

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[24] Colin James Bundy has written works such as *The rise and fall of the South African peasantry* (1979) and *Short-changed: South Africa since apartheid* (2014).

[25] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[26] Ibid.

[27] Rauri Alcock, Interview, December 8, 2016.

[28] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

a result of colonialism, segregation and apartheid, also known as *isithupa*[29], discussed in Chapter 3. This has been in particular significant in KwaZulu-Natal, where labour tenancy had a significant stronghold in the white countryside (SPP 1983). Legally, it is a generational category that is defined according to the Land (Labour Tenant) Tenure Act of 1996 (LTA), and it refers to people with specific relations to the land and the landowner, discussed in Chapter 3. However, these relations are fluid and contested between the parties, which has complicated the ability of labour tenants to claim their rights set out in the LTA.

Long-term occupier refers to persons who have lived on privately owned farmland with passed labour relations with an owner of the land. *Farm worker* is a more tangible category that is less complicated to address and identify as they can identify according to current labour relations with a farm owner. A farm worker is not necessarily a resident on the farm on which he or she works but may identify as a labour tenant or a long-term occupier at another location. The relation between farm owners and farm workers are characterised by the provisions of small salaries, housing, grazing rights and cropping rights in return for labour.[30] Such relations are further associated with extreme land tenure and livelihood insecurity because an interrupted labour relation may lead to loss of accommodation.

Hence, farm dwellers exist in a complex environment of power dynamics where they are interdependent on a myriad of governmental, local, private, traditional and non-governmental institutions. The categories above, as with Lipton's categorisation of actors and influencers in land reform, are fluid and the boundaries of one category does not determine another. As such, while a person can be a farm worker he or she can also be a long-term occupier, or a labour tenant, and a self-proclaimed labour tenant may be stripped off the prescriptive rights of the LTA in a court of law. The term *farm dweller* is thus used to encompass these complex demographics to strip the complexities with regards to one of their shared livelihoods challenges: land tenure insecurity.

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[29] *Isithupha* is the isiZulu word for *six*.

[30] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

Farm dweller challenges: a farm dwellers perspective

Slow, and perhaps regressive, progress has been recorded in relation to the land tenure security of farm dwellers despite their strengthened legal position. In practice, evictions of farm dwellers persisted or may even have increased in post-apartheid South Africa, and some were even wrongfully evicted with court-orders (Brooks and Kjelstrup 2014, 243). An example of farm dweller evictions from a prospective private game reserve in northern KwaZulu-Natal, highlighted a number of issues in the approach to land reform and may act as a warning sign for some my farm dweller informants in Newcastle. The DRDLR (then the Department of Land and Agriculture) were unable to keep up with its bureaucratic responsibilities and lost control over the situation. According to Brooks and Kjelstrup (2014), they let the matter drown in legal disputes, the farm owners won and the farm dwellers were unwillingly relocated. In KwaZulu-Natal, the fear of being evicted lingers among farm dwellers as they face challenges in several spheres of their livelihoods, which are reflected in the literature in Chapter 3. They generally make up parts of the most vulnerable segment of the South African population, with insecure tenure and unreliable access to basic services. At the basis of these challenges is the relationship between farm owners and farm dwellers, which poses a great challenge not only for farm dwellers but for general land reform in South Africa.

Imagined authority over farm dwellers – tenure insecurity

In the current legal environment, it is increasingly difficult for farm owners to evict farm dwellers and workers. According to several civil society organisations and scholars, farm dwellers have and continue to experience alternative means of evictions (Hall et al. 2013, 60; Rosa 2012). This is commonly referred to as *constructive evictions* and entails actions that bit-by-bit make it impossible for farm dwellers to stay on the land.[31] Examples of general rights violations on farms and constructive evictions include actions such as turning off the water supply, removing grazing rights, impounding livestock, denying the right to cultural and religious practices, prohibiting visitors and family.[32] The stories we

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[31] Ibid.

[32] Ibid.

listened to in Amajuba and in Umgungundlovu contained much of the same across age, place and agricultural activity of the farm owner.

Generally, interaction between farm dweller and farm owner was a topic dominated by negative experiences. For the farm dwellers who we met, it was obvious that the power of decision-making regarding crucial topics such as land, water and cattle resided with the farm owner. *"Farm owners see themselves as the holders of rights to give out[33]"*. What Ndabe Ziqubu referred to here were the experiences of some farm owners who arbitrarily change the terms of their tenancy without consultation, compensation or explanation. They reported on challenges such as restrictions to move freely to and from their homesteads. Some farm owners restricted tenants' relatives and friends from accessing their homesteads, put up fences and locked gates with padlocks.

It was a reoccurring grievance that farm dwellers had received letters and been forced to sign contracts in English or Afrikaans, and others reported of semi-forced movement of farm dwellers. Many of the farm dwellers in Amajuba had been in contact with the farm owners and reported on different experiences. They had been asked to leave the property, which was followed by a series of evictions notices, threatening letters and some personal communication between the two parties.

A young woman in Dannhauser told us that the farm she resided on had been sold and that the new owner suddenly cut down all the trees that provided shade for their livestock and their houses. There had been many farm dwellers on the land, but the new farm owner demanded that they leave because their cattle ate his maize. At the time, she was the only farm dweller left on the land. She told us that the other tenants had been told to leave because of a labour tenant agreement that she was not part of. However, she believed that the farm owner left her alone only because she referred to her legal rights. This may indicate that this farm owner was aware of the rights violations he was about to commit. According to the AFRA-representative, farm owners deliberately avoid confrontation with farm dwellers who have knowledge of their rights to find alternative methods.[34] The

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[33] Ibid.

[34] Community meeting, Dannhauser, November, 2016.

strategy proposed by AFRA, was to be forerunners and to preclude arbitrary or constructive evictions.

Several other stories encountered in both Amajuba and Umgungundlovu indicate a certain trend in how farm owners operated to remove farm dwellers from their properties, and that conscious use of language may be one method they use to paralyse a response from tenants or occupiers. This happened to a young man from Dannhauser who, at the time, lived on land owned by his employer. The man kept cattle and had a designated area for grazing. However, the farm owner had 'hijacked' his family's grazing area and there was no longer enough space for grazing to keep the number of cattle he had. He sought help with Department of Labour and sent an official complaint to the farm owner. The letter he received in return was written in English or Afrikaans, which he did not understand. Several farm dwellers reported that correspondence from farm owners was rarely intelligible to the recipients because they used languages they could not understand. When we spoke with this man in November 2016, he was no longer employed with the farm owner, and the farm and the land was in the process of changing statutory owners. When a property with farm dwellers is sold, the farm dwellers lose their LTA- and ESTA-rights, unless a claim has been lodged. The man claimed that he had lodged a land claim in accordance with the LTA, and only when that process has been formalised can the man be protected from eviction insecurity of tenure.

Housing and water

Of the farm dwellers we spoke to, none of their households were allowed by the farm owner to build with brick, cement or other permanent structures, and some had even experienced that their brick houses that been torn down. Consequently, the materials predominantly used were mud and wood. During heavy rain, these structures were vulnerable to collapse, which has become an increasing issue with climate change and increasingly fluctuating weather conditions.[35]

For some farm dwellers the situation was of a more urgent nature. Some of the farm dwellers we met in Amajuba had experienced that farm owners controlled their water supply. Local water realities are aspects that tend to be overlooked or not sufficiently

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[35] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

analysed in top-down reforms (Lipton 2009, 61). According to Amajuba District Municipality (ADM), just under 93 per cent of the municipal population has access to piped water inside their dwelling or on a communal stand (ADM 2014, 28). A PAR report conducted by SEFA and AFRA in Amajuba in 2016, showed the reality of what must be the outstanding seven per cent who do not have piped water in their dwelling or their community. The report found that over 60 per cent of the farm dwellers who participated across the local municipalities in Amajuba got their water from the nearest primary school (Unpublished: AFRA and SEFA 2016, 22). In Botha's Pass, one of the households were located over an hour walk away from the school, and some had unreliable access to water due to farm owners. On our way to Pietermaritzburg after a short week in Amajuba, we took a detour to a farm dwellers' household in Dannhauser Local Municipality to buy thatching for Ndabe's new outhouse. We drove far into the landscape and stopped by a rusty gate in what I understood to be in the middle of a deserted but fenced farmland. After a few minutes two boys came running from a nearby hill inside the fenced fields. To get to where the boys had come from we had to pass three gates and a constructed watering hole. The car barely managed to get up the steep field and into the courtyard of a five-unit household that was hidden from the road. The houses were built with wood, mud and thatching. We were not there to survey but were still met by a group of people who urged us to check out their only water supply. Behind their household there was a little stream barely reachable through a hole in the ground. They told us that the water was dirty and came from a nearby farm. Previously they had access to piped water from a spigot further up the hill, but the farm owner had cut off their access. Water is an essential resource and the lack of reliable access can have many consequences, one of which may be that people have to relocate in order to survive. These were examples of constructive evictions: how some farm owners may exercise their power to semi-force farm dwellers of their land.

Cultural and economic practices

The keeping of cattle has both cultural, social and economic value, while the primary purpose of agricultural activity in KwaZulu-Natal is for subsistence purposes. In Amajuba, all the participating farm dwellers enjoyed grazing rights for their livestock. However, most of them had experienced that the areas for these purposes had and continue to rapidly decrease as a result of farm owners' decision-making. People's right

to crop had also disappeared over time, and currently there are very few farm dwellers with the right and available land to grow larger quanta with vegetables for income. Almost all of the farm dwellers we spoke to had cropping rights before but currently only few had access to land for subsistence farming. Their economic aspiration were culturally embedded. Mosltly, people wanted more land to expand their current and past practices while only a bfew had aspirations to become commercial farmers.

Graves and burial rights were often discussed at the community meetings and many showed concern regarding existing graves and their right to be put to rest next to them. The ties between the living and their ancestors have significant meaning in Zulu culture.

> …relocation did not only remove the farm dwellers from what they perceived to be their land, but it also took the land away from their family as a whole: past, present and future generations (Brooks and Kjelstrup 2014, 244).

In a setting where "graves of the ancestors met the power of the late twentieth-century capitalist market on the farms", Brooks and Kjelstrup (2014, 253) describe the aftermath of a forced relocation of farm dwellers in northern KwaZulu-Natal, and how the people mourned because they were not able visit the burial sites of their ancestors after a relocation. In Amajuba, this was a great concern with agri-villages.

"A constant reminder that we do not own the land"

Thulani is a young farm dweller who resides on the land of a game farm in Newcastle. From the perspectives of the farm dwellers who reside on the land, the history of this farm is in particular important. The land is currently constructed as a commercial game farm and the owner has only been there for a few years. The owner changed the landscape, removed and closed paths between households and removed tenants' access to the natural stream from the mountain, which is now used for his game and thus polluted downstream. One of the farm dweller households on the property has effectively been built into the game farm with high fences around the house and no access without the consent of the owner. To get to this household, SEFA, AFRA and I were let in by a gatekeeper.

Thulani's household was on the same property but located outside of these gates. Here he lived with 16 family members including his parents, siblings, grandparents, cousins, aunts and uncles. None of his family members are employed at the game farm but some are

employed on other farms in the area. Along with the rights that his household had to reside on the farm, there are certain terms and conditions. The areas in which they are allowed to feed their livestock is slowly getting smaller, and they are no longer allowed to grow crops in larger field to sell for income. However, they do have a household garden where they grow food for their own consumption. Thulani and the family members who live in the same household have rights to bury their diseased on the land. However, according to the farm owner, this is not a collective claim but an individual one. If a person moved away from the farm for work or to study, they would lose this right. Only persons who had lived on the farm continuously after the age of 18 had the right to be buried on the land. In other words, children who had left their homes to go to school or work did not necessarily have the same burial rights as their parents and ancestors.

The houses that Thulani's family lived in were built of mud but had grid windows with and curtains hanging on the inside. According to Thulani, only land reform beneficiaries who live in CPAs are allowed to build permanent structures. Their household had consistently been built with natural materials such as mud and wood as they are not allowed to build with blocks, which "is a constant reminder that we do not own the land[36]".

In his daily life, Thulani played many roles in the community: as the counsellor of Ward 1 in Newcastle Local Municipality; as a member of the SEFA management committee; and as a participant in the District Agri-Parks Management Committee (DAMC), which is part of larger structure established by the DRDLR to promote local participation in the planning process of Agri-Parks in Amajuba. As an engaged member of his community, Mr. Thulani has extensive knowledge of the rights he and his family have as farm dwellers. Regardless, they continue to live without reliable access to clean water, without sufficient land for income generation, and with insecure tenure.

A land reform beneficiary's story

Mama Msizi is a member of the Traditional Council under the leadership of Chief Khumalo in Emadlangeni, Amajuba. As an induna, she has three *izigceme*[37] under her

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[36] Thulani, SEFA, Interview, November 27, 2016.

[37] *Izigceme* are wards demarcated by the Traditional Council. These are not the same as municipal wards.

responsibility and care. An *induna* is part of the hierarchical system that makes up the Traditional Council in KwaZulu-Natal, in which she provides a bridge between the people and Inkosi (a chief). They act as mediators in conflict resolution in their izigceme, and together with amakhosi (plural of inkosi) contribute to social cohesion, in particular in the rural countryside.

Mama Msizi is a land reform beneficiary, she is a member of the Traditional Council, and she is an executive member of SEFA. She lives in a Communal Property Association (CPA) in Emdlangeni that is commonly known as Ekuphumuleni. The property was acquired by the government and thus transferred to her and nine other households, including the household of another SEFA-member, Thandi. The Communal Property Association Act of 1996 enabled people to establish CPAs that hold equal land rights to any private entity and as such can acquire and hold land in communal tenure systems. CPAs were established to meet the challenges of group-based tenure system in the face of land reform. Land restitution and land redistribution programmes in particular encounter such challenges as most land-holding systems and land needs were, and continue to be communal as opposed to individual in nature (Branson 2016).

Her experience from a perspective as an induna, a SEFA-member, a former farm dweller and now land reform beneficiary may show the other end of the stick. The sustainability of CPAs as a solution to land redistribution and restitution have been subject to major criticism regarding democratic governance, conflict resolution and the current form of CPAs to provide tenure security (Cousins and Hornby 2002; HLP 2017, 253). While the common challenges associated with CPAs were not mentioned during the research period this does not rule out their potential existence. However, regardless of such potential challenges, Induna Msizi and her fellow CPA-members had the statutory rights to reside on and use the land. Further, their rights were accessible and obtainable and could not be subject to dispossession on the basis of property law. These rights include the right to have and graze livestock, to grow crops, to establish permanent homesteads, and they have burial rights.[38]

Farm dwellers who have yet to experience benefits of land reform is a demographic that exist within complex relations with farm owners, traditional structures and legal

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[38] Mama Msizi, SEFA, Interview, November 27, 2016.

frameworks. Their challenges are both historical and contemporary in the sense that their surroundings have made it increasingly difficult to exercise cultural freedom and to sustain their livelihoods in the private countryside. Constructive evictions comprise a significant threat to farm dwellers' tenure security, and the contested spaces between farm owner and farm dwellers do not become more productive in the process. According to a farm dweller perspective, their challenges derive from their relation to the statutory owner of the land that they live on. Within this power dynamic the fundamental difference between the two categories is that the party with the statutory property rights have realised rights, while the other party has a statutory right to own the land but these rights are not yet claimed. To what extent do agri-park and agri-villages respond to these livelihoods challenges?

"Not too concerned with context"[39]

The invisible farm dweller demographic

The DRDLR together with any other governmental and state institution use information compiled and presented by Statistics South Africa (Stats SA) to establish the state of the nation, province, district and local municipalities. The bureau acts according to the Statistics Act 6 of 1999, which obligates Stats SA to provide official statistics to assist state institutions in planning, decision-making, monitoring or other actions. ESTA, the LTA and other amendments mentioned in chapter 3 provide legal frameworks for the protection of farm dwellers and labour tenants. Yet there is little statistical data available to identify them.

Based on the Stats SA's Community Survey of 2011, Visser and Ferrer (2015) identify the farm dweller demographic based on the economic characteristic of the land they reside on. Thus, they include the whole of the population who live in *farm areas* are farm dwellers. According to the 2011 Census three million people live on farmland (the size of which is subject to speculation), which is over 5 per cent of the South African population. In 2004, Stats SA published a report on land-use in 1994 and 1995, which

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[39] This is a quote from two separate interviews, one in Pietermaritzburg with Donna Hornby and the other in Durban with Anwhar Madhanpall. Both referred to the policy-orientation of the DRDLR and the APP.

constitutes the last land account in South Africa. Agricultural land included "land under the scattered farm buildings, yards and their annexes, permanently uncultivated land, such as uncultivated patches, banks, footpaths, ditches, headlands and shoulders" (Stats SA 2004, 7). This was the last time South Africa conducted a land survey and it thus remains difficult to know how much of South African land is farmland. In 2011, farm areas were generally defined by the same characteristics as large-scale commercial farming regions with capital-intensive modern production techniques, direct links with key input and output markets, and relatively high turnovers (Visser and Ferrer 2015, 7). Of those who live on farmland only about 10 per cent own the property they live on (2015, 10).

> [The farm dweller demographic] is a significant category of people. The amount of people who live on commercial farmland that they do not own according to statutory law is larger than the Indian population, and not that far off the white population[40].

This is a recurring argument both in this thesis and among civil society actors. Only the number of people that comprise this demographic is reason enough to render their extremely insecure tenure a serious South African issue[41]. Regardless, it is a demographic that the state has yet to collect sufficient statistical data on.

While Visser and Ferrer (2015) estimated the population based on the 2011 Community Survey, Stats SA's reports make it nearly impossible to identify the farm dweller demographic. There are challenges associated with the estimations based on agricultural activity in KwaZulu-Natal. The Community Surveys from both 2011 and 2016 divides the South African population into four general categories of housing: those who live in formal dwellings, informal dwellings, traditional dwellings and other. In 2016 the number of choices expanded to 13 alternatives. In 2011 and 2016, a formal dwelling was defined as "a structure built according to approved plans, i.e. house on a separate stand, flat or apartment, townhouse, room in a backyard or rooms or flat let elsewhere" (Stats SA 2016a, 6; Stats SA 2012, 79). Traditional dwellings were defined as "made primarily of clay, mud, reeds or other locally available natural materials. This is a general term that includes huts, rondavels, etc. Such dwellings can be found as single units or in clusters" (Stats SA 2012, 81). An informal dwelling was defined as a "makeshift structure not

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[40] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[41] Ibid.

approved by a local authority and not intended as a permanent dwelling. Typically built with found materials (corrugated iron, cardboard, plastic, etc.). Contrasted with formal dwelling and traditional dwelling" (Stats SA 2012, 80). Based on these options it is difficult to discern farm dwellers from urban dwellers and people who live in CPAs or other communal holdings as these are not specified in relation to tenure options. The presentation of choices as such may not trigger concern or confusion. A closer look at the options given in the survey reveal that farm dwellers may have crossed off on several of the choices given due to the inconsistency of dwelling rights determined by each farm owner, referred to above.

According to 2016 Census, 13 per cent of the South African population lived in informal dwellings (Stats SA 2016b, 60). However, the structures characterising their households may be shack-like (as in informal dwellings), structures of natural materials such as clay (as in traditional dwellings), and permanent structures of brick (as in formal dwellings). The aggregate population living in traditional and informal dwellings in KwaZulu-Natal is about 26 per cent (Stats SA 2016b, 61). This number may include people who live on land owned by the Ingonyama Trust, in informal urban and rural settlements. Further, the statistics on type of tenure do not offer greater understanding of the living arrangements in the private countryside. The categories overlap and are inconsistent with that of the dwelling types.

For the above-mention reasons, it is a challenge to determine the scope of farm dwellers. Among my informants there exist several understandings of this demographic in KwaZulu-Natal, referred to above. However, the available information for land reform authorities do not mention farm dwellers or labour tenants and it is virtually impossible to estimate their scope and location with Stats SA as the main sources.

Gap between a national programme and intended beneficiaries

Based on what is provided by the DRDLR, there has been little thought payed to the South African countryside as opposed to foreign ones. In 2013, there were about 220 000 smallholders in the country, and their challenges were determined on the assumption that small-scale farmers in South Africa face the same challenges as small-scalers in other countries (DRDLR 2015, 11). As such, the DRDLR assumes that these farmers struggling with limited access to physical, economic ansssd social capital, production inputs, credit,

markets, extension services, information, education, training, organisation opportunities, institutions, and low incomes. Based on international experiences, concentrated industrial parks is according to the DRDLR an effective strategy for sectoral economic transformation to increasing efficiency, reducing cost and maximising value of smallholder production. Whether the sectors transformation includes farm dwellers or other vulnerable citizens remains unclear apart from its claimed attachment to the redistribution programme.

As mentioned above, emerging and existing smallholders are prioritised as direct beneficiaries and primary participants in participatory processes. The design, development and operationalisation of individual agri-parks is said to be driven by key private sector actors including commodity groups, smallholder farmers, cooperatives, organised agriculture, agricultural business and existing markets. However, as Farred point out, the programme has yet to provide an attractive offer to the private sector. The policy does not outline its strategy for alignment of the socio-economic objectives and the market-based objectives, which poses a question to the programmes ability to attract private partnerships.[42] The implementation and management of Agri-Parks will receive R2 Billion annually for the next 10 years, of which R450 million has been earmarked for KwaZulu-Natal. This substantial amount of resources but the programme relies heavily on private partnerships for professional, economic and knowledge support.

A feasibility perspective further emphasised the discrepancy between the programme's main beneficiary group and the South African countryside context which mainly consist of white large-scale commercial farmers. First, it was pointed out that these commercial farmers have no need for the agri-parks structure as they are already well-established in the agricultural economy.[43] Second, "Agri-parks cannot imagine and create[44]" a population of smallholder agricultural producers. Hornby[45] criticised the illogical order of implementation that propose to first build the processing, marketing and administration facilities without a production base to utilise and benefit from it. The former Chief Director of the DRDLR in KwaZulu-Natal and current General Manager of Rural

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[42] Glenn Farred, AFRA Programme Manager, Interview, November 11, 2016.

[43] Anwhar Madhanpall, Former Director of DRDLR KwaZulu-Natal, Interview, December 13, 2016.

[44] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[45] Ibid.

Development and Land Reform in the South African Sugar Association (SASA), Anwhar Madhanpall, said that the DRDLR did not seem too concerned with the establishment of agricultural production before implementing complex infrastructure that is the APP. According to him, the programme was a good idea in theory because of its focus on mobilisation of black emerging farmers to participate in the value chain and as such generate greater wealth. However, concerning the programmes viability, Madhanpall also said that the DRDLR's approach is inappropriate and overly concerned with infrastructure and ignore the aspect of production: "What is the point of infrastructure if you do not have production", he said. The absence of an established sector of smallholder producers is believed to create a significant obstacle for the implementation of the APP, and Madhanpall believes that this should be the primary focus. Now, the DRDLR are planning to build the processing plan and infrastructure first, and then bring in production at a later stage.[46]

This not only presents challenges regarding the much advertised participatory emphasis of the APP – because who will then participate when the key beneficiary not yet exists – , but it also shows a lack of understanding the contexts in which emerging smallholders live in. The rural communities near the planned agri-park in Amajuba could only base their responses on what they had just heard from SEFA-members, and a common concern among the farm dwellers and SEFA-members was the lack of information they had on the programme. Despite the emphasis on decentralisation and to bring rural communities to the forefront of participation, Induna Msizi stressed that the information on agri-parks was too insufficient to determine whether the objectives of these programmes and projects meet the needs of the people in her *izigceme*.[47]

As Hornby and Madhanpall point out, there is a discrepancy between the objective and the plan to achieve it. How do the decision-makers behind the APP intend to identify the emerging smallholders if the demand they respond to is based on data where the farm dweller is not represented? Who are then the emerging smallholders if not farm dwellers?

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[46] Anwhar Madhanpall, Former Director of DRDLR KwaZulu-Natal, Interview, December 13, 2016.

[47] Mama Msizi, SEFA, Interview, November 27, 2016.

Gap between a local project and intended beneficiaries

Agri-villages, as most of the concepts in this thesis and in South Africa in general, are complex and difficult to establish. What constitutes an agri-village depends on who you ask and the prevalence of such structures in KwaZulu-Natal is debated between my informants. While Hornby recalls the existence of at least two near Pietermaritzburg, an informant from the DRDLR argued to the contrary that there were none in KwaZulu-Natal. This was rather interesting as Emadlangeni's IDP call it a multi-sectoral initiative that all spheres of government, including the DRDLR, are part of (ELM 2017, 180).

According to an informant from DARD, agri-villages are small towns where people live in close proximity but still in rural areas. Communal ground is provided for communal farming and communal development opportunities, meaning that some can become farmers while others may work on surrounding farming estates.[48] Agri-villages are, according to DARD (2016), constructed "settlements for the purpose of settling farm workers and dwellers in a concentrated settlement pattern", and they argue that the layout and density are such that a rural lifestyle can be maintained. Further, one of the main objectives of agri-village is the potential creation of "much-needed self-employment opportunities" and "venues to earn a living" (DARD 2016).

It is also assumed that all residents must practice agriculture. However, as mentioned above, this was one of the primary concerns of intended beneficiaries regarding the agri-village. The kind of communal arrangement provided for in the agri-village did not coincide with the practices of the farm dwellers we spoke to.[49] The authorities separated the issues of space, livelihood income and "lifestyle" while farm dwellers see this as one and the same: to keep livestock for income and hence need sufficient space to sustain their source of income. However, if the space for agricultural activities are insufficient in its currently conceptualised state the residents will have to decrease their herds and thus their income. In that case, the residents will need jobs to fill the income gap.

According to DARD, with agri-villages come job opportunities. However, the plans available only make connections to farm labour, which is one of the occupations with

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[48] DARD, Interview, December 15, 2016.

[49] Community meetings, Emadlangeni, November, 2016.

lowest pay and most insecure tenure in South Africa (Visser and Ferrer 2015). There may be other job opportunities that DARD has in mind, but these are not reflected in the conceptualisation documents up until June 2017.

The intended beneficiaries of the Groenvlei Project lived on privately owned farmland, and almost all of them had lodged labour tenant or restitution claims. An area just a few
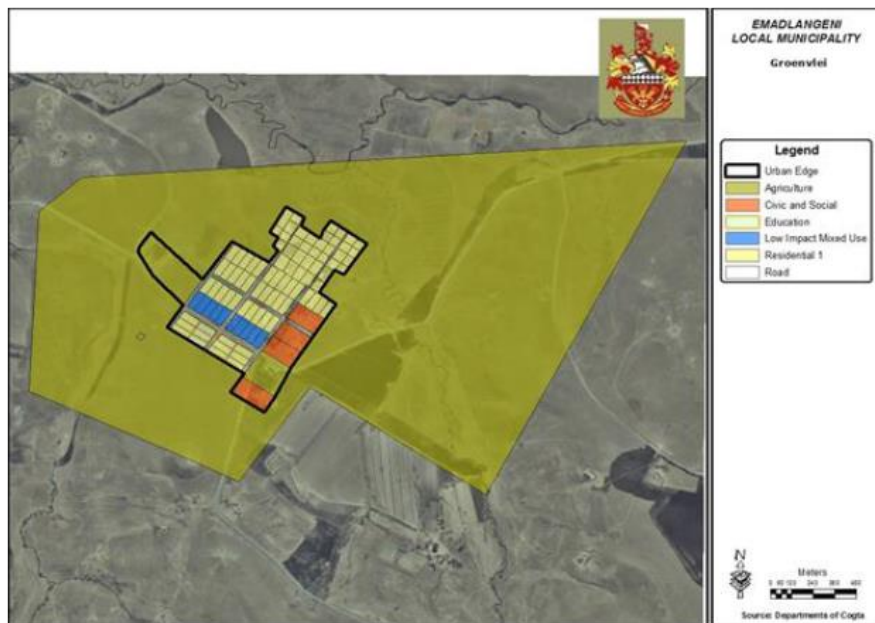

Figure 5. Groenvlei agri-village (Emadlangeni Municipality 2017, 94).

Here it is claimed that between 150 and 200 households can maintain their rural lifestyles despite densification. Livestock is significant for this rural lifestyle but the ELM fail to inform the carrying capacity of the designated space for agriculture.

kilometres away from their respective households had been bought by the state for restitution purposes. Or so it says in a report released by the ADM (2017, 41). There would be built 150 houses that are of the same architecture as the much criticised "RDP houses", which I will discuss further below. These four-room houses are named after the post-apartheid national development programme, the Reconstruction and Development Programme (RDP).

Before the agri-village was presented to the farm dwellers in and near Groenvlei there was some communication between the Mayor and some of the community members regarding upcoming developments. Three weeks before SEFA and AFRA went to the farm dwellers near the proposed Groenvlei agri-village in November 2016, a presentation was held at DARD by the Provincial Task Team on the agri-village initiative (DARD

2016). In this presentation, the Task Team reports that the catchment area for the Groenvlei project was confirmed by stakeholders, and that intensive farm visits have been undertaken by the DRDLR to gather feedback on the plans (DARD 2016). There was further mention of a community workshops that would be held in isiZulu. However, from the documents that are available about the presentation there is no further mention of the role of these workshops or what they would be used for.

As mentioned in Chapter 3, the agri-village project in Groenvlei is part of the municipality's redistribution programme, which raised many concerns for my informants. Although the exact number of restitution and labour tenant claims in Amajuba is a debated subject (Kruger et al. 2011) there are significantly more claims in KwaZulu-Natal and Amajuba than in the rest of South Africa, which is illustrated in Figure 1. Hornby believed that the agri-village also was a way of resolving and settling these land claims in the area simply in a two birds, one stone kind of way.[50] All of the farm dwellers we spoke to in Groenvlei had lodged labour tenants or restitution claims to the land they live on and they were concerned with their rights as such claimants if they were relocated.

A solution without livelihood contextualisation

The concerns voiced by farm dwellers regarding the agri-village project in Groenvlei were reportedly expressed when the project was first presented to its intended beneficiaries in 2014.

> Agri-villages are poverty traps…There is no reason why labour tenants and farm dwellers who have cattle, access to grazing, access to more land, and have no particular security issues would want to move to an agri-village structure despite the lack of tenure security.[51]

The intended beneficiaries rejected the idea on the basis of appropriateness and that the structure did not meet their needs. They referred to the lack of space both inside the RDP houses and the common areas that restricted access to agricultural practices for income. They were concerned about the graves of their ancestors, schooling, access to services and tenure security. These concerns prevailed when reintroduced in 2016.

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[50] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[51] Ibid.

<u>Housing concerns</u>

One concern was regarding the homogenised housing structure, the RDP houses. The RDP housing strategy aimed to cope with South Africa's landless and most poor citizens, and between 1994 and 2008 the government built standardised houses (RDP houses) by the thousands per year from 1994 in each of the provinces (Tissington 2010, 67). In 2009, over 12 per cent of households lived in RDP or other state-subsidised housing (DHS 2009, 177). According to a review from 2010, several beneficiaries reported that the houses were poorly built and that both walls and roofs were weak, and in KwaZulu-Natal thousands of houses had to be demolished (Tissington 2010, 73). After a presentation of the housing that would be built in the agri-village in Groenvlei, farm dwellers recognised the houses as RDP houses and voiced concerns about the size of the houses to accommodate family members. The size of the houses proposed was an aspect of concern for those living in large family structures. The farm dwellers who participated in group interviews lived in households with up to 16 family members[52]. They even referred to the structure as *umgogwana*, which is a small round Zulu hut. Induna Msizi's household, for instance, consists of 15 bedrooms, which is a common setting in rural communities.[53] The issues regarding size and quality of RDP housing has been frequently reported in a number of reviews of RDP housing projects across South Africa including KwaZulu-Natal (Moolla et al. 2011, 142; Narsai et al. 2013). Regardless, these continue to appear in development projects.

<u>Space for agriculture</u>

In addition to the spaces inside the house, farm dwellers were concerned with the outside space and what it could offer in terms of agricultural opportunities. From various sources, SEFA members had heard that agri-villages would provide an eight hectare communal plot to grow crops for household consumption. This was problematic as they were currently cropping both for own consumption and for income and that space would not be sufficient to sustain people's needs. Paradoxically, the opportunity to pursue

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[52] Community meetings, Emadlangeni, November, 2016; Community meeting, Dannhauser, November, 2016; Community meetings, Newcastle, November, 2016.

[53] Mama Msizi, SEFA, Interview, November 27, 2016.

agricultural activities beyond subsistence farming was one of the key elements of the agri-village project.

One of the main prospects of the people we spoke to was to be able to pursue agricultural activities for income and not merely for household consumption. Farm dwellers who were not directly affected by the agri-village in Groenvlei also expressed concern regarding the lack of space for agricultural activities, and in particular for keeping their current livestock size. Just down the road from Groenvlei in the same local municipality, other farm dwellers argued that the space was not sufficient for their main and most important source of income – livestock. Some households have between 40 to 50 cattle and may have up to 35 chickens, which could not be accommodated in the proposed structure of an agri-village.[54] Again, this shows a lack of basic knowledge of the demographic that the authorities intend to benefit.

Day care sub

In response to the rejections of the Groenvlei farm dwellers, their ward counsellor reported that they (unsure who "they" were) had agreed that an alternative to the agri-village was to establish a *crèche*[55]. To this the farm dwellers had no major opposition except that there was no pressing need for such facilities because of high rates of unemployment. This further led to the argument that most people in the area would not have money to pay for their children to enjoy such facilities. Again, there was an apparent void between provision and needs of beneficiaries. As a result, the farm dwellers were not confident in the counsellors' integrity. The experience from the agri-village project demonstrated that ward counsellor did not act in response to the farm dwellers' priorities and interests but perhaps for others'.

Potential divisions and cultural ignorance

The farm dwellers in Gronevlei were sceptical to the traditional and cultural limitations posed by the physical structure of the agri-village and the RDP-houses, and its potential to create divisions not only within the community but within households. The RDP

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[54] Ibid.

[55] A day care facility.

houses have been subject to criticism regarding the lack of cultural appropriateness in the past, such as the average household size and space to make developments (DHS 2010, 160). They had heard rumours, perhaps from the councillor, that the younger generations were excited about the new developments. It would give them an opportunity to become more independent. This was also a concern that came up during community meetings. The farm dwellers near Groenvlei demonstrated a lot of confusion and conception of the motivation behind the project. Apparently, the individuals who presented the agri-village to them in 2014 argued that the younger generation wanted to move to such as structure to become more independent. This led the older farm dwellers to fears of being separated from their loved ones, their children and their graves.

The participants from Groenvlei, who were generally older than 35, were disturbed by the potential outcome of a split family where the kids move to their separate houses in the agri-village and that the elders would be left behind. "The government wants to supress us and is not considering our cultural, heritage and traditional beliefs[56]". A potential relocation of a split family could also create challenges regarding graves, which was a great concern for all farm dwellers we spoke with. Some spoke of opportunities to move graves to new locations but this would not solve the issues with split households. "To be separated from your children is Western model,"[57] and their children do not leave their elders unless they get jobs outside the community or if they get married. One of the intended beneficiaries in Groenvlei compared agri-villages with an old age home where people are clustered in one place mainly because there is no other use for them.[58] This was how they believed they were perceived by the government. The farm dwellers felt that this aspect of their lives, the cultural and the traditional, had not been considered.

The divide between the generations was also emphasised by another informant who had been a consultant for the DRDLR in restitution cases for many years. He said that the younger generations – whether they are defined as labour tenants, farm dwellers or farm workers – do not want to live in rural areas and to become farmers. From his perspective, the older generations "have a sentimental attachment to their land and their livestock, and

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[56] SEFA, Group interview, November 11, 2016

[57] Community meetings, Emadlangeni, November, 2016.

[58] Ibid.

[they] generally romanticise the past. The younger generation does not have this sentiment[59]". On the other hand, based on the perspectives from Newcastle, Dannhauser, Emadlangeni and the SEFA-members, this position was partly disproved as a general statement. While the matter closest to Thulani's heart during the community meetings was to recruit the younger generation in the land matter – because of their lack of political engagement – three of the SEFA-members, which constituted over half of the member that I spent time with during the research period in Amajuba, were between 28 and 30 years old. While based on visual perception, the majority of the participants of a Farm Worker and Farm Dweller Platform[60] meeting in Pietermaritzburg were also of younger generations. Thus, it may be that the younger generation is more divided than their older counterparts. However, the examples from Pietermaritzburg and SEFA may indicate that the matter is just as dependent on facilitating political engagement.

For conflict resolution?

According to the farm dwellers in Groenvlei, the agri-village is a way to solve the conflicts between them and the farm owners, and to ease the owners' burden of having to deal with the livelihoods of farm dwellers and the right they have.[61] Farm dwellers are of the impression that agri-villages excite owners because it may realise their dream of evicting farm dwellers. At a District Land Committee meeting attended by a SEFA-member, a representative from a farmers' association admitted he had tried to remove farm dwellers from his property for a long time, and that programmes such as agri-villages would be a great help for him.[62] It solves issues regarding land claims, labour provision for the farm – agri-villages have been compared with a 'ready pool of labour' for farmers, much like labour farm during the segregation and apartheid era[63] – and the economic burden of providing services to occupants.[64] For the municipality, the challenge of both conflict and service delivery is covered with semi-forced relocation to agri-

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[59] Rauri Alcock, Interview, December 8, 2016.

[60] A platform facilitated by AFRA to organise a decentralised system of representative councils for farm workers and farm dwellers in Umgungundlovu District Municipality.

[61] SEFA, End of the Year Meeting, November 20, 2016

[62] Community meetings, Emadlangeni, November, 2016.

[63] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[64] Ibid.

villages. The services that the municipality ought to deliver to the farm dwellers are not welcome on the farm owner's land, such as water and electricity. From a farm dwellers perspective, it appears that the municipality took it upon themselves to identify the problem as well as solve the inter-governmentally conceptualised dilemma without consulting the farm dwellers in question.

An authority-oriented approach

The conceptualisation of the post-apartheid government, the Reconstruction and Development Programme (RDP) and its roots from the Freedom Charter of 1958 derived from a rights-based and pro-poor approach (PLAAS 2016, 8). The rigid approach to land reform was constitutionalised in 1996 and its basis further strengthened by additional laws, discussed above. On their own, these presentations of government intent was post-totalitarian because it actively targeted parts of the population who were suppressed under the totalitarian regime, referred to in Chapter 2. However, the government opted for the World Bank's passive method of land acquisition: negotiated land reform based on the "willing buyer, willing sellers" principle (Deininger 1999). This approach communicated weak signals and gave little incentive to the landed demographics who would have to willingly sell excess land for below market prices. This desire to create a conflict free platform for land reform may also have been the reason or its failure to meet the national objectives of socio-economic transformation, poverty reduction and increased food security for the black rural population (SADC 2010, 69; Lahiff 2007).

Today, the land reform environment is characterised by slow progress and a myriad of conflicting laws and policies. "There are so many policies and legislations that conflict with one another[65]". Here, a land reform beneficiary, currently living in a Communal Property Association (CPA) in Amajuba, referred to the endless list of policies, projects and programmes that affect farm dwellers in her local municipality but that most people have never heard about.

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[65] SEFA, Group interview, November 20, 2016

<u>Two sides of the strengthened legal position of farm dwellers</u>

As mentioned, on several occasions the DRDLR have confirmed that they have abandoned legal frameworks to implement land reform and rather act according to policy frameworks. As mentioned in Chapter 3, the LTA of 1996 was enacted to protect labour tenants from arbitrary evictions and to enable them to apply for ownership of the land they live on. Furthermore, the Extension of Security of Tenure Act (ESTA) aimed to protect those who were not included under the LTA. At a court hearing in 2016 regarding the implementation of the LTA and the appointment of a Special Master to oversee its systematic implementation, the DRDLR argued that there is a need to distinguish between policy-based and constitutional land reform. In other words, it was the DRDLR's point to make that the matters of land reform depend on the discretion of the Minister and the DRDLR, and that such an approach may or may not include legislation (Land Claims Court 2016). It is difficult to argue emphatically exactly what the DRDLR meant by this as the content of the statement contradicts the very role of the DRDLR as a department. Regardless of whether they meant that the department deliberately counteract the constitution or not, the statement clearly explained that the DRDLR are not actively adhering to the LTA in its land reform initiatives. While the LTA was introduced and enacted as an apparatus to achieve land tenure security for one of South Africa's most vulnerable people the DRDLR is of the opinion that its framework is primarily an obstacle. As opposed to a Special Master, the department argued that the Director-General had better knowledge and expertise of the obstacles and challenges labour tenants face than a third party Special Master (LCC 2016). Similarly, a Director at the DRDLR offices in Pietermaritzburg said that the systematic implementation of the LTA will create an additional layer of bureaucracy and another section of the Department that absorbs resources.[66] The LTA is one of South Africa's few land reform obligations which focus is land tenure security and it legally defines and valuate a human-land relationship based on historical socio-economic relations on predominantly white-owned farmland. As mentioned in Chapter 2, land tenure reform is an active engagement of the government in shaping tenure designs that address socio-economic and power dynamics that govern land (Unruh 2010, 1726). For farm dwellers, the power dynamic on the land is a direct threat to their tenure and livelihood security. That the DRDLR avoids processes set out

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[66] DRDLR, Interview, December 13, 2016

in legal frameworks such as the LTA and ESTA, and rather to the contrary actively and consciously choose not to use such frameworks, can be interpreted differently. The DRDLR justify a project-based approach to land reform with claims of better practice based on inter-department knowledge and expertise.[67] According to Hornby, the agri-village provides municipalities and the DRDLR with acclaim that they provided tenure security to citizens.[68] Thus, the DRDLR's arguments regarding their own capabilities to respond to citizens' needs and challenges are significant because it carries a commitment to understand the livelihood challenges of their constituencies.

Human-land relationships

The policy-approach is further subject to the same criticism as that of market-oriented and technocratic land reforms, discussed in chapter 2. The responses from farm dwellers in Amajuba emphasise matters that coincide with the power of private property, as opposed to lived experience, and authorities that ignore cultural and socio-economic human-land relationships. Two major conceptions of land continue to influence the socio-economic and socio-spatial relations between white commercial farmers and farm dwellers in KwaZulu-Natal, and the both the game farm example above and the experience of the farm dwellers we spoke to in Amajuba highlight this implication. According to Josefsson (2014) and Brooks and Kjelstrup (2014), the cultural narrative of black South Africans that is the fundament for their land-people relation has been consolidated by the lived and spiritual experience on the land. The conception of land among white settlers, on the other hand, is based on a perception that they arrived in a 'natural' African landscape without human presence. Josefsson (2014) identifies such narratives both among British and Afrikaans-speaking settlers. The farm dwellers who were relocated from the game farm, mentioned above, were given title deeds and as such statutory property rights to the new land. However, to them, it was the generations of buried family in the ground that proved their belonging to the land, and that land was never theirs according to statutory property law. The implication was that they felt homeless and 'out of place' with the added stress of no monetary compensation for the forced relocation (Brooks and Kjelstrup 2014, 245). Between the two major conceptions

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[67] Ibid.

[68] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

of land – as lived and as sealable commodity (Brooks and Kjelstrup 2014, 239) – of which the latter has proved the most powerful in the face of state action and changing cattle farms to private game reserves.

Lack of resources

In the myriad of criticism of slow progress, the reoccurring argument presented by the government of South Africa falls back on 'the lack of resources', which is an internationally substantiated argument with specific relation to African countries.[69] However, it has also been argued that the redistributive land reform is a low-cost development alternative for poverty alleviation, human capital formation and economic growth because land transfers are cheap compared to other welfare programmes, and that it must be prioritised regardless as land is the most important asset in most developing countries due to the agrarian character of their societies (Gersbach and Siemers 2010). This is not to argue that the lack of resources is not a significant argument. Obviously, resource allocation is an extremely important and complicated task for governments to deal with. In particular, in contexts where socio-economic challenges are plentiful. At a provincial and local level, resource allocation is a very real challenge that bureaucrats have to deal with. According to an employee at DARD in KwaZulu-Natal, the department is not geared to support land reform beneficiaries and emerging farmers the way they should. The procurement process of the government makes it difficult to give post-settlement support at the right time. DARD's departmental focus has moved from national food security to household food security. Thus, there is a larger budget for supporting subsistence farming as opposed to farming for the market and income generation.[70]

Set up against the legal framework that aims to protect farm dwellers, the cases from game farms in KwaZulu-Natal illustrate what farm dwellers may expect from their elected officials and governing body and their powerful farm owners despite their theoretically stronger legal position. As demonstrated above, the shortcomings associated with South

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[69] It has for instance been argued that "African countries simply do not have the resources to deal effectively with the land reform programmes they have embarked upon" (De Villiers 2003, 149). In a study from the World Bank, Deininger et al. (2010) argue that the lack of resources and institutional weakness in formalisation of land rights prevented the implementation of even the most well-thought out land reform policies (Deininger et al. 2010, 289).

[70] DARD, Interview, December 15, 2016.

African land reform in the past are still relevant for the contemporary Amajuba countryside context as the commitments of land reform authorities do not align with land tenure reform or the objectives set out in the legal frameworks. As such, their approach not only contradict their constitutional obligations but they also contradict their own argument from the courtroom.

A policy for whom?

For the government and for farm owners, agri-villages are viable for conflict resolution and economic reasons. The main argument from a government perspective is that agri-villages solves the issue of inefficiency in service delivery and that it frees up productive agricultural land (ADM 2017, 39). Municipalities with a lack of resources and unfavourable preconditions, such as low population density and high demand, could use agri-villages as a solution to reach larger parts of those in need with less resources. In other words, the agri-village is a centralized solution to the challenges associated with the delivery of water, housing, electricity, schooling, toilets, and employment, which are all aspects of farm dwellers' challenges.

Both ESTA and the LTA protect labour tenants and farm dwellers from arbitrary evictions, and it could thus be assumed that it marked a reduction in forced removals and relocations on private farmland, but this has not been the case. There is only one national survey of the scope and impact of forced removals and displacements from farms in the post-apartheid era from 1984 to 2003. The survey found that evictions increased during the first decade of democracy (Wegerif et al. 2005 in Hall et al. 2013, 49). Today, people still experience arbitrary evictions (Hall et al. 2013, 60). Between 2001 and 2007, 1599 complaints were filed by farm dwellers in KwaZulu-Natal of which almost 37 per cent regarded threats of evictions by farm owners (Chisoro, Del Grande, and Ziqubu 2007, 29). Protection from forced removals is the cornerstone of tenure security (AFRA 2016, 14), and the municipality's alleged role in involuntary relocation raises questions and concerns. To whom, primarily, do land reform authorities feel that they have to be responsive? Constitutionally and according to policy, their primary concern is the rural poor. Further, the agri-village was presented as a solution to on-farm conflicts between dweller and owner. Conflict resolution is all about compromise but what are farm owners compromising in this case, and have not farm dweller done anything but to live in a limbo

of compromise? Is it conflict resolution when one party, the least powerful one in term of socio-economic terms, is left with fewer opportunities to prosper?

The experience farm dwellers had with government programmes and projects was that government officials assemble communities and present ready-made plans. It was a general concern for farm dwellers in Emdlangeni and other municipalities that their councillors and the government do not seem concerned with their challenges and needs. They do not consult with the general members of the public but expect no opposition to projects and programmes that do not meet their needs.[71]

> The employees of the government are those who make assumptions of what our needs are and in turn … impose programmes that they think will meet our needs. It is difficult for us to make sense of what exactly these programmes are and what they are meant to achieve[72].

SEFA members believe that the ever renewed policy approach of government is an attempt to distract the civil society away from the slow progress of the land claims. The constant declaration of new projects delays the process of *de facto* land transfers. According to the plans and the conceptualisation of the agri-village, the benefits of such a programme are many. One of these benefits supposedly serves both the municipality and farm dwellers, and that is service delivery. However, an important point was raised during the community meetings in Amajuba: The government had never asked farm dwellers about their needs.

Not for farm dwellers

Farm dwellers in Amajuba want to stay where they are and to get access to basic services, build permanent structures, have more land to grow crops, to perform agricultural activities to earn income, and some want to become commercial farmers. For some, the desire for security tenure on their current land is greater than for sufficient service delivery.[73] In sum, these key aspects of the farm dweller demographic in Amajuba were not reflected in the agri-village project or the APP, particular evident in the former

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[71] Community meetings, Emadlangeni, November, 2016.

[72] SEFA, Group interview, November 20, 2016

[73] Community meeting, Dannhauser, November, 2016.

example. Most significantly in this context, farm dwellers wanted to stop government from making decisions in their behalf (spec. Groenvlei), and they want to be part of the decision-making process. They want to be involved in plans that affect them through regular consultations with authorities. To stay informed and to be given the opportunity and platform to have a voice and share their views.

> The two main and interrelated shortcomings of South African land reform
> boil down to the lack of a platform for discussion and participation, [and]
> that the state is still the main driver of land reform.[74]

What Madhanpall refers to here is the lack of participatory processes in the conceptualisation of the land reform programme from the early 1990s onwards. Due to the immense pressure to deliver solutions as soon as possible, the fundamental process of citizen consultation got lost and made the state the key driver of land reform. As the state continues to drive land reform, these two limitations have had negative outcomes for stakeholders. Farm dwellers in Amajuba may be in the midst of experiencing the effects of these shortcomings and say that:

> The government to stop wasting money they do not have and start
> investigation into the already lodged land claims. Then they can consult us
> on the way forward and provide consultation and training for those who
> want to utilise their land for agricultural purposes.[75]

While the objectives of farm dwellers and land reform authorities coincide in many respects the process poses fundamental obstacles to cooperation. The issue of participation in all stages of project development was a recurring issue.[76] On several occasions, farm dwellers, SEFA members and AFRA expressed the need and significance of the initial process of conceptualisation and their role in it. Induna Msizi believed that more productive channels of participation between the government and citizens could vastly improve the currently hostile relationship between these parties. The sources that inform farm dwellers of development projects are not generally first-hand sources and the information given may give a distorted picture of the government's intentions. If information was provided by the relevant institution, both Induna Msizi and several farm

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[74] Anwhar Madhanpall, Former Director of DRDLR KwaZulu-Natal, Interview, December 13, 2016.

[75] SEFA, Group interview, November 20, 2016

[76] SEFA, End of the Year Meeting, November 20, 2016

dwellers across Amajuba argue that it would be easier to make informed comments and ask the correct questions.

Based on this chapter, I contend that the DRDLR lack basic information on the key demographic of farm dwellers and thus cannot provide appropriate measures, projects and programmes without a participatory approach in formulation, planning and implementation. The official documents for both of the initiatives refer to participatory structures. Because it is so difficult to identify the demographic from statistics it is even more important that the participatory approach is meaningful. However, the participatory approaches chosen are also associated with a series of challenges, which I will now turn to.

6 Closing the gap with meaningful participation?

Introduction

In Chapter 5, I demonstrate the disparities between the land reform authorities' policy-approach and the livelihood challenges of farm dwellers as the intended beneficiaries. The land reform authorities in Amajuba – the district and local municipalities, the Department of Rural Development and Land Reform (DRDLR) and the Department of Agriculture and Rural Development (DARD) – refer to participatory approaches both in relation to the agri-village project in Groenvlei and in the APP. The discrepancy between farm dwellers' needs and the policy are highlighted to argue that the significant gap calls for meaningful participatory mechanisms. Thus, the aim of this chapter is to address the last research question: *What characterises the spaces for participation between authorities and farm dwellers, and how do civil society actors contribute to unify farm dwellers' perspectives?*

To answer this question, the point of departure is the invited spaces created by land reform authorities and other authorities, such as NGOs and civil society organisations. Based on findings from KwaZulu-Natal[77] and the analytical tools introduced in Chapter 2, this chapter first critically examines the nature of participation of key beneficiaries in the processes associated with agri-parks and agri-villages. The second part of this chapter, turn to civil society and the newly established CBO, Siyaphambili Emajuba Farm Dwellers Association (SEFA), which is currently the only district-wide organisation of farm dwellers. Specifically, this last section seeks to analyse the organisations' efforts to unite farm dwellers in a claimed space for participation.

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[77] The findings are primarily from the three local municipalities in Amajuba. However, key findings on participation from Umgungundlovu and Durban are also included from civil society, agribusiness, government representatives from DRDLR and DARD, and some farm dwellers and farm workers.

Invited by land reform authorities to a space for participation

Before entering the analysis of the nature of participation one must scrutinise the spaces available for participation and how they were created (Gaventa 2006). All the spaces in which farm dwellers participated were *invited spaces*, which refers to new spaces for participation created to deliberately stretch the boundaries of participation into specific new directions and demographics (Gaventa 2004b, 34). In this context, the perceived authorities are both land reform authorities, such as the DRDLR, DARD and local municipalities, and civil society organisations such as AFRA and SEFA. The following section presents two invited spaces for participation created by land reform authorities, the District Agri-Parks Management Committee (DAMC) and District Land Reform Committee (DLRC), and the spaces and processes that farm dwellers associated with agri-villages.

The DAMC and the DLRC are both invited spaces for participation where land reform authorities created a space to deliberately increase the scope of stakeholder participation. The APP make sophisticated promises of democratic processes, a holistic outcome:

> […] empowerment and participation of marginalised rural citizens and their respective organisations, and advance collaboration between numerous stakeholders in the formulation and implementation of rural development (DRDLR 2015, 11).

The implementation strategy of the APP utilises an institutional framework called the CRDP Management System to fulfil the participatory objectives referred above. The CRDP Management System is a "participatory system for development" that streamlines tasks and responsibilities while also facilitating checks and balances (Heimann 2017, 24). The framework defines the roles and responsibilities of "key players in the rural economy transformation space" (DRDLR 2015, 26). The key players of particular interest are those the DRDLR call *community-based governance structures* and *communities represented by households*, and the empowered and participating citizens and communities are defined as *the* catalysers of change (DRDLR 2015, 13). The multi-stakeholder approach that the programme utilises are thought to that the many needs and interests of the actors involved are addressed, and inclusive participation will ensure high performance of the programme (Heiman 2016, 27). The participatory approach at the basis of the APP

justifies its presentation as part of the solution to South Africa's agricultural and economic goals set out in the National Development Plan (NDP), which highlight that sustainable communities are not "accomplished as a top-down process, but must be the outcome of engagement with participation by communities" (NPC 2012, 205).

According to the DRDLR, a series of structures have been established to ensure that key stakeholders and civil society directly participate in decisions and actions aimed at fulfilling the aims and objectives of the Freedom Charter, the Constitution, and the NDP (Heimann 2017, 24). The institutional framework consists of operational task teams at national, provincial and district levels that meet weekly. At the district level, which in this context concerns the ADM, there are three state-created structures that comprise stakeholders: the District Land Reform Committee (DLRC), the District Agri-Parks management Committee (DAMC), and the Council of Stakeholders. The last of these structures were not mentioned at all by farm dwellers in Amajauba or in Umguyngundlovu during the research period. It has also been challenging to find other sources that mention this council. Nor was the council a topic that entered conversations with civil society or authorities. It could be that the council is simply known by a different name. It could also be an example of an invited space in which certain stakeholders are not included, or that the farm dwellers we encountered do not know anyone from such a council, or that the council may adhere to different degrees of what Pretty (1995) describes as manipulative participation, where representatives from "valuable" demographics are placed in official councils, who are not elected or have any form of power, and who are there simply for show and legitimisation of participatory space. If this space exists, this type of participation may explain why it has no significance on the ground. Regardless, it raises questions about legitimacy.

The District Agri-Parks Management Committee

DAMC is a multi-stakeholder council that consists of 28 representatives from various demographics and institutions. Councils in each their respective districts "acts primarily as the 'voice' of key stakeholders" (DRDLR 2015b). The responsibilities of DAMCs apply in conceptualisation and planning, and others during implementation and operation. It is mandated a series of tasks, such as to "assist in the identification, evaluation and monitoring of risks related to projects"; to provide advice and support, and to act as an

independent watchdog in the planning and implementation of the APP; and to provide guidance during planning and implementation, monitor and provide oversight at provincial, district and local levels (DRDLR 2015b). As such, DAMCs should ensure a proper flow of information and facilitate linkages between the different organs in the Agri-Parks operation, stakeholders and decision-makers. To further ensure contextualisation, the composition of the DAMC is meant to reflect the respective districts, and thus to comprise two representatives from each relevant sectors, demographic or organisations. Although the list is set, it makes room for flexibility in each council to further contextualise the membership base and strengthen the value of their advisory function (DRDLR 2015b). Stakeholder groups in rural areas are in particular emphasised and make up over half of the thirteen categories.[78] Farm dwellers and labour tenants are here included as a cumulative category in addition to land reform beneficiaries and farmers.

DAMC is an invited space because it was created to deliberately stretch the boundaries of participation into specific new directions and demographics (Gaventa 2006). The APP is in itself a new direction in agricultural development in South Africa with its focus on decentralisation and smallholders. In its participatory approach it seeks to include a wide set of specifically identified stakeholders, including farm dwellers and labour tenants. Based on the creator's (the land reform authorities) conceptualisation of the space, DAMCs are representative and transformative spaces outcome (White 1996) that facilitate effective and interactive participation (Pretty 1995). Using White's theory, this means that the objective behind the decision to make a participatory space is to give citizens a voice and influencing power for a sustainable project outcome. The authorities further emphasise that the aim is to "empower marginalised rural citizens" (DRDLR 2015a, 11), which implies that the space not only give power in that specific space but that it has a transformative character where empowerment is facilitated as a fundamental objective for participation (White 1996, 9). In practice, such participation should be experienced as a process where the directly affected parties gain degrees of control over

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[78] The categories included: Women in agriculture and rural development (WARD); Military veterans; Youth in agriculture and rural development (YARD); Landless peoples movements; Farm dwellers and labour tenants; Traditional council representatives; CPAs; People with disabilities; Farmers, one commercial and one small-holder; Khoi and San; Rural Women Organisation; Sanaco; and Arts and Crafts Cooperatives.

decision-making (Arnstein 1969). The knowledge produced is a result of interdisciplinary and multi-stakeholder input, and "so they have a stake in maintaining structures and practices" (Pretty 1995, 1252), which again leads to a sustainable outcome.

<u>The District Land Reform Committee</u>

In parallel with the emergence of the APP came the construction of 'District Land Reform Committees' in 44 of the poorest districts with agricultural land. District-level committees regarding land reform has been part of the discourse since 1993. In their Rural Restructuring Programme for South Africa, the World Bank proposed that key stakeholders form committees comprising key stakeholders with the mandate to recommend commercial farmland for expropriation (Williams 1996 p. 159). In 2011, South Africa's NDP further proposed that district-level committees, comprising all agricultural landowners in one district, key private sector stakeholders, and relevant government agencies in a district level, would identify 20 per cent of commercial agricultural land to be transferred to black farmers (NPC 2012, 227). Here, other stakeholders, such as farm dweller, are not mentioned even though at least some were included in the committee in Amajuba.[79]

The DLRC can be understood as an invited space for participation due to its construction from above. Committees are made up of key stakeholders but they must act in alignment with government priorities. The DLRCs are presented a space that invites participation but as Cornwall (2008) reminds us to simply open a space for dialogue is not necessarily sufficient for effective participation (2008, 257). From AFRA's (2017) point of view, the committee is not seen as a participatory space in its entirety but rather as a 'voice of the department in the communities' (AFRA 2017b, 3). As such, it is again not a structure that transfer information and knowledge from citizens to authorities but rather the other way around.

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[79] SEFA, Group interview, November 20, 2016.

To be informed and consulted: An issue of participation or transparency?

Regarding both agri-villages and Agri-Parks, SEFA members complain that there is very little information available. The level of awareness of the two policy programmes, varied among farm dwellers in Amajuba. There was greater knowledge of agri-villages. However, time may be the primary explanation for the difference in awareness. The concept of agri-villages is older and has been part of the land reform discourse in South Africa since the early 1990s.[80] Thus, the concept had appeared at various times and in different contexts. The APP, on the other hand, was a concept formed only a year earlier.

Agri-Parks from a blue sky

Key non-governmental organisations, such as AFRA, has also heard little about agri-parks, which triggered their efforts to record farm dwellers' awareness of the programme in Amajuba in November 2016. Nearly all farm dwellers with no particular connection to the local politics of land via civil society or municipality structures were unaware of the APP. There had been no formal delivery of information on the programme from land reform authorities. Only SEFA members had heard about the concept because of their involvement in the provincial DLRC and DAMC. From there, the news had travelled word of mouth. One of the most frequently reoccurring reactions to the APP was regarding the speed of its conceptualisation. Perspectives from across sectors such as civil society, agricultural industry, farmer's unions, and intended beneficiaries reported that the programme was introduced to the public simultaneously to its finalised plans. A representative from the South African Sugar Association (SASA), Anwhar Madhanpall, had only been properly introduced to the concept at an agricultural business conference in early November 2016 but he had briefly heard of the concept before. The sugar industry is an ideal example of a tight value chain due to its rigidly defined value chain, including access to markets. Sugar cane growers can only sell their produce to a milling company as the raw product has no value. Other industries with tight value chains include forestry, citrus, and grain. What characterises tight value chains is the dependence between every

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[80] Rauri Alcock, Interview, December 8, 2016.

level from raw production to consumption.[81] If the production basis collapses it affects the whole value chain. According to Madhanpall, the sugar industry is not a target for agri-parks due to its already integrated value chain. Still, SASA and Mr. Madhanpall are key actors in KwaZulu-Natal's agricultural economy. That the agri-parks concept was not known to him, or the other relevant stakeholders, earlier and that it was introduced to the general agri-business sector at a later stage[82] raises question regarding the authorities' inclusion of relevant stakeholders.

The waves of agri-villages

In November 2016, a representative from AFRA, SEFA and I went to Groenvlei. The mission was to inform farm dwellers in Amajuba about SEFA's launch, their research findings from a study conducted earlier that year and to recruit members. In addition, we were there to assess the awareness of the APP and agri-villages. The first meeting unveiled that there had been no disclosure of information about the ongoing plans of the nearby agri-village since they rejected the idea years earlier. Some of the informants had difficulties remembering the exact time frames and it is thus difficult to establish an exact timeline. The agri-village in Groenvlei had been presented to different parts of the farm dweller communities in Amajuba since 2008. Mama Bongani, a SEFA member, had attended a meeting at Emadlangeni municipality offices in 2008 where the former Premier of KwaZulu-Natal, Senzo Mchunu, made an example of the local municipality as an area with constant conflict between farm owners and dwellers.

The former chairperson for a Crisis Committee in an informal settlement in Emadlangeni had heard of the agri-village from two of their members who used to sit in the Integrated Development Plan (IDP) meetings at the municipal offices. The Crisis Committee gathered neighbouring committees from Emadlangeni, Dannahuser and Newcastle to exchange knowledge. What they did further was not shared but this was likely sometime before three representatives from the community in Groenvlei went to the Emdlangeni Municipality to speak with the Mayor about challenges experienced between farm owners and farm dwellers, and the prospects for provisions of fences. The Mayor assured that

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[81] Anwhar Madhanpall, Former Director of DRDLR KwaZulu-Natal, Interview, December 13, 2016.
[82] Ibid.

farm dwellers in Groenvlei would no longer be bothered and that he had come to an agreement with the farm owners. The Mayor said that developments in the shape of an agri-village were going to be realised soon. The community representatives had never heard about agri-villages but the Mayor assured them that poverty would be alleviated, there would be job opportunities, and farming practices would increase and become more profitable at the local market. Mr. Dube, one of the farm dwellers who went to the Mayor's office, told SEFA and AFRA that he recalled the project as an already signed deal before any community member had yet to hear about it. [83] The deal was allegedly signed by a local municipality officer who claimed that "most people" had agreed to the agri-village project, and that people in Groenvlei who lived in mud houses were happy to move into "new houses". This is problematic for several reasons. First, it raises concerns that a local municipality officer could claim to speak on behalf of a community without a legitimate source. Second, it shows that the local municipality lack an understanding of their constituencies and a basis or a structure to obtain the necessary knowledge about their constituencies.

The agri-village project was presented as a strategy to solve conflicts between farm dwellers and farm owners in Emadlangeni but the solution bears resemblance of eviction and forced relocations with different packaging.[84] As mentioned above, conflict emerged as result of the practical presentation of the agri-village because of the lack of responsiveness and appropriateness to farm dwellers' livelihoods, discussed in chapter 5. Initially, one of the key characteristics for the project was that resettlement was voluntary for the nearby farm dwellers, but this liberty was omitted at later stages, according to the farm dwellers in Groenvlei.[85] Forced relocations are not foreign to the South African history. However, the timing and the authority that prompted the relocations in Groenvlei raises concerns regarding the state's role in involuntary relocation of rural black people. Forced removals and relocation by farm owners, on the other hand, are significantly more common in the contemporary countryside, as mentioned in Chapter 5.

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[83] Community meetings, Emadlangeni, November, 2016.

[84] SEFA, Group interview, November 20, 2016.

[85] SEFA, End of the Year Meeting, November 20, 2016.

By 2012, the Crisis Committee and neighbouring committees, the ward councillor of Groenvlei, and representatives from customary structures had voiced their numerous concerns about the agri-village and its inappropriateness to farm dwellers' socio-economic and cultural needs, discussed in Chapter 5. Perhaps due to the resistance expressed by farm dwellers from what is depicted as several arenas, the public talks on agri-villages waned and people believed it was scrapped. They heard nothing more about the project and assumed that the authorities had waived the whole thing. However, it appeared that the plan was still ongoing without the involvement of the Groenvlei farm dwellers. From an outsider's perspective, and that of directly affected farm dwellers, the space in which these decisions were made were closed or became closed. In Emadlangeni, it is difficult to make any conclusion about the channels of participation and what happened with the information delivered by the community members after they spoke to their ward councillor. The spaces of encounters accounted for were between farm dwellers and land reform beneficiaries, and authorities at different levels of government. Thus, it may be that the information never reached decision-makers, or it may have but deemed irrelevant. However, what can be determined is that the information farm dwellers in and surrounding Groenvlei disseminated through created and existing spaces for participation was not reflected in the perspective of DARD.

Based on accounts from the Groenvlei community members, the spaces in which the farm dwellers attempted to make an impact on decision-making were closed, invited and claimed. The spaces between ward councillors, and invited space, and their constituencies were created by the first democratically elected government and is part of the administrative division of South Africa.[86] The creator and the party that holds the most power in this space may not even participate as decision-making regarding budget spending and administration does not happen in this space. Rather, this space is a detached representative participatory space where constituencies voice their opinions. Thus, the ward councillor holds the power to bring it forward, or not. This makes for difficult analysis because in some ways the space is deliberately created to loosen the strains of inclusion in participation. However, the power to influence is dependent on at least two significant check points, the space between the councillor and its council and between the

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[86] South Africa's decentralised administration system is divided into national, provincial, district and local government. At the local municipal level public representatives or councillors are elected in each ward to form the municipal council.

council and other decision-makers, where messages from dynamic communities may be subject to distortion. Where is the line between an invited space and a closed space drawn? The decentralised administrative structure and the meetings to which some community members were invited existed prior to the agri-village project, and as one of the farm dwellers said the project was ready-made upon presentation. While community members could voice their opinions through already existing structures for participation, did these structures have any power in that project? It seems that the space for decision-making, in this example, was closed but surrounded by invited spaces that may have contributed to a feeling of inclusion and legitimisation of the process for some and to some degree. However, the agri-village project did not show preconditions to facilitate potential empowerment of interested parties, not even economic.

The Amajuba Communications Strategy

In Amajuba's Communications Strategy from 2013 to 2016, one of the constitutional provisions that in particular stands out is the chapter that obliges the local government to "encourage the involvement of communities and community organisations in matters of local governance" (ADM 2013). According to the ADM (ADM), communities in the district were unsatisfied with the level of consultation and involvement (ADM 2013, 14). The channels for communication between the Municipality and its citizens include a quarterly council newsletter; ward committees; the Council website; annual reports; IDP Reviews; Five-year reports; media, print and radio; and social media. The council newsletter is regarded the primary channels of communication from the Municipality to its citizens (ADM 2013, 20). In an attempt to check whether the newsletter had reported on either agri-villages or the Agri-Park Programme I only found an advert put up by ADM from 2013 seeking someone to design the newsletter. The advert emphasise that the 2500 copies are distributed. The newsletter is thus most likely in paper form only or may be referred to with another name. Regardless, it is noteworthy that no farm dwellers that we spoke to referred to a newsletter as a source of information. Ward councillors, on the other hand, were frequently referred to as sources of information regarding local land-related news but this was not emphasised in the Communications Strategy. If not from ward councillors, people got hold of information from word of mouth and newspapers in isiZulu. Information can be made available to anyone but access is not only a matter of

availability. It also has to reach people. It appears that the ADM focus more on online communication (ADM 2013, 18), to which few have general access in the countryside.

The ADM's emphasis remains on one-way communication as opposed to active co-operation with citizens. According to the Municipality, an effective flow of information from the municipality to citizens is empowering. They argue that knowledge of policies and programmes that may affect their citizens is in itself empowering, deepens democracy and contributes to achieving participatory democracy (ADM 2013, 5). Still, the general emphasis of the municipality's communications strategy is "access to and delivery of information", which Arnstein (1969) juxtaposes with degrees of tokenism. Such activities have been associated with the methods of NGOs and financial aid institutions that claim to promote participation. The World Bank is a frequently mentioned example of token participation due to their handbook on best-practice participation from 1996 (Ng'ombe et al. 2012; Cornwall 2008). To use the World Bank as an example here, too, is no coincidence. The Bank has had major impact on the land reform approach adopted in South Africa since the early 1990s. As mentioned in Chapter 3, several of the national land reform programmes were either directly or indirectly adapted from the Bank's policy proposals. In their Handbook, the Bank argued that with greater participatory roles comes greater risk and responsibility, and that many people are not willing to participate with these conditionalities (World Bank 1996, 167). It further stated that *consultation* and *listening* has been too focused on information flows from citizens or beneficiaries to decision-makers, and that the emphasise should be on the opposite direction of information dissemination and learning (World Bank 1996, 4). As such, the World Bank equated the provision of information with empowerment, and consultation was seen as a learning process on behalf of beneficiaries. [87] The same is true for other types of tokenism, which is frequently used to legitimise decisions that are already made (Cornwall 2008, 270).

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[87] The Bank's approach has changed significantly since then. Stakeholder participation and engagement is still primarily focussed on consultation and distribution of information but the Bank show a greater emphasis on knowledge exchange from beneficiaries to decision-makers and planners, and apply greater focus on stakeholder analysis at earlier stages of projects (World Bank 2012, 7–10). Their most recent framework is an altered version of Arnstein's ladder of participation seen from the perspective of the provider of participation. The "steps of participation" – inform, consult, collaborate and empower – are presented as necessary in combination (World Bank 2018, 8).

Awareness in Amajuba

Participation through information sharing might limit more active engagement. However, it could be argued that transparency over certain kinds of information, such as conversations and draft planning between authorities regarding agricultural land and relocation and accumulation of dispersed settlements, opens up the possibility of collective action in monitoring the consistency of rhetoric with practice (Cornwall 2008). Thus, the value of transparency is that the public is given the chance to organise and to organically create a channel or a spaces for participation. Is there evidence of this in Amajuba?

Claimed space by less powerful actors may be a result of popular mobilisation of people with common concerns, shared identities, or as a rejection of hegemonic space and thus the creator of own space (Gaventa 2006, 27). The scale of such spaces may vary from local gatherings with debate and discussion that remain outside of institutionalised policy to larger movements of civil societies. In Amajuba, land-related created spaces such as SEFA and other councils and committees in different localities may be unwillingly kept outside of institutionalised policy arenas while some exist for the purpose of staying outside, such as the Crisis Committee in Emadlangeni that emerged to respond to community conflicts.[88] Both individual and group interviews with farm dwellers revealed that most information on government initiatives in general were revealed through local newspapers and local municipality contacts. In response, local structures have reacted by confronting their local municipalities or other authority figures, such as the local chief or other persons with access to authorities. This is illustrated by the unifying efforts of the Crisis Committee in the informal settlement in Emdlangeni and Groenvlei dwellers who utilised the channels accessible to voice their concerns. The Crisis Committee is an example of a created or claimed space, while the efforts by individuals from Groenvlei may be seen as voices muted or disregarded.

Although transparency and keeping a flow of information going can lead to participatory mechanisms, access to information is a separate and fundamental part of the state-citizen social contract in itself, rather than being simply a 'lesser' form of participation (Cornwall 2008, 272). The prevailing space for decision-making regarding the Groenvlei project

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[88] Community meetings, Emadlangeni, November, 2016.

was closed from the perspective of the farm dwellers we spoke to (Gaventa 2006), which makes analysis of participatory quality irrelevant. In the absence of a particular space to analyse, the resulting project plans showed no indication of local concerns. Thus, while the awareness of the project grew along with the efforts to influence decision-makers the transformative power of the farm dwellers participation was non-existing between 2008 and 2012.

The Committee: Illusory form of "participation"[89]

National, provincial and local development plans, project descriptions and programme proceedings all refer to a participatory mechanisms. These include councils of stakeholders, committees of citizens brought together from different backgrounds and forums for community representatives to join. Arnstein (1969) and Pretty (1995) both range participative forms normatively from productive and empowering to less meaningful and cosmetic. The lower ranking types of participation identified by both authors, Arnstein's *manipulation* and *therapy*, or Pretty's *manipulative* and *passive participation*, share similar characteristics. The former refers to types of 'non-participation' in which power holders first and foremost enable people to participate to 'educate' and 'cure' them (Arnstein 1969, 217). The latter types similarly refer to participation merely as a facade in which 'valuable' minorities are included for token representation. They are not elected and have no real power. With some greater value passive participation involves unilateral announcements by an authority, and while participants are given the space to respond the content has no value (Pretty 1995). These types of participatory approaches characterise inclusion at stages when conceptualisations of problems and solutions are already made.

An example of participation by manipulation is the myriad of token representative committees that have been formed of citizens and minority groups and invited to spaces where decision-making happens. However, the power of participation stops there. Beyond the point of physically being present and to some extent given the space to utter opinions the voice has no transformative power. Gaventa (2006) reminds us that it is important to determine the creator of an invited space for participation because those who

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[89] Arnstein refers to the lowest level of "non-participation" which she equates with manipulation (Arnstein 1969, 218).

forged the space are likely to have greater powers within it. In the context of agri-villages, the DLRC has been referred to as a channel through which the governing bodies tap into participatory methods. However, an account from a participant indicated that the creator of the space, the DRDLR, utilised their position as power holders to exclude members who did not conform to the rules of the space (Gaventa 2006, 27). Thandi, who is a SEFA member, shared her concern regarding the exclusion of opinionated people. Thandi is part of the Amajuba DLRC. The majority of the committee are not farm dwellers, including Thandi who are a land reform beneficiary. The land she co-owns in a CPA was bought by the government and transferred to the community according to the Communal Property Association Act of 1996 (ADM 2016). However, she was not certain about her status as she was no longer informed about meetings. She suspected that the commission was trying to push her out. If a member fails to attend three times in a row they are automatically excluded, and at that time she was aware that she had not been informed or invited to the previous meeting that was convened in Johannesburg.[90] Thus, she could be excluded simply by not being informed.

The APP went as far as creating new structures for participatory development with new committees integrated with old ones, such as the DAMC and the Council of Stakeholders. In theory, the DAMC is a forward-thinking concept regarding participatory mechanisms in comprehensive and contextualized planning of a national programme, such as the APP. The Terms of Reference (TORs) for the DAMC, make a series of promises regarding the meaningfulness of the participative structure the councils represent. While these structures may seem participatory from the perspective of other stakeholders[91], SEFA and farm dwellers have a different perception. Two SEFA members were involved in two of the invited spaces, the DAMC and the DLRC, respectively. Thulani is part of DAMC and according to the Committee's code of conduct, meetings shall be held monthly. According to Mike, the DRDLR and the District Municipalities had never convened such a meeting due to lack of time.[92] Still, he had significant knowledge of what constituted an Agri-park. He had attended an introductory presentation convened by the DRDLR, and here he also received a memory stick with 449 items amounting to 1.4 GB. The

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[90] SEFA, Group interview, November 20, 2016.

[91] The only stakeholder groups represented in this thesis are farm dwellers and labour tenants.

[92] Thulani, SEFA, Interview, November 27, 2016.

folders contained 49 different geospatial maps of KwaZulu-Natal, documents identifying locations for each agri-hub in the country, several documents with lists and graphs with no explanations, legal documents and a long list of documents from other departments, and research on markets, value chains, and infrastructure to mention a few. All the files were in English and the content was heavily written. The memory stick in itself can be understood as a means to disseminate information, and large amounts of it. However, there were several significant issues. First, Mike did not have regular access to a computer and thus was not able to obtain the information without challenges. Second, the scope of the information on the memory stick made navigation difficult and the content was hardly accessible for people without prior knowledge within fields such as market economics, geography and legal experience.[93]

Both Thandi and Thulani were both elected representatives of their communities, which would exclude their representative as tokenism. However, in the case of Mtashali's position with the DLRC, there may be a degree of token representation involved as she, according to her own words, was excluded on the basis of outspokenness. While there may be another reason behind her exclusion it was her general perception that her engagement with not only those she represented but the underrepresented farm dwellers was not welcome.[94] Similarly, Thulani had a significantly stronger foothold in the official structures as an elected ward councillor and as a representative in DAMC. However, his position within the governing structure of the district did not translate to significant power in decision-making or power to disseminate knowledge from the communities to the power holders. Thus, from these perspectives, the participatory approaches that these committees represent did not redistribute power, they did not establish more reciprocal relationships between decision-makers and affected parties, and the transformative capacity of the communities that they represented were not elevated. Thus, these spaces for participation were not empowering.

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[93] This was my experience as I browsed through the memory stick for several hours attempting to understand the meaning of each document and what information was significant.

[94] According to Thandi, there were too few farm dweller representatives in the committee. SEFA, Group interview, November 20, 2016.

Legitimating practices by participation?

While this thesis is primarily concerned with invited spaces for participation, the nature of participation within the DLRC and DAMC and the level of awareness of key programmes and projects, such as agri-parks and the agri-village, signal that decision-making is happening in spaces not accessible to farm dwellers. Spaces for decision-making may be characterised as a *closed space for participation*, which Gaventa describes as a space in which where decisions are made behind closed doors, without any pretence of broadening the boundaries of inclusion. When the power holder of such spaces constitute the state, these spaces can be conceived as 'provided' in the sense that elites (be they bureaucrats, experts or elected representatives) make decisions and provide for 'the people' (Gaventa 2006, 26). Such practices may lead to rejection and distrust between citizens and the state. Thus, the holders of closed spaces may seek to restore legitimacy by creating invited spaces. As mentioned in Chapter 3, land reform in South Africa is primarily a state-led process in which the government conceptualise projects. This is also the fundamental topic of Chapter 5. Meanwhile, land reform authorities have actively engaged in the creation of spaces for participation, here exemplified by the DAMC and the DLRC.

The developments and relationship between the boundaries that define spaces for participation can only be understood as highly dynamic and continuously seeking to claim legitimacy both within and between one another by use of knowledge, skills, experience developments and capacity (Gaventa 2006). The DRDLR's participatory focus, which they themselves argue to be transformative and empowering, compared with the received experience of these spaces as exclusionary and cosmetic leads to an analysis that fits into White's characterisation of *nominal participation* (White 1996, 8). According to White (1996), an invited space with nominal characteristics make use of passive inclusion of 'valuable' stakeholders, such as minorities and marginalised groups.

> In the name of citizen participation, people are placed on rubberstamp advisory committees or advisory boards for the express purpose of "educating" them or engineering their support. Instead of genuine citizen participation, the bottom rung of the [participation] ladder signifies the distortion of participation into public relations vehicle by power holders (Arnstein 1969, 218).

The structures created by governing authorities in Amajuba and KwaZulu-Natal referred to above power holders may use the concept of participation as a vehicle to gain legitimacy outwards. As mentioned on several occasions, passive inclusion or participation involves unilateral announcements by authorities and there the voices of participants are provided for but has no power to influence decision-making (Pretty 1995). In Emadlangeni, farm dwellers organised their opposition for four years with no result in decision-making except that they were excluded from the flows of information regarding the project. The APP build its argument on participatory practices but in Amajuba meetings between stakeholder representatives have not yet been convened despite the identification of location and practice of the park planned in the district. With committees that have no real transformative power, the authority may seek to signal that they initiate good governance, thus serving themselves with regards to potential financial support and *legitimacy*. For the participants, such an arrangement may serve their interest of *inclusion* (White 1996, 8). Thus, the function of such participation is for display only and is rendered non-participation by Arnstein (1969) due to the lack of power participants inhabit to influence decision-making.

Despite the potential effort of building legitimacy with nominal participation, several informants questioned the legitimacy of participative structures created by the authorities due to the lack of farm dweller representatives. There has been a fundamental lack of public discourse that directly deal with farm dwellers and their livelihoods, according to Induna Msizi. The state officials tend to exclude farm dwellers from their public speeches and consultations regarding land. They generally speak of land reform beneficiaries and urban citizens in townships as opposed to those who are still waiting to be seen and heard in spaces where participation has transformative powers.[95] Further, Thulani and Thandi reported of unbalanced stakeholder representation in the DLRC and DAMC where farm dwellers were generally underrepresented as opposed to land reform beneficiaries and members of CPAs. Government-led programmes and projects were generally received with scepticism also as a result of the points made in Chapter 5: that the solutions created by authorities rarely reflect what farm dwellers need. Thus, while land reform authorities open spaces to deliberately loosen the strains of participation to legitimise their practices,

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[95] Mama Msizi, SEFA, Interview, November 27, 2016.

from farm dwellers perspectives, they have both failed in the mission to respond to their needs and to legitimise their practices.

The case of liberty as both participation and empowerment

As mentioned in Chapter 2, liberty is a lesser known objective of land reform that connects the social and economic freedom with an equitable land distribution and land tenure security. According to Lipton and Saghai (2017, 61), a person's liberty is determined by the degree to which one's actions are dependent on the tyranny of necessity or in large part is conditioned by others. As such, it is the task of a liberty-enhancing government to first, establish or maintain social and institutional arrangements that prevent individuals, groups or enterprises from excreting arbitrary control over the choice of others; and second, to enable and facilitate the exercise of self-determination by securing individuals' access to valuable options.

In Amajuba, this liberty is limited by the power of farm owners who have imagined power over farm dwellers on their private property. Farm dwellers experience truncations of their liberty both physically and immaterially. Their physical space, their land, is controlled by another more powerful entity – the farm owner – and their freedom to make economic and social choices are limited by the restrictions of others – the farm owner. In this way, the lack of land reform can be connected to discourses of freedom.

The connection between liberty and land reform is simple in the sense that access to land may increase household food security, which may reduce dependence on local tyrants (farm owners) and their provision of work, loans, trade or land tenure security (Lipton and Saghai 2017, 61). As such, the first component constitutes the reduction of opportunities for domination. The lack of progress in the implementation of the LTA of 1996 is contributing to the opposite of what Lipton and Saghai (2017) here refer to. In Chapter 5, the imagined authority farm owners have over farm dwellers is an example of persisting opportunities for domination.

Liberty cannot be seen as a self-determined state of being but must be understood as something that can be taken independent of outside forces. It must to be understood as "the capability a person has to develop and pursue a life plan of her own, given the role that relationships play in constituting her life choices" (HLRA 1994, 859). Similar to

liberty-enhancing land reform, 'freedom' as participation is not only the right to participate effectively in a given space but the right to define and shape that space (Gaventa 2006, 26). Litigation could be an attempt to define space in which the farm dweller has equal powers as the farm owner and land reform authorities. In 2011, four labour tenants in Pietermaritzburg and AFRA took legal action against the DRDLR and the Minister. The intent of the litigation was an attempt to get a declaration from the court that concludes formally that the Department has been in violation of the Constitution. A further intent of the class action is to get a court order to the Department obliging the institution to fully implement the LTA of 1996 and process all outstanding labour tenant applications within a year (Land Claims Court 2016). In 2014 the case went to court for the first time. However, the Department has to this day failed to comply with court orders and deadlines. In 2016, the applicants re-entered the LCC with an added section to the litigation: to appoint a Special Master to oversee the implementation of the LTA. Different from other spaces of participation, the court is a space in which the power holder has not created the space. The power, as such, is the law and the parties' abilities to utilise the law for their benefit. The court as a space for participation may be seen as space in which the opportunities to exercise power over others is limited. In that space, farm dwellers (with support from outsiders, such as the AFRA and the Legal Resources Centre) are to some extent protected by the legal processes and exercise powers equally as their opponents. Still, litigation is not immune to power relations outside the courtrooms. The DRDLR have during the many years of legal actions used their powers to not comply with court orders with insignificant retributions.

Empowerment by disclaimer

A workshop[96] on land for youth in Umgungundlovu District Municipality (UDM) was convened in Pietermaritzburg. About a dozen young farm dwellers were gathered at a community centre down town with representatives from the DRDLR and one of the seven local municipalities in UDM had. The young farm dwellers were sat in a circle while each of the representatives held each their little speech and perhaps asked some questions or opened up for the participants to share their stories. The situation tapped into several of the typologies of the 'lower ranking' types of participation where the strategy of the

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[96] Workshop, Pietermaritzburg, December 5, 2016.

officials and their rhetoric may have led to a situation that Cornwall refers to as 'empowerment' turning to 'do-it-yourself'(Cornwall 2008). A local municipality officer who did not bother to stand up but sat outside of the circle with his very large smartphone said: "being a farm dweller is not an excuse to end up doing nothing". He referred to himself as an example of how one can grow up on a farm but still acquire three university degrees. A similar approach was utilised by a representative from the DRDLR. He engaged the participants to share their experiences and livelihood challenges, and further argued that the department's strategy was to respond to issues raised. Thus, if farm dwellers did not report their grievances to the relevant structures they could not expect assistance. However, when asked, the participants did not know of such structures. In response, the informant from the DRDLR urged them to "know where to go to report issues" without being specific about what and where that was. In all fairness, however, he did refer to a toll free land-rights hotline established by the DRDLR. At the time, the hotline was only toll free for landlines that only 10 per cent of South Africans are in possession of, none of which are farm dwellers with unreliable access to electricity.[97]

White's *transformative participation* is based on the objective to *empower* by extensive involvement of citizens in considering options, making decisions, and taking collective action to fight injustice (White 1996, 9). In reference to this, Cornwall (2008) discusses the ambiguities that may occur with practical application of participatory approaches and highlights a pitfall that reminds of the situation sited above. When the rhetoric of the power holder changes from 'empowerment' to 'do-it-yourself' the state renounces its responsibilities and resistance rather than enthusiastic enrolment might be the result of efforts to engage citizens. The point of recalling the meeting above is to reflect on the ways in which the authorities in KwaZulu-Natal may alienate themselves from their constituencies by their use of participatory methodologies, or perhaps lack thereof. It appears as if the authorities in this context used an invited space where the opportunities to speak were primarily taken by the authorities and power holders.

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[97] Later research into the hotline revealed that this had been an issue for a very long time. In 2014, over two years earlier, the DRDLR referred to the same hotline and the toll issues for cell phone users (PMG 2014).

Perceptions of land reform authorities

The lack of participation of the government's constituencies are creating problems for the DRDLR. The challenges that the DRDLR in KwaZulu-Natal experienced ranged from internal challenges within the government and the DRDLR to experiences of obstacles from external forces. They are currently experiencing a lot of resistance with regards to both the agri-villages and the APP, and an informant from the government stated that one of the greatest challenges of the DRDLR is its bad reputation in the countryside, both among farm dwellers and owners. Apart from the inherent and fundamental challenge posed by the historical context and its legacies, an informant from the DRDLR office in Pietermaritzburg expressed that the Department is a victim of limited resources and budget cuts. While it was not specifically mentioned as a challenge, the Director also expressed concern with the growing numbers of court cases and increased bureaucratic spending that may occur with a court-ordered comprehensive implementation of the LTA. This concern was probably rooted in the above-mentioned concern as litigation cost both time and money.

However, when asked about the primary challenges of the DRDLR, an informant from their offices in Pietermaritzburg argued that the greatest obstacles were created by community-based organisation and NGOs. It was his impression that these organisations spread inaccurate information about the DRDLR, and that they paint a picture in which the DRDLR are 'non-doers', to which description the DRDLR informant disagrees.[98] While the part about 'inaccurate information' could be subject for debate, the informant's perception of a bad reputation was rightfully placed in the communities visited in Amajuba. There was a perception among civil society actors and farm dwellers that there is an established working relationship between landowners and land reform authorities, and that this contributes to their repression. Landowners, as opposed to farm dwellers, have more to offer in terms of resources, tax, production value and economic growth. Thus, an AFRA representative warned people of government lawyers who claim they represent farm dwellers, and that they should not believe that any such person have their best interest in mind.[99] Hornby, on the other hand, was a firm believer in negotiated

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[98] DRDLR, Interview, December 13, 2016.

[99] Community meeting, Dannhauser, November, 2016.

settlement of land-related issues at a very local level, and believed that the primary reason for the challenges the DRDLR encountered in the countryside was due to centralised planning: "If the government wants farm dwellers to relocate they need to ask those who are subject to relocation what their priorities are[100]". This coincides with the perception of farm dwellers in Amajuba who frequently referred to the gap between them and land reform authorities, as discussed in Chapter 5.

The dilemma for many authorities is that they both need and fear people's participation. They fear that liberal inclusion and greater participation may make the process uncontrollable and less precise, and thus likely slow down progression. However, authorities also need stakeholders' involvement for support and agreement. The challenge is to balance the 'good' and the 'bad'. If fear overrides, authorities may succumb to less productive and cosmetic approaches to participation, then distrust and greater alienation are the most likely outcomes (Pretty 1995, 1252). Above and below, there are several examples of how land reform authorities may have succumbed to fear and thus alienated their constituencies. Whether the bad reputation is a consequence of bad actions or of the circulation of true or false reputations, the voiceless conflicts between farm dwellers and land reform authorities, and farm owners do not appear to vane. Regardless of reasons behind the hostility between these actors, the lack of spaces for productive participation appears to make the reputation worse from the perspective of the farm dwellers in Amajuba.

Invited by Civil Society: facilitation of self-organisation and empowerment?

According to Ndabe Ziqubu, organisations such as SEFA and AFRA become necessary for democratic consolidation and public participation in the absence of a government that cares about its most vulnerable citizens.[101] NGOs and CBOs can utilise opportunities to gather information from relevant structures and their meetings, and thus gain or claim

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[100] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[101] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

access to invited spaces for participation.[102] However, this channel may get increasingly complex and challenging to utilise in a context where land reform authorities do not trust civil society and civil society does not trust the authorities.

As mentioned above, civil society organisations make use of different methods to meet two major distinguished objectives. One of the objectives, and thus the method used, is to be a provider of services. The other objective is to facilitate social mobilisation and empowering participation (Rahman 2006, 452). One of the core aspects of AFRA's approach is the value they put in evidence-based, local and contextualised solutions (AFRA 2017a). While research and documentation has been a central method for AFRA since their inception it appears that the link between the lack of empirical data and analysis of key stakeholders in land reform is increasingly driving their programme approach. In the Annual Report of 2016, Glenn Farred, their programme manager, argued that "a much needed sample of empirical data pertaining to farm dwellers … will enable more strategic conversations with stakeholders on models for the protection of rights and access to services" (AFRA 2017a, 4). AFRA thus highlighted the indispensable role of farm dwellers as essential sources of knowledge in the conceptualisation of solutions to the struggles that farm dwellers in KwaZulu-Natal experience.

AFRA believes that an inclusive society in which rights are valued, realised and protected can be realised through empowerment and mobilisation of farm dwellers (AFRA 2016, 4). Specifically, they see a connection between rights education, raising awareness and self-mobilisation that promotes direct participation, and empowerment. AFRA encouraged farm dwellers to utilise the channels that are already available for their participation in the system to claim land reform. "Report everything to the DRDLR!" Ndabe Ziqubu urges farm dwellers in Dannhauser to do everything they can to get the rights violations they experience on record with the authorities and to utilise available structures through local government. Moreover, they facilitate farm dwellers to claim and create their own spaces for participation. "NGOs are here to assist you but it is essentially an issue that farm dwellers must fight. It is up to you![103]" According to Habib (2005), the other type of civil society organisation also have closer ties with land reform authorities

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[102] Mama Msizi, SEFA, Interview, November 27, 2016.

[103] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

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through lobbying, court action and resistance. AFRA – while an organisation that have engaged with both service provisions, such as legal assistance and assistance to utilise government structures to report rights violations on farm – is an organisation that fits best into the empowering description. Here, AFRA's facilitative efforts are discussed in relation to the agri-village project in Emadlangeni, the nationwide APP, and the facilitation of the newly founded community-based organisation, SEFA.

As mentioned in Chapter 3, AFRA's role in Amajuba came to an end due to dwindling resources. In Amajuba, their tasks consisted of monitoring and documenting rights violations; providing or refering farm dwellers to legal assistance; and to refer rights abuses to government, municipalities and districts. AFRA's withdrawal sparked self-mobilisation among a group of farm dwellers across the district. A group of farm dwellers took initiative independently of external institutions to change the system in which they existed and thus claimed a space for participation through *self-mobilisation* – Pretty's (1995) 'highest' level of participation. In Amajuba, farm owners and their influential associations had been a lesson for farm dwellers.[104] The members of SEFA said that they must learn from these organisations as they have gained greater traction through cooperation and a united front.[105] Before they pulled out of the district they agreed to hand over their tasks to a group of resourceful farm dwellers who formed SEFA. AFRA thus assisted the growing organisation in taking over their previous tasks. The transitional period depended on the transfer of knowledge of how to run a non-profit organisation, the role and responsibilities of the different committee positions; teaching how to monitor, document and refer matters to the government; and teaching SEFA-members how to apply for funding, keeping books and the general tasks of administration.

A bumpy ride to a claimed space

The challenge of claiming participatory space from above have been discussed at length in previous paragraphs, and SEFA will most likely struggle to gain traction with land reform authorities. Already the first day of their official existence, local and provincial land authorities signalled that SEFA may not be a priority. On the day SEFA organised

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[104] Thulani, SEFA, Interview, November 27, 2016.

[105] SEFA, End of the Year Meeting, November 20, 2016.

their official launch at Majuba Lodge in Newcastle, the DRDLR and the municipality never appeared despite having informed SEFA that they would attend. The land reform authorities' no-show did not only indicate the distance to conquer claimed spaces from above. It also caused concern among the farm dweller attendees who thus questioned the significance of the meeting.[106] As such, the organisation encountered several obstacles to unity and cohesiveness during their first community meetings as an officially launched CBO.

The myth of the cohesive community and obstacles to self-organisation

Across Amajuba and Umgungundlovu farm dwellers and workers saw the need to create a united front. The benefits of sticking together had been demonstrated by farm owners who have gained greater traction by cooperating through farmers' associations from local to national levels. However, 'community' is a concept of society that is subject to be understood and represented as a homogenous and cohesive group of people (Smith 2005). SEFA ran into challenges to such unison during their first encounters with farm dwellers communities in Amajuba.

The community meetings convened by SEFA and AFRA in November 2016 brought a variety of farm dwellers to roadsides, schools and plains to hear about the newly formed organization SEFA, Agri-Parks and agri-villages, and to voice their concerns regarding relations with farm owners. Their concerns were both of political and livelihoods-orientation that have been discussed in Chapter 5. The political objectives were largely linked to participation in the formulation of policies and projects that affected their livelihoods. However, while land was generally perceived as an important aspect for their livelihoods, some people were not interested in engaging with the issues raised by SEFA and AFRA during the community meetings.

"Every man for himself" and self-exclusion

Opportunism within communities had created conflict and division, and had lead one of the communities to opt out of civil society engagement. As one of the SEFA-members

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[106] SEFA, Launch of the new CBO, November 19, 2016.

said, "the notion of *every man for himself*" created obstacles for a united front. Meeting participants in Amajuba stressed that the acceptance of bribes was stalling their aspiration to create a united front for their collective causes. Bribes were reportedly served by both farm owners and councillors of the wards. Some farm owners sought information from their occupiers by establishing a payed spying relationship with an occupier to gain information about his or her occupiers' activities. In some cases, a farm owner would have several of their occupiers spying on each other.[107] In Groenvlei, farm dwellers were concerned that councillors were trying to pouch people individually for the agri-village to haul in community members by making deals on the side. They urged each other to stop taking bribes from the farm owners who wanted information, and the same was reported across Amajuba.

In Newcastle, the farm dwellers showed little interest in community organisation and distanced themselves from SEFA. The trust issues in Newcastle was a result of a bad experience with a local CBO that one of the SEFA members had founded. The intention of the local organisation was to bring farm dwellers and owners together for diplomatic conflict resolution. Some of the issues at hand included access to land, schooling, transportation paths and access to water. The farm dwellers had agreed that they would only settle for collective victory. However, a farm owner and a farm dweller made a deal on the side. The farm dweller got land and the farm owner no longer had a united front against him. As a result, the sense of community was heavily bruised. People who had had a foot in this local platform were *anti-community* and *reluctant to community participation*, which created obvious challenges for SEFA to establish a relationship with their key stakeholders. Thus, the myth of a cohesive society maintains a myth with regards to the farm dwellers in Amajuba, but while SEFA's objective is to create a unified platform (Smith 2005) for farm dwellers across Amajuba it can also be a space for conflicting views.

Transfer of participatory pitfalls?

The moment the group of farm dwellers in Amajuba self-mobilised and organised SEFA, they became creators of invited spaces for participation. Thus, they became power holders

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[107] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

of an essential space for farm dwellers in dispersed communities across the district. Both in the context of the agri-village, agri-parks and with general challenges that farm dwellers experience, the people we spoke with in Groenvlei and other locations in Amajuba wanted to become more associated with SEFA to gain greater access to channels for participation. However, several farm dwellers felt excluded from SEFA's scope. Some had never heard of SEFA and they did not know any of their members. In Newcastle, it was rather peculiar that no one had heard of SEFA because one of the SEFA members lived in the area and happened to be the most resourceful in terms of access to governmental information and means to disseminate it. The lack of knowledge of SEFA may have been a result of the method used by the SEFA-member to disseminate the message. It was his opinion that it was better to walk from household to household and inform people about SEFA and their work than to convene one meeting. While his personal approach may have ensured quality knowledge for a few the method was disapproved by the excluded community members. With the lack of several options and resources to disseminate information, such biases may be common and it resembles challenges SEFA met during research.

The initial phases of SEFA's research practices were primarily conducted with communities that the SEFA-members already knew, and in retrospect they concluded that this had several downsides.[108] First, SEFA struggled with legitimising their practices in communities where their presence had been meagre. Farm dwellers in several local municipalities complained that they were excluded from a participatory action research on water that SEFA conducted earlier that year. Second, still in relation to the research on access to water, the SEFA-members encountered challenges when conducting interviews with people who lived in the same community or household. As such, SEFA struggled to ensure a wider flow of information to key stakeholders, a matter they were in the midst of mitigating.

In a group interview after a community meeting with SEFA in Emdlangeni, where the APP and the agri-village project had been introduced for the farm dwellers for the first time, the participants were very aware that they had only heard one side of the story. People expressed great concern about the lack of information they had prior to the

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[108] SEFA, End of the Year Meeting, November 20, 2016.

meeting, and that they now only had received information on the negative sides of agri-villages and Agri-Parks. Thus, they felt that they were not able to establish their opinions. They wanted a clearer picture and in-depth information, and questions to be answered by relevant and directly involved structures. At the time of the interview, there were no channels through which they could communicate their questions and concerns to government departments or officials.[109] Thus, these farm dwellers indicated that an organisation such as SEFA may close this gap but other communities were less keen to welcome outsiders.

As mentioned above, SEFA encountered challenges in Newcastle as a result of a negative experience with another CBO. During the community meeting in November 2016, a farm dweller suggested that the community-organisation that they had built for conflict resolution between farm dwellers and owners could collaborate with SEFA to increase transparency. However, a SEFA member who affiliated with the local CBO argued that there was no need for transparency measures. The justification for the statement was that the CBO was built on the premise to increase transparency between farm dwellers and owner and that such as measure would be redundant.[110] This indicated the power of the SEFA member who in a way defined the boundaries and possibilities within the space of the community meeting. The participant pointed out an opportunity, which contradicted the views of the SEFA member who partook in the creation of the CBO, and the powerlessness of the participant became blatantly obvious.

The government is not the only actor in land reform that may be perceived as an authority. As mentioned in Chapter 2, the creator of a space for participation is likely to have greater powers within it, and those who may have power in one space may have less power in another (Gaventa 2006). This is also the case for claimed spaces. Two of the persons we follow above stand out in this regard. Both Thulani and Thandi have little power in the spaces to which they have been invited by the authorities. As they became executive members of SEFA, Mike's and Godness' roles significantly changed, and from a farm dwellers perspective they may have been perceived as authorities that invited them to participate in the claimed space that they created.

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[109] Community meetings, Emadlangeni, November, 2016.

[110] Community meetings, Newcastle, November, 2016.

Spaces for participation exist in dynamic relationships to one another and are constantly opening and closing through struggles for legitimacy and resistance, co-optation and transformation (Gaventa 2006, 27). One can understand SEFA as an actor that is currently in between stages. They are no longer in an invited space but have yet to arrive in a created space. The closer SEFA gets to a created space for participation the more meaningful their voices become. However, based on the findings from community meetings in Amajuba, SEFA also enter the space of becoming a power holder in an invited space from the perspective of other farm dwellers. The same factors that affected the relations between farm dwellers and governmental land reform authorities also impacted the relations between the farm dwellers and SEFA.[111] Thus, the challenges associated with the balance of power and representative groups become relevant both upwards and down. Upwards, the organisation is struggling to gain power through claimed spaces in local government. Downwards, SEFA as a creator of a claimed space for participation have been empowered within the space they invite others to partake.

Summary

The fluid nature of spaces become quite evident in the analysis above, and in particular in reference to the myriad of invited spaces and the power dynamics within them. The way in which the different authorities created invited spaces diverged. If we use Arnstein's 'ladder of citizen participation', land reform authorities have created spaces for participation that merely display degrees of tokenism if not manipulation. Participation is most of the time limited to consultations about popular needs and concerns and never reaches the stages of project planning and evaluation, which has been a recurring critique of South African authorities (Polunic 2000). While the intent of both the DLRC and DAMC have been presented as quite ground-breaking participatory initiatives, citizens who feel excluded from both national and local land reform debate have yet to gain from these structures as they merely appear cosmetic. They do not address community participation as such and the voices of farm dwellers had no power within them, which led to the self-mobilisation of farm dwellers in Amajuba.

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[111] SEFA, End of the Year Meeting, November 20, 2016.

SEFA is currently in between stages and in the process of learning from AFRA. Prior to the organisation of SEFA, AFRA were the only land-NGO in Amajuba. Their role in Amajuba as both service providers and facilitators of empowerment manifested itself through invited spaces for participation. Through the self-mobilisation of farm dwellers that created SEFA, a new space for participation has emerged and thus new challenges of balancing power between power holders and citizens. SEFA's methodology is significantly more inclusive than that of the land reform authorities due to multiple sources of knowledge exchange between power holder and participants. Both the community meetings and the research they conducted earlier in 2016 on access to water and the recording of rights violations on farms illustrate this.

SEFA gained much information regarding the dynamic nature of farm dweller communities in Amajuba during their first community meetings in November 2016. The spaces in which 'community' is engaged is often stripped off the fundamental dynamics of society and perceived as a homogenized group with a unified platform of 'communal' opinion (Luck 2005). As with any society, the farm dwellers communities in Amajuba are dynamic and complex. In Amajuba, there was no such thing as a communal opinion, and people were in general sceptical to any authority figure.

As a creator of spaces for participation, SEFA need to reflect on their new position as power holders. Judging from their first community meetings held in November 2016 some tendencies characterised by participation by consultation and passive participation (Pretty 1995). This may have influenced the future legitimisation and trust with communities as there may be a connection between the general aspects of authority and distrust. Farm dwellers are in general sceptical to government programmes, which may partly be a result of the recurring issue of the above-mentioned lack of participation in development and the projects that affect them, such as the APP and the agri-village project. The distrust exhibited between citizen and authority trickles down into other non-governmental structures. This may have caused further challenges in the initial stages of SEFA's organisation.

If enabled and facilitated by governments or NGOs the influencing power of self-mobilisation upwards may grow to effectively challenge existing distributions of wealth and power (Pretty 1995, 1253). SEFA is supported by AFRA and the support from

government is currently non-existent. However, it must be stressed that SEFA is a newly formed organisation and the future may offer a vast array of opportunities.

7 Conclusion

At the turn of the century, land reform authorities abandoned a rights-based approach to land reform and the new policy-oriented approach (Hall 2008). The two policy-derived programmes, the APP and the agri-village project in Groenvlei, have been discussed with particular attention given to the conceptualisation and planning phases that were still ongoing during the fieldwork period for this thesis. The nationwide APP introduced in Chapter 3, is an official project with direct ties to national development goals and land reform programmes. It aims to revitalise rural towns and decentralise the agricultural sector with a focus on smallholder producers. The programme is well-known across governmental departments and has been widely broadcasted. The agri-village, on the other hand, is a lesser-known construct that has been difficult to make sense of through official and available data, and what is available conflict with the data from my primary sources. While the objectives of this project was more difficult to establish it has been claimed that it responds to farm dwellers' livelihood challenges and that it will foster development.[112]

The APP raced through the process from idea to its final implementation plan, which has raised concerns among directly and indirectly affected interested parties and civil society actors. How did the DRDLR approach the agrarian and rural issue, and is there a demand for such a programme? AFRA's programme manager, Glenn Farred, questioned the extent to which the programme had been based on contextualised research that revealed a need or a demand for such a programme as opposed to other programmes.[113] In this thesis I have addressed his question with regards to both the APP and the agri-village project in Groenvlei.

Above, I have explored the approach of land reform authorities to one of the most vulnerable demographics in South Africa, the farm dwellers, and how the positionality of this demographic affect their tenure security and influencing power in programmes and projects. Through the context of Amajuba and two emerging projects in the district, I demonstrate the shortcomings of the DRDLR and DARD's approach to land reform as

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[112] DARD, Interview, December 15, 2016.

[113] Conversation at the AFRA offices.

lacking a holistic approach, a fundamental disregard for local knowledge and significant population data collection that is further exacerbated by the lack of local initiative for meaningful and productive participation.

Scholars have argued that major approaches to land reform can be characterised by mono-rationality and technocratic 'best practice' approaches that lack holistic thinking and sustainable outcomes (Weideman 2004; Luwanda and Stevens 2015, 123; Anaafo 2013; Bhandari and Linghorn 2011). Based on findings both through primary and secondary sources, I place South African land reform into this category with confidence. In Chapter 2, I explore the arguments for a poly-rational approach to land reform in which a somewhat constructivist approach is key. Thus, the critique of South African land reform in this thesis is not an attempt to argue for a 'best practice' approach. Rather, it is the point of this thesis to argue for greater understanding of key beneficiaries in land reform and the complex contexts they exist in. What the findings in this thesis show is that such understanding is difficult to attain in the absence of meaningful participation and representation in official statistic and in processes leading up to policy formulations.

<u>Indeed, not too concerned with context</u>

Some of these shortcomings are reflected in the ways in which the commodified conception of land is significantly more powerful than that of 'lived experience'. The valuation of land in general development terms is strictly economic with leeway for socio-economic and political economic variations. For instance, land reform ought to be redistributed for the likes of historical redress, skewed land distributions (whether according to class, ethnic, racial or other lines depending on history), and other non-economic reasons. On the other hand, the outcome of such land reform ought to generate macro- and micro-economic benefits for the agrarian sector, poverty alleviation, national economic growth, etc. In this sense, there is a discrepancy between the motivations of land reform and the livelihoods of farm dwellers that do not seem to converge. While a society wants to be small-scale and perhaps even subsistence farmers the state wants to liberalise the agrarian sector. These two aspirations do not combine well unless small-scale farming is heavily subsidised and there is systematically made room for both to flourish. In the South African neoliberal policy environment, small is not better.

<u>Empowering participation?</u>

Regardless of the creation of complex participatory structures that DAMC and DLRC are part of, the experience from these structures have been problematic. Based on the analysis above that build on the analytical frameworks by White, Pretty and Arnstein, it can be argued that the participatory spaces, the DLRC and DAMC, can be characterized by levels of tokenism and passive participation where the potential for empowerment is low.

Land reform authorities are primarily concerned with way to distribute information though newsletters and web-based publication, rather than how to engage constructively in debate with key stakeholders and gain knowledge of their citizenry. Structurally, land reform authorities are primarily concerned with the information access rather than meaningful participation, as illustrated by the communication strategy for ADM. Still, access to information on key initiatives, such as agri-village projects and the APP, have failed to emanate from official sources. Further, according to Hornby, the currently proposed implementation strategy of agri-villages is illegal and impossible to enforce. The current proposition is that agri-villages will become a method for resolving and settling land claims. Once a farm dwellers or a labour tenant have been relocated to an agri-village they run the risk of losing the set of rights in the LTA, ESTA or the Restitution Act.[114]

<u>Participation: a small dot on the horizon?</u>

That land reform authorities see it necessary to include participation at all is sign that there are favourable conditions for these spaces to become more empowering for farm dwellers. However, while it was not a prominent aspect throughout the thesis, the spaces between farm owners and farm dwellers was depicted as a particularly challenging one with regards to empowerment. As illustrated in Chapter 5, "farm owners see themselves as the holder of rights to give out[115]". Thus, the experience of farm dwellers in Amajuba is that they determine their faith, and with few channels available for them to contest or report rights violation and constructive evictions. In these cases, talks on participation

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[114] Donna Hornby, AFRA Senior Researcher, Interview, November 24, 2016.

[115] Ndabe Ziqubu, AFRA Community Development Advocate, Personal communication, November, 2016.

may be a small dot the horizon where other matters, such as justice and litigation, may be more appropriate and indeed interesting to research further.

However, NGOs such as AFRA, are in the process of engaging stakeholders in land reform in a contextualised negotiated platform to form poly-rational solutions to land reform. This solution is in particular relevant for conflict resolution between farm dwellers and farm owners. The poly-rational alternative may have its obstacles to overcome such as intricate conflict boards, compatibility with surroundings. However, land dispossession in South Africa was not a uniform process that happened at one point in history. Rather, it was a slow process that happened over several centuries and the approach to range from murder and enslavement to legislative introductions and slowly changing socio-economic relations between black and white. The formation of local community-led organisations, such as SEFA, is already there. Perhaps due to the history that forced a pan-South African approach to overthrow the Nationalist Party.

Further research

There is much disagreement between practitioners and stakeholders regarding 'best practice' participation (Reed 2008), and this thesis is not an attempt to argue for one way or another in term of type of drivers of reform. However, I argue that the policy, as presented, is detached from the contexts of their key beneficiaries. To the contrary of their presented objective, the farm dweller perspective determined that the APP and the agri-village will neither contribute to economic or non-economic empowerment, and nor will it contribute to tenure security. What this thesis have not specifically explored, are the perspectives of government, farm owners and other key actors. While the objectives of the APP and the agri-village have been presented, there are fundamental objectives of the South African state that may be the root driver of these programmes. While I have placed South African land reform as a fundamentally state-led affair, the neoliberal values of the state are significantly transparent through the APP, and I call for further research on the relationship between these values and the way in which land reform authorities relate to farm dwellers.

This thesis has also addressed appropriateness of land reform policy to farm dwellers contexts in Amajuba, KwaZulu-Natal. Thus, what we now know is that the APP and agri-villages as a land and agrarian reform programme may not be as appropriate to farm

dwellers as land reform authorities may assume. Furthermore, we know that some of the key spaces for participation associated with these examples of land reform policies have not yet empowered farm dwellers to intervene in this discrepancy. However, what we have yet to understand are the deeper implications of a disempowered farm dweller demographic, and a significant gap between land reform programmes and the livelihoods of farm dwellers in relation citizenship, liberty, poverty and inequality in South Africa.

25 years have passed since apartheid was abolished in South Africa but an estimated five per cent of the population continue to live with insecure tenure in the private countryside with land reform policies that that offer minimal solutions to their livelihood challenges. While it may seem like a dot on the horizon for spaces for participation, such as the DAMC and DLRC, become empowering for farm dwellers, disempowered farm dwellers might take advantage of civil society's unifying efforts to claim space and empower themselves.

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