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PRINCIPLES OF, AND APPROACHES TO, RURAL LAND (RE)DISTRIBUTION: A CASE STUDY IN SOUTH AFRICA

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A thesis submitted to the University of Gloucestershire
in accordance with the requirements of the degree of Doctor of Philosophy
in the Faculty of Environment & Leisure

March 2005

Abstract

This thesis is concerned with evaluating the principles of, and approaches to, contemporary land redistribution programmes. Using contemporary South African land redistribution policy as a case study, it examines the policy process of a land reform programme. This enables an assessment of the extent to which policy implementation difficulties that are often experienced are the result of flawed policy conceptualisation and/or policy development, rather than simply poor policy implementation.

Drawing on fieldwork conducted in South Africa between 1998 and 2001, the thesis provides the first full account of the policy process for contemporary South African land redistribution policy. This account identifies many of the broader political and contextual factors that help explain why and how the policy process evolved as it did, and adds to previous academic research on the extent to which competing political agendas affected the policy process.

The main argument of the thesis is that the policy process for conceptualising, developing and implementing land redistribution policy between 1994 and 2001 was flawed. The thesis contrasts theoretical models of a policy process with models of the actual policy processes observed in South Africa during this period, in order to identify how and why the policy process was flawed. It proposes that the policy process was influenced primarily by competing political agendas that weakened and hindered the policy conceptualisation and policy development stages of the process, resulting in a land redistribution policy that was both difficult to implement and unable to meet the challenge of rural poverty it was meant to help alleviate.

Declaration

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Gloucestershire and is original except where indicated by specific reference to the text. No part of the thesis has been submitted as part of any other academic award. The thesis has not been presented to any other education institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author and in no way represent those of the University.

Acknowledgements

A great number of people have made this study possible and my thanks go to all of you. A special thank you to the following who gave uniquely to me over these last four years:

Professor Nigel Curry – principal supervisor, mentor and friend. Nigel's constant encouragement and clarity of thought were invaluable. Thanks for the chance to do this and for getting me through.

Gavin Williams – second supervisor who provided much needed insight and wisdom on contemporary South Africa and encouragement to search further for fertile academic ground.

Ruth Hall – her expertise in the contemporary South African land reform policy process, and her willingness to share it was of incalculable importance to this thesis.

Martin Adams – who offered me opportunities and insight that only he could, and for great hospitality.

Mark Bailey – Vicar of Trinity Church Cheltenham, for the love, support and lots of time off !

Kath – my wife and best friend who walked with me all the way.

All the people of South Africa that I met during my time there, especially those seeking land in order to build a brighter future – this is for you.

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Abbreviations

ANC	-	African National Congress
BRC	-	Border Rural Committee
CLC	-	Community Land Conference
CODESA	-	Congress for a Democratic South Africa
CRLS	-	Centre for Rural Legal Studies
DBSA	-	Development Bank of South Africa
DFID	-	Department for International Development
DLA	-	Department of Land Affairs
GNU	-	Government of National Unity
IFP	-	Inkatha Freedom Party
IPLRAD	-	Integrated Programme of Land Reform and Agricultural Development
LAPC	-	Land and Agricultural Policy Centre
LRAD	-	Land Reform and Agricultural Development sub-programme
LRPP	-	Land Reform Pilot Programme
NCLP	-	National Conference on Land Policy
NDA	-	National Department of Agriculture
NGOs	-	non-governmental organisations
NLC	-	National Land Committee
NP	-	National Party
ODA	-	Overseas Development Agency
RDP	-	Reconstruction and Development Programme
SADT	-	South African Development Trust
SPP	-	Surplus People Project

Prologue

Sometime, when one watches on television a crowd of demonstrators clamouring for wages the country simply cannot afford, or for working conditions that would appear preposterous in most other societies, trashing streets and campuses and factories in the blind and dangerous excesses of their march, one may be tempted, for a fleeting second, to wonder: *is this the face of democracy?*

But, of course, the only reasonable response would be, *this is the face of democracy denied*. For centuries the have-nots in the country have had no opportunity whatsoever of engaging in dialogue with the haves; increasingly, in such a closed situation, violence became the only articulation available to them. It cannot but take time to work one's way into the new structures for dialogue and discussion made available by democracy. The concept itself, like almost all others, has to be redefined in startlingly new terms. It is part of a precarious yet exhilarating reinvention of a continent which we thought we knew, but in which we have to rediscover, as if from scratch, our places and the range of our possibilities.

Reinventing a Continent
Andre Brink (1996)

Introduction

Somewhere under the Rainbow ?

“Even if both racial and political reconciliation can be achieved, a huge task of economic reconciliation will remain. Unless the haves and have-nots can be reconciled, nothing else will matter. For South Africa finds itself in the middle of a revolution, not at the end of one.”

WALDMEIR (1997:280)

1. Implementing land redistribution policies effectively

This introduction provides an overview and précis of the thesis and its purpose, and details how it is structured. The thesis is concerned with evaluating the principles of, and approaches to, contemporary land redistribution programmes. Specifically, using South African land redistribution policy¹ as a case study, it examines the policy process of a land reform programme. It does this in order to assess the extent to which policy implementation difficulties are the result of a flawed policy process, rather than simply poor policy implementation.

Drawing on a body of literature in policy studies, political science and land reform, this thesis examines the extent to which the policy process is determined by political factors, and how that influences the policy conceptualisation and policy development stages in the overall policy process. Since the thesis uses the South African land redistribution experience as a vehicle for this analysis, it also draws on academic literature relating to South Africa and its experiences of land redistribution, as well as policy literature collated during fieldwork and since fieldwork was conducted.

1.1 Land reform and land redistribution – clarifying terminology

This study is concerned with examining land redistribution, which is not the same as land reform. Land redistribution is a specific kind of land reform. In the review

¹ A sub-programme of the land reform programme.

section of this thesis, both land reform and land redistribution are referred to. Where the term “land reform” is used, it should be interpreted as a general term referring to the rearrangement through some means or another of the current distribution of land and land rights. Where the term “land redistribution” is used, it should be understood to refer to a specific component in a land reform programme.

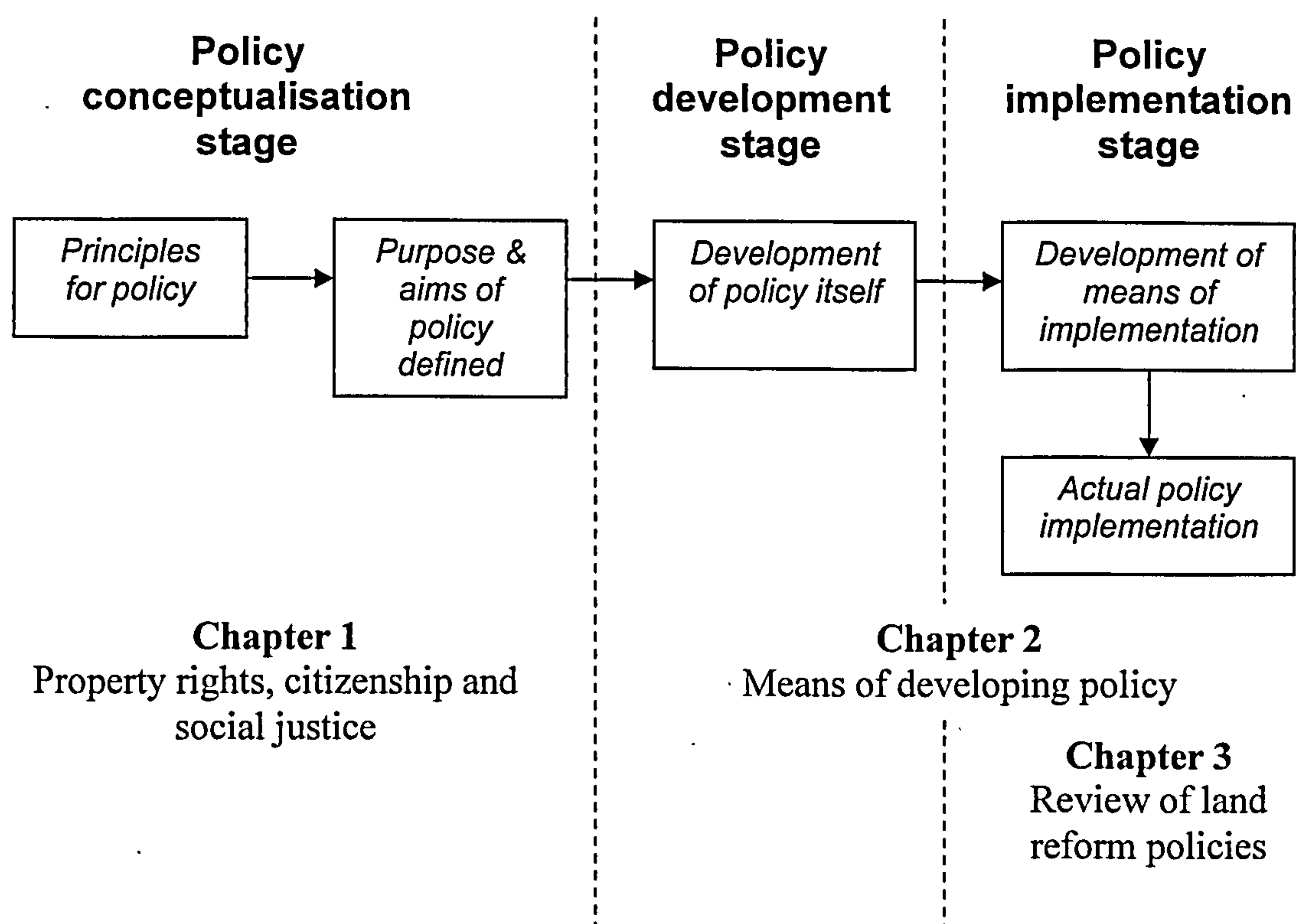
2. Defining the policy process

It is also important to clarify what is meant by the term “policy process” in this thesis. For the purposes of this research, “policy process” refers to the process by which a policy (or programme) is first conceived, then developed and then implemented. The various stages that constitute the policy process are mapped in Figure 1 overleaf.

It is important to recognise that policy processes have a theoretical foundation and a set of guiding principles that determine the philosophical and ideological approach driving the policy process, the aims and purpose of a policy, and specific policy mechanisms developed during the policy development stage that become the means of delivering those aims at the policy implementation stage. The theoretical foundations and guiding principles adopted in policy processes exert an important influence over **policy conceptualisation** by policy-makers.² These underlying principles and theoretical foundations of land reform are examined in detail in **Chapter One**.

² I define what I mean by “policy-makers” in the next section.

Figure 1 - Stages of the policy process



Once a policy has been conceived through the deployment of a set of theoretical foundations and guiding principles, **policy development** occurs. During this stage, policy-makers define and determine the framework for a policy, and the means of actually delivering the aims of the policy within the limits defined by the theoretical foundations and guiding principles. Following the agreement of a particular policy, **policy implementation** occurs. This is a two-step stage, where first the means of implementing policy are determined. Policy implementation becomes a matter of “making policy happen on the ground” so that the expressed aims are fulfilled.³ There is a need amongst policy-makers to operate with a more complex model of the policy process than is provided in Figure 1. Figure 2.1 at the end of Chapter Two is a

³ A number of commentators (notably NAKAMURA & SMALLWOOD, 1980) argue that there is a fourth stage, that of policy evaluation. This stage is not examined in this thesis, since it is not relevant to the research aims outlined below.

proposed model of the policy process that reflects these complexities of policy-making.

The complexities of the policy process are detailed in **Chapter Two**, which also explores different models and approaches to the policy process and outlines the socio-political context of contemporary land reform policies. It also briefly examines and outlines the policy implementation stage to provide useful reference for the empirical and analysis sections of this thesis. **Chapter Three** then provides an analysis of contemporary land reform programmes and identifies different policy process approaches to land reform.

3. Identifying the policy-makers

Any examination or analysis of a “policy process” must begin by identifying and defining two closely related factors: who are the policy-makers and what is the context for the policy process ? The second of these is considered in depth in Chapter Four. This section identifies who is being referred to by the term “policy-makers”. The classification of policy-makers developed by VAN NIEKERK et al. (1999) is used to provide a framework for understanding the different types of policy-makers and how they influence the policy process.

3.1 Who are the policy-makers ?

Given the complexity of policy-making and the often-contested nature of policy objectives, providing a thorough definition of what constitutes a body of policy-makers is not easy since it varies considerably. However, it is possible to identify

common factors and characteristics about policy-making communities. Recognising and understanding these can help in the analysis of a specific policy process.

In the broadest of terms, policy-makers are those who are involved in shaping and influencing how a policy is conceived, developed, finalised and implemented. Some might argue that “policy-implementers” should be distinguished from “policy-makers”. However, for the purpose of this thesis, since the entire policy process is being examined, “policy-makers” includes those who specifically implement policy. This would include government ministers, civil servants, legislators, parastatal institutions and organisations, trade unions, international aid donors, non-governmental organisations (NGOs), interest groups, academics and consultants. All of these could potentially be involved in defining and determining the framework for a policy, and the means of actually delivering the aims of the policy within the limits defined by any theoretical foundations and guiding principles.

It is important to make a distinction between policy-makers within governments and policy-makers operating outside of government. VAN NIEKERK et al. (1999:86) suggest “every policy is shaped by both public and private actors and their interests, a framework of beliefs or attitudes toward a policy proposal, and the formal rules and institutions ingrained in the democratic political process”. HANEKOM (1996:21) suggests there are both official and unofficial policy-makers. VAN NIEKERK et al. would suggest that “official” policy-makers be characterised as “inside government”. They are those vested with legal authority to participate in policy-making, either because they are employees of government or have been asked to assist in a responsibility of government. “Unofficial” policy-makers are thus classified as

“outside government” and include interest groups, NGOs, consultants, academics and parastatals. Policy-makers from “inside government” are usually involved throughout the whole policy process, whilst policy-makers “outside government” might only engage with the policy process at one or two stages.

BRINKERHOFF & CROSBY (2002:18-21) identify six common characteristics of policy processes in developing countries that help contextualize and identify the roles of these differing policy-makers. First, they argue that the stimuli for new policies often come from sources outside of government, emphasising the role of unofficial policy-makers from the very outset of the policy process. Second, they suggest that initially, policy processes are highly political, reflected in the political nature of the policy conceptualisation stage. Third, they suggest that those most actively involved in policy formulation are technocratic rather than political in their role, such as civil servants and consultants. Fourth, their evidence suggests that policy reformers are frequently new to government and unfamiliar with the challenge of effective policy implementation, reflected in the high number of policies that suffer from “implementation deficit” (see CHAMBERS, 1993). Fifth, in most cases the resources needed to implement policies either do not exist or are in the wrong place. This has implications for the extent to which policy-makers can develop effective policies. And finally, new policies require that government organisations adapt and modify to aid effective implementation. This, however, is something that policy-makers can do little to influence.

VAN NIEKERK et al. (1999:90) argue “policies involve the participation of government institutions and fragmented structures of semi-independent groups and

organisations through a complex system of formal and informal delegation of responsibility and control.” They also point out (1999:107) that “the government on all tiers, with its institutions, is the main player, since it formally provides the framework within which policies are made.”

Thus, there is a distinction to be made between policy-makers *inside* government and policy-makers *outside* government. According to VAN NIEKERK et al. (1999), those *outside* government fall in to one of three groups in policy:

Political parties

Political parties are inevitably actively involved in the policy-making process since they seek to mobilise the support of an electorate through political debate and the development of policy alternatives. This is particularly true for opposition parties who are seeking to (re)gain political power. They also serve as “agents of interest aggregation” (VAN NIEKERK et al., 1999:108), transforming a multitude of specific demands into packages of proposals. Where pressure groups articulate interests, needs or criticisms, political parties seek to respond to these in order to maintain or gain political support.

Interest groups

VAN NIEKERK et al. (1999:109) suggest there are three types of interest group. “Promotional” interest groups are usually campaign based and express members’ values (e.g. ecology campaign charities). Ultimately they are seeking collective rather than selective benefits, through the promotion of a particular social, economic or political agenda. “Customary” interest groups are most common in developing

world countries, where politicians and officials are expected to use their office to benefit their family or ethnic group.

“Institutional” interest groups, or more commonly ‘pressure groups’ including public institutions, parastatal institutions and organisations, and non-governmental organisations (NGOs) tend to be more formal and exist to influence the government to act on their behalf. They share a relatively narrow set of concerns and seek to defend or advance their interests. Because of their proximity to the decision making process, they can often have a significant impact upon policy-making.

Social sectors

BRINKERHOFF & CROSBY (2002:166) add a third group, which they call “social sectors”. This would include urban workers, an urban middle class, small farmers, large landholders, industrialists, agro-export farmers, urban professionals and minority groups. Such groups are rarely organised, unless through a trade union (such as agricultural unions), and they express their common interests primarily through elections.

How effective these different interest groups are at influencing the policy process varies depending on the extent to which the political context allows for interests to be expressed, the degree of legitimacy they enjoy, the extent to which they are favoured or listened to by government and the resources available to them.

3.2 Different policy-makers at different stages of the policy process

HANEKOM (1996:10) suggests that policy-makers can be categorised on four levels – political, national, executive and administrative – reflecting how a policy changes as it moves from conceptualisation, through development to implementation. The group of people identifiable as “policy-makers” changes for each stage of the policy process since the nature of policy-making changes too.

At the policy conceptualisation stage, policy-makers tend to focus their energies on setting priorities, defining objectives, and establishing the overall approach to policy development and implementation (NAKAMURA & SMALLWOOD, 1980:32). At this point, the policy-makers are primarily ‘political’ actors, made up of government ministers and senior civil servants and those involved in the political process of consultation and public participation at this stage.

At the policy development stage, the policy-makers are primarily ‘technical’: those who write the policies and identify the specific arrangements for policy implementation. Given that policies are not made in isolation from politics, and thus civil servants are confronted by political, cultural, economic and environmental factors, they are likely to be a mixture of ‘political’ actors as well as civil servants and legislators at this stage.

By the implementation stage, the policy-makers are those who are implementing policy and defining the specific ‘administrative’ arrangements to that end (see Figure 1). This may include certain interest groups, NGOs and parastatals acting in an

advisory capacity, and community institutions employed in the administration of government programmes at the central and/or local level (see HANEKOM, 1996:58).

3.3 Tensions amongst policy-makers

COWEN & SHENTON (1996) identify a particular tension inherent in policy-making between the practices and priorities of the state and those of non-state organisations. They suggest that the state and its agents work towards promoting “development” as defined by government policies and agendas, whilst non-stated bodies are often seeking to promote “development” defined by other criteria. WILLIAMS (2003a) argues that often “continuities of institutional forms” fuel state sponsored “development” even from “behind the backs of policy-makers” such is their influence.

This clearly has implications for how policy processes develop, but also influences the policy-making community. Rarely is policy-making a conflict-free process. Being in nature a contested and negotiated activity, policy processes attract, indeed, almost necessitate conflict in order that progress can be made. And herein lies a second important distinction. For policy processes to make progress, compromise and pragmatism is often essential. WILLIAMS (2003a) suggests, “policy-makers evidently need to be linguistically adept at reconciling incompatible requirements”. Within any group of policy-makers, there will always be those who recognise and operate like this and others who will hold out for a particular policy approach or objective.

Figure 2 – Policy-makers at different stages of policy process (using the VAN NIEKERK et al. (1999) classification

	Policy Conceptualisation	Policy Development	Policy Implementation
Primary characteristic	Political	Technical	Administrative
Actors <i>inside</i> government	Government ministers, academics, consultants, institutions, aid donors, trade unions	Civil servants, consultants, aid donors, legislators	Civil servants, Local government officials
Actors <i>outside</i> government			
<i>(i) political parties</i>	Opposition parties		
<i>(ii) interest groups</i>	Academics, consultants, NGOs, institutions, aid donors	NGO staff, consultants, aid donors, legislators	NGOs, non governmental institutions
<i>(iii) social sectors</i>	Trade unions, pressure groups		
Function	setting priorities, defining objectives, establishing policy approach	write policy, define mechanisms for implementation	implement policy, monitor and evaluate
Level of policy	Political (i.e. policy advocated by a political party) and/or National (i.e. a translation into practical objectives of political policy)	Executive (i.e. identification of the means of delivering objectives)	Administrative (i.e. the operational aspects of policy)

Those policy-makers who come from outside government, such as NGOs, are the most likely to resist compromise and campaign and argue for a particular approach or objective, in order to defend an interest or promote an alternative. As WILLIAMS (2003a) recognises, “states, and other organisations, must defend the jurisdictions

within which their agents exercise authority, both for themselves and in defending institutional interests”.

This classification of different policy-makers is used throughout the thesis. Chapter Five shows how it influenced the research methodology. Chapter Six uses the classification as a framework for identifying the policy-makers involved in different stages of the South African land redistribution policy process.

4. The research context: the South African land question

This thesis offers an insight other than those that currently concern the prevailing debates and understandings of the implementation of the South African land redistribution policy. While the difficulties of successful policy implementation have been well documented and analysed, the policy process that produced the land redistribution policy in the first place has received much less attention and examination.⁴ While some barriers to successful policy implementation resulting from the poor design of policy at the policy conceptualisation and policy development stages have been identified (such as inappropriate policy mechanisms) and therefore received considerable attention, there are a range of other factors that have hampered successful delivery of land redistribution in South Africa which are less well considered.

In South Africa, the impetus to set the land reform process in motion came in the early 1990s from external pressure by institutions such as the World Bank and internal pressure from land NGOs, discontented rural constituents and majority

⁴ I am aware only of the work of HALL (1998a) and MANJI (2001) in this regard.

political parties. A decade later it seems that the South African government failed to comprehend the extent to which the land reform process was not just about issues of access to land and property rights, but also about democratisation, social justice, citizenship and governance.

In the case of South Africa, as is common to most contemporary land reform programmes, the guiding principles and theoretical foundations of the land reform programme were economic efficiency, social justice, equity, opportunity and poverty reduction. It is generally agreed by South African policy-makers, land related non-governmental organizations (NGOs), the associated academic community and political commentators, that land redistribution policy in South Africa has failed, and continues to fail, to fully realise these guiding principles in actual change.

This thesis explores the extent to which a failure in land redistribution policy can be attributed to poor policy implementation on the one hand, or may, on the other hand, be attributed to a flawed policy process that resulted in an inappropriate and unviable policy.

5. Thesis overview and précis

5.1 Central argument of the thesis

The principal argument of this thesis is that the policy process for conceptualising, developing and implementing South African land redistribution policy between 1994 and 2001 was flawed. It argues that South African land redistribution policy has been difficult to implement because of a failure at the policy conceptualisation and policy development stages by policy-makers to develop a viable and appropriate

policy for achieving land redistribution aims and objectives, and not simply because of poor processes for implementation. It argues that the design of land redistribution policy has limited, and continues to limit, the extent to which the need for a substantial redistribution of land to the rural poor can be met.

It suggests that this is because the policy process was actually driven and influenced by competing external political and socio-economic agendas rather than a more pragmatic approach and commitment to reducing rural poverty through effective land redistribution policy mechanisms.

It proposes that the policy process was influenced primarily by competing political agendas that weakened and hindered the policy conceptualisation and policy development stages of the process, resulting in a land redistribution policy that was both difficult to implement and unable to meet the challenge of rural poverty it was meant to help alleviate.

Whilst the thesis emphasises this primary argument, it also briefly explores two smaller arguments that relate to this primary argument and are helpful for identifying the possible implications of the research findings. These arguments were not developed more fully since it was clear that the focus of the thesis should be on understanding the policy process in South Africa. Very little research work had been done on this and thus to attempt also to develop thorough arguments on the implications of any such work would have proved unrealistic. As the fieldwork was conducted, it became increasingly apparent that this aspect of the South African land reform policy process required closer examination if an accurate understanding of the

difficulties implementing policy effectively was to be achieved. However, the thesis does briefly considers the extent to which flawed policy processes in rural development programmes lead to policy implementation difficulties, and suggests that an effective policy process would be one that is characterised by policy learning and flexibility at the implementation stage, and a theoretical model is developed to show this.

5.2 Thesis research aims

The research aims evolved during the early stages of the research process as emphasis of the thesis was developed and clarified. The aims were also adapted over time, in response to fieldwork findings that provided clear conceptualisation and understanding of the issues being explored.

The aims of this research were to:

1. examine the policy process of contemporary land reform policies, using South African land redistribution policy as a case-study;
2. chart and model the South African policy process and then contrast it with a theoretically ideal policy process (proposed in Chapter Two);
3. assess the extent to which difficulties in policy implementation result from a flawed policy process to develop a viable and appropriate policy for delivering the aims of policy;
4. identify the factors that hindered an effective policy process.

5.3 Brief outline of the thesis structure

The thesis is broken into three main sections (see Figure 3 overleaf). The “**Policy Process**” section draws on a review of the academic and policy literature relating to both the policy process in general and policy processes in contemporary land reform programmes, in order to identify the issues that relate to the principal argument of the thesis.

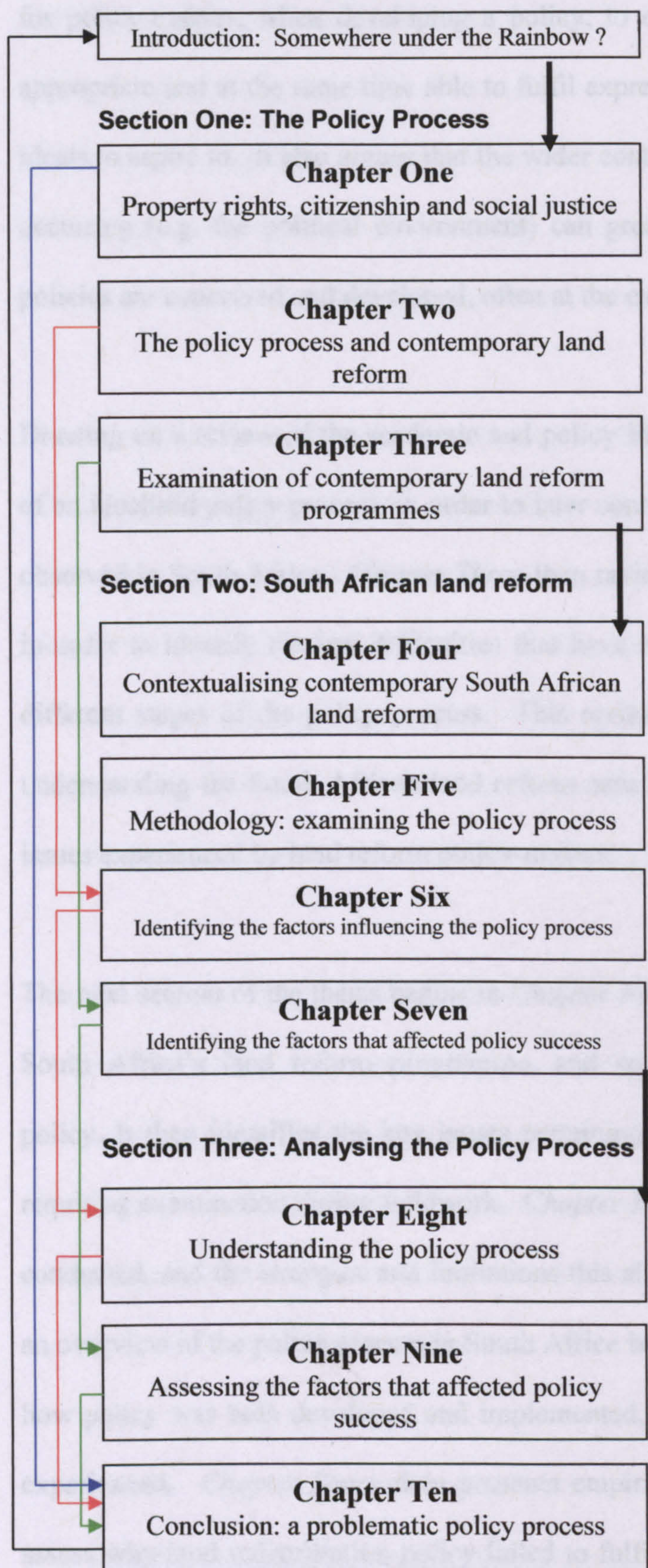
The “**South African Land Reform**” section then provides an overview of the South African case study, outlines the methodology used in order to meet the research aims, and then presents the empirical data gathered during fieldwork.

The “**Analysing the Policy Process**” section then examines and analyses the empirical data to assess the extent to which, and why, the South African land redistribution policy process resulted in two policies that have been difficult to implement.

5.4 Précis of the thesis

Chapter One identifies the complex and often conflicting nature of the guiding principles and theoretical foundations of land reform, and how that relates to the policy process. It counter-poses two contending, and sometimes conflicting, theoretical foundations for land reform policy. A foundation of **property rights** is compared with a foundation of **citizenship and social justice**.

Figure 3 – Thesis Structure



Chapter Two argues from a review of academic and policy literature that it is difficult for policy-makers, when developing a policy, to ensure that it is both viable and appropriate and at the same time able to fulfil expressed aims and objectives that are ideals to aspire to. It also argues that the wider context in which policy processes are occurring (e.g. the political environment) can greatly influence the way in which policies are conceived and developed, often at the expense of good policy-making.

Drawing on a review of the academic and policy literature, it then proposes a model of an idealised policy process, in order to later contrast and analyse the actual model observed in South Africa. *Chapter Three* then reviews previous land reform policies in order to identify the key difficulties that have regularly been experienced at the different stages of the policy process. This review provides necessary context for understanding the South African land reform case study and identifies the common issues experienced by land reform policy-makers.

The next section of the thesis begins in *Chapter Four* with a contextual overview of South Africa's land reform programme, and specifically the land redistribution policy. It then identifies the key issues pertaining to the South African case study requiring examination during fieldwork. *Chapter Five* outlines how the research was conducted, and the strengths and limitations this allowed. *Chapter Six* then presents an overview of the policy process in South Africa between 1990 and 2002, examining how policy was both developed and implemented, and the nature of the difficulties experienced. *Chapter Seven* then presents empirical data gathered in the field to assess why land redistribution policy failed to fulfil its objectives. It identifies four broad sets of factors that hindered the effective delivery of land redistribution policy:

poor policy conceptualisation; poor policy design; poor policy implementation and the influence of contextual and external factors.

The final section then uses the empirical data to determine the extent to which the difficulties experienced in implementing policy in South Africa are actually the consequence of a flawed policy process as opposed to simply poor implementation.

Chapter Eight identifies the factors that have influenced and determined the South African policy process, and particularly the policy conceptualisation and development stages in order to determine why policy developed the way it did. The chapter then models the actual policy process that occurred in South Africa and contrasts this with the proposed model of an ideal policy process developed in Chapter Two. It concludes that there was a significant difference between what actually happened and what would ideally have happened.

Chapter Nine then examines the land redistribution policy itself, assessing the extent to which each of the four sets of factors identified in Chapter Seven caused policy difficulties. It is argued that the primary factor that affected and is continuing to affect policy success in South African land redistribution is the influence of a flawed policy process due to the influence of external factors, and particularly the influence and effect of competing political agendas.

In conclusion *Chapter Ten* argues that South African land redistribution policy has been difficult to implement because of a failure by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not

simply because of poor processes for implementation. It also argues that an effective policy process should be one that results in a policy framework that is reflexive, sufficiently flexible to allow for change and constant improvement, and able to make progress in bringing real change to the intended beneficiaries.

Section One

THE POLICY PROCESS

The first part of this thesis reviews the academic and policy literature relating to the foundations and principles of contemporary land reform, the policy process in contemporary land reform and recent land reform programmes.

Its aims are to identify the issues pertinent to the argument proposed in the Introduction, and to provide a framework for analysing and examining data gathered on the South African land redistribution policy process.

Chapter One explores the two differing theoretical foundations of contemporary land reform: property rights and citizenship and social justice. Continuing from the Introduction Chapter Two then examines in more detail the three different stages of the policy process and identifies the policy context of contemporary land reform programmes. Chapter Three then provides an overview of the different expressions of contemporary land reform, and identifies the issues experienced in seeking to successfully implement land reform, and specifically, land redistribution policies.

Chapter 1

Property rights, citizenship and social justice

“If property is seen as power, then legal title is everything, and the only role of the state is to defend that power. If property is theft, then dispossession is all, and the only function of the state is to destroy title and restore a natural relation to things. If property is regarded as a human right, then it is something that both the possessed and the dispossessed claim.”

SACHS (1992:69)

1.1 Introduction

This chapter is concerned with reviewing the guiding principles and theoretical foundations of contemporary land reform. It argues that the guiding principles and theoretical foundations of contemporary land reform policies and programmes are determined in the policy conceptualisation stage of the policy process. There are two possible theoretical foundations of, and justifications for contemporary land reform. A property rights approach focuses on redistributing rights to land as the means by which problems of rural poverty are best addressed. In contrast, a focus on citizenship and social justice seeks to more radically redistribute both rights to land but also to change the wider socio-economic context that has led to problems of rural poverty in the first place. These two differing positions are not necessarily incompatible or conflicting, although there are tensions between the two theoretical foundations. These two foundations are examined in this chapter, in order to identify how they influence thinking in the policy process.

From either one of these positions, policy-makers then derive a series of guiding principles. These are: equity, opportunity, economic efficiency, social justice and poverty reduction (JOHNSON, 2000). The differences come in the extent to which each of these principles is emphasised and prioritised. These guiding principles then define the conceptual framework of the policy conceptualisation and policy

development stages, in which policy objectives and policy mechanisms for the implementation of land reform policy are determined.

1.2 Property rights

Property rights have been a subject of much debate and theorising for many centuries, and from a variety of philosophical and cultural perspectives. It is beyond the scope of this thesis to provide a broad and thorough review of property rights theory per se. Rather, this section identifies the nature and importance of a property rights foundation for contemporary land reform programmes. Land reform programmes are generally used in developing world nations as part of a broader “development” agenda initiated by Western nations. Consequently, and significantly, these programmes do not generally draw on indigenous conceptions of property and systems of property rights, but rather on Western conceptions and systems (BASSETT & CRUMMEY, 1993).

Western thinking about property rights has its origins in the work of Plato and Aristotle. Current western conceptions and systems of property developed during the modern era triggered by first the agricultural and then the industrial revolutions (SHOARD, 1999). Initial debates argued over whether any form of private property rights had a legitimate role in wider society. Over time a range of positions were adopted by various philosophers. For the purposes of this thesis, the theories of John Locke and Robert Nozick are examined, since their positions largely define the property rights basis for contemporary land reform.

1.2.1 Locke's theory of property

John Locke's position has proved appealing to liberal economic thought over the last 300 years, and continues to provide the theoretical and philosophical basis for much thinking on both property rights and contemporary constructions of citizenship and social justice (MARSHALL, 1994).

Locke develops a number of ideas and arguments relating to property rights. He argues that a person has a right to own what he makes, and to appropriate anything not already owned, by mixing his labour with it provided they leave "enough and as good" for others. He develops a labour theory of property acquisition to explain how something previously unowned could have become owned. For Locke, labour is "the sole ground of original exclusive property rights" (SIMMONS, 1992:224). He argues that the earth was God's gift to all men, and that they did not own the earth as common property but rather that each had the liberty to use it. People could derive private property rights by labouring on a piece of the earth and exercising their natural right to self-preservation by using the earth to provide for their needs.

Locke believed that this original right to property is a non-consensual natural right; it does not rely on a consensus of the commons or a form of social contract, as Kant argued, nor can it only be a civil, legal or political right as Hobbes argued. Locke's justification for this is that, if property was a consensual, conventional or legal notion, the rules of that property would change as consent, conventions and laws changed (SIMMONS, 1992:224).

Locke made a distinction between original rights to property and subsequent rights in property. Labour is the source of man's original right to private property, and is entirely non-consensual, but once a private property right has been established by labour, subsequent rights and title to that property are varied and subject to the consensus of others in society.

Locke placed two limitations on his theory. Firstly, he argues that a person has a right only to what they have laboured on if they leave "enough and as good" for others. If they take more than that, they are then violating another person's right to self-preservation. Secondly, he argues that a person can have exclusive use rights only to property that they can actually use for the preservation of their (or their family's) life.

Locke also makes a distinction between the "original common of mankind" and the English common, arguing that the latter requires the consent of fellow commoners, whereas persons may appropriate parts of the original commons for their private property without such consent (LOCKE, 1924:133). This position was used to justify the settling by colonisers of land in Africa and elsewhere during the periods of European colonisation and empire building.

1.2.2 Nozick

NOZICK (1974:8) is one of the best-known exponents of libertarianism, and argues that "individuals have rights, and there are things no person or group may do to them". These rights are about private ownership of resources and the freedom to use those resources however they wish.

Nozick's argument for private property rights follows directly on from Locke, but from this starting position that nobody can rightly take away from someone else rights that were justly acquired. However, Nozick's argument also differs from Locke, proposing that property rights come from first occupancy not from mixing labour with the land. Nozick argues that any occupation of land in the state of nature creates private property rights as long as no one else is made worse off by that appropriation. Here he substitutes this proviso for Locke's proviso of "as long as there is enough and as good for others".

1.3 Citizenship and social justice

Counter-posed to this property rights foundation of land reform is a foundation of citizenship and social justice. Proponents of this position (such as rights-based NGOs, community-based organisations) argue for land reform to be the means of redistributing rights and resources to rectify social injustices and deliver genuine citizenship rights, arguing that all human beings have a right to land and full citizenship status (SACHS, 1992). Since land reform is a means of giving people access to land, arguments favouring a social justice and citizenship basis for contemporary land reform programmes are commonplace (FRANCIS, 2000). This theoretical foundation has three distinct aspects: its conception of private property rights is based on the work of Kant; its understanding of the nature and role of citizenship is rooted in Marshall's theory of citizenship; and its approach to social justice is that of Rawls, who developed an alternative to the utilitarian theory of social justice. Each of these three aspects is summarised in this section.

1.3.1 Overview of citizenship and social justice

Citizenship is the status enjoyed by men and women classed as members of a nation state in which all are considered to be equal legally, politically and socially. A suitable definition of citizenship is that suggested by HEATER (1990:161), who defines citizenship as a “defined legal or social status, a means of political identity, a focus of loyalty, a requirement of duties, an expectation of right and a yardstick to good social behaviour”. This status brings with it a corresponding set of rights and responsibilities (see HUTTON, 1996, 1999).

The political importance of these rights derives from the importance attached to the status of citizen by modern society. BARBALET (1988) sees citizenship as participation in a political community. Different types of political community develop different forms of citizenship. Liberal democracy defines the basis of citizenship as the capacity and right to participate in the exercise of political power through the democratic electoral process. Such participation by citizens inevitably entails legal membership of a political community based on universal suffrage and membership of a civil community based on the rule of law.

With regard to society, citizenship is important for defining the relationship between our rights and the distribution of resources and access to opportunities. Thus property rights, for example, are not just specific rights to possess property but rights to acquire property and to protect that acquisition (BARBALET, 1988:17). Citizenship theory would argue that all people have an equal opportunity to acquire property. However in reality this is not the case. This is primarily because equality

of opportunity often leads to an inequality of outcome, which then creates an inequality of opportunity for future generations.

This standardisation of citizenship across modern society means that in theory all persons are equal before the law and that nobody is legally privileged. In practice, however, class or social inequality seriously curtails the ability of some to exercise their rights or legal entitlements. Certain groups find it difficult to influence and challenge the conditions that render their possession of citizenship ineffective. In other words “a political system of equal citizenship is in reality less than equal if it is part of a society divided by unequal conditions” (BARBALET, 1988:1). Interaction of the state with a market economy complicates things. Relations within markets are contractual whilst the relations of citizens to the state are not contractual but compulsory (WEBER, 1998:88-89).

The concept of social justice helps to define and determine what kind of society is just and acceptable. It is concerned with ensuring equity between people in society and in the distribution of a wide range of attributes that need not be confined to material things. It is essentially about determining who gets what, where, and how (SMITH, 1994). Social justice is also a foundation in contemporary land reform programmes, ensuring not only that any redistribution or reformulation of property rights reflects a person’s citizenship, but also that rights are distributed equitably and in a just manner.

The notion of social justice assumes a desire for seeing a just society. In its simplest form justice is about ensuring that people are treated fairly and acts as a check on

human conduct in order to ensure this. Consequently social justice is a highly contested issue. The central issue for social justice is how to justify differential treatment or define what differences can be justified (MILLER, 1999). For instance, should everyone get the same amount (arithmetic equality) or should they get something in a quantity proportional to their differing needs (proportional equality)? As humans interact with natural resource scarcity, the need for regulation through government is inevitable.

1.3.2 Immanuel Kant – the social contract and private property

Kant's position on private property rights is essentially opposed to Locke's. Kant argues that, if "the original right of freedom finds its external guarantee in property, then every human must have a right to property grounded solely in the right to freedom" (GUYER, 1992:348). It is this different position that those favouring a social justice and citizenship foundation for land reform use as justification.

Kant sees social convention, a "social contract", as logically prior to private property rights, which are a public trust granted to an individual by social consensus. This view did not pervade political practice because it relies on the existence of a civil society in which all individuals capable of moral judgement were able to agree that such appropriation was just.

Kant identifies two types of rights: an innate right which is naturally inherent in humanity, and an acquired right which requires a juridical basis. The only innate right is the right to freedom from constraint in accordance with 'universal natural

laws'. HUTCHINGS (1996:41) defines this as "the internal property of free will inherent in all human beings".

Kant argues that acquired rights to property can exist because it is possible for man to acquire rights to whatever he can possess and employ for whatever end. He argues that:

1. Everything can in principle become and remain the private property of someone;
2. Everyone is allowed to bring master-less things into this possession and to rightfully possess them (that is to exclude all others from their use in accordance with right);
3. Everyone is obligated to behave toward others in a manner that rights to property can be constituted and an order of private property be established.

Kant argues that possession is a necessary corollary of the universal principle of right since only if possession is guaranteed can there be freedom according to universal laws. Kant proposes that our freedom to claim something external as one's own is the only right others are duty-bound to respect, for it is an "a priori presupposition of practical reason to regard and treat any object of my choice as something that could objectively be mine or yours" (quoted in GUYER, 1992:48).

Kant notes that this is not sufficient to guarantee possession in practice. This becomes possible only where there is a universal and reciprocal recognition of rights to property. In other words, legitimate appropriation of external goods is dependent on the idea of an original universal act of will on the part of all mankind - a social contract.

1.3.3 Marshall’s theory of citizenship

MARSHALL (1950) introduced his theory of citizenship in his book “*Citizenship and Social Class*”, in which he focused on the relationship between developments in the nature of citizenship and the class system, with specific reference to Britain. Marshall argued that citizenship should be conceived of as three specific sets of rights and considered in relation to the social institutions through which those rights are exercised.

These three sets of rights, all interlinked and interdependent, are classed as civil, political and social rights (see Figure 1.1). Each has its own ‘typical’ historical epoch, and has been cumulatively secured over the last three hundred years. Together these constitute modern citizenship rights. MARSHALL (1964) argued that modern citizenship came about through an evolutionary process, with civil rights emerging first, leading to a consolidation of political rights that then enabled citizens to claim their social rights.

Figure 1.1 - The growth of citizenship

	<i>Civil rights</i>	<i>Political rights</i>	<i>Social rights</i>
<i>Characteristic period</i>	18th Century	19th Century	20th Century
<i>Defining principle</i>	Individual freedom	Political freedom	Social welfare
<i>Typical measures</i>	Habeas corpus freedom of speech, thought & faith, freedom to enter into legal contracts	Right to vote, parliamentary reform, payment for MPs	Free education, state pensions, welfare state
	----->	CUMULATIVE	----->

Source: MARSHALL (1964:70-4)

The most important element to the work of Marshall is his examination of the relationship between citizenship, social class and the rise of capitalism and democracy that encouraged the further development of the modern institutions of citizenship. This is anomalous given that capitalism creates class inequalities whilst citizenship seeks to confer equality. He argued that as capitalism evolves as a social system, and class structures develop within it, so modern citizenship changes from being a system of rights that arises out of and supports market relations to being a system of rights that exists in an antagonistic relationship with the market and class systems.

1.3.4 Rawlsian social justice

RAWLS (1999) sought an alternative to utilitarianism that would establish social justice not as just an ideal or goal, but as something that is right in itself and accordingly a right that citizens could claim and politicians would be required to aspire to.

RAWLS (1999) proposes that the conditions for social justice can be derived from a hypothetical social contract. He concludes that people would act in their self-interest to prioritise first personal liberty, then opportunity and then to reduce constraints on inequality by trying to ensure that the worst-off are as well off as possible. Thus, he proposes that, firstly and as a priority, citizens should have the right to the most extensive system of equal basic liberties compatible with a similar system of liberties for all. Secondly, that all citizens should have equal opportunities for income and wealth. Thirdly, and as long as the first two are met, social and economic inequalities

may be justified as long as they are arranged in such a way that they are to the greatest benefit of the least advantaged.

1.4 Property rights, citizenship and social justice

The two different theoretical approaches to land reform, that of a property rights foundation, and that of a citizenship and social justice foundation, both define the guiding principles of contemporary land reform that in turn influence and drive the policy process. This section identifies specifically how these two counter-posed foundations relate to land reform, and the nature of the tensions and overlap between the two. It then identifies how these two different foundations are seen in contemporary South Africa.

1.4.1 Property rights and land reform

Ensuring equitable access to, and distribution of land, and of property rights is a core aim of all contemporary land reform policy. What differs is whether that is through an emphasis on redistributing rights to property, or social justice and citizenship. The first of these is based on a commonly held belief that the right to own property for settlement and/or agricultural purposes is a human right and that no one should be arbitrarily deprived of their property, drawing on the position of Locke and Nozick outlined above.

The UNITED NATIONS (1948) makes it clear that all are equal and that people should be treated as such. KYMLICKA (1990:50) suggests that, if we are “to treat people as equals, we must protect them in their possession of certain rights and liberties”. The right of people to possess private property rights is considered to be a

principal means of ensuring such liberties. In contemporary land reform, therefore, property rights are typically conceived of as being possessed or owned, reflecting the Lockean position summarised above. They are also conceived of as relationships, referring equally to what they permit as to what they are. This thinking on property rights reflects, and is shaped by, wider understandings of rights per se.

There are a broad number of rights considered to be socially legitimate: political rights, civil rights, legal rights and moral rights, although the last of these are inevitably contested. Political and civil rights, for example, are concerned with people's freedom of action and participation in political and community life, whilst social and moral rights are primarily concerned with ensuring and protecting human welfare (HUTTON, 1996,1999; GIDDENS, 1998, 2000).

Generally, western liberal democracies promote individual civil rights and thus private property rights, arguing that the right of humans to possess the means of protecting their individual liberty is a fundamental precursor to the functioning of any democratic society, and that only when people are at liberty to exist equally can they form a stable society.

Proponents of this particular approach or claim basis for land reform argue that a redistribution of property rights should be the primary focus of any programme of land reform, and that other concerns, namely, social justice and citizenship issues, are secondary. This approach emphasises the primacy of property rights as the means by which social consensus is developed, leading to secure property rights, and ultimately to economic development followed by wealth distribution. The focus is on ensuring

that the prevailing property rights system protects existing rights, whilst ensuring that those with valid claims to rights, either due to legal claims, or legitimate use claims, are able to exercise their rights. Such an approach to land reform would thus tend to emphasise the guiding principles of economic efficiency and opportunity (although not from a justice perspective), arguing that equity, poverty reduction and social justice will follow these first two.

1.4.2 Citizenship, social justice and land reform

Equity and opportunity, two of the guiding principles of land reform, are essentially about citizenship and social justice being realised in practice. Equity is concerned with, amongst other things, ensuring that all are treated fairly. Citizenship is concerned with all being able to engage on an equal and equitable footing. Opportunity, from a social justice and citizenship perspective, is seen as providing the means by which citizens have equitable opportunities to engage with society and the economy. Citizenship is concerned with providing the legal and political framework to enable this. Land reform is thus needed only when there is something awry in this social-political-economic system.

The role of social justice in land reform is expressed, similarly to citizenship, in the guiding principles upon which land reform programmes are founded. The principles of equity and opportunity are primarily goals of social justice. The importance of access to land and the means of using that land to generate livelihoods are paramount in developing world rural development. Ensuring equitable access to land is a vital first step in achieving social justice.

The issue of how best to achieve this is essentially about deciding the extent to which guiding principles of equity and opportunity are more important than economic efficiency and poverty reduction. It is not possible to achieve them all immediately. If equity and opportunity are promoted, then the objective of social justice and citizenship is more attainable, since rarely is it economically efficient in the short- to medium-term. Proponents of this approach to land reform argue that, because social justice is rarely economically efficient, unless a social justice and citizenship approach is adopted, land reform will be focused on economic efficiency and a redistribution of rights (and thus opportunity) to those in society most able to take advantage of this. These are likely not to be the poorest, resulting in a continued distribution of rights and resources that is unjust and perpetuates poverty.

In many land reform programmes, achieving social justice-related guiding principles is a stated aim, and a desired outcome, but often the realities of government and fiscal constraints put pressure on governments to sacrifice longer-term objectives for achievable short-term goals. Often land reform programmes operate during times of significant times of political and economic change and are thus simply one of many initiatives to improve a society. In an increasingly urban culture, rural development issues can become sidelined or demoted in priority as urban political agendas predominate (JOHNSON & WELSH, 1998; SHEPHERD, 1998; MOYO, 2000a).

1.4.3 The guiding principles of contemporary land reform

As noted in the introductory chapter the five principal guiding principles common to most contemporary land reform programmes (including South Africa) are: economic efficiency, social justice, equity, opportunity and poverty reduction. These five

guiding principles are derived from the two theoretical foundations reviewed in this chapter.

The principle of **economic efficiency** is derived from neo-classical economic thinking underpinning political liberalism and global capitalism (SKLAIR, 1994). In the context of land reform, the principle is often adopted by policy-makers under pressure from politicians and development agendas to ensure that any land reform programme gives due consideration to the broader economic costs and benefits to the economy and society. Land reform programmes in the past emphasised other principles at the expense of economic considerations. The inclusion of criteria of 'economic efficiency' in contemporary land reform programmes also reflects the current political and economic agendas of the Western economies, mediated through international bodies such as the World Bank and the International Monetary Fund (IMF). Western economies and these international bodies are keen to ensure that land reform is one component of broader development programmes that empower a developing nation to become more economically viable in global markets (BASKIN, 1996; BROMLEY, 1989; GANDOLFO & MARZANO, 1999).

Social justice is a guiding principle of most land reform programmes because they are generally concerned with redressing past injustices and unjust distributions of property rights and access to land. Land-based non-governmental organisations tend to emphasise the social justice objectives over all others, since they are primarily acting as campaigners and advocates on behalf of those needing to benefit from any programme of land reform. For policy-makers under pressure to ensure economic efficiency, the social justice principle presents challenges for the development of

policy. Inevitably, some form of compromise between these two principles is needed since something fundamentally socially just is rarely also economically efficient. The process by which that compromise is negotiated by stakeholders and policy-makers during the policy development stage is often a tense and lengthy one.

Following on from these two principles, are the third and fourth guiding principles of **equity** and **opportunity**. Interestingly, these principles are made possible by the principles of economic efficiency and social justice. Equity is delivered when there is both social justice and a viable economic context in which to exercise the benefits of citizenship. Opportunity to own and use land is presented to citizens through equitable and just distributions of property rights and a viable economy with which to engage. Social justice provides equity of opportunity, and economic efficiency provides the opportunity for citizens to benefit from that opportunity as economic markets are developed and wealth is created and redistributed.

Poverty reduction is also a guiding principle of many contemporary land reform programmes (ATKINS, 1988). In many ways, poverty reduction is a long-term objective, since it relies on the four other principles being realised to some degree or another. Poverty reduction in and of itself is hard to deliver, but it is often the outcome of a more equitable and just distribution of property rights that enables citizens to engage with economic markets over time, since their standard of living increases. However, this process can take many decades in a nation where land reform is implemented to correct injustices and poverty, and since it relies on policy-makers and politicians adopting a long-term view, policies often get changed too soon, because they appear not to have succeeded (ADAMS, 2000).

1.4.4 Property rights, citizenship and social justice in South Africa

Property rights in South Africa

In South Africa, the property rights of the poor were systematically violated by successive colonial and apartheid governments (BERNSTEIN, 1996; LIPTON, 1986). Between 1950 and 1990 three and a half million black South Africans were dispossessed of their land rights because of their race. Before that, millions more were deprived of land rights by discriminatory statutes following uninvited colonial invasion and occupation (DAVENPORT & SAUNDERS, 2000).

A paper by BERNSTEIN (1998) examined in detail the relationship between land, production, poverty and power in the South African countryside. He points out that each of these tends to be associated with a particular guiding principle: land with justice, production with economic efficiency, poverty with welfare and power with democracy. He also suggests that consideration of the need for land reform in South Africa confronts the structures of production and property, wealth and poverty and that moves towards a liberal vision of a de-racialised landowning hierarchy, universalisation of market access to land and citizenship cannot be separated out. He argues that, for moves towards citizenship and the formation of civil society to succeed, there needs to be radical change in rural areas in the allocation of land through a land reform programme.

In South Africa where property ownership is based upon so much past legal injustice, the importance and potential of a programme of land redistribution is central. SACHS (1992:70) rightly predicted that “the issue is not whether but how redistribution should take place, according to what criteria, what procedures should

be used and who should make the determination”. The land question in South Africa is highly emotive and central to economic and social development (BERNSTEIN, 1996). It raises simultaneously the question of sovereignty and of individual rights. It has an economic dimension, a legal dimension and a social justice dimension.

In order for legitimate ownership and true respect for property rights to exist, the starting point must always be that South Africa belongs to all who live in it and that all are entitled to equitable access to the land. SACHS (1992:71) recognised the need for a rights-based system “founded on common values to establish new criteria for recognising and enforcing rights to land”.

The South African constitution (GOVERNMENT OF SOUTH AFRICA, 1996a) has upheld a belief in the notion of a private and exclusive right to property whilst also identifying the need for a corresponding social responsibility to be accepted by landowners. It works towards developing a system of just and secure rights in land in order to:

- Rectify the injustice of the past and give access to land to those previously denied;
- Give appropriate acknowledgement of existing title and of the intimate relationship that many owners have to the land;
- Maintain and increase the food supply;
- Contribute towards sustainable livelihood generation in rural areas.

These issues are developed further in Chapter Four, which also gives the broad historical, social and political context to the land question in South Africa and details the policy process of the land reform programme.

Citizenship and social justice in South Africa

The term “citizenship” is not one commonly used in South African social and political arenas, although many of the principles for governance articulated and embraced by the ANC government are expressions of the citizenship concept, as discussed above. Philosophical discussions over the role and form of citizenship in the new South Africa occurred during the early 1990s when the right of all South Africans to be considered full citizens of the state was firmly established as a non-negotiable aim of the first democratic government in the Reconstruction & Development Programme (RDP) (see especially FUKUYAMA, 1991; SPARKS, 1994). The RDP states that “the people shall govern...all South Africans [will] have access to power and the right to exercise their power. This will ensure that all people will be able to participate in the process of reconstructing our country” (ANC, 1994:119-120). It then defines how this will be achieved: “effective democracy implies and requires empowered citizens... formal rights must be given real substance” (ANC, 1994:121).

In his influential book *Citizen & Subject*, MAMDANI (1996) explores the relationship between the move to democracy and the liberalisation of developing African nations. His aim is to theorise a “specifically African form of the state” (1996:286) to account for its colonial origins and post-colonial trajectories, and to derive some key propositions about democratic politics in Africa today. His central

argument is that a 'bifurcation' of the state occurred in Africa, leading to a racialisation of citizenship, with an inequitable citizen-subject distinction that shaped power structures.

He argues that the formation of a healthy civil society in South Africa in which all experience full citizenship can come only with a deracialisation of citizenship. His distinction maps directly on to the bifurcation between legal forms of land tenure, as is evident in South Africa where rights to land in 'white' areas were registered in the Land Registry, and various forms of 'state tenure', lacking unequivocal rights to property in land, operated in the Bantustans.

Relatively little has been written explicitly on social justice within the context of contemporary South Africa. SMITH (1995), however, wrote extensively on this area in the mid-1990s. He points out that the implementation of a non-racial democracy in South Africa does not automatically ensure that social justice will be achieved. He suggests that establishing what kind of post-apartheid society can be defended on grounds of social justice is not simple. Social justice in South Africa cannot simply be the prescription of a universal principle applied without reference to historical legacies and cultural trends.¹

Smith suggests that the work of Rawls is helpful in exploring how social justice can be achieved in South Africa. Apartheid could never be defensible using social contract theory, for it is clear that apartheid did not comply with Rawls' principles of justice. For SMITH (1994 & 1995), the challenge for South Africa is to move away

¹ See also CHRISTOPHER (1995a).

from a socially unjust post-apartheid legacy toward a socially just post-apartheid reality in which an equalization of living standards is achieved.

For SMITH (1995) this means using principles of redistributive justice, of which he identifies three strategies: reallocation of public expenditure; redistribution of wealth, income and assets (including land and rights to land); and structural change in the ownership and/or control of the means of production and in the distribution of economic and political power.

SMITH (1995:59-62) is not optimistic about the prospect of this being achieved, suggesting that, “if post-apartheid society is to make sustainable claims to social justice, redistribution has to take place on a larger scale, at a faster pace and under greater structural change than is currently envisaged”, and that, if it does not, “South Africa will steadily come more closely to resemble a normal capitalist society, its racial inequalities interpenetrated by class”. He also suggests “its main distinguishing feature will be the size of its ‘underclass’... [falling] well short of truly non-racial citizenship with real equality of opportunity for all”.

1.5 Conclusion

Using this review of the theoretical foundations and guiding principles of land reform it is possible to identify a set of theoretically ideal outcomes of a contemporary land reform policy, against which South African land redistribution policy to date can be evaluated. According to the academic and policy literature reviewed in this chapter, a theoretically ideal land redistribution policy, implemented fully, would result in the following:

1. Equitable access to land for all citizens;
2. An appropriate property rights structure consistent with the broader aims and objectives of rural development;
3. Property rights that are legally and socially secure;
4. The rural poor having the necessary rights, and the power, to access land;
5. Full citizenship rights and benefits to the rural poor and to rural communities;
6. Empowered citizenship in the rural poor and in rural communities;
7. Reduced inequality and inequity in rural areas;
8. Equity of opportunity to land;
9. A distribution of wealth, opportunity and power in rural areas defensible against the principles of social justice.

These theoretical ideals provide a framework for evaluating the policy process in South Africa. Determining the extent to which practice differs from theory, and the reasons why it differs, will go some way to explaining the difficulties experienced implementing policy. These ideals are revisited in the other two sections of this thesis.

Chapter Two now follows, and explores the nature of policy processes and identifies the primary policy context issues pertinent to this evaluation of the land redistribution policy in South Africa.

Chapter 2

The policy process and contemporary land reform

“The development profession has been characterised by the search for single solutions – ‘magic bullets’. An intelligent vein within the discourse has preferred to match varied solutions with diverse situations and problems. The skill lies in analysis and diagnosis at local and regional levels followed by matching problem to solution, not in espousing universal solutions or in reinventing the wheel.”

SHEPHERD (2000:214)

2.1 Defining the ‘policy process’

This chapter reviews theoretical literature to examine the policy process and the context in which contemporary land reform policies are conceived, developed and implemented. It explores in detail different models and approaches to the different stages of the policy process and outlines the socio-political context of contemporary land reform policies. A theoretically ideal policy process is then modelled, providing a tool for analysing the South African land redistribution policy process. The chapter then concludes by identifying the nature of policy processes given the context of contemporary land reform programmes.

2.1.1 Theoretical understandings of the “policy process”

Before examining the policy conceptualisation and policy development stages, it is helpful to first clarify more fully what is meant by the terms ‘policy’ and ‘policy process’. There are differing definitions of ‘policy’. HOGWOOD & GUNN (1984:13-19) list ten definitions of the term, noting that ‘policy’ usually results from a series of specific decisions often made in a ‘rational’ sequence. While one decision in a sequence may be seen as crucial, an understanding of policy itself requires understanding the other decisions preceding and following.

JUMA & CLARKE (1992) conceive of policy as a set of arguments brought together,

developed through debate between state and societal actors, resulting in policy reforms that are presented in the form of reasoned arguments. Another approach conceives of policy as a social experiment, and sees social change as a process of trial and error involving successive hypotheses being tested against reality in an experimental manner. Such conception is heavily influenced by the experimental approach of the natural sciences.

The most accurate conception of policy, however, is policy as a process. Policies exist over a period of time, and thus a policy can be helpfully understood as a process made up of a number of component stages. The policy process is complex and any consideration of the various stages of the process must be analysed and considered in relation to one another.

NAKAMURA & SMALLWOOD (1980:21) suggest that the “key elements in the policy process can be viewed as sets of functional environments in which different aspects of the process take place” and that “within each of these environments there are a variety of arenas where actors interact”. They suggest that there are three policy environments serving different functions: policy formation, policy implementation and policy evaluation.

This differs slightly from the definition used in this thesis (briefly outlined in the Introduction chapter), which sub-divides policy formation into two distinct stages – policy conception and policy development. As noted in the Introduction, for the purposes of this thesis, the policy evaluation stage is not examined, since it is not relevant to the research aims.

HOGWOOD & GUNN (1984:4) identify nine steps that they believe constitute the three stages of the policy process:

1. Deciding to act;
2. Deciding how to act;
3. Defining the issues;¹
4. Forecasting what the objectives and outcomes could and should be;
5. Setting objectives and priorities;
6. Analysing options for how best to achieve objectives;
7. Policy implementation, monitoring and control;
8. Evaluation and review;
9. Policy maintenance, modification, succession or termination.

These stages or environments are not a straightforward sequence of events that occur with every new policy development, but rather provide a useful framework for understanding how policy processes function and evolve.. The dividing lines between stages are artificial and policy-makers are unlikely to perform them consciously or in the implied logical order.

The policy process is dynamic, and must be seen as a flexible and interrelated set of stages, with, in theory at least, opportunities for feedback and analysis at every stage, as well as opportunities for modification and reiteration at every stage. Seeing the policy process in these terms allows for the identification and study of interactions, not only between the various stages in the process, but also between various participating organisations and between organisations and the larger social and

¹ HOGWOOD & GUNN (1984:8) point out that what is often defined by policy-makers as the 'problem' is really a combination of problems with various elements which need to be separated and identified if policy is to have meaningful impact on them.

economic environment (HOGWOOD & GUNN, 1984:25). NAKAMURA & SMALLWOOD (1980:23) propose that “communication and compliance linkages between different actors in the three environments tie the policy system together”, and suggest that these linkages are crucial for successful policy implementation.

2.1.2 Is the policy process descriptive or prescriptive ?

Political scientists and sociologists have sought over recent decades to try and model and define the policy process and to evaluate whether it is a rational, linear process or a more chaotic procedure; the extent to which it is dominated by political, practical and socio-cultural forces; and to ensure that the effects of these constraints are minimised and that clear policies are developed.

HOGWOOD & GUNN (1984) suggest that there are two approaches to thinking about the policy process: descriptive or prescriptive. Descriptive approaches seek to understand complex social phenomena in order to develop appropriate policies. The more complex social phenomena are, the greater will be the tendency towards selectivity, simplification and generalisation in policy conceptualisation and policy development. Provided that simplification does not lead to gross distortion, this approach can assist in establishing a good understanding of the policy context at the policy conceptualisation and development stages (HOGWOOD & GUNN, 1984:43).

Prescriptive approaches tend to ask questions and offer suggestions about what ought to be rather than what is. They suggest ideals that exist nowhere in real life but which can help policy-makers understand and explain real-life phenomena and to formulate and refine ideas of what should and could be desired.

2.1.3 Evaluating policy effectiveness

Another aspect of the policy process that needs to be made clear is how policy effectiveness is evaluated. Policy evaluation is concerned with assessing how effective policy has been at meeting its aims and delivering change and usually occurs after policy implementation. It seeks to assess the “effectiveness of a public policy in terms of its perceived intentions and results” (GERSTON, 2004:119). Policy evaluation provides feedback on what has occurred and the extent to which the aims and objectives of the policy have been fulfilled as intended.

There are two broad approaches to policy evaluation: evaluating *process* and evaluating *outcomes*. Evaluating process means evaluating how the policy process occurred and the extent to which that determined how well policy worked. This approach is concerned with looking at what happened and how it happened, as well as the extent to which progress has been made in resolving a particular issue.

Evaluating outcomes focuses on the actual qualitative and quantitative changes that can be measured. Often the focus of such an approach is to examine whether policy was “successful” or not. The focus is on assessing whether or not the policy achieved what it was designed to achieve. This is an important aspect of the policy process, for if used well, provides the opportunity for policy-makers to revise the policy where needed.

Consequently, studies that seek to examine and explain why a particular policy has not achieved its stated aims or objectives are often drawn into a discussion over why a policy has “failed”. They evaluate using an ‘outcomes’ approach and look at why

actual outcomes did not match intended outcomes. Such studies focus on the “failure” rather than the process of implementation (GERSTON, 2004:125-126).

In much of the policy evaluation literature there is a discussion about why outcomes of policies are often at variance with the intentions of policy-makers. It is assumed that if a policy has not achieved its stated aims or objectives that it has failed. Conversely, “success” is defined implicitly, or sometimes explicitly, as a policy having achieved the stated aims or objectives. This approach assumes that a policy is only successful if it fully meets its stated aims or objectives. Policies are judged against pre-determined criteria at the exclusion of an evaluation of what has actually been achieved, even if this differed from what was intended. Any policy evaluation that follows then focuses on why the stated aims and objectives were not met, at the expense of seeking to understand what actually happened to produce the unintended outcomes, whether successful or not.

Clearly this approach is problematic. Even when policies “succeed”, they often do so for reasons that were not envisaged by the policy-makers. All policies are implemented in a political and socio-economic context that is unpredictable and influenced by external factors that cannot always be anticipated. WILLIAMS (2000:18) suggests “what actually happens results from interactions among different processes. These operate across a multiplicity of periods and spaces, and produce divergent and unforeseen, or even unforeseeable, chains of consequences. Policy interventions are but one of many processes at work. Their outcomes will depend on the impact of other activities, the ways in which people respond to all these changes, and the ways in which these interactions generate new dynamics. The one thing we can

reasonably predict is that things will not turn out as we expect.” Given this, and the inherent characteristics of policy processes and the challenges of policy-making, it is logical to assume that a policy will rarely fully meet the stated aims or objectives.

This leaves the question: what meaningfully constitutes “success” or “failure” for a policy ?

Effect of differing approaches to policy-making

As WILLIAMS (2000) points out, there are two basic approaches to policy-making. The “technocratic” approach works from a top-down position, and is likely to be executed by experts and civil servants at the highest level of policy-making (such as national government level). The major criticism of this approach is that it can often fail to respond to data about what is actually happening or needed in a particular locality.

The “temporal” approach acknowledges that policy processes do not operate in isolation and thus encourages policy-makers to plan for unintended consequences through regular policy reiteration and flexible policy solutions. The major criticism of this approach is that it can make policies impotent as they constantly try to adjust to the influence of external factors.

Since neither approach is perfect or guaranteed to be successful, policy-makers and politicians ultimately have to choose one and accept the consequences. Some of the consequences can be predicted and thus avoided if negative, and encouraged if

positive, and others cannot be predicted. Whichever approach is adopted, the reality is that policy-makers need to be realistic and reflexive in their approach to policy.

The very nature of either of these approaches to policy-making means that policy-makers often set themselves up to “fail”. With either of these approaches, policy processes usually start by identifying a desired set of outcomes and then working back to the current situation. As WILLIAMS (2000:19) points out, “this approach assumes a degree of control over the environment that is likely to be lacking. It also depends on an ability to get 'participants' or beneficiaries' to act in accordance with policies, which is unrealistic and sits uneasily with any commitments to 'participation' and 'empowerment'”.

This tension between these two approaches, the technocratic and temporal, can be seen as a *problem*. Some might say that if there were a sufficiently well developed framework for policy, the technocratic approach would be successful. Others in turn could argue that if policy processes were sufficiently flexible and reiterative, policy would be able to adjust and respond to external influencing factors and not become stuck.

It is important to acknowledge that this tension shapes the framework for policy evaluation. Since we often consider the performance of a policy against its aims and objectives, and these are in part determined by the particular approach adopted, the evaluation could also become an argument between which approach is the least flawed. Inevitably, advocates of one approach would then argue against the other

approach, pointing to it as the reason why policy has not fully met it's stated aims or objectives.

Reconsidering how "success" is measured

If however, this tension is viewed as a *virtue*; as something that could be a catalyst for more realistic policy-making, then the policy process can be approached more holistically, and the issue of success or failure becomes at worst, an unhelpful distraction, and at best, just one of the means by which policy is assessed (GERSTON, 2004:137). This in turn would allow for a more meaningful approach to policy evaluation, adopting a process rather than outcomes focused approach, reflecting the evolutionary nature and context of policy-making.

In other words, evaluation of policy would occur in a number of ways, with different focuses. There should always be a place for a straightforward assessment of the extent to which a particular policy has achieved it's stated aims and objectives. But to use this assessment as the sole means of determining whether or not progress is being made at tackling the original problem is, as discussed above, too simplistic and flawed.

Since policies largely exist to resolve a problem, perhaps a more helpful approach would be to explore whether "progress" has been made in resolving a problem. In other words, there could be an assessment of policy that examines the extent to which the outcomes of policy, whether intended or unintended, have resulted in "progress" towards the aims and objectives that drive the policy. This would measure "success" or "failure" not just according to idealised absolutes, but rather as relatives, taking

into consideration external and unintended factors. Such an approach would allow policy reiteration and policy evaluation to occur much more positively.

Within this alternative framework for assessing policy, the definition of success becomes not “were the policy objectives achieved?”, but rather, “has progress been made towards the policy objectives?”. When assessing the extent of progress, policy analysts could consider the extent to which policy has been easy or difficult to implement, the extent to which progress is being made as a direct outcome of a policy being implemented, the extent to which other factors have aided or hindered the implementation of a policy, and then, the ways in which policy must be reiterated in order to increase the rate and extent of “progress”.

This question could then be broken into specific questions to address other issues, such as whether the policy process was sufficiently flexible and reiterative, whether opportunities to adjust policy were taken, whether unexpected but positive outcomes were responded to. Defining failure within such a framework would involve identifying what factors hindered progress, such that on-going policy learning and policy reiteration could occur, to the ultimate benefit of the policy proving successful in the longer term.

Finally, assessing the process of policy-making itself is an important indicator in assessing how well a policy has worked. Examining the extent to which policy was conceived, developed and implemented according to the stated aims and objectives, as opposed to external factors and forces that brought differing agendas in to the process, would be a good measure of policy effectiveness. If a policy process was

determined by external factors and forces to the extent that a policy became a vehicle for other aims and objectives, then not only would it be possible to better understand and explain why a policy has not achieved the stated aims and objectives, but would also allow for an understanding of the policy context in order that effective policy reiteration might occur.

WILLIAMS (2000) asks whether our approach to policy-making starts from the wrong end. Would a better approach be to look at 'really existing' policy processes, to study the historical processes in which policy-makers, private interests, and public officials interact to produce outcomes that are often at variance with the intentions of any of them. WILLIAMS (2000:19) proposes that "the empirical study and interpretation of past, and contemporary, policies, their implementation and outcomes might allow those who are responsible for making and implementing policies to make better judgements as to which courses of action to follow".

If so, the question then becomes, not "how can we ensure policy success", but "how can we develop a policy that has the best chance of achieving the stated aims or objectives in a context that cannot be controlled or predicted" ?

2.2 Understanding the policy process

This section outlines the policy conceptualisation and policy development stages of the policy process, identifying the different approaches and different ways these stages have been theorised and modelled.

2.2.1 The policy conceptualisation stage

The policy conceptualisation stage is the pre-cursor to policy development in which the guiding principles and long-term objectives of policy are identified and defined. This stage provides shape and direction for the policy process and determines the constraints and framework into which policy needs to fit. It is imperative therefore that this stage is not rushed or undervalued, since it is crucial for an effective policy development stage. Policy is often conceived with an idealised end, and then worked back to establish the means and the specific objectives. This backwards process becomes the conceptualisation stage (SORG, 1983).

It is suggested in this thesis that more effective policy conceptualisation occurs when policy-makers gather together objectives, possible means and an understanding of what is realistic and viable in practice. This means that policy is then developed forward and with an assumption that viable outcomes are expected, rather than desirable but unviable outcomes.

2.2.2 The policy development stage

“Policy development” can be defined as the stage in the policy process when a policy is designed and written. Policy-makers at this stage are concerned with how to deliver the aims and objectives of a particular body or organization or group, such as

a government, a business or a community group (JUMA & CLARKE, 1992). Policy development involves creating an appropriate framework or vehicle through which aims and objectives can be realised. At the extreme, this process can be lengthy, complex, expensive and contested, as differing groups of policy-makers contribute ideas, agendas and perspectives. Policy development at a national government level can be highly protracted, contested and complicated, as differing political parties as well as institutions and organizations seek to ensure that any policy reflects their position on what aims and objectives are most appropriate (ADAMS, 2000).

Those involved in policy development tend to focus their energies on setting priorities, defining objectives, establishing the means of policy implementation and determining the commitment of resources (NAKAMURA & SMALLWOOD, 1980:32). Policy-makers at this stage set the strategic framework of rules under which the implementation process will occur. They are rarely involved in policy implementation as well, relying instead on planners, local government departments and community-based organisations (CBOs).

HOGWOOD & GUNN (1984) suggest that within the policy development stage there are a number of sub-stages. They suggest that policy development is most effective when the whole policy process is conceived of as an iterative process. They also suggest that, consequently, analysis at the policy development stage of the implications of each element of a policy in advance of implementation is essential. They emphasise the importance of taking possible problems into account when designing policy in the first place. They argue that to leave analysis of a policy until

policy has been implemented is too late, since “the analysis, or options suggested by it, may be precluded by decisions taken at earlier stages of the process” (1984:5).

There is always a danger with the use of such an approach, that a clearly defined sequence of events within a policy process will lead inexorably to excessive rationalisation, when the events being analysed do not need rationalising. Viewing the policy process in terms of stages may seem to suggest that any policy episode is more or less self-contained and comprises a neat cycle of initial, intermediate and culminating events. In practice, policy is often a complex web involving a bewildering mesh of overlapping interactions and ramifications.

Consequently, it is of primary importance that policy-makers communicate a clear and concise set of instructions to those responsible for actually implementing and delivering policy, to permit effective policy implementation and thus to ensure the desired policy outcomes. NAKAMURA & SMALLWOOD (1980:33) suggest that, “while clarity does not ensure faithful compliance, it is a necessary first step toward effective implementation”.

Clarity means being specific about both what is to be achieved and how. The reality is that many policy-makers are constrained by a range of factors, including (NAKAMURA & SMALLWOOD, 1980:37-38):

- **technical deficiencies** – inadequate knowledge and information about the adequacy of alternative means for achieving goals;
- **conceptual complexity** – limits on how well the problems are understood and defined. Policy vagueness can grow out of the inability of policy-makers to agree

on the problem they are solving, or a failure accurately to establish exactly what is an appropriate policy solution, often leaving policy implementers with ambiguous means for implementation;

- **political coalition-building considerations** – limits that can result from the compromises needed to secure agreement for the approval of policies. When no clear majority exists for a particular approach, political “solutions” will result from the coalition-building efforts of policy-makers who try to get many diverse interests to agree on a common policy.

2.2.3 Modelling the policy process

During the 20th century, three significant and influential models of the policy process were developed, each of which is now briefly outlined (SUTTON, 1999).

Rationality model

Policy analysts often ask how policies would be made if policy-makers pursued and were capable of complete rationality. There are two approaches to rationality: considering policy objectives simultaneously with options, or setting out objectives at the beginning and then subsequently considering options designed to fulfil those objectives.

The first theorist to write influentially on this model was SIMON (1957). His ideas are still of tremendous value in understanding how policies are conceived, developed and implemented. SIMON identifies the key activities involved in ‘rational’ policy development:

- (1) Intelligence gathering;

- (2) Identifying all the options;
- (3) Assessing consequences of each of the options;
- (4) Relating consequence to guiding principles of policy;
- (5) Choosing preferred option.

SIMON advocates this approach out of concern that an initial specification of objectives may foreclose unduly the courses of action that are considered and that the initial focus on objectives may distract attention from establishing sufficient understanding of the actual situation into which policy will be implemented.

The alternative ideal type of rational policy-making stresses the importance of specifying objectives before looking for options that might achieve them. This approach was first promoted by LINDBLOM (1959) who suggested the following ideal-type model of rational policy-making:

- (1) Define and rank governing guiding principles;
- (2) Specify objectives compatible with these guiding principles;
- (3) Identify all relevant options or means of achieving these objectives;
- (4) Calculate all the consequences of these options and compare them;
- (5) Choose the option or combination of options that maximises the guiding principles defined as being the most important.

LINDBLOM (1968:13) describes his approach to policy-making as follows: “faced with a given problem a rational man first clarifies his goals, values or objectives, and then ranks or otherwise organises them in his mind. He then lists all important possible ways of – policies for – achieving his goals and investigates all the important

consequences that would follow from each of the alternative policies, at which point he is in a position to compare consequences of each policy with goals and so choose the policy with consequences most closely matching his goals”.

As well as stressing the importance of objectives in this model, LINDBLOM also places the elements of rational policy-making in a different sequence from that suggested by SIMON. According to HOGWOOD & GUNN (1984), most practitioners find LINDBLOM’s model more practical and effective than that of SIMON.

The primary criticism of both these models is that they are unrealistic and impractical. It is never possible to understand, predict and guarantee future policy outcomes or to fully understand the policy problem and its context, in order to design a perfect policy solution. Critics of rationality argue that the assumption of perfect knowledge as an integral part of a rational policy-making model is irrational. They suggest that it is enough that the decision-maker is intentionally rational and follows rational processes. In other words they should not also be required to guarantee a rational outcome, but they should be expected to approach policy-making rationally using all the knowledge available to them.

The Linear Model

This model is the most widely held view of the way in which policy is made, and is at times also referred to as the common-sense model. It grew out of thinking on rationality in policy-making, and perceives of policy-making as a problem-solving process that is rational, balanced, objective and analytical (SUTTON, 1999).

The linear model proposes that when policy is being made, a range of options is reviewed which represent possible solutions to a problem. It implies that all possible options are considered, with an exhaustive amount of information reviewed in each case, and one option chosen on merit. It suggests that decisions are made in a series of sequential phases, starting with the identification of a problem or issue, and ending with a set of activities to solve or deal with it.

Those phases are (HOGWOOD & GUNN, 1984):

1. Recognising and defining the nature of the issue to be dealt with;
2. Identifying possible courses of action to deal with the issue;
3. Weighing up the advantages and disadvantages of each of these alternatives;
4. Choosing the option which offers the best solution;
5. Implementing the policy;
6. Possibly evaluating the outcome.

This model makes an assumption that policy-makers approach issues rationally, carefully considering all relevant information as they logically work through the identified phases. When policies fail to meet intended outcomes, blame is often laid not on the policy itself, but rather on political or managerial failure in implementing it (JUMA & CLARKE, 1992). For example, failure may be blamed on a lack of political will, poor management or shortage of resources.

The Incrementalist Model

In this model, developed by LINDBLOM as a realistic alternative to the rationality model, the approach adopted by policy-makers is to look at a small number of

alternatives for dealing with a problem and then choose options that differ only marginally from existing policy. For each alternative, only the most important consequences are considered. There is no optimal policy decision, such that, instead, a good policy is one that all participants agree on rather than what is best to solve a problem.

The incrementalist model suggests that policies tend to be only marginally different from those that have gone before. Policy-makers do not consider options that would lead to radical change. If there is a change in policy stance, it occurs by a series of small steps rather than one radical change.

Incremental policy-making thus becomes essentially remedial, focusing on small changes to existing policies rather than dramatic fundamental changes, since what is feasible politically is usually only marginally different from the policies that exist. Any radical policy alternatives tend, therefore, to get rejected. The model also views policy-making as serial, with repeat reviewing of problems as mistakes become apparent and are corrected, and new approaches to the issues are developed.

2.3 The policy implementation stage

2.3.1 Defining the policy implementation stage

A variety of different forces shape implementation in the policy process once policy has been made. NAKAMURA & SMALLWOOD (1980:46) argue that there are three key influences on this stage of the process:

1. Actors and arenas;
2. Organisational structures;

3. Communication networks and compliance mechanisms.

Each of those is briefly outlined here.

Actors and arenas

Many different actors in a range of differing arenas can influence and determine the implementation of policy. They include policy-makers, formal implementers, related organisations and institutions, constituency groups, the media and policy recipients.

Policy-makers often attempt to influence policy implementation by monitoring, intervening and or credit claiming (NAKAMURA & SMALLWOOD, 1980:47).

Formal implementers are generally those in government, the private sector or NGOs who have legal authority, responsibility and public resources to implement policy.

These actors in particular carry considerable responsibility in the implementation process.

Related organisations and institutions often have delegated responsibility for implementation of policy, assisting formal implementers in specific areas. They often include private companies, NGOs and other government departments or institutions. They obviously bring their own agendas and perspectives to the policy process, and how they implement policy may be influenced by those.

Constituency groups, such as user groups and lobby groups, can often exert considerable pressure on the implementation process, particularly if they felt excluded at earlier stages in the policy process. They may seek to influence implementation to further their own, often political, agenda, or to influence outcomes

in response to a perceived weakness in the policy.

The media has great power to influence policy implementation, particularly as it is able to influence a range of different interest groups. It can use this power both positively and negatively.

Finally, the policy recipients themselves may also influence how policy is implemented. NAKAMURA & SMALLWOOD (1980:50) suggest that they are often “the last to be included in the... process”. Concern in development fields about this perceived lack of a voice for policy recipients prompted the moves during the 1980s and 1990s towards popular/community participation in the policy-making stage, in an attempt to ensure ownership of, and thus compliance with, policy (BROHMAN, 1996).

Organisational structures

The particular organisations and institutions chosen to implement policies can significantly influence how those policies are carried out. HOGWOOD & GUNN (1984) identify eight factors that determine the effectiveness of organisational structures used by organisations and institutions for policy implementation:

1. Communication procedures;
2. The extent to which all those in the policy process interrelate and co-operate;
3. Ability and authority of implementers within organisations and institutions to make good decisions;
4. The extent to which those implementers are reliant on intermediaries or external experts;

5. The range of differing goals and agendas expressed by actors in these organisations.
6. The effective allocation and use of resources, money and time available;
7. Competence and technical capacity of staff and institutions;
8. Commitment levels of key actors and willingness to persevere.

Communication networks and compliance networks

Since the implementation process draws on a range of actors and institutions, it follows that the communication networks between them all are of great importance, particularly so that it is possible to report accurately on implementation to policy-makers and evaluators monitoring progress. Compliance networks serve to ensure that the differing actors and agencies involved in implementation do not attempt to resist or circumvent policy directives (NAKAMURA & SMALLWOOD, 1980:59).

ETZIONI (1964:59-60) proposed that there are three means of ensuring compliance amongst implementers:

1. Coercive power – threat of application of sanctions;
2. Utilitarian power – use of salaries, benefits, commissions;
3. Normative power – use of symbolic rewards and deprivations e.g. status.

2.3.2 Models of policy implementation

A number of models have been developed to explain and theorise the implementation of policy. For many years the ‘classical’ model was dominant. In recent decades it has been criticised and challenged by alternative models. These different models are now briefly outlined.

The 'classical' model

During the 1930s a 'classical' model of policy implementation based on the principles of scientific management gained widespread acceptance. It minimised the significance of implementation in the policy process because it was based on a top-down approach that virtually excluded policy implementers from any significant role in the policy process. GRINDLE & THOMAS (1990) explain that policy conceptualisation and development was seen as a political process, whilst implementation was seen merely as an administrative follow-through. The 'classical' model conceived of policy-making and policy implementation as unrelated processes.

Much of what the 'classical' model proposed grew out of the work of Max Weber and Woodrow Wilson. Weber was the first to attempt a systematic theory of policy implementation, defining the ideal conditions for effective implementation as being through a rationalised, legal body and structure, controlled at the top by a small group of decision-makers whose policies were implemented by subordinate implementers. Wilson's central thesis was that "the broad plans of government are not administrative; the detailed execution of such plans is administrative" (WILSON, 1887:212).

Wilson's position is crucial for it separated policy conceptualisation and development from policy implementation, conceiving of them as distinct, unrelated processes. In 1911, Frederick Taylor provided the rationale for such a position in his book, *The Principles of Scientific Management*, stressing that efficiency should be the basic criterion with which to assess implementation success. The 'classical' model became

fully integrated in 1937 when Luther Gulick and Lyndall Urwick edited their *Papers on the Science of Administration*.

NAKAMURA & SMALLWOOD (1980:9) suggest that the 'classical' model approach would conceive implementation of a policy as follows:

- 1 An agent appointed to carry out the implementation of policy is chosen by the policy-makers;
- 2 The policy is communicated to the agent as a series of specific instructions;
- 3 The agent implements the specific instructions according to the policy guidelines specified by the policy-maker.

With the benefit of hindsight it is obvious that it is rarely this straightforward. The oversimplified assumptions of this model were based however on a number of preconceptions which it is useful to at least list, in order that we might comprehend the evolution of thinking on policy implementation throughout the twentieth century:

1. Policy conceptualisation, policy development and policy implementation are bounded, separated and sequential;
2. These boundaries exist between policy-making and policy implementation because:
 - a. There is a clear division of labour between policy-makers and policy implementers;
 - b. Policy-makers are capable of stating policies definitively because they can agree on priorities of differing goals;
 - c. Policy implementers possess the technical capability, obedience and the will to carry out the policies as specified by policy-makers.

3. Since both policy-makers and implementers accept the boundaries, the process of implementation unfolds chronologically and sequentially, after policy-making;
4. The decisions that are involved in implementation are non-political and simply technical. Implementers are responsible for carrying out policies in a neutral and rational fashion.

Challenges to the 'classical' model and the emergence of alternative models

There were two major challenges to the 'classical' model that prompted further examination of policy implementation and its place in the policy process:

1. LINDBLOM (1959:79-88) suggested, as part of his "incrementalist model", that many decisions are made through an incremental process of successive decisions, rather than by means of rational choice – what he termed 'muddling through';
2. Additional studies, most notably APPLEBY (1949), suggested that the process of policy implementation was more complex than the "classical" model suggests.

Coherent alternative models of policy implementation did not appear until the 1970s in an attempt to define what HARGROVE (1975) called the 'missing link' of social policy – the policy implementation process.

The first major study was that of PRESSMAN & WILDAVSKY (1973). They presented a case study with a series of prescriptive warnings rather than a theoretical model for policy implementation. Their work was, however, so central to the

emerging field of implementation studies at the time that it marks a logical starting point for any further review of relevant literature on policy implementation.

PRESSMAN & WILDAVSKY (1973:xiii) made five salient points about implementation that called for integration of policy implementation with policy conceptualisation and development. Those five points can be paraphrased as follows:

1. Do not divorce policy implementation from the rest of the policy process. They are not separate processes;
2. Policy-makers must consider how policy can be successfully implemented, and not leave that for policy implementers to discover;
3. Consider carefully and ensure comprehension of the underlying theoretical justification for policy decisions;
4. Ensure continuity of leadership;
5. Keep it simple.

Two years later, VAN METER & VAN HORN (1975:447) defined policy implementation as “those actions by public and private individuals that are directed at the achievement of objectives set forth in prior policy decisions”. They too conceived of implementation as a multi-directional process mandated by prior policy decisions. Their particular contribution to thinking on implementation was to use organisation theory to influence conceptions of the policy process.

BARDACH (1977) focused even more closely on the role of the implementers in the policy process. In his book *The Implementation Game*, he used a metaphor of ‘games’ to conceive of the policy implementation stage. This allowed him to focus

on the conditions under which implementation can succeed and how different strategies adopted by implementers influence outcomes. BARDACH seeks to be prescriptive, to show how to implement policy better. His two principal arguments are that policy-makers and implementers should work together to set realistic policy goals reflecting current knowledge and understanding and plan for inevitable implementation difficulties.

An article by REIN & RABINOVITZ (1978) completed the move away from the 'classical' model of policy implementation. They defined implementation as "a declaration of government preferences mediated by a number of actors who create a circular process characterised by reciprocal power relations and negotiations" and that the process itself is restricted by three imperatives:

1. The legal imperative – the need to do what is legally required;
2. The rational-bureaucratic imperative – to do what is morally, practically and politically possible;
3. The consensual imperative – to do what will ensure consensus and support.

Modelling of the implementation stage then moved on, in response to these critiques of the 'classical' model. NAKAMURA & SMALLWOOD (1980), GRINDLE & THOMAS (1991) and BRINKERHOFF (1996) recognised that these critiques did not provide actual models of policy implementation.

GRINDLE & THOMAS (1991) argued that divorce between the policy conceptualisation and development stages and the implementation stage in a linear model of policy process hinders policies when they are actually implemented. They

suggest that the linear model fails to recognise the complexities of the implementation stage in the policy process and that consequently policy implementation deficit² occurs, resulting in actual policy outcomes being different from the intended policy outcomes.

For GRINDLE & THOMAS (1991) the role of implementation in the policy process is substantially different from the one conceived of in the linear model. Policy implementation is seen as an ongoing, non-linear process that must be managed. They argue that for successful implementation to occur, there must be consensus building, participation of policy-makers and those with vested interests (“stakeholders”), conflict resolution, compromise, contingency planning, resource mobilisation and adaptation.

Recognition of this led GRINDLE & THOMAS (1991) to develop the ‘interactive model’. They proposed that the process of policy-making is interactive, not linear, and therefore implementation of a policy conceived and developed in a linear way is virtually impossible. Unlike the linear model, the interactive model views policy design as a reiterative process, in which interested parties can exert pressure for change and improvement at many points.

How these differing models of the policy process help inform and explain the South African land redistribution policy process will be discussed in Section Three of the thesis.

² This term refers to the “policy gap” between intended outcomes and actual outcomes due to a failure of policy implementation.

2.4 The policy context of contemporary land reform

It is important for the purposes of this research to understand the broader policy context in which contemporary land reform policies are developed, implemented and evaluated. The political and economic objectives of rural development in developing areas are the primary influence on the policy context of contemporary land reform programmes (ADAMS, 2000). Rural development must be seen as one aspect of broader 'development' (BURKEY, 1993). For the purposes of this research it is not helpful or necessary to examine the debates regarding the theory and practice of 'development' and many others have written on this (see especially CORBRIDGE, 1995; BROHMAN, 1996). There is only space here for a sketching of the key characteristics of the rural development policy context and how that relates to contemporary land reform.

2.4.1 The contemporary rural development paradigm

The ultimate aim of rural development in a neo-liberal environment is sustained economic growth in order to achieve rural poverty reduction. However, rarely is it sufficiently substantial and sustained to achieve real reductions (SHEPHERD, 2000:211). In unequal societies this is even less likely, and it is in these instances that land reform programmes are often necessary.

SHEPHERD (1998) argues that rural development thinking and practice have witnessed a partial shift in paradigm from a technical focus on quick-fix solutions (like the Green Revolution) to a more holistic and participatory adaptive approach. He suggests that there has also been a shift from a concern with state-driven top-

down development programming to the building of sustainable and often local institutions, and from blueprint project models to learning process approaches.

A significant aspect to this shift was the reduced role of the state and concomitantly increased role of other actors, particularly those representing civil society (such as NGOs), collective institutions and the private sector (SHEPHERD, 2000:212). The role of the state has increasingly been seen by practitioners as one of enhancing the functioning of weak markets rather than substituting for them.

An emphasis on economic efficiency, often at the expense of social justice and poverty reduction, in macro-economic management and public sector reform, and the organisational restructuring which accompanied trade liberalisation, meant that questions about whether policies and organisations did or could benefit the poor were not asked. These questions are now being asked, but practice is often way behind, with rural poverty reduction rarely being the starting point for land reform programmes, or the sole desired outcome (SHEPHERD, 1998).

As SHEPHERD (2000:212) shows, the “efficiency issues themselves were sufficiently absorbing and the skills brought to bear almost entirely managerial that developmental issues were neglected”. Efficiency was linked to commercialisation, privatisation and the unbundling of state functions. The opportunities for this are lower in poor rural areas where cost recovery is often less feasible, where organisational capacity is lower, where the private sector is weaker and thus less able to handle functions abandoned by the state.

More recently the neo-liberal paradigm has shifted towards a greater recognition that, while state withdrawal was the easy part, the state now had to play more complex and difficult roles of enabling, regulating and facilitating networks and partnerships (SHEPHERD, 1998). BATLEY & LARBI (1999) suggest that the capacity of the state in developing nations to do this has been overestimated. As a result, attention has been focused on broadening the agenda from one just concerned with getting the macro-economic and political conditions 'right' towards one also concerned with human and social development through mechanisms such as social security and safety nets.

As a result the practice of rural development projects has moved to participatory approaches with an emphasis on social analysis and indigenous knowledge and local-level institutional development in collaboration with NGOs. This is what might be described as the 'third way' in rural development; the coming together of state and civil society, bringing competing knowledge systems that can then co-evolve and institutional relationship-building and new financial procedures, that in theory at least could deliver sustained rural poverty reductions (see GIDDENS, 1998, 2000). It is out of this most recent shift that a new liking amongst policy-makers and practitioners for land reform has emerged, particularly where reform programmes contain a redistributive element (ADAMS, 2000).

As SHEPHERD (2000:213) shows, "the wider development debate of which rural development is a part has moved to a focus on getting the enabling conditions right rather than the specifics of the interventions themselves". In practice this means the

state investing in infrastructure and basic services rather than attempting to direct development and substitute for markets.

SHEPHERD (1998) argues that the role of the state and civil society institutions in 'paving the way' for markets to operate effectively has not been adequately recognised. He suggests that this is not simply a case of infrastructure or the generation and management of demand, but also of understanding situations in which markets operate so that social objectives can be met.

2.5 Modelling the policy process

Throughout this thesis, the policy process is conceived of as three inter-related stages: policy conceptualisation, policy development and policy implementation. As is evident from the review of the stages above, within each of these stages, a series of different steps exist, varying according to the specific nature of policy and the policy context.

This review indicates that a theoretically ideal policy process would have the following characteristics:

- A policy conceptualisation stage in which the guiding principles and long-term objectives of policy are identified;
- An assumption that policy will not be developed until policy-makers have as good an understanding as possible of the policy context, including how those guiding principles both co-exist happily and conflict;
- Knowledge gathering and analysis to ensure that policy solutions are appropriate and viable for the problems that the policy is seeking to resolve;

- Sufficient thought is paid to the implementation of policy in the design of policy at the policy development stage;
- The use of appropriate policy mechanisms for delivering policy to beneficiaries;
- Use of pilot programmes to test policies before full implementation begins;
- Constant review of policies during implementation and delivery through a reiterative feedback and policy-learning loop to continually enhance policy.

By identifying these ideal policy process characteristics, it is possible to develop a model of a theoretically ideal policy process, as shown in Figure 2.1 overleaf. This in turn provides a model against which to compare the actual policy processes that have occurred in contemporary South African land redistribution policy. Through such a comparison it will be possible to identify the extent to which policy success or failure is a result of poor implementation due to other factors, or the result of a flawed policy process.

This model shows how the three different stages of the policy process would ideally interrelate, and indicates that, ideally, the policy process would have a reiterative loop built in. A reiterative loop enables policy-makers to revise and improve a policy over time as better information and increased understanding are gained over time. It is during a time of evaluation of policy that such reiteration would primarily happen.

Ideally the **policy conceptualisation** stage would be influenced by a good understanding of the policy context, the desired outcomes of policy and the guiding principles of the policy. This would ensure that policy was developed in an appropriately realistic way, such that it was able to achieve its aims. The **policy**

development stage would then be shaped and determined by the policy conceptualisation that had occurred. Policy implementation would occur once policy was fully developed and approved. The model also indicates that policy reiteration should occur following a period of policy implementation. This would involve a review of policy not just at the policy development stage, but also at the policy conceptualisation stage.

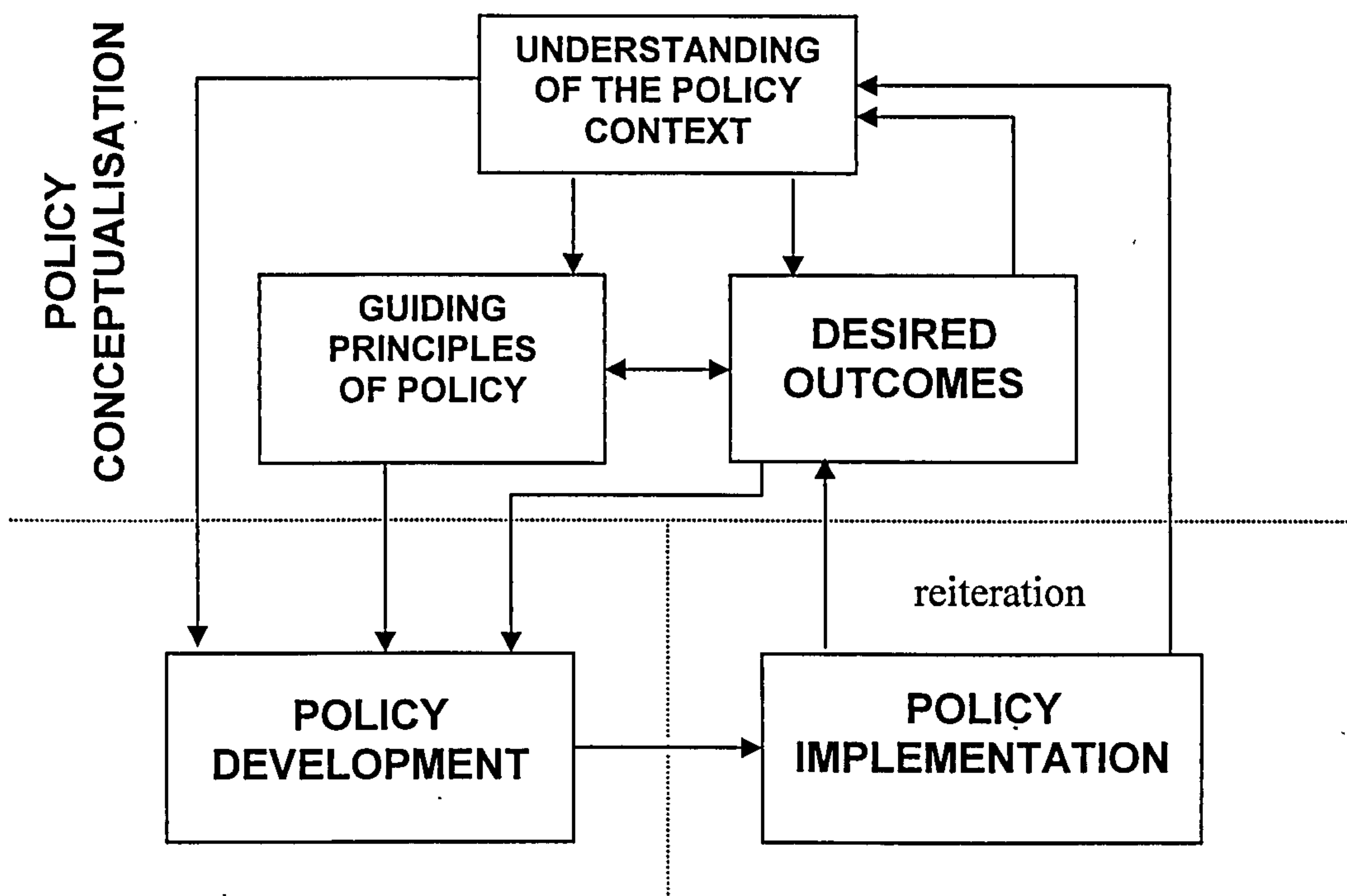


Figure 2.1 Model of a Theoretically Ideal Policy Process

This model will be referred to again in Chapter Eight, where it is used as a means of examining the South African land reform policy process.

2.6 The policy process and contemporary land reform: the issues

Having examined both the policy process in theoretical terms, and the context for land reform policies, it is important to establish an understanding of the nature of contemporary land reform policy processes. With this understanding, it will be

possible to critically analyse the South African land reform policy process. It is suggested here that there are three important issues in contemporary land reform policy processes that need to be recognised.

Firstly, the complexity of the policy context of contemporary land reform programmes must not be underestimated. As noted above, the rural development agenda has changed considerably in the last decade to reflect wider changes in approaches to 'development'. As a result, the policy context in which land reform policies are conceived, developed and then implemented has become more complex.

Land reform programmes are not now the primary solution to problems of rural poverty and social injustice, but rather just one component of a broader and more integrated approach to 'development'. Consequently, it is more difficult for policy-makers to accurately understand the context in which a land reform policy would be implemented. This in turn has an effect on the way in which a land reform policy is conceived and ultimately developed. There is an increased risk now that land reform policies will be difficult to implement successfully because they are not based on a sufficiently good understanding of the broader policy context.

Secondly, approaches to policy-making are contested. One of the effects of the shift away from a technocratic, state-led, top-down approach to policy-making, toward a partnership between state and civil society, is that the number of stakeholders and actors involved in the policy process increases. It becomes more difficult to reach consensus on the appropriate conceptualisation and development of a land reform policy. Many policy-makers from civil society, particularly academics and non-

governmental organisations (NGOs), have a different set of priorities from the state. Typically the state is primarily concerned with the guiding principles of economic efficiency and poverty reduction, often at the expense of, or at least before, the guiding principles of equity, opportunity and social justice. Policy-makers from civil society tend to be primarily concerned with these principles and poverty reduction.

Given these priorities, policy-makers inside government are now generally more likely to adopt a cautious, economically viable approach to land reform policy, whilst policy-makers from outside government are generally more likely to argue for rapid and more radical changes. These issues have implications both for the policy conceptualisation and the policy development stage. At the policy conceptualisation stage, differences of opinion will surface regarding the most appropriate approaches to land reform to adopt, what aims to aspire to, what guiding principles should be adopted, and what the primary focus should be. At the policy development stage, the mechanisms for actually delivering land reform will be contested, reflecting differing opinions over how best to achieve the broader rural development aims, and the differing perceptions of the role of land reform in that process.

Thirdly, given that they are not easily compatible, the challenge of fulfilling the guiding principles of contemporary land reform is great. There is usually, at some point in the policy process, an inevitable trade-off between the different guiding principles of contemporary land reform. Prior to the resurgence of interest in land reform during the 1990s (see Chapter Three), land reform had been seen as a means of achieving a wide redistribution of both resources and power, and as such was motivated by one or two complementary guiding principles.

Contemporary land reform seeks to fulfil a number of broad and admirable objectives, which cannot all be met at the same time. For instance, social justice will not always be achieved by ensuring economic efficiency in rural areas. Policy-makers of contemporary land reform policies face the task of seeking to develop a policy that once implemented can simultaneously fulfil a range of broad guiding principles. The policy development stage is in danger of being made impotent by this challenge, since it must moderate any policy initiatives in an attempt to make them sufficiently all encompassing of these principles.

In the later examination of the contemporary South African land reform policy process, some or all of these three issues are likely to be noticeable to some degree or another. Whilst Figure 2.1 models an apparently simple policy process, the nature of the role of land reform in contemporary rural development programmes means that in reality the policy process is anything but simple.

Chapter Three now provides a review of land reform literature, identifying the issues pertinent to this study with regard to land reform policy processes.

Chapter 3

Examination of contemporary land reform programmes

“Land reform is... a highly politicised issue, programmes are likely to be driven by political expediency rather than sustainable principles.”

WHITESIDE (1998:128)

3.1 Introduction

This chapter reviews the various aspects of land reform necessary for contextualising this study of South African land redistribution policy and identifying the issues of importance for any examination of land reform programmes. It provides an analysis of the role of contemporary land reform programmes and identifies different approaches to land reform policy.

The chapter is divided into five sections. The first section identifies why and how contemporary land reform programmes are important for achieving ‘development’.¹

The second section then provides an overview of contemporary land reform programmes, examining the history of land reform since the Second World War, identifying its defining characteristics and its varying purposes. The third section reviews differing policy approaches to land reform. The fourth section then identifies common tensions in land reform policy processes that effect how land reform policies work in practice. Finally, the last section identifies the issues pertinent to this study needing further examination and analysis.

3.2 Contemporary land reform programmes and ‘development’

Land reform plays an important role in contemporary ‘development’ in two principal ways. Firstly, it is often a principal mechanism in rural development programmes

¹ The term “development” is used here to refer to the economic, social and political development of a nation state in the developing world (see BROHMAN, 1996; CORBRIDGE, 1995).

seeking to resolve persistent economic problems and rural poverty. Secondly, it enables a radical redistribution of property rights and rural resources that is often a political objective of development.

3.2.1 As a means of achieving rural development

Rural development programmes often contain a land reform component as one of a number of policy solutions to the problem of pervasive rural poverty. Many rural areas in developing nations can be characterised as having low productivity, an under-utilisation of land resources in some areas, and an over-intensive use in other areas, particularly on marginal lands that are husbanded by excessive numbers of poor subsistence farmers.

Such inequalities come about in a number of ways. The process of economic development can itself lead to cumulative concentration of resources both geographically and socially. Land is no exception to this, and many countries have witnessed a concentration of land distribution through patronage or deliberate policy that has resulted in the development of a feudal or quasi-feudal system characterised by a two-class society in its simplest form, with peasants subjugated to dominant landowners.

De JANVRY, McCARTHY & SADOULET (1998) argue that the leading causes of rural poverty are the lack of sufficient access to land and the low productivity of land. SEN (1981) proposes an “entitlements failure” approach to rationalise the persistence of rural poverty. The approach argues that hunger is a direct function of a problem of access to a sustainable resource supply, which itself is determined by entitlements.

Access to food is at least partly determined, then, by a person's access to various types of capital, including land.

It has long been recognised by economists that poor macro-economic performance is linked to inequitable distributions of wealth and resources. One of the best ways to achieve poverty reduction is through reform of prevailing property rights systems. The often highly skewed distribution of land in developing world areas is the most logical place to begin, since land and property are important elements in household livelihood strategies. Countries with a high Gini coefficient usually have highly skewed land distribution and ownership. South Africa has one of the highest at 58.4. Brazil has an index of 60.1, Guatemala has an index of 59.6, Kenya has an index of 57.5, Colombia has an index of 57.2, Zimbabwe has an index of 56.8 and Chile has an index of 56.5 (see WORLD BANK, 1998). The UK gini coefficient is currently 35.1 (see www.ukonline.gov.uk).

3.2.2 As a means of achieving political objectives

The main political arguments for land reform are often couched in terms of social equity or of economic necessity. For example, BARRACLOUGH (1999) argues that if land reform can provide secure and equitable rights to productive land for the rural poor then it should be a high priority for a state committed to socially and environmentally sustainable development.

PUTZEL (1992) emphasises the political dimension of land reform and defines the political issues of concern to a programme of land reform:

- The inequitable distribution of property rights which result in increasing landlessness amongst the rural population;
- Persistent denial of traditional (and often unrecorded) rights of indigenous peoples
- Monopolies in land, labour and capital markets;
- Financial and bureaucratic inefficiencies and corruption in state institutions;
- Foreign participation in, and influence over, the agricultural economy;
- The role of foreign donors and former colonial powers.

On the economic side, social justice is linked to questions of employment, income distribution, efficiency and the size of the domestic market (ELLIS, 1992:199). On the political side, social justice seeks increased social equality. This ambition lies at the heart of the democratic transition in South Africa. Social justice has a force of its own because it portrays the accepted norms of society (ELLIS, 1992:199). It reflects what is regarded as offensive and unacceptable, which in turn may affect political and economic support nationally and internationally.

3.3 Defining land reform

Since land reform comes in many forms, defining it is not easy. Land reform is essentially a state initiative to modify, redirect or change rights, usage and relations on land, usually in rural areas (MARCUS et al, 1996: 179).

Land reform occurs with a range of differing objectives and in a range of differing contexts. Drawing on the theoretical and comparative land reform literature it is possible to identify common characteristics and objectives, and provide a definition

suitable for the purposes of this research. Before examining that literature, it is helpful to first offer a brief review of the history of land reform, which will also provide a necessary context and perspective for both subsequent sections in this chapter and the research itself.

3.3.1 A history of land reform

The spread of land reform

A significant number of diverse countries have engaged in programs of land reform during the course of the twentieth century and in a variety of political systems. The tradition in post-war decolonisation programs has been to favour land reform, where the struggle has been to wrest ownership of land away from a small class of landowners who employed landless workers under a variety of institutional arrangements (BROMLEY, 1995:99).

Land reform as an instrument in development policies was popular in the 1960s and 1970s, at a time when development theory saw traditional land tenure systems as the root cause of political instability, social injustice and economic stagnation. Until the beginning of the 1970s, the attention of land reformers was almost exclusively focused on Latin America and Asia, while Africa was commonly considered ‘a special case’ thanks to its abundant land endowments and to the flexibility of its indigenous land tenure institutions (PLATTEAU, 1996:29).

Land reform after the Second World War

Initial interest in land reform in development circles was stimulated by the positive experience with land reforms in Japan, Taiwan and South Korea in the wake of

World War II (BRUCE, 1998:82). Each of these reforms had different political impetuses. Japanese land reform was intended to break the power of an economic ruling class, while South Korean reforms aimed to both unseat a Japanese landowner class whilst avoiding draconian measures adopted in North Korea. Taiwan was different again, concerned with providing a secure political base for a regime migrating from China.

These reforms have been the subject of extended evaluation over the years (see DORNER & THIESENHUSEN, 1990). They had four major points in common:

1. They were not democratic reforms but were imposed by governments of occupation for purposes which were as much political as economic;
2. They appropriated land above stated ceilings and transferred the land to small tenants already occupying the land so that resettlement and changes in scale of farm operation were not necessary;
3. They conferred full private ownership on the beneficiaries within a market economy in which full private ownership was well understood;
4. Land reform beneficiaries were required to repay the government for the costs of land acquisition.

There seems to be a consensus that these reforms achieved substantial equity and productivity gains as well as long-term success – the land is still in the hands of beneficiaries who have used it productively (BRUCE, 1998:82).

The East Asian “land-to-the-tiller” programmes are recognised as being the most successful in terms of their holistic nature, their impact on poverty and landlessness,

and their ability to create a class of independent property-owning small farmers. Such programmes arose out of exceptional circumstances of poverty and political change, and it is considered that application of such an approach elsewhere would not reap similar benefits (ADAMS, 2000). Redistributive land reforms in East Asia were related to political processes of independence, which saw the breaking up of landowner estates as opposed to large farms or plantations. As such, redistributive land reform did not require the break up of existing peasant holdings, and often involved simply transferring ownership rights to tenants already occupying and farming the land.

Attempts in the 1960s and 1970s in Egypt, Iraq, Iran and in certain Indian states to engage with land tenancy reform were much less effective. This was due primarily to strong opposition from influential landowners. These cases highlight that land ownership confers political power in agrarian systems, and that land reform policies must engage with that power base and reform that too. More recent attempts to implement 'land-to-the-tiller' reforms in the Philippines have met with similar problems for the same reasons.

Land reform in Latin America

In Latin America, land reform has been driven by the desire to dissolve the 'latifundia' (large estates) that survived from the early Spanish land grants (DORNER, 1992). Revolution in the 1930s in Mexico led to major land reforms, as did revolution in Bolivia in the 1950s. The main land reform period in Latin America however was between 1960 and 1985. In those years Chile, Peru, Venezuela, the Dominican Republic, El Salvador and Nicaragua carried out important land reforms

(THIESENHUSEN, 1989). These reforms took place in an agrarian structure fundamentally different from those in East Asia. The agrarian structure consisted of latifundia, with a paid labour force composed of both landless labourers and peasants with insufficient holdings at the edge of the latifundia.

BRUCE (1998:83) suggests that reformers “confused ‘modernity’ with profitability and overrated economies of scale”. There was great reluctance to break up the large operating units and instead, ‘asentamientos’ (large production co-operatives) became a common post-reform organisation of production (THIESENHUSEN, 1989). Most commentators cite this as the explanation for relative difficulties and mixed results. The poor production performance in many of these reforms, due largely to the difficulties of collective production, increased the vulnerability of the reforms to counter-reform forces. BROWN (1989) concludes however that they should not be seen as failures, but as having played an important transitional role.

Land reform in Africa

Throughout sub-Saharan Africa, land reform programmes have had different aims (BROMLEY, 1995:99). In east and southern Africa, the main political motivation for redistributive land reform has been the repossession of land alienated by European colonialist settlers. The opportunity afforded by land redistribution substantially to raise the economic and social well being of the African population was very much a secondary concern. The kind of land reform which many deem necessary in Sub-Saharan Africa involves a re-definition of the terms and conditions on which land is held rather than a straightforward redistribution of land itself (PLATTEAU, 1996:30).

The first major African programme of redistributive land reform began in Kenya in 1963. The pre-reform situation in Kenya during the 1960s and in Zimbabwe during the 1980s resembled those found in Latin America. Large operating units and white-owned commercial farms posed the same dilemma of whether to subdivide the land into households or experiment with large scales of production (BRUCE, 1998:84).

The Kenyan government opted for sub-division in limited areas of the 'white highlands' and had considerable success. A transfer of freehold land from white farmers to a hierarchy of African large-scale 'yeoman' and peasants occurred. Land acquisition was funded by the government through loans from Britain. Beneficiaries received full private property rights and substantial increases in productivity resulted as beneficiaries adopted more intensive land-use patterns (see BATES, 1983; HAUGERUD, 1983, 1989). Many of the larger farmers defaulted on their loans. By the 1990s, the largely absentee 'commercial' farmers had become a new class of landowners – the initial beneficiaries had been unable successfully to farm their property and had rented out their land to otherwise landless peasants to avoid risking invasion and loss of ownership. The demand for small-scale farms was much less than anticipated (ADAMS, 2000) and allowed for greater redistribution of land to the rural poor.

Zimbabwe has not had such a positive experience of land reform (CHIKUHLWA, 1998). Zimbabwe became independent in 1980, and at that time only a few thousand white farmers possessed over 40% of the land, mostly high-quality agricultural land. The remaining land, of poorer quality, was occupied by around one million

communal households (ADAMS, 2000:27). These gross inequalities in access to land threatened social, economic and political stability and forced reform.

Zimbabwean land reform failed to fully realise the declared policy objectives. BINSWANGER & DEININGER (1993) suggest a number of reasons for this. Failure to recover land purchase costs from beneficiaries stretched government resources for beneficiary support and prohibition of non-agricultural activities by beneficiaries eliminated valuable income sources, a factor that seems to have been important in Kenya (KINSEY, 1983). Only giving beneficiaries user rights rather than full ownership rights further undermined production incentives, prevented a rental market emerging and beneficiaries from getting credit from the formal sector. These factors were compounded by inefficient delivery of inputs by state monopolies interfered with investment by farmers, and inefficient output marketing by parastatals restricted the profitability of farming (MOYO, 2000b).

Accounts of land reform in Zimbabwe tend to underestimate the achievements of the first five years of land reform policy. During this time, large areas of land were transferred from white landowners to blacks. Combined with improved access to markets for maize and cotton, black farmers increased production significantly in communal areas and in resettlement schemes (KINSEY, 1999).

There has been considerable academic attention given to the Zimbabwean land reform experience, particularly recently, in order to draw lessons for South Africa (see ALEXANDER, 1994; von BLANCKENBURG, 1994; CHRISTIANSEN, 1993;

HAZLEWOOD, 1985; KINSEY, 1982, 1983, 1999; MASILELA & WEINER, 1996; MOYO, 2000a, 2000b; PALMER, 1990).

In recent years, the land question in Zimbabwe has become a major political issue, and subsequently a humanitarian issue of great concern to the international community. Robert Mugabe, the Zimbabwean president, has used the unresolved land question to bolster his increasingly dictatorial grip on power in Zimbabwe. A policy of state-led land reform, in the form of 'land grabs', was initiated in 2001 (for detailed accounts of this see KINSEY, 1999; MOYO, 2000a; CHIKUHLWA, 1998).

The land reform experience of Namibia has been similar (see WERNER, 1993, 1999). Namibia has 6,300 freehold, white-owned farms occupying 44% of the land. Land reform proceeded slowly and sporadically, partly because of a scarcity of funds for land acquisition and landowner compensation, and because of inadequate administrative capacity and because of over-optimistic predictions of what was possible and realistic.

Of the major African reforms, only Ethiopia structurally parallels the East Asian reforms. It took place on a base of large estates cultivated as small tenant farms and was essentially a land-to-the-tiller reform. It was accomplished through broad public participation and without much regard for prior property rights, redistributing control of large amounts of land in a relatively short time (ADMASSIE, 1997). It aspired to collective production but in fact only a tiny fraction of redistributed land was ever cultivated collectively and even that was short-lived (BRUCE, 1998:84). The beneficiaries received their land on insecure terms, subject to periodic reallocation by

peasant associations, and this undermined farmer incentives (LANE, 1998). In addition, the agricultural sector was subjected to a set of severely extractive policies, including quotas for production to be marketed through the state, intended to benefit urban consumers but ultimately undermining the profitability and sustainability of agriculture (RAHMATO, 1985).

Decline of support for land reform in the 1980s

The failure of policy-makers to identify the precise linkages between political instability, social injustice and economic stagnation meant that resulting land reform policies were weak and ineffective. In Africa, for example, land reform was perceived to have increased state power and patronage in ways that were considered inconsistent with traditional land reform objectives; namely redistribution and/or confirmation of rights in land for the benefit of the poor.

As a result, support for land reform declined in the 1980s due to low levels of success and a general drift of economists and policy-makers towards greater adherence to economic liberalisation (ATKINS, 1988:935). Land reform, once regarded as a key component of development strategies, became the victim of shifting intellectual fashion. The intellectual shift, however, occurred by default rather than intent, with little or no analysis of the failure of theory underlying land reform programmes.

Revived interest in land reform in the 1990s

The collapse of communism in the late 1980s and early 1990s brought fresh interest to land reform, particularly with de-collectivisation and privatisation in the post-

socialist economies bringing a new dimension to the potential of land reform.² Attitudes became less polarised as capitalism came to dominate global economic thinking (ADAMS, 2000:115). Despite these changes, the appearance of land policy matters in structural adjustment policies remained quite modest, considering the high sensitivity of African governments to land issues and the huge complexity of these issues (PLATTEAU, 1992 & 1996:29-30).

The mid- to late-1990s saw the rise of new “market-led” programmes of land reform, which, heavily encouraged by the World Bank, seek to implement successful land redistribution and land tenure reforms by means of land markets and legal reforms, without need for direct state intervention. By the new millennium, Zimbabwe, South Africa and Namibia were all engaged in land reform programmes that aimed to redistribute arable land originally seized from indigenous people by colonial settlers.

In South America, Australia and New Zealand, indigenous people were working to re-establish land rights over land expropriated by plantation owners and ranchers (see MEYERS & MUGAMBWA, 1993; McDONALD, 1994; HILL, 1995). Land reform is also being carried out in Scotland. The origins of Scottish land reform are rooted in the 19th century when the same concerns about social justice, equity and poverty prevailed, just as they do in post-colonial Africa and South America today (MACMILLAN, 1999:49).

MANJI (2001:327) suggests “as the 1990s came to an end, the land reform debates which characterised that decade in Sub-Saharan Africa gave way to increased

² See SWINNEN et al. (1997) for a good overview of post-socialist land reform programmes.

attention to the implementation of recently acquired land laws". Tanzania, Uganda, Namibia, Malawi, Mozambique and South Africa have all seen concerns for implementing new land legislation increase, as decisions over the purpose and direction of land reform have been resolved. PALMER (2000) has pointed out that often actors in the land reform process have been preoccupied with debating and passing new land laws at the expense of working out how best to implement them.

3.3.2 Characteristics of land reform

Land reform is concerned with intervention in the prevailing pattern of land ownership, control and usage (WORLD BANK, 1975). KING (1977:5) discusses the problem of clearly defining what is meant by land reform, suggesting "almost any programme that leads to change [in the distribution of land]... might be described as land reform". He makes a distinction between 'land reform' and 'agrarian reform'. Often in literature and practice these two terms are used interchangeably. Both are concerned with changing the existing character of land ownership and redistributing wealth, income and productive capacity more equitably.

However, there are important differences in the methods used to achieve these aims, and it is important to acknowledge that they are two different things. Land reform is concerned with reforming systems of, or redistributing, property rights in land, whilst agrarian reform makes changes to agricultural methods and systems. This thesis is concerned with land reform.

However, it should be noted that, as DRIMIE (2000: 27) suggests, "the intention of agrarian reform has been for the state to move beyond land redistribution and tenure

reform and for support for other rural development measures to be implemented... the cause of rural reform will not be helped if land reform is overemphasised at the expense of other rural development programmes that would benefit a larger number of rural residents”.

Land reform programmes are often classified according to their principal purpose. Some reforms focus on altering the terms on which landholding occurs whilst others seek a redistribution of land. Land reform programmes are concerned with restructuring or replacing an existing system of property rights, and involve changes to prevailing economic and social hierarchies. They may also require a suspension, usually temporarily, of market operation in order that exchanges can occur and property rights can be adjusted (ATKINS, 1988:936).

All land reform programmes are to differing extents political projects. In many developing countries the primary objective has been the bringing to an end exploitation of a rural peasantry by a landowning class by abolishing feudal or colonial forms of landownership. In these instances the beneficiaries are tenants, farm workers and other usually disadvantaged groups whose rights to land are legally insecure because they use and/or occupy land owned by other persons or the state.

Elsewhere, the political agenda has been the redistribution of land as an asset, such that the distribution of property rights is more equitable and socially just. This may be a reversal of a previous political agenda that sought an inequitable distribution of land, or simply a redistribution to avoid further inequitable distribution.

KING (1977) suggests that demands for land reform are likely to develop when ideas of social justice change quicker than the rate at which economic development creates opportunities for parallel advances in income and social status. This may be the case even in the presence of rapid overall economic growth and if population increases prevent a decline in the absolute number of the agricultural population.

The degree and speed of state intervention determine the extent to which land reforms are perceived as evolutionary or revolutionary. As ADAMS (2000:4) points out, “some [commentators] insist that a slow process of mutual readjustment of property rights is not land reform”. Those who favour a more radical reform approach are often reacting to prevailing western thought and historical tradition which see private property rights as something to be protected at all costs.

3.3.3 Purposes of land reform

Despite a wealth of past and present experience of land reform, it is difficult to define a common set of purposes or to establish a common set of experiences upon which to inform contemporary or proposed policies. KING (1977) suggests there are three main reasons for governments engaging in a programme of land reform. First, there is a philosophical argument in favour of land reform as a means of achieving social equity, based on the ethical-moral premise that inequality and exploitation are bad.

Secondly, land reform has been viewed by governments as a useful political and economic mechanism for achieving broader political goals of social and redistributive justice. A third reason, popular in less developed nations, is that land reform can

bring about radical change to prevailing systems of land ownership resulting in greater opportunity and better conditions for economic development.

In many countries, land reform has arisen as a result of acute rural poverty, and thus as part of a broader programme of rural development. Most land reforms occur in places where great disparities in wealth, income, opportunity and thus power exist in rural areas and in agriculture. Proposals for land reform generally assume that those disparities act as brakes on development and social justice, depriving both the rich and the poor of any incentive to work for higher productivity or greater social welfare (EL-GHONEMY, 1990).

Elsewhere land reform has been a highly political issue, motivated by a radical set of political objectives or an historical sense of injustice (MACMILLAN, 2000:49). In many of the African countries that went through radical political changes in their transition to independence, land reform played a key role with the aim of ensuring an equitable and just redistribution of wealth and resources.

This third argument prevailed during the 1970s and thereafter, when land reform was more “strongly argued on economic grounds, either for the benefit of the individual farmer, or as part of an overall development policy” (KING, 1977:3). KING argues that this third argument developed following the identification by the United Nations in 1951 of land tenure insecurity as an obstacle to economic development. This position effectively added an economic objective to egalitarian motives already associated with land reform programmes.

3.4 Policy approaches to land reform

Most programmes of land reform seek to combine multiple objectives in varying orders of priority, stressing, with varying degrees of emphasis, the guiding principles of land reform: equity; opportunity; economic efficiency; social justice and poverty reduction, as discussed in Chapter One. It is important to note that in most land reform programmes these objectives are inextricably interrelated and not always complementary since sometimes the fulfilment of one may restrict another. The achievement of each one of these principles is rarely absolute, rather a matter of degree, since each objective inevitably acts as a constraint on the others. Policy-making is not, therefore, a simple matter of arranging objectives in a logical order of priority, but a matter of deciding how to achieve an optimum combination of these objectives. KING (1977:12) points out “economic and social objectives... must be welded together in the land reform approach to development”.

3.4.1 Different policy approaches to land reform

There are a number of different policy approaches to land reform, and most land reform programmes embrace a number of them. KING (1977) has argued that there are two main types of land reform: land tenure reform and land redistribution. He defines land redistribution as “a forceful type of public action designed directly to reduce the political, social and economic power of established landowners” (1977:6).

More recently, ADAMS (2000) has argued that land reform is now generally considered to have three principal forms: the redistribution of land to the rural poor, the restitution of land to rural communities, and confirmation and securing of rights to land for the benefit of the rural poor through land tenure reforms. Land restitution

is a relatively recent policy form of land reform developed in response to land claims made by previously dispossessed peoples in ex-colonial nations.

In order to tackle rural poverty, both land tenure reform and land redistribution should complement each other. QUAN (1997:9) has stressed that land redistribution is no substitute for wider poverty alleviating programmes within crowded communal areas, which may include tenure reform. ADAMS et al (1999:2) emphasise that measures to tackle insecurity in land should not be substituted for land redistribution, but rather a complementary measure by which tenure reform can be linked to the acquisition and settlement of neighbouring private land.

Since the principal focus of this research is on land redistribution as a type of land reform policy, land tenure reform and land restitution are not examined further in this thesis. For more on both these policy forms see ADAMS (2000).

3.4.2 Land redistribution

Land redistribution involves, through differing mechanisms, the moving of rights to land from an owner (usually more wealthy) to the rural poor and landless in order to obtain a more equitable and wider distribution of property and income, and thus of power, in rural areas. It inevitably involves some form of intervention by the state in the land market and in legislative procedures to one degree or another.

Land redistribution has broad and important economic and social appeal. However, despite convincing arguments in favour of land redistribution for social and/or

economic reasons, actual redistribution programmes in the past have more often than not arisen out of political necessity in the first instance.

Contemporary land redistribution policies are usually market-led and can come in many forms (see ADAMS, 2000). Market-led policies tend to be initiated for any number of social, economic and political reasons, but ultimately are concerned with creating new property rights structures or restructuring existing structures in order to generate more equitable patterns of landholding. Market-led land redistribution aims to reduce the imperfections in existing land markets that make it difficult for aspiring small farmers to viably establish productive small farms and to avoid the high costs associated with direct state intervention in the land market.

The Food and Agriculture Organisation (FAO) suggests that market-led land reforms have currently become “the ultimate distributor of land and land rights” (HERRERA et al, 1997: 58) as they aim to reduce the high costs associated with direct state intervention in the land market. Market-led reforms entail the government, rather than transferring or expropriating land, playing a more limited role of merely providing grants to beneficiaries wanting to buy land, who themselves select the land and negotiate prices with any willing sellers (DEININGER, 1999).

Sometimes land redistribution programmes require direct intervention by the state, often by restrictions on or control of the land market (ADAMS, 2000). This could be in the form of nationalisation and collectivisation, in which the state takes control of all the land on behalf of the nation, and then redistributes it equitably. More usual in redistribution policies is the expropriation of land by the state, with or without

appropriate compensation. Expropriation occurs in a number of ways and can include the expropriation of land parcels which are under-utilised or owned by absentee landlords, the expropriation of land holdings over a specified size, and the use of land taxes and 'estate duty laws' which operate more sporadically and over longer periods of time to slowly adjust the distribution of land.

For market-led land redistribution to succeed, there also needs to be a high level of organisation amongst rural communities and between those communities and local and national government and the NGOs in order that a healthy, democratic balance of power prevails, allowing for growth and development. ADAMS (2000:29) points out that "NGOs are very often the 'foot soldiers' of land reform", since they are a force before transition for exposing social injustice, and then after transition assist in delivering services to land reform beneficiaries. Often however, after transition, they lose members to the land reform bureaucracy that reduces the chances of effective local-level participation. Those who seek to see good governance and transparent government argue for a broader role for NGOs as active participants in policy dialogue and decision-making.

3.5 The issues affecting success in contemporary land reform policies

It is evident from the review in this chapter that contemporary land reform in practice is complex and contested, and expressed in a number of different policy types. In examining South African land redistribution policy, it is necessary to gauge it against criteria that reflect the theoretical ideals for land reform policies, based on the guiding principles of land reform discussed in Chapter One.

A number of important questions need to be asked of any type of land reform policy in order to assess the extent to which it can be considered both appropriate for the policy context and successful in delivering the specific policy aims. The following questions are drawn from the issues identified in this chapter and will be used in Chapters Eight and Nine of the analysis section to help examine the extent to which a flawed policy process (as opposed to poor policy implementation) is a factor in explaining the failure of South African land redistribution policy to deliver its intended aims.

1. What is the purpose of the land reform policy ?
2. Has that purpose been achieved ?
3. Were appropriate policy objectives established given the context for the programme ?
4. Was the policy designed using appropriate policy mechanisms ?
5. Does the policy meet the needs of the intended beneficiaries ?
6. Does the policy fulfil the aims defined by the guiding principles ?

The empirical section of the thesis now follows, beginning in Chapter Four with an overview of the South African land reform programme, to provide necessary context and understanding for the rest of this thesis.

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Chapter 5

Methodology: examining the policy process

“When, as so often in journeys to the Third World, we move towards the top of a social hierarchy in a society that we do not well understand, the results can be problematic.”

SIDAWAY (1992)

5.1 Introduction

This chapter explains the research methodology, particularly that pertaining to the empirical elements of this thesis. The first section outlines the research methodology used and how it was developed. It also summarises the three field visits that were made to South Africa for the purposes of empirical research. The second section then focuses on the way in which the interviews were conducted during fieldwork, identifying how interviewees were chosen, how the interviews were conducted and how the data gathered were used in the development of the argument of the thesis. The last section considers issues and observation related to the research process relevant to this thesis.

5.2 Research methodology

5.2.1 The initial research phase

The first 12 months of the research period were spent engaging in extensive reading and discussions with my two supervisors in order to establish the focus of the thesis and to finalise the development of the research aims to be pursued

As part of this initial research phase, literature reviews were produced in a number of contextual areas. These formed the basis of Chapters 1-4 of the thesis as follows:

- the theoretical foundations and guiding principles of land reform (Chapter One);
- the policy process and the policy context of contemporary land reform (Chapter Two);

- contemporary land reform programmes (Chapter Three);
- the South African land reform programme (Chapter Four);

From this literature review and a series of working papers that examined these different areas, the central argument of the thesis was developed and clarified, as defined in the Introduction. This process helped define the research aims of the thesis:

1. to examine the policy process of contemporary land reform policies, using South African land redistribution policy as a case study;
2. to chart and model the South African policy process and then contrast it with a theoretically ideal policy process (proposed in Chapter Two);
3. to assess the extent to which difficulties in policy implementation result from a flawed policy process to develop a viable and appropriate policy for delivering the aims of policy;
4. to identify the factors that hindered an effective policy process.

Having established the research focus and research aims, an appropriate research and field visit methodology began to be developed. During this time a Postgraduate Certificate in Research Methods was also taken by the researcher. This proved to be helpful preparation and training for the challenge of thesis research, particularly in assisting with the appropriate choice of methodologies for empirical work.

5.2.2 Determining the research approach

A decision was made early on in the research to focus on the South African land redistribution policy, and not to examine either land restitution and land tenure reform. There are a number of reasons for this. Primarily, the land redistribution policy process in South Africa was and is a more conventional policy process and a more conventional type of land reform, making it easier to examine comparatively. Both land restitution and land tenure reform are less conventional forms of land reform, and because of the specific nature of the South African 'land question', highly contested and complex issues, making them less applicable case-studies in relation to the aims of this thesis.

It was also decided at this stage in the research process that the thesis should be focused on examining the South African land redistribution policy process at a national scale, and on exploring specific issues through a number of case studies at provincial and local levels. It was on this basis that three field visits were planned (see LOFLAND & LOFLAND, 1995). However, as explained below, this approach was revised in light of data gathered during the first field visit, with a decision to focus exclusively on examining the policy process at national level and not through case studies as well.

Given the nature of this study and its context, it is important to understand how the data were gathered in order to fully understand the emphases of the data interpretation and conclusions made. The nature of the approach to the first round of empirical research, being in part to uncover further information and in part to identify and understand why policy developed as it did, meant that the research methodology

was organic at times, reflecting the fact that the focus of the study evolved and was refined over time. In order to stay focused on the aims of the thesis, there was a deliberate rationale developed and followed in order to ensure a balanced, systematic and thorough investigation and examination of the core themes of the thesis.

5.2.3 Summary of the three field visits

Field visit #1

The first field visit took place over 7 weeks during October and November 1999. This first visit to South Africa was intended to allow the researcher to become familiar with the policy context of land redistribution in South Africa, and to develop a practical understanding and account of the policy process there.

Based on an analysis of initial data from the first field visit, which was written as a fieldwork report to the research supervisors, and now presented in Chapters Six and Seven, it was decided by the supervisory team and the researcher to alter the research methodology for the thesis. This had implications for subsequent field visits (see DEY, 1993).

This adjustment was for a number of reasons. Many of those interviewed during the first field visit emphasised the need for a study that had a national focus, rather than simply be another study based around case studies which would provide more snapshots of what was happening across South Africa but would not go beyond saying that there are problems at local levels because of a flawed national policy. For example, a thesis completed by Scott Drimie¹ which used a case study of attempts to

¹ See DRIMIE (2000).

redistribute state land in Impendle, Kwa-Zulu Natal, emphasised again that political conflicts over land in Kwa-Zulu Natal, along with a flawed national policy, meant that there had not been any significant transfer of land.

The interviewees in the first field visit emphasised the need for a study that began to explore the role of political issues in the shaping of the policy process. There was a real need for a study to explore what was setting the policy agenda and shaping the policy process, rather than produce more research on why policy was not working at local level. Consequently, it was felt that the most fertile academic ground lay in exploring the national policy process, essentially making South Africa the subject of a case study on what shapes and determines land reform policy-making more generally.

This meant that the methodology for the second field visit in the original research proposal was modified to a methodology more appropriate to an in-depth national evaluation. It was decided to adopt the same methodological approach as that used during the first field visit – a series of semi-structured interviews - in order that the understanding gained during the first visit could be built upon and deepened.

Field visit #2

The focus of the second field visit was thus to use semi-structured interviews to focus more squarely on issues of national policy. The visit aimed to establish in greater detail how and why the national policy process had evolved as it did, and to account for and explain the most recent changes to policy that had occurred since the first field visit.

A second focus of this second visit was to examine the changes to land redistribution policy that had been made earlier that year. This was so that two of the research aims in particular could be more comprehensively addressed. They are:

- to chart and model the South African policy process and then contrast it with a theoretically ideal policy process;
- to assess the extent to which policy implementation difficulties result from a failure to develop a viable and appropriate policy for delivering the aims of policy at the policy development stage in the policy process

This second field visit was scheduled to occur at some point between January and June 2000. This was delayed due to the changes occurring in South African land redistribution policy outlined in Chapter Four. It was decided that it would be of more value to wait until those developments had occurred so that field research into that process of change could be conducted to best effect.

This proved to be appropriate, with the second visit occurring when the new policy replacement for the original land redistribution sub-programme was being put together, and many of the original Department of Land Affairs (DLA) policy-making staff were finding themselves excluded from the policy process (and in some cases, out of a job), and thus willing to speak honestly and openly about the new phase of policy-making. The interviewees were able to provide thoughts on this second part of the policy process as they perceived and understood it. The interviews conducted were invaluable in acquiring an understanding of the policy changes occurring at this time.

It would seem that a United Kingdom research student was perceived to be a 'safe' person to speak to during this period. Given that English is the language of policy-making, my ability to communicate with the key people regardless of their first language was also a tremendous benefit.

During this visit, considerable time was also spent collecting documents, papers, reports and newspaper articles pertinent to developments that had occurred since the first visit. Access was given to the extensive resource rooms in the Department of Land Affairs, Pretoria, and the Provincial Department of Land Affairs, Pietermaritzburg. All those interviewed also provided copies of reports and papers from the organisations that they represented. This documentary work was used primarily to develop a comprehensive account of the South African land redistribution policy process (presented in Chapters Four and Six).

Field Visit #3

The third field visit took place in March 2001, and lasted 20 days. The entirety of this visit was spent in Pretoria. This final visit was designed to afford an opportunity to consolidate evidence previously gathered and to gain greater clarity courtesy of second interviews, with those interviewed who were particularly significant and/or helpful. The focus was on developing an accurate and full account of the policy process, taking into account policy development changes. It was also an opportunity to plug 'information gaps'. I made the most of in-depth interviews, discussions and over-dinner conversations to occur with some of the most helpful contacts from previous visits.

This visit also allowed for time to conduct further gathering of secondary sources, particularly papers and reports from the DLA and the NDA department offices. It also proved very helpful in developing a solid understanding of the real issues, consolidating evidence and information previously gathered, and provided several good opportunities to explore pertinent issues with others.

5.3 Interviewing policy-makers

5.3.1 How the interviewees were chosen

A significant element in the development of a viable field methodology involved identifying and then making contact with relevant and significant policy-makers involved in contemporary South African land redistribution policy. Chapter Two identifies what is meant by the term “policy-makers”. It is important to understand why certain people were considered appropriate or significant people to be interviewed during fieldwork.

As discussed in the Introduction, preparatory study and writing led to the recognition that a four-way classification of policy-makers developed by VAN NIEKERK et al. (1999) was helpful in identifying who these policy-makers were in South Africa at the time. The process of developing the classification began by recognising an initial divide between those inside government and those outside (HANEKOM, 1996). The second of those was then broken down into three further groups (VAN NIEKERK et al., 1999), resulting in a four-way classification as follows:

1. inside government
2. outside government - political parties
3. outside government - interest groups

4. outside government - social sectors

This classification provided a helpful framework for deciding which policy-makers to contact and attempt to interview. As an understanding of the role of the various actors involved in policy-making grew, I was able to relate them to their place in the policy process more specifically through use of this framework.

Over time, this approach helped me not only identify the place of individuals in the larger policy-making context, but also the nature of the relationships between different actors, different types of policy-makers and the ways in which they sought to interact and influence the on-going debates about policy effectiveness and improvement.

It became clear that to fully understand the policy process it would be helpful to interview policy-makers from across the four classifications. This was particularly vital for the first field visit that had the specific intention of seeking to fully understanding the policy process and its context. Using this classification proved a logical and fruitful approach, and many of those contacted in the initial stages of preparation for the first field visit were able to suggest others that the researcher was either unaware of, or had not fully appreciated the significance of.

Choosing interviewees for field visit #1

For the first field visit, key actors and stakeholders from a variety of fields within the land reform arena were identified: NGOs concerned with land reform issues, academics, research consultants, and government institutions. Approximately 25

potential contacts were written to in June 1999 asking if they would be willing to assist the researcher in this early research work. Fifteen of those approached replied with offers of assistance. All agreed to an initial meeting of 1 to 1½ hours.

Figure 5.1 shows how those interviewed during the first field visit are classified using the four-way classification. It is significant for an understanding of the low political priority of rural land reform to note that none of the policy-makers identified fell into the classification of “outside government”. This reflects the dominance of the ruling African National Congress (ANC) and the relative weakness of other political parties in South Africa at the time.

Choosing interviewees for field visit #2

One of the characteristics of the policy process and context that had become more apparent during and after the first field visit was the dynamic and evolving nature of the policy process and the changing political and socio-economic context in which it was operating. One of the implications of this was that identifying who to interview and spend time with during the second field visit was important. Advice was taken from those with whom contact already had been made and through them significant other policy-makers in the differing classifications were identified for interview. Further recommendations were taken from Gavin Williams, the secondary supervisor to this research, following an examination of the initial data gathered during the first field visit and a revision of the research methodology.

Figure 5.1 – Classification of those interviewed during Field Visit #1

Inside government	Outside government
Indran Naidoo Director of Monitoring & Evaluation, Department of Land Affairs, Pretoria Fana Jiyane Deputy Director of Monitoring & Evaluation, Department of Land Affairs, Pretoria Mbu Vundla Land Redistribution Projects Planner, Department of Land Affairs, Pretoria Carmen van der Merwe Land Redistribution Branch, Department of Land Affairs, Pretoria Carolien Sampson Land Redistribution Branch, Department of Land Affairs, Pretoria	<i>Political parties</i>

	<i>Interest groups</i>
	Glenda Glover Director, Surplus People Project, Cape Town Dr. Stephen Turner Researcher, Program for Land and Agrarian Studies, University of Western Cape Ashley Westaway Director, Border Rural Committee, Grahamstown Betty Mubangizi Director, Environment and Development Agency, Matatiele Dr. Alistair McIntosh Senior Consultant, McIntosh, Xaba and Associates, Durban Dr. Edward Lahiff Policy Coordinator, Nkuzi Development Association, Pietersburg (now at the Program for Land and Agrarian Studies, University of Western Cape) Marc Wegerif Director, Nkuzi Development Association, Pietersburg Kgaugelo Lekalakala Director, Environment and Development Agency, Pietersburg
	<i>Social sectors</i>
	Tom Lebert Head of Policy Coordination Unit, National Land Committee, Johannesburg Joan Anne Nolan Land Rights Researcher, National Land Committee, Johannesburg

During the second field eleven informal interviews were conducted with policy-makers, eight were new contacts that had been established during and since the first field visit (see Figure 5.2). The interview outline is shown in Appendix A. These interviews proved to be extremely valuable and productive, producing solid evidence that added considerably to that acquired during the first visit.

Figure 5.2 – Classification of those interviewed during Field Visit #2

Inside government	Outside government
Dr. Michael Aliber Economics analyst, Land Redistribution Branch, Department of Land Affairs, Pretoria Lala Steyn Land Redistribution Branch, Department of Land Affairs, Pretoria Peter Sapsford Planner, KwaZulu-Natal Department of Land Affairs, Pietermaritzburg Richard Clacey Director, KwaZulu-Natal Department of Land Affairs, Pietermaritzburg Martin Adams Consultant working for DFID at the Department of Land Affairs, Pretoria	<i>Political parties</i>

	<i>Interest groups</i>
	Professor Ben Cousins Director, Program for Land and Agrarian Studies, University of Western Cape Ruth Hall Researcher, Centre for Rural Legal Studies, Cape Town Rosalie Kingwill Independent Consultant, Grahamstown Dr. Alistair McIntosh Senior Consultant, McIntosh, Xaba and Associates, Durban Dr. Edward Lahiff Policy Coordinator, Nkuzi Development Association, Pietersburg (now at the Program for Land and Agrarian Studies, University of Western Cape)
	<i>Social sectors</i>
	Tom Lebert Head of Policy Coordination Unit, National Land Committee, Johannesburg

Choosing interviewees for field visit #3

By the time of the third field visit, the focus of the empirical work was on seeking to understand the sudden emergence of a revised land reform policy, in the form of IPLRAD (Integrated Programme of Land Redistribution and Agricultural Development), from a policy process perspective. Consequently, a deliberate effort was made both to return to helpful contacts to gain their understanding and perspective, but also to seek interviews with senior civil servants and ministers, within the Ministry of Agriculture and Land Affairs. Efforts to interview Thoko Didiza, the Minister, or indeed other senior civil servants failed. It did prove, however, possible to secure an interview with Sam Malatji, who at the time was the Deputy Director of the Department of Agriculture. Figure 5.3 provides a full list of those interviewed during the third field visit.

Figure 5.3 – Classification of those interviewed during Field Visit #3

Inside government	Outside government
Dr. Michael Aliber Economics analyst, Land Redistribution Branch, Department of Land Affairs, Pretoria Martin Adams Consultant working for DFID at the Department of Land Affairs, Pretoria Dr. John Howell Senior DFID consultant, Ministry of Agriculture and Land Affairs, Pretoria Sam Malatji Deputy Director of the Ministry of Agriculture and Land Affairs, Pretoria	<i>Political parties</i>

	<i>Interest groups</i>
	Ruth Hall Researcher, Centre for Rural Legal Studies, Cape Town Dr. Scott Drimie Researcher, Human Sciences Research Council, Pretoria
	<i>Social sectors</i>

5.3.2 How the interviews were conducted

During the Postgraduate Certificate in Research Methods completed during the first year of study, it became clear that the most fruitful approach to interviewing policy-makers would be to use “semi-structured interviews”. A semi-structured interview was therefore prepared for each set of interviews (see Appendix A).

The interviews had to be flexible and revised consistently throughout the time of the fieldwork since the policy context was changing so quickly, and new issues requiring investigation arose between field visits and, in the case of the third field visit, during the time of the field visit itself. This meant that it was difficult and unhelpful to use only one prepared interview structure. Instead, it became imperative to allow the interview structures to evolve and respond dynamically.

The work of SAYER (1992) proved helpful in developing realistic expectations, and making the most of semi-structured interviews. MARSHALL & ROSSMAN (1995) provided necessary insights into how to maximise the interview time granted to the researcher. Their emphases on the importance of being flexible and allowing the

interview to flow and evolve constructively was helpful. I found that for each successive set of interviews the interviews were more and more flexible in design.

All the interviews began with an introduction to both the research aims and objectives. They were then asked to outline their interest in South African land reform issues and the nature of their work. This question in itself often proved illuminating and helpful. A series of questions relating to the focus of the field visit was then asked. Inevitably discussions moved to a particular issue or focus, requiring a balance on the part of the interviewer between refocusing the interview or letting the interviewee run with ideas or thoughts that were helpful and insightful.

Often the flow of the interview and the information and ideas being offered by the interviewee took the interview in a particular direction. This was allowed for as long as it proved helpful and beneficial. Often, and particularly in the first few interviews, issues and ideas emerged that had not been anticipated. When it had been confirmed that these were ideas and issues worthy of closer examination, extra questions were added to the interview profile. These interviews were recorded for future use where permission had been given. Detailed notes were taken throughout each interview and edited and checked immediately after each interview. Upon returning to England, the recordings of the interviews were listened to again to check nothing of any significance had been missed out in the notes taken.

During each field visit the various interviewees repeated certain ideas and issues as interviews were conducted. This suggested that these were areas of importance or concern that warranted further investigation and examination. When these ideas or

issues were raised in interviews, the fact that others had raised them was noted, and the interviewee was asked to elaborate on the issue at hand. Where new ideas or issues were raised, the interviewee was pressed to elaborate and to relate it back to the principal focus of the interview. Prior to each successive interview notes on the recurring themes from the previous interviews were revised so that it was clear which particular ideas or issues were regularly surfacing.

Often the pre-prepared questions in the interview profile were answered elsewhere in the interview, as part of another answer. Sometimes the interviewee would finish talking and that provided a natural opportunity to move the interview forward with a new question.

The interviewees were usually very keen to discuss the policy process itself and to explore how changes to policy had been determined by previous policy decisions and approaches.² This of course, was ideal for the purposes of this research, and very exciting and helpful conversations took place. As a result, the quality of the evidence acquired, particularly in the second and third field visits, is considered to be very high.

The amount of time most interviewees were willing to give me was surprisingly generous. In correspondence arranging the interview, they were deliberately and explicitly only asked for 45 minutes, recognising that people are busy. On average

² An important opportunity arose out of one of these meetings. Nkuzi Development Association, a land rights NGO in the Northern Province, extended an invitation to attend the first Northern Province Land Rights Coalition land rights conference. This was a weekend-long conference and provided a useful insight into the workings of NGOs within their communities and the interaction between different interest groups over the land question. The workshops made it possible to have contact with representatives from communities engaging with the land reform programme, and allowed me an opportunity to see the implications of various policy changes for actual communities.

however, the interviewees gave well over 1 hour. Many were keen to talk about the issues and to assist with the research.

Once interviews were completed, the interview notes were read immediately afterwards in order to ensure that nothing important was overlooked

5.3.3 How the interview data were examined

Upon return to the United Kingdom, the interview data were then examined and analysed. The nature of semi-structured interview data is that it can be examined in a number of ways and at different levels. Since the focus throughout this thesis has been on *understanding* why the policy process developed as it did, the emphasis in the data analysis was on mining the interview data for this understanding.

Consequently, there were two approaches to data analysis. The interview data were analysed *textually*. In other words, the interview data were examined in detail to develop an accurate reflection of what was said and how it was said in order to represent the views of the interviewees and identify how they relate to the argument of the thesis. Since semi-structured interviews encourage the interviewee to communicate their thoughts and understandings in a particular order or manner, extracting this data from the interview notes was relatively straightforward (MAY, 1997). Analysing the data in relation to the interviewees context was also important as this helped assess the validity of their particular argument and approach, vis-à-vis the wider context of the research (MARSHALL & ROSSMAN, 1995). The emphasis was on identifying recurring issues and themes, and to note both what was being

communicated, and the explanation being offered. This allowed for an understanding of both facts and understanding.

The interview data were also examined *structurally* so that the responses of the interviewees could be set in the context of the development of the argument of the thesis (SAYER, 1992). In other words, the data were reordered into an argument as this became clear from comparative study of all the interviews. This meant looking for information that helped piece together this understanding, and to identify recurring themes, ideas, issues and problems raised by the interviewees. This was then categorised according to the different aspects of the policy process being examined. For example, data on why land redistribution policy was proving difficult to implement was categorised under “policy implementation”. Data that related more to the political and economic context of the policy process was categorised in relation to this. The classification of the data is reflected in the way that it has been presented in Chapters 6-9. This allowed for a thorough analysis of a particular issue or theme to be developed in the fieldwork reports produced at the end of each field visit, with the ranges of opinions, explanations and issues detailed and any other relevant information too.

5.4 Reflections on the fieldwork experience

The primary consideration in doing this research concerned the ethics of, and issues associated with, conducting research as a foreigner from an ‘advanced capitalist society’ in an ex-colonial nation. The importance of understanding the varying implications of conducting such research, and the complexity of the issues that would be faced in the process, quickly became apparent, including issues of positionality.

During the mid-1990s an interesting academic debate ran in *Area* over the politics of research by geographers from the developed world in the developing world. SIDAWAY (1992) argued that the problem of unequal relations between foreign scholars, indigenous scholars and the societies under study remain, and that our understanding of those relations remains weak.

SIDAWAY (1992) also pointed out that information that the researcher previously takes for granted as 'knowledge' about a society and culture often turns out to be unreliable if not obviously incorrect and untrue. The researcher acknowledged that he had no indigenous knowledge of South Africa and its land question, and that it would inevitably be viewed by him using an acquired external knowledge. As well as being aware of how the researcher might be situated in a shifting class context, it was also recognised that the researcher's place in wider social contexts, constructed around race, culture and gender, would differ at times and sometimes be hard to comprehend.

The importance of understanding as much as possible about the culture of South Africa in order to help the contextualisation of experiences was recognised. To achieve this a conscious effort was made to talk about pertinent issues with those with whom contact was made, be they interviewees, but also those who owned the hostels in stayed in, people met whilst travelling etc. A number of helpful newspapers were also read each day as well as South African editions of *The Economist*, in order to grasp the broader socio-economic and political contexts. Whilst in England a subscription was taken out to the on-line version of one of the

weekly newspapers, the *Mail & Guardian*, in order to stay updated on issues in South Africa.

With regard to positionality, it was soon clear that the researcher's very position afforded tremendous freedom and acceptance in South Africa. As noted above, being English, white and a student, the researcher was perceived as a safe person, who could be trusted. Neutrality as an English scholar observing the policy process, as opposed to engaging in debates over the approach of policy, meant that albeit was possible to gain access to high-level civil servants and policy-makers. Despite failing to meet senior figures in the Ministry of Agriculture and Land Affairs, Bongi Njobe and Masiphula Mbongwe, secure an interview with Sam Malatji, a deputy director in the Ministry, which was secured, and is reported in Chapter Eight, MADGE (1993:295) points out that "who we are (or who we are perceived to be) will inevitably influence the information we (are allowed to) collect".

And with regard to the issues raised by Sidaway, since policy-makers and the policy process were being studied, the researcher was deliberately moving to the top of the 'social hierarchy' in a bid to gain access to national level policy-makers. It was also recognised that the use of South Africa as case-study for a set of more theoretical ideas meant that these issues were not of primary concern.

Despite all of these factors there are merits to research in the developing world by developed world researchers, and these should be put in perspective. Research of 'other' cultures and societies can be both worthwhile and beneficial to those concerned; both the researcher and the researched (LEE, 1993). CHAMBERS (1983)

argues that thinking through the issues of the politics of research is one way of ensuring this and that it is likely to improve the quality of research.

5.5 Presentation of empirical findings

The remainder of this thesis examines the empirical evidence in the context of the theoretical issues raised in the first section of this thesis (Chapters One, Two and Three) in order to fulfil the research aims of this thesis. Empirical evidence gathered during field visits is first presented (Chapters Six and Seven), and then analysed and set back into the theoretical context (Chapters Eight and Nine).

Chapter Six charts and explains the South African policy process between 1990 and 2002. It then identifies the various factors that influenced the policy process in order to allow an assessment of the extent to which policy implementation difficulties resulted from a failure at the policy development stage in the policy process to develop a viable and appropriate policy for delivering the aims of policy; and to identify the factors that hinder effective policy development during the policy process.

The empirical evidence is then analysed and examined in **Chapter Eight**, in relation to the issues raised in Chapter Two about policy processes, and the argument proposed in the Introduction that South African land redistribution policy has been difficult to implement because of a failure at the policy development stage by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not simply because of poor processes for implementation.

Chapter Eight then models the South African policy process and compares it with the theoretically ideal model suggested in Chapter Two.

Chapter Seven presents empirical evidence that identifies the factors that affected policy success. The empirical evidence presented in this chapter is then analysed in **Chapter Nine**, in order to assess the extent to which South African land redistribution policy has been difficult to implement because of a failure at the policy development stage by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not simply because of poor processes for implementation.

The **Conclusion** then identifies the extent to which the arguments proposed in the Introduction are validated by analysis of the empirical findings, and concludes on how the South African case study informs the issues raised in the Review section.

Chapter 6

Identifying the factors influencing the policy process

“Land reform is... a highly politicised issue, programmes are likely to be driven by political expediency rather than sustainable principles.”

WHITESIDE (1998:128)

6.1 Introduction

This chapter provides an account of the policy process in South Africa between 1990 and 2001, detailing how two separate land redistribution policies were conceived and developed during this period. It then identifies the various factors that influenced the policy process in order to allow an examination in Chapter Eight of the effectiveness of the policy process.

As noted in Chapter Four, it proved necessary to produce such an account since only HALL (1998a) and MANJI (2001) had previously begun to do so. It was necessary to produce an up-to-date account in order that the South African policy process could be modelled and examined properly. This work constituted the majority of the first phase of fieldwork.

The first three sections are essentially descriptive, charting the policy process between 1990 and 2001. For the data to be presented with clarity, the first three sections are presented chronologically in relation to the three distinct phases of the policy process noted in Chapter Four. The fourth section draws out thematic conclusions from the account presented in the first three sections. It begins by identifying the core issues that those interviewed considered significant in understanding the policy process and its influence on how land redistribution policy was made. Given the contested nature of the contemporary land question in South

Africa, it was surprising to discover that there was a largely unanimous view amongst those policy-makers interviewed about what those issues were and are.

To avoid a clutter of referencing in this chapter, not everything that was said during interviews and presented here is attributed to those who said them. The nature of the evidence being presented in this chapter is that it comes from a range of sources, which together have been used to develop this account. Those sources are semi-structured interviews conducted during one of the three field visits, government and NGO reports gathered during those field visits, relevant academic papers that monitor or comment on various events, articles from government or NGO magazines and journals, newspaper and magazine articles from the South African press, and conversations had with a range of different people throughout the duration of fieldwork. Where directly cited, these sources are identified in footnotes accompanying the account. Published literature gathered during fieldwork, and used in this account either to provide contextual clarity or to show the reliability of sources, is referenced in the normal way.

6.2 The policy process: 1990-1994

6.2.1 National Party efforts to initiate land reform

When Nelson Mandela was released in 1990 the ruling National Party recognised it could not sustain the unequal distribution of land and the segregation of land that prevailed. Resolving the “land question” had long been a priority of the African National Congress (ANC) under Mandela. Consequently, during this period, the National Party attempted to pre-empt anticipated radical new land legislation proposals from the ANC with concessionary legislation.

Specifically, in 1991, it passed the *Abolition of Racially Based Land Measures Act of 1991* which specified three key land policy objectives: to broaden access to land; upgrade the quality and security and tenure of title; and judicious utilisation of land as a national asset (MURRAY & WILLIAMS, 1994:321). The Act also abolished restrictions on the rights of Africans to purchase, own and dispose of land, directly repealing the *1913 Natives Land Act*, *1936 Native Trust and Land Act*, the *Group Areas Act 1950* and the *Black Communities Development Act 1984*. Although this legislation did not alter the status of the homelands, it did bring about the phasing out of the role of the South African Development Trust that had been charged with their development, and allowed for their status to be changed in the future. The *Provision of Certain Land for Settlement Act of 1993* was then passed in an attempt to broaden access whilst enabling the state to retain powers of land use regulation.

In 1991 the National Party also published a *White Paper on Land Reform*, identifying the state as provider of “appropriate support measures to assist people, where necessary, to satisfy their reasonable needs in respect of the acquisition, exercise and enjoyment of rights in land” (REPUBLIC OF SOUTH AFRICA, 1991:1). It is not clear what they meant by “appropriate”, “where necessary” and “reasonable” but it would seem that they were not intending for any fundamental change in the distribution of land to occur. The White Paper also made provision for further legislation in the future and identified a range of supportive legislation options to enable change, including an *Upgrading of Land Tenure Rights Bill* that would ensure a change from communal rights of tenure to private property rights.

The White Paper recommended a limited policy of restitution, but did not provide for any redistribution of land, and went as far as to state unequivocally that “it is in the interest of peace and progress that the present position should be accepted” and was opposed to “any form of redistribution of agricultural land” (RSA, 1991:6,13). Instead it favoured the removal of racially based statutory restrictions on land rights and the provision of limited financial services for emerging black commercial farmers only. The government established a Commission on Land Allocation to investigate land claims against the state, but only in cases where land had been expropriated from whites for the enlargement of the homelands, where land had been removed by the state under apartheid legislation or where land was used by government departments (see CHRISTOPHER 1995a).

It was proposed that the government would coordinate land reform in response to expressed demands for land. This position was shaped and supported by the experience and concerns of the NGOs that had been active in resisting forced removals and supporting communities that wished to reclaim their land.

However, this proactive effort was insufficient to satisfy the land-NGOs and the ANC who both wanted a more radical approach to the resolution of the “land question”. Glenda Glover of the *Surplus People Project* explained during an interview that the priority of the land NGOs at this time was to ensure that any future land reform programme would restore or redistribute land to the poor as well as ensure that forced removals of people off the land were stopped. Not surprisingly, this approach was resisted by the white farming and business interests and

agricultural officials and by the black commercial farming union, the National African Farmers Union (NAFU).

6.2.2 Early consultation and discussion over the land question

According to Martin Adams of *DFID*, concern with the suggestions being made by the National Party in the early 1990s provided the necessary catalyst for a time of consultation and discussion over how best to resolve the land question.

Over time a large range of key actors and stakeholders, including the Development Bank of South Africa (DBSA) and varying national and international NGOs, became involved in what was initially an inclusive and evolving consultative process seeking to develop coherent proposals for land reform. In order to assess the range of options and identify the range of demands and needs for land that existed the ANC explicitly teamed up with a number of land experts from the South African NGOs and the academic community to identify the key issues land reform would need to address. This research process then attracted donor interest and led to the establishment of the Land & Agricultural Policy Centre (LAPC), which is discussed below.

6.2.3 Emergence of ANC policy on land

The ANC National Policy Conference in 1992, at which many of its policy proposals were drafted, marked a radical shift in ANC thinking on land away from an overly state-led approach to land reform towards a more neo-liberal one. This occurred for a number of reasons. It was partly in response to the rapid decline of communism in different parts of the world at that time, which discredited state-led programmes of economic development. The ANC had also begun to warm to the more liberal

economic thinking of the World Bank, albeit more from “an aversion to the state-led resettlement and betterment programmes of the apartheid past, rather than from an ideological commitment to market economics” (ADAMS & HOWELL, 2001:2). This warming was accompanied by encouragement from the international political community to adopt a more moderate approach.

HALL (1998a:34) suggests that “this modification of a statist position resonated well with the legacy of the liberation struggle in which the objective of capturing the state in order to direct the distribution of assets and privilege was tempered by a suspicion of state-dictated allocation of land assets and faith in popular struggle as a mechanism of change”.

As CROSS (1998) notes, this approach to the land question was also rooted in the NGO experience under apartheid. At this time the NGOs were the only bodies with experience of resolving land-related problems. They ended up supplying a core of personnel and had a major input into the development of land policy. To some extent the government could be said “to have inherited the case-list and the goals of the service NGOs which had struggled to save community land rights under apartheid” (CROSS, 1998:150).

At the ANC National Policy Conference, a Land Manifesto was drafted, that emphasised the need for a demand-led programme of land redistribution, with the state’s role being to respond directly to demand by actively acquiring and redistributing land to the poor. The manifesto called for radical land reform to be at the core of a wider programme of rural development, and to be accorded priority in

the Reconstruction and Development Programme. Land redistribution and restitution were to be central pillars to the land reform programme, with a clearly stated intention to redistribute 30% of agricultural land and to complete the adjudication of land claims in the first five years (ADAMS & HOWELL, 2001:5). The ANC was opposed to a straight transition to private property rights, and proposed that recognition and protection be given to the diversity of tenure reforms existing in South Africa. This call for legal parity for forms of land tenure became the third pillar of the land reform programme, alongside land redistribution and land restitution (see Chapters Three and Four).

6.2.4 Entry of the World Bank in policy discussions

The World Bank first became involved in the South African land reform policy process in 1990 following De Klerk's initial reforms in order to contribute to the development of economic and sectoral strategies (WILLIAMS, 1996:140). Hans Binswanger and Robert Christiansen, senior agricultural economists with the Bank, were posted to South Africa in 1991 to investigate land and agrarian issues and develop policy proposals. World Bank thinking land reform began to influence the policy conceptualisation stage of the policy process in South Africa in a number of ways.

The World Bank's direct involvement in South African land reform policy development began in February 1992, when it entered into a series of dialogues with policy-makers during the policy conceptualisation stage of the policy process. World Bank thinking on land reform in South Africa was also defined by a desire to draw lessons for South Africa from experiences elsewhere. In November 1992, the World

Bank and the United Nations Development Programme held a conference in Swaziland entitled “Experience with Agricultural Policy: Lessons for South Africa”. The focus was on drawing lessons for South Africa from international experiences with land and agricultural reform.

At the conference the Bank favoured emulating the Kenyan model of creating a hierarchical countryside and maintaining a viable commercial core sector. Hans Binswanger and Klaus Deininger argued for the greater efficiency of small farms over large farms and for the removal of the system of protection and subsidies that had sustained inefficient white farmers (BINSWANGER & DEININGER, 1993).

Delegates agreed on a number of key strategies for the future:

- deregulation of controls on agriculture;
- cutting of subsidies to the large-scale white commercial sector;
- promotion of small-scale black agriculture as a means of promoting equity and opportunity;
- appropriate state intervention to deliver this.

Speakers pointed to agricultural reform as the means of delivering increased productivity, equity and resilience in the agricultural sector and the need for land reform to avoid economic stagnation and political instability.

Binswanger favoured a neo-liberal economic approach, emphasising the centrality of smallholder farming in achieving rural development. This position was founded on the widespread popular perceptions of the 1960s Kenyan land reforms that seemed to

pervade World Bank thinking¹. The World Bank put forward Kenya, or rather their construction of it, as a positive model for South African land reform, citing parallel developments in the period before 1960 as a good reason for adopting a similar approach in the 1990s. The proposals referred to the 1954 Swinnerton Report in Kenya (COLONY & PROTECTORATE OF KENYA, 1954). The Kenyan land reforms of the 1950s and the plan to transfer land at independence from white farmers to a hierarchy of African large-scale 'yeoman' and peasants turned out rather differently from official intentions and from the interpretation of World Bank economists.

In contrast, Christiansen's involvement with the Zimbabwean reforms² caused him to adopt a more cautious approach emphasising the importance of maintaining a viable commercial component (WILLIAMS, 1996:156-7)³. Christiansen identified three 'distortions' in the agrarian economy of South Africa:

- the unequal distribution of asset generation and distribution;
- the control of entry into agricultural markets;
- a reliance on administrative measures for resource allocation rather than on market mechanisms.

He concluded that these distortions could be corrected by accelerating the liberalisation of markets alongside 'affirmative actions'. Christiansen made further qualifications to World Bank thinking, arguing that unlike Zimbabwe, South Africa has "few if any large under-utilized sources of high potential land and water that can be transferred to new owners without altering existing production and employment

¹ See WILLIAMS (1996:141-146) for a critique of World Bank thinking.

² See PETERS & MALAN (2000).

³ See CHRISTIANSEN (1993) and CHRISTIANSEN, VAN ROOYEN, & COOPER (1993).

patterns". With regard to taking over land from insolvent commercial farmers, Christiansen warned that the "decline in profitability of major subsectors, in particular the grains, means that it would be imprudent to encourage new entrants to the sector to invest in these enterprises" (see WILLIAMS, 1996:156, citing CHRISTIANSEN, 1993).

Recognising however that in reality many small farmers, lacking initial capital to purchase land, would not be able to sustain viable farms and an improved standard of living, the Bank concluded that a free market alone will not be able to transfer land to smaller and poorer farmers unless they are provided with grant financing in addition to or instead of mortgage financing. It also recognised that unless all implicit and explicit distortions favouring white commercial farming was removed, small farmers would be unable to compete and would ultimately end up selling their farms back to large farmers. The case for land redistribution was thus "tied to the argument for liberalising markets and eliminating subsidies (WILLIAMS, 1996:148).

World Bank thinking also drew on its own, more general, thinking on rural development. That thinking assumes that as population density increases, private property rights to land emerge in a slow and gradual process (for more on this see WILLIAMS, 1996:146). This argument supports the long-standing World Bank assumption that, at least in the long run, registered title should displace communal forms of land tenure in land reform programs.

This argument however, fails to acknowledge that power relations intervene to prevent the allocation of land to the most efficient uses and users. Landowning

groups use coercion and distortions in land, labour, credit and commodity markets to extract economic rents from the land. BINSWANGER, DEININGER & FEDOR (1993) argue for the greater economic efficiency of small family farms over large-scale farms. They state that, in the presence of perfect markets, it would always be more rational for large landowners to rent out land under fixed contracts than to work it using hired labour. Share tenancy is considered a second-best solution to problems created by market imperfections, whilst wage labour contracts are seen as much less efficient, due to problems of motivation and supervision.

World Bank thinking on the land question in South Africa was also, in part at least, defined by genuine concern that without land reform South Africa faced the threat of rural violence or even civil war, leading it to argue for “a major restructuring of the rural economy on significant land transfers and small scale agriculture production units” (WORLD BANK, 1994:3).

Closer examination of the policy conceptualisation occurring during this period would suggest that some of the decisions that were made at the conference significantly influenced the development of land reform policy thereafter. The first of those was the separation of thinking on rural development into thinking specifically on land policy and thinking that focused on agricultural policy. This was not a deliberate initiative, but a reflection of the different constituencies of policy-makers at this stage in the policy process. Experts from DBSA, the National Department of Agriculture and agricultural economists from the University of Pretoria were drafted in to work on agricultural policy, whilst rural land NGOs, academics and activists were employed to develop land policy, creating a wholly

artificial divide, that constituted also an ideological and methodological divide. There was little recognition that land reform agricultural growth are interrelated processes that needed to be thought through together (LIPTON et al., 1996). Subsequent difficulties in policy implementation reveal this mismatch in thinking and intention.

6.2.5 World Bank policy “options” for South African land reform

A collaborative working relationship between the World Bank’s team and the Land and Agriculture Policy Centre (LAPC) was established in February 1993. The LAPC was a research and policy-making think-tank for the government on land and agrarian issues. The World Bank acted as a conduit for foreign donor funding and paid nearly US\$3 million to the LAPC from a range of donors including the European Union, Danida and the Overseas Development Agency. The LAPC produced an extensive range of detailed and thorough research reports on the nature of land demand across South Africa, and developed a range of policy recommendations that were to influence the “Rural Restructuring Programme” which the World Bank took the lead in developing.

In October 1993, the LAPC held the ‘Land Redistribution Options Conference’ at which the World Bank’s proposed ‘Rural Restructuring Programme’ (RRP) for South Africa was presented, centred on its research on options for land reform. The “Options Conference”, as it became known, was a milestone in the development of the policy framework in which the need for land reform was unanimously articulated and explicit policy suggestions were outlined.

The World Bank explicitly declared its guiding principle to be political and economic liberalisation and explicitly linked agricultural policies to land reform, arguing that any agrarian and land reform should be in keeping with the principles of political and economic liberalisation because “market assisted land redistribution programmes tend to perform better than those administered and operated by the public sector” (WORLD BANK, 1993:xiii). It also recognised the central tension between “the desire to address welfare objectives through the redistribution of land and the need to promote the productive use of agricultural land” (WORLD BANK, 1993:34).

In its “Options for Land Reform and Rural Restructuring” report the World Bank put forward a model for a radical redistribution of 30% of medium- and high-quality land from large-scale white commercial farmers to 800,000 small-scale part-time black households (WORLD BANK, 1993).

“Options” identified the core land reform policy objectives as:

- abolishing subsidies to agriculture;
- removing restrictive regulations and liberalising markets;
- affecting a substantial increase in rural employment and income through the redistribution of 30% of medium-to-high quality land over a five-year period.

“Options” estimated that this would result in 600,000 households gaining access to land, at a total cost of R17.5 billion to the state, with the possibility of a further 200,000 households at higher costs per household (WILLIAMS, 1996). It concludes “there are few strategic options for agriculture and the rural economy available to a new government in South Africa” and called for “a clearly formulated policy of

redistribution of agricultural land” (WORLD BANK, 1993:154). It also recognised that, since the programme was neither intended to nor able to meet the legitimate welfare needs of the entire population, an assessment of rural safety net requirements would be needed. “Options” therefore suggested a basic grant scheme to meet welfare aims, capped at R5,000, and for those who would use land for commercial purposes, an additional grant could be provided to match the beneficiary’s own contribution and augmented by a bank loan (WORLD BANK, 1993:34).

6.2.6 Convergence of policy thinking between the ANC and the World Bank

This stage of the process saw an apparent convergence between ANC/LAPC and World Bank policy-makers on the inevitability of a market-based approach to land redistribution policy. The World Bank position regarding appropriate mechanisms for land transfer strongly influenced South African land redistribution policy. The acceptance of the market mechanism as the primary instrument of a land redistribution programme indicates the extent of the influence of World Bank thinking on the policy process.

The RRP influenced considerably how the RDP conceived of land redistribution and restitution, leading it to focus on market-led resource allocation. The World Bank’s target of 30% to be redistributed within the first five years was accepted, based on a World Bank report that suggested the government would be able to buy 6% of white-owned land each year over that period (THE ECONOMIST, May 28, 1994), although it was later abandoned as fiscally and administratively unrealistic by Hanekom in 1996.

However, HALL (1998a:24) suggests that the apparent convergence of views “masked the fundamental differences on which objectives should be prioritised and which policy instruments employed”. HALL & WILLIAMS (2003:5) suggest that “these differences were exacerbated by the need to coordinate the work of institutions with different outlooks and priorities, and to reconcile the divergent objectives which land reform objectives were intended to realise”.

6.2.7 Contested land reform proposals

These policy proposals discussed by the land-NGOs at a Community Land Conference in February 1994, run by the National Land Committee. The conference brought together more than 700 representatives of 357 landless black rural communities (NATIONAL LAND COMMITTEE, 1994:3). The CLC was aimed at developing a rural social movement that would pressurise the government to deliver on its promise to redistribute land.

Delegates were concerned about the proposals and in response drew up a Land Charter that had as its central point an unequivocal demand for the state to expropriate land and deliver to communities. The Charter made no distinction between a restitution and redistribution process other than that the former was based on some specific historical claim to land. It also called for the scrapping of the property rights clause in the interim constitution.⁴ The Charter also called for 10% of the annual budget to be earmarked for land reform and threatened land invasions if demands were not met (NLC, 1994:5). It contested the 1913 cut-off date for

⁴ The property right clause was included in the Interim Constitution to reassure whites in general, and capitalists in particular, that their property rights would be recognised and not subject to expropriation.

restitution claims as proposed by both the World Bank and the ANC, arguing that historical claims from 1652 should be admissible.

The Women's Commission and the Rural Women's Movement proposed that the Charter should include a promise of full inheritance rights for women regardless of marital status, joint registration of married couple's property, and the principle that women should gain priority in selection for development projects and training programmes (NLC, 1994:4, 14).

The CLC attempted to mobilize the marginalized black rural poor and give them a means of articulating their voices, but the momentum proved difficult to sustain and the Charter was added to the growing pile of policy proposals, and without further lobbying was sidelined by the ANC and the World Bank.

6.2.8 The property rights clause – a shut door of opportunity ?

As noted in Chapter Four, the prevailing structure of property rights, that previously had been legally and constitutionally secured and which maintained the inequitable distribution of access to land during the apartheid era, became an entrenched issue in the negotiations over the new constitution. A desire for reconciliation prevailed over the opportunity to radically rethink conceptions of, and legal frameworks for, land rights.

This debate over the inclusion of a property rights clause in the new constitution has been cited by a number of NGO and DLA staff as a key moment in which the parameters of land reform were set. Broadly speaking there were two sides in the

debate. The first, supported by the white agricultural lobby, represents a view of property as an exclusive and unlimited right that should be protected from change. Supporters wanted a guarantee of existing rights to property to be protected and favoured only a restitution programme. The second, supported by the NLC, was an attempt to strike a balance between individualistic and social interests, in which property rights would be respected but not so they invalidated or hindered land reform. They opposed the inclusion of a specific property rights clause warning that it would have the effect of entrenching existing interests in land while what was needed was to expedite government initiatives in land reform.

The World Bank incorporated proposals made by the National Land Committee at the 'Options' conference that constitutional provisions to protect property rights be limited to allow for expropriation of property where it was in the public interest – i.e. for the purpose of land reform (partly because this fitted with the Binswanger & Deininger argument for the greater efficiency of smallholders). The Interim Constitution included the phrase 'for a public purpose' which, arguably, would cover expropriation for land reform purposes. The 1996 Constitution made this clear by altered this phrase to 'public interest', making explicit allowance for expropriation of land for the purposes of land reform. In the end, this property rights clause was included in land reform policy, but powers of expropriation in return for fair compensation were attached (see Figure 6.1).

Figure 6.1

Clauses in the South African constitution relating to land expropriation

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

Property may be expropriated only in terms of law of general application:

- for a public purpose or in the public interest; and
- subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided and approved by a court.

The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to relevant circumstances, including:

- the current use of the property;
- the history of the acquisition and use of the property;
- the market value of the property;
- the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- the purpose of the expropriation

For the purposes of this section:

- the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and
- property is not limited to land.

Source: Chapter 2, Bill of Rights, Act 108 of 1996

6.3 The policy process: 1994-1997

6.3.1 Framework for land reform programme defined in the RDP

Despite differences among policy-makers over the appropriate approach to land reform, there was no disagreement on the need for a land reform programme for South Africa. Between 1994 and 1997 policy was developed, under the larger process of the Reconstruction and Development Programme (RDP) (ANC, 1994), which provided a set of principles and objectives for the Government of National Unity elected in 1994 and led by Mandela which made specific provision for the development of a land reform programme.

Land reform was seen by policy-makers being able to serve redress for past historical injustices; protect those who work on land owned by others; address persistent rural poverty; and reform an ailing agricultural economy into one that is sustainable and able to contribute to broader rural development needs.

The RDP identified the case for a rural land reform programme (ANC, 1994:19-20):

“Land is the most basic need for rural dwellers. Apartheid policies pushed millions of black South Africans into overcrowded and impoverished reserves, homelands and townships. In addition, capital intensive agricultural policies led to the large-scale eviction of farm dwellers from their land and homes. The abolition of the Land Acts cannot redress inequities in land distribution. Only a tiny minority of black people can afford land on the free market.

A national land reform programme is the central and driving force of a programme of rural development. Such a programme aims to redress effectively the injustices of forced removals and the historical denial of access to land. It aims to ensure security of tenure for rural dwellers. And in implementing the national land reform programme, and through the provision of support services, the democratic government will build the economy by generating large-scale employment increasing rural incomes and eliminating overcrowding”.

6.3.2 Establishment of the Department of Land Affairs

The Department of Land Affairs (DLA) was established in 1994 headed up by the Minister for Land Affairs Derek Hanekom. From the outset it was a department that reflected the political enthusiasm of the ‘new South Africa’. It recruited key staff

from NGOs active in land struggles and focused its attention on changing the inequitable distribution of land. It took over the responsibilities of the Department of Regional and Land Affairs.⁵ The National Department of Agriculture remained intact and, in contrast to the DLA, inherited apartheid ways of thinking and initially key staff and even, between 1994 and 1996, its Minister, Kraai van Niekerk (HALL & WILLIAMS, 2003). When the National Party left the Government of National Unity, Hanekom took over responsibilities of both the NDA and the DLA in one Ministry. Between 1994 and 1996, provincial DLA offices were also created.

According to "Land & Rural Digest" journal (DEPARTMENT OF LAND AFFAIRS, Vol.8, 1999) the appointment of Hanekom prompted media frenzy. He had been instrumental in formulating ANC land and agriculture policies in the early 1990s. This decision to appoint him was undoubtedly influenced by his background as a hands-on farmer, coupled with his apartheid struggle credentials. Hanekom had been part of the senior ANC leadership that had remained underground in South Africa during the struggle era and was one of the few Afrikaners working at that level.

His tenure was prodigious but marked by simmering racial tensions, not only within and between the two departments but also at ministerial level. Conflicting agendas between the departments of land affairs and agriculture were in part at least, related to racial difference. The Department of Agriculture witnessed an alliance between

⁵ The semantics of apartheid can be seen nicely here: the Department of Regional and Land Affairs was the direct heir to the Department of Development (abolished in 1992 following corruption scandals). Throughout the apartheid era this department was variously named the Department of Native Affairs, Department of Bantu Administration, Department of Plural Relations, Department of Co-operation and Development. These changing names reflect simply the changing nature of apartheid policies and thinking (see HALL & WILLIAMS, 2003).

white Afrikaner agricultural economists and emerging black intellectual elite groupings that favoured an approach to land reform that focused on encouraging black commercial farming. Their focus was driven by a resurrection of the Broadening Access to Agriculture Thrust (BATAT) agenda which sought to de-racialise commercial agriculture (although some of those interviewed suggested that the agenda is actually to re-racialise commercial agriculture from white to black). BATAT was a pre-1994 attempt by the Department of Agriculture to pre-empt inevitable changes to the agricultural economy proposed by the ANC. In contrast, the Department of Land Affairs was made up of people favouring an approach that sought to deal with rural poverty, many of whom had been recruited from the land-NGOs.

By August 1997 this had reached a point where something significant needed to change. Hanekom's response was to run a "minister's workshop" at which he launched an ambitious "transformation" programme. The aim of this was to initiate structural and systemic change between and in the departments in order to improve communication, increase unity and ensure equal opportunities. A "change management team" was appointed to implement the programme and was headed up by Richard Levin. Also on the team were Moipone Pitso, Blessing Mphela, Shanaaz Majet and Richard Clacey (see Land & Rural Digest, Vol.8, 1999). This initiative did not prove to be enough to tackle the inter-departmental conflicts, or prevent Hanekom losing his job, as detailed below.

6.3.3 The Land Reform Pilot Programme

The initial task of the DLA was to implement the Land Reform Pilot Programme (LRPP) established in late 1994 to “devise and test efficient, equitable and widely replicable means of transferring land to the rural poor, and ways of providing them with access to basic needs and more secure livelihoods” (ADAMS, SIBANDA & THOMAS, 1999:5).

Pilot projects acted as prototypes for the future mainstream land redistribution sub-programme of the land reform programme (MAY, 2000:242). They were implemented in one area of each of the nine new provinces and were envisaged as test cases for the various land reform policy proposals, in order to draw initial conclusions about which mechanisms and institutional arrangements were most likely to deliver the aims. The RDP allocated R35 million⁶ for the LRPP in each province for the purpose of land acquisition, basic infrastructural development and policy implementation.

The LRPP was wound up in 1997, having redistributed over 125,000 ha of land to over 8,500 households (ADAMS, SIBANDA & THOMAS, 1999:6). The pilot offices were upgraded to become the new provincial DLA offices. In 1998 and 1999, district DLA offices were established in line with plans outlined in the White Paper on South African Land Policy (1997) which identified the need to decentralise functions to the local government level (DLA, 1997c:96-97).

⁶ Equivalent to about £3.5 million.

6.3.4 Development of the Land Reform Programme

In May 1995 the DLA issued a “Framework Document on Land Policy”, which was the starting point for an “extensive process of public consultation on land policy issues” (DEPARTMENT OF LAND AFFAIRS, 1997b:1). The results of the consultation were taken into account and the Framework Document was then developed into the “Draft Statement of Land Policy and Principles”, which in turn formed the basis of the National Land Policy Conference. The conference was held in August and September 1995 and brought together around 800 participants from all sectors to discuss the DLA’s draft policy principles outlined in the report (DEPARTMENT OF LAND AFFAIRS, 1997b:v).

During an interview, Tom Lebert of the NLC spoke of the extensive criticism of the proposals put forward at the conference. According to Lebert, many of the delegates were those that had drafted the NLC Land Charter, and they felt that their demands had gone unheard. They called for the property rights clause to be scrapped and criticised the market-based and demand-led framework, believing in greater state intervention and expropriation as the best means of delivering meaningful redistribution.

6.3.5 Finalisation of the Land Reform Programme

According to Lebert, the Green Paper on Land Reform, published in February 1996, was virtually identical in terms of proposals and approach to the “Policy and Principles” report. A range of more specific criticisms were aired at over 30 workshops held across the country with key stakeholders and community groups, and in the form of over 50 written submissions (DEPARTMENT OF LAND AFFAIRS,

1997b:1) during a consultation period in 1996. These are summarised in the introductory section of the White Paper on Land Reform, 1997. The most notable of these included the submission made by Ruth Hall, who summarised the major concerns as follows (see HALL, 1998a):

- concern that the resettlement grant was insufficient;
- a suggestion that those who were poor should not have to pay;
- a belief that the government should expropriate unused and unproductive or indebted farms and redistribute it;
- a suggestion that controls should be implemented to prevent inflating of land prices on the land market;
- a belief that greater recognition of women's rights was needed.

The Department of Land Affairs (DLA) seems only to have listened very selectively to these submissions, since the 1997 White Paper was essentially a revised version of the Green Paper, taking note of some of the objections raised, but remaining essentially the same, especially the unequivocal focus on poverty (ADAMS & HOWELL, 2001:1). The DLA defined land reform as the "reallocation of rights in land to the poor and the historically disadvantaged as an essential component of rural development" (GOVERNMENT OF SOUTH AFRICA, 1996b:v).

The three central objectives for land reform were finally established in the 1997 White Paper. They were:

- to redistribute productive land to those who need it but cannot afford it;
- to restore land to people as redress for the injustices of forced removal and historical denial of access to land as a result of apartheid legislation;

- to ensure security of tenure for the rural population.

These three core objectives translated into three distinct policy forms, known as “land reform sub-programmes” (DEPARTMENT OF LAND AFFAIRS, 1997b:vi):

- land redistribution;
- land restitution;
- land tenure reform.

Each of these three policies is described and outlined in Chapter Four. During the period 1995 to 1999, each of them was implemented. The extent to which they were successful is highly contested. Since this thesis is concerned with examining land redistribution policy (as explained in the Introduction and Chapter Five), land restitution and land tenure reform policy are not explored further in this study. Chapter Seven presents an extensive examination of the success of land redistribution policy during the period 1994 to 1995, taking into account both the LRPP and then the land redistribution sub-programme.

The next section of this chapter assesses a third phase of policy development that began in 1999, following a time of policy implementation deficit and subsequent policy learning and reassessment.

6.4 The policy process: 1999-2001

6.4.1 New politics, new policy: the changing context of land reform

During the period 1994 to 1999 there was considerable political and socio-economic change. In June 1996 South Africa’s Finance Minister announced a “post-apartheid

macroeconomic blueprint” called the ‘Growth, Employment and Redistribution Plan’ (GEAR) replacing the Reconstruction and Development Programme (RDP) (MATHER & ADELZADEH, 1998:25).⁷ GEAR is not much different from a standard World Bank/IMF programme of structural adjustment, with a restrictive fiscal policy and a commitment to free market principles. MATHER & ADELZADEH (1998:26) suggest that its origins can be seen in the economic thinking of the ANC throughout the 1990s, which the RDP envisaged. Certain economic events in the mid-1990s led to the need for a more austere fiscal policy than the RDP: in 1995 the economy was faced with a balance of payments crisis that was perceived as a threat to the macro-economic stability of the economy, and in 1996 the Rand lost more than 30% of its value.

At this time, Mandela also began handing over power to his deputy, Thabo Mbeki, in readiness for the second majority elections in 1999, at which the ANC once again secured complete control of the government. Mbeki brought a vision to pioneer an African Renaissance with him to the Presidency, which placed South Africa as a major political force on the African continent, and required it to adopt a more stringent fiscal policy (EVANS, 1999). The following section examines the changing thinking and subsequent policy developments that emerged during this time.

Within this changing political context a review of the Land Reform Pilot Programme was conducted by McINTOSH, XABA & ASSOCIATES (McINTOSH et al, 1999) for the external funders of the programme (the European Union, Danida and DFID) who required a review. The Review sought to assess and evaluate how successfully

⁷ For an excellent examination of South Africa’s macro-economic strategies, specifically GEAR and their implications for agriculture and land reform, see MATHER & ADELZADEH (1998).

the land reform programme was being implemented, and to identify areas or issues for improvement and change. It was fully supported by Derek Hanekom, then Minister of Land Affairs and Agriculture, who recognised the range of difficulties being encountered in implementing policy.

This review provided a perfect opportunity to engage in a time of policy reflection and reiterative research and for policy evaluation to occur inside the DLA. The review was very clear about the problems and successes of the LRPP, and identified some of the possible solutions to the problems (see MXA, 1999). As Chapter Two makes clear, a time of review and reiteration is a necessary component to an effective policy process. The salient criticisms of the original programme provide sufficient justification for a change in policy emphasis.

Initially, it appeared as though review and reiteration would occur. Michael Aliber of the DLA, Tom Lebert of the National Land Committee and Ruth Hall were genuinely excited that some changes could be made that would enable land redistribution to occur effectively. Thoko Didiza took over as Minister in June 1999 and immediately placed a six-month moratorium on all land redistribution projects, pending the completion of the review. In July 1999 she also initiated a review of the functions and core objectives of both the DLA and the NDA, which resulted in a time of new and joint policy development by policy-makers in the DLA and Department of Agriculture (NDA). However, it soon became apparent that the policy changes that took place did not flow out of the review. Fieldwork investigations revealed why.

6.4.2 Emergence of a new policy approach to land redistribution

During this time of joint policy development by policy-makers in the DLA and the NDA, a different approach to land redistribution was developed. By the late 1990s there had grown a consensus amongst policy-makers in the NDA that development policy and rural economics should set the limits for land redistribution. This contrasted with the original commitment of land policy to justice agendas and to undoing the consequences of apartheid (CROSS, 1998:150).

At the same time, the DLA began to recognise that it needed to move the emphasis in land policy away from protective legislation and community-level processes towards mass delivery and cost-effectiveness. There was also growing opposition in government and academic circles to delivering land for food security production only. The large-scale commercial farming unions, namely Agri SA and the National African Farmers Union (NAFU), pushed the view that taking land out of commercial production to provide either residential or non-commercial options was an expensive misuse of resources. NAFU claimed to have over 23,000 aspiring commercial farmers (THE ECONOMIST, 2001:15).

By now, AgriSA saw strategic advantages in encouraging a commercial black farming class (having spent all of its history trying to prevent one). Its view of agriculture reflects an ideological disposition towards favouring the style and scale of large-scale, white commercial farming as more modern and efficient than small-scale 'peasant' farming of the reserves. Such a view is synonymous with that of the Development Bank of South Africa (DBSA) and the Department of Agricultural Economics at the University of Pretoria.

In December 1999, a joint internal workshop was held in the Departments of Land Affairs and Agriculture, to develop and discuss the aims and content of the proposed new policy. Following this, in early 2000 Didiza announced a new redistribution policy entitled “An Integrated Programme for Land Reform and Agricultural Development” (IPLRAD). Its language and proposals shifted the emphasis away from reducing rural poverty towards the establishment of a black commercial farming class, effectively moving away from original agendas and focusing solely on the NDA agenda (HALL & WILLIAMS, 2003).

The model proposed by those favouring the promotion of agricultural production through land redistribution drew heavily on a definition of small farming favoured by agricultural economists, including some in the World Bank, which argues that a 50-200 hectare-farm best provides a comfortable living from commercial farming for individual households (this model also promotes private property rights), rather than the normal rural model of 1-5 hectares which serves only as a sub-livelihood contribution to households. It would be easy to assume that this thinking was new or had not been articulated in debates over the land question in South Africa previously. This was not the case. In fact, it reflects a long-running debate between various academics and policy-makers over the relative efficiencies of small-scale and commercial farming. There is not space here to examine this debate, but for summaries and critiques see VAN ZYL et al. (1994, 1996), WILLIAMS (1996) and BINSWANGER & DEININGER (1993).

Unsurprisingly, the change of Minister and subsequent shift in policy emphasis prompted a haemorrhaging of senior and not-so-senior staff from the DLA, who were

either driven out or who found themselves without a job. This included Geoff Budlender, chosen by Hanekom to be Director-General of the DLA, whom Didiza replaced with Dr Gilingwe Mayende. This was an overtly political move: Budlender favoured land redistribution for the poor, Mayende supports Didiza and the NDA agenda for black commercial farming.

Field research conducted during the second field visit in 2000 increasingly pointed towards the importance of politics (including within government, within government departments, within the ANC, between stakeholders and government) in shaping and influencing this second phase of policy development. It became apparent, as further inquiry was made, that the land reform agenda had been, and remained, at the mercy of competing broader political agendas. Two fundamentally important political influences on the policy process were identified and are now outlined.

Influence of fundamental divisions within the ANC

One significant factor was division within the ANC, which ultimately came to have an influence on land reform policy. During the early 1990s, it became apparent to political commentators that the ANC was divided. The political sociology of the ANC is fascinating. There are differing networks and political positions adopted by ANC members reflecting their apartheid-era activities. There are networks of those who had stayed in South Africa, which includes those who were imprisoned on Robben Island and/or working for Umkhonto we Sizwe,⁸ as well as networks of those who had gone into exile (see WALDMEIR, 1997, SPARKS, 1990 & 1994,

⁸ Umkhonto we Sizwe was the military wing of the ANC (often abbreviated to MK).

MANDELA, 1994). A primary consequence of this was that two differing political schools of thought developed regarding the best way to develop South Africa.

This pattern of domicile helps explain, for example, the political wrangling between the Departments of Agriculture and Land Affairs during the period 1994-2001. When Nelson Mandela became President, he appointed Derek Hanekom as Minister of Land Affairs. Mandela wanted an ANC-supporting Afrikaner in his first cabinet. This appointment caused considerable tension within the ANC and was contested by the ANC's national working committee, and specifically by Thabo Mbeki, who by 1994 was the deputy president, and the leading politician amongst those ANC members who had been in exile. Hanekom had been a member of Umkhonto we Sizwe.

That tension increased when Minister Hanekom had added to his portfolio the responsibility for the Department of Agriculture (NDA), following the departure of Kraai van Niekerk as Minister of Agriculture.⁹ Within the NDA at this time, a number of senior black officials had been pinning their hopes on Thoko Didiza, then deputy minister of agriculture, getting the post. The two main players in that group were two high-ranking civil servants, Bongi Njobe and Masiphula Mbongwe.

An article in *Business Day* by Drew Forrest on July 13th 1999 (FORREST, 1999) explains that Hanekom's relationship with the NDA became increasingly abrasive during his period in office. The breaking point came, according to Martin Adams, during a dispute over Hanekom's loyal support for Diana Callear, a white expatriate,

⁹ Van Niekerk packed the NDA with conservatives, including many ANC members returning from exile, who were technocrats with a particular view of agriculture.

who was put forward for a senior post in agriculture, instead of the first choice of the black officials in the NDA. According to Forrest, Callear was almost certainly the best person for the job, with a proven record as an agricultural economist. She had previously worked for the Ministry of Finance in Botswana and operated as a gun-runner for the ANC. She was however, a contentious political choice, partly because of her politics, which were in line with those of Mandela and Hanekom, and not with those of Mbeki. It is also clear in retrospect that Hanekom wanted Callear there to mind Bongi Njobe. Ultimately, this proved too much for Mbeki, who subsequently sacked Hanekom.

Hanekom seems to have failed to comprehend two important things regarding Mbeki. Firstly, his overriding priority has always been to build a black ruling elite. Hanekom placed the considerations of effective government over that priority. He also made the mistake of under-estimating the race factor, thinking instead that after the second democratic elections he would be judged on performance alone, and not with reference to the race factor. Hanekom was too busy, too idealistic, and too headstrong to be able to work with the fast-rising black urban elite within government and civil service. Some argue that Mbeki only has non-blacks in his cabinet to keep whites as a group on side, and to bring skills to technical portfolios, whilst others suggest that they are there because they are, by virtue of their race, no threat to Mbeki. As a white ANC politician, Hanekom would have been expected to appease white farming lobbies, not take on the corporate interests they represented. His political convictions meant that he would not be prepared to do this.

This is important in explaining Hanekom's departure and his replacement by Thoko Didiza. He was not replaced by a more competent person, but rather axed because he did not fit with the politics or the agenda of the Mbeki administration. Thoko Didiza on the other hand did fit with Mbeki's agenda and her appointment to the position of Deputy Minister of Agriculture was a good example of Mbeki's policy of appointing loyal supporters. At that time, Didiza was also said to be Thabo Mbeki's girlfriend – he appointed her whilst he was Deputy President, despite her having no experience of agricultural or land issues.¹⁰

Influence of black elite political agenda on Didiza and the policy process

It was clear from interviews conducted and documentary research that a battle for control of the Ministry of Agriculture and Land Affairs by those in the DLA favouring small-scale farming to benefit the rural poor, and those in the NDA favouring the development of a black commercial farming class, began to take place during the late 1990s, as these two competing ideological positions sought to influence and dominate policy-making on land reform.¹¹

Didiza then quickly became influenced by both Bongi Njobe and Masiphula Mbongwe (Deputy Director General of Agriculture). They quickly took the opportunity to promote their particular agenda for South African agriculture, which derives primarily from the NDA policy "Broadening Access to Agriculture Thrust" (BATAT). BATAT first appeared in the late 1980s and initiated the extension of services to previously disadvantaged farmers, building on the old Farmer Support Programmes. It was shelved in 1988 following a change in agricultural policy. This

¹⁰ Martin Adams, DFID, in interview 2001.

¹¹ It is worth noting that exactly the same 'battle' occurred in Zimbabwe. See ALEXANDER (1994).

is important for the purposes of this thesis, since, as noted earlier in this thesis, BATAT provided for the promotion of a black commercial farming elite. Njobe and Mbongwe seem to favour combining the aims of BATAT, aimed at black farmers, with the policies of the Land Bank, aimed at white farmers. This approach is consistent with the ideological disposition of those in favour of expanding commercial farming, noted above. Essentially they favoured an approach to agriculture that adopted a 'modern', 'progressive' approach to farming, and regarded the orientation of the land NGOs and the DLA under Hanekom as confining blacks to backward, peasant farming. This approach also fits well with Thabo Mbeki's broader political and economic agenda.

Significantly, BATAT draws on a "legacy" of thinking on agriculture and land that has run through the Department of Agriculture since the Swinnerton Report (COLONY & PROTECTORATE OF KENYA, 1954). This report aimed to promote a commercial black farming class, and not the deracialisation of agriculture as Van Zyl and Kirsten have suggested. BATAT was written predominantly by the late Simon Brand, who during the 1980s was Director of the Development Bank of South Africa (DBSA).

During this time, Brand was a key figure, and had links with Van Zyl, Kirsten, van Rooyen and Vink, the agricultural economists at the University of Pretoria. Brand's aim in writing BATAT was to provide a broad planning framework for the socio-economic development of the homelands. This plan goes back to the legacy of Professor F.R. Tomlinson, author of the 1955 Tomlinson Report, which called for the creation of a class of full, or failing that, half-livelihood farming entities (UNION OF

SOUTH AFRICA, 1955:117, cited WILLIAMS 1996:139). Those who could not be granted land would find wage employment locally or as migrants. Even earlier, the Glen Grey Commission of 1892 “recommended the grant of individual tenure to Africans in the district, on a basis of 55 morgen per family; those who received no title to be obliged to seek work in the (Cape) Colony ...” (DAVENPORT 1966:153). Njobe and Mbongwe are almost certainly unaware that they are the most recent “inheritors” of this ideological legacy, but, with Van Zyl, Kirsten, van Rooyen and Vink, they are asking the same question: how do we do for black commercial farmers what was done for white commercial farmers ?

The promotion of Didiza to the post of Minister of Agriculture and Land Affairs in 1999 was a major political opportunity for Njobe and Mbongwe. It paved the way for them to try and initiate a considerable restructuring of the land reform programme and agricultural policy by developing a policy alternative to the DLA land reform programme that has its origins in the Farmer Support Programmes and BATAT, which reflect their vision for agriculture.

They seem to have been considerably successful, with the focus and approach adopted by Didiza being the provision of support for emergent black commercial farmers. John Howell, a DFID consultant working in the Minister’s Office, explained how Thoko Didiza had a clear idea of what she was looking to achieve. She was concerned with low level of demand being expressed for quality, commercially viable farmland from experienced black farmers. There was and is lots of demand for land for subsistence or as part of a multiple livelihood strategies, but she wanted to ensure commercial farming was promoted amongst blacks. The NDA

also began asking why good farms were being wasted. The NDA, the Presidency and Didiza got impatient with the rural poverty criteria, instead feeling that, in classic agricultural economic terms, the solution was to develop jobs in the rural sector to alleviate poverty. As Martin Adams put it, “BATAT is back !”. Many of the subsequent changes approved by Didiza can be traced back to the influence of Njobe and Mbongwe on her political thinking, as well as other policy thinking from within the NDA, and, significantly, also from World Bank thinking.

The 1990s saw a significant network convergence occur vis-à-vis African agricultural development that had policy implications for the development of the land reform programme. Examination of the emergence of LRAD during fieldwork uncovered an apparent set of complex interrelationships in the form of a policy network between a number of World Bank agricultural economists, the NDA and the University of Pretoria, based around the common policy thinking and a shared agenda for South African development, reflecting a shared ideological disposition for large-scale commercial farming. The World Bank position appears to have shifted from favouring small-scale farming to an emphasis on encouraging black commercial farmers. It would seem that this encouraged a shift away from support of the DLA as it had done through Binswanger and Deininger with Hanekom, towards support of the NDA. This resulting in Van Zyl and Kirsten becoming World Bank consultants during the late 1990s, helping shape the World Bank’s position on the future of land reform in South Africa and beyond. Both operate out of the Department of Agricultural Economics at the University of Pretoria, which has always had strong links with the NDA, where Njobe and Mbongwe are based.

Evidence of a policy “switch”

The eventual consequence of these two factors appears to have been that a policy “switch” suddenly occurred. HALL & WILLIAMS (2003) attribute this, understandably, to Thoko Didiza. The evidence presented above, however, would suggest that Bongi Njobe and Masiphula Mbongwe initiated it.

In early May 2000, right at the end of the review of land reform policy initiated by Didiza, a paper entitled “The Revised Programme of Land Reform in South Africa – a Catalyst for Rural Economic Growth ?” by Johann Kirsten, Simphiwe Nqgangweni and Johan van Zyl was widely made available. The content of this document is essentially a proposal on land reform policy, drawing on the lessons learnt from the first phase of policy and reports and policy review documents. Significantly, all three of the authors are agricultural economists from the University of Pretoria.

Also of significance was the accidental discovery by Gavin Williams (a supervisor to this study) that this policy document was actually written for the World Bank. Williams discovered this when looking at the ‘Properties’ of the document in Microsoft Word. Later versions of the paper, issued on the 17th May 2000, had had this evidence removed. Williams, Ruth Hall and I were able to verify this, having all received both versions of the paper over e-mail through contacts in South Africa. This is important because virtually all the proposals that appear in the paper subsequently appeared (almost word for word) in the IPLRAD document suddenly published by the NDA on the 12th May 2000, which without explanation replaced the previous drafts of IPLRAD.

Such evidence begs the asking of many questions, and it is hard to achieve clear proof that this is an accurate account of events. It does seem clear however, that during a time of genuine partnership between the DLA and the NDA over the development of revised land reform policy, Bongi Njobe and Masiphula Mbongwe, along with others in the NDA were also working with the University of Pretoria/World Bank group on future land redistribution policy options. Michael Aliber believes that the document was written jointly between the World Bank and the University of Pretoria, and apparently separately from the policy work being conducted jointly by the DLA and NDA, which he was involved in. Aliber also thinks Njobe was the key link in all of this, pointing to her involvement both as a student at the University of Pretoria and also in the Integrated Sustainable Rural Development Strategy policy document, in which Kirsten et al. were also involved.

It is hard to conceive of any other explanation to the sudden replacement of early drafts of IPLRAD with a significantly different draft than to think it must have originated out of this separate, undeclared working party. The reason why this is such a crucial issue to understand is that the policy approach the policy document advocates prioritises the development of a black commercial farming class, almost totally at the expense of the rural poor, something that previous drafts did not.

In an attempt to establish the truth over the origins and agenda of the new policy, an interview was conducted with Sam Malatji on the 8th March 2001. At the time, Malatji was Deputy Director of the NDA. Malatji's account of the review of land redistribution policy, and his explanation for the sudden emergence of a new policy document, hardly corresponded to that of many others who were interviewed. When

asked “Has there been a policy “hijack” ? The latest draft of IPLRAD seems to have come from nowhere ?”, Malatji revealingly replied, “No. The University of Pretoria and the World Bank were officially invited to submit their proposals during a time of consultation”.

Malatji went on to reveal who he claimed the LRAD policy development team was: Glen Thomas (Deputy Director General of Land Affairs), Masiphula Mbongwe, Michael Aliber, Carmen van der Merwe and Malatji himself. This did not correspond with accounts given by Michael Aliber and Carmen van der Merwe, who were as bemused as anyone else at the sudden appearance of LRAD. It does point to Mbongwe and Njobe being the main actors in this policy hijack.

In an interview with John Howell, this was confirmed. Howell suggested that “Masiphula is the key person in all this... he influenced Didiza and Bongi [Njobe] – neither of whom have their own ideas. Bongi was at Pretoria hence links with [Johann] Kirsten. Masiphula... felt beneficiaries should demonstrate commitment to farming and willingness to share risks by contributing themselves. He is a traditional agricultural economist.”

Michael Aliber claimed that “the ‘process of consultation’ between the NDA and DLA was a sham – there wasn’t any !”. A conversation with Aliber and Carmen van der Merwe concluded that this was an accurate assessment, with Van der Merwe (also nominally involved), saying that the “DLA staff are never consulted – DDGs are supposed to feed their input to DGs who would meet monthly to discuss that input...they met once – last November [2000]”.

The extent to which a manipulation of the policy process has occurred by Mbongwe and Njobe, with implicit support from the World Bank /University of Pretoria school of thought, must not be underestimated. The appointment of the politically weak Didiza to the role of Minister provided the perfect means of pushing through a pro-black commercial agriculture agenda, and placing it at the top of the land reform agenda. The extent to which the World Bank is complicit has proved hard to assess.

It does seem clear from the documentary evidence that there was some form of policy thinking going on separate from the “official” redevelopment of policy, which was suddenly thrust on to the scene. Many have pointed the finger at Thoko Didiza. That would seem to be wrong. The main players appear to be Mbongwe and Njobe and others around them, who have sought to use the review of policy as a vehicle for furthering the black emerging elite, at the expense of the rural poor. Didiza was either unable or not concerned with preventing this. Malatji appears to have gone along with it.

6.4.3 Development of a new land redistribution policy

Once this switch had been made, IPLRAD went through a number of drafts before it was finalised as policy in October 2000¹² (see Figure 6.2 for an overview of the chronology) (DEPARTMENT OF LAND AFFAIRS, 2000a, 2000b & 2000c). The first draft of IPLRAD of 8 May 2000 made provision for two separate programmes.

¹² See MINISTRY OF AGRICULTURE & LAND AFFAIRS (2000a, 2000b, 2000c, 2000d).

Figure 6.2 – Chronology of the development of IPLRAD¹³

21 December 1999

The first draft document for the IPLRAD is a result of meetings between the Department of Land Affairs (DLA) and the National Department of Agriculture (NDA), and is not released to the public.

11 February 2000

The Minister releases her policy statement and announces that a commercial farmer programme is to be developed, structured around three “redistribution windows” for small, medium and large scale farmers who would need to contribute 20%, 40% and 70% of their total project costs, respectively. In addition to this, a “food safety net” grant for those too poor to participate in commercial farming is proposed. No beneficiary criteria are itemised.

7 April 2000

Details of the Commercial Farmer Programme element (Draft 2.7) of the IPLRAD is made available to the public, and is presented at a national workshop on 21 April 2000.

21 April 2000

A National Consultative Workshop is hosted by the Ministry of Land Affairs and Agriculture in Pretoria. The NDA presents the programme, and specifies that there are two core policy products: grants under the Commercial Farmer Programme (CFP) and the Food Safety Net (FSN). The qualifying criteria for participation in the CFP is revealed: an applicant should have an annual income of at least R18,000; be unemployed; have a minimum of five years’ farming experience or have a diploma in Agriculture; not be an employee of the state; and be in good health. It is proposed that a 20% quota of women be included as participants in the programme. The ceiling on the level of grant is set at R100,000.

However, by mid-May it became apparent that the two departments were simultaneously developing separate drafts, with significant differences in content:

8-10 May 2000

A first draft of the entire programme, entitled Draft 4.1 is released, apparently by the DLA, accompanied by further drafts of the CFP and FSN (Draft 2.5) and new Commonage Product draft documents. The CFP product is broadly the same as that presented at the workshop the previous month, except that the category “previously disadvantaged” is changed to “black”. It is announced that only applicants under the CFP are eligible for the full grant of R100,000, with FSN applicants only eligible for a one-off grant of R24,000. The Land Bank is allocated the role of providing valuations of land. A budget for the entire programme is outlined, indicating a total capital budget of R29 billion over 20 years and R4.7 billion within the first five years. For the first time, the relative budgetary priorities between the various products are outlined, with 75% of the budget going to food safety net projects and labour tenants, compared to 11% to commercial farmers. This budget is not reflected in any subsequent documents by the NDA.

15 May 2000

A short paper entitled “Second Draft” is written by the NDA. This paper draws together the three “redistribution windows” into one policy product: a grant on a sliding scale, together with a minimum “own contribution” of R5,000. This draft has no beneficiary criteria other than that the applicant should be a black South African. It is accompanied by a manual entitled “Agricultural Land: How to Get It”. The draft specifies that municipal commonage will not be allowed under the programme. There is no quota for women, and no mention of gender issues in land acquisition.

26 May 2000

The Minister presents the NDA draft of 15 May to MinMEC (the meeting of the Minister with the MEC’s of all provinces), which approves it. Subsequent drafts are all variations on this document.

8 June 2000

A “Final Draft Document” is released to members of Parliament. It is almost identical to the 15 May draft by the NDA, but the calculation of the grant over and above the minimum level has changed from a ratio of 1:5 (grant: own contribution) to approximately 1:3 (see Figure 4.1). Although the graph to depict this relationship is curved, the formula remains linear. No date for implementation of this programme is set.

¹³ This chronology is based to a large extent on the work of HALL (2000), and forms part of a report written by HALL on behalf of the Centre for Rural Legal Studies to a meeting of the Civil Society Forum on Land & Agrarian Reform, held in Johannesburg on 22-23 August 2000.

The key innovation was a “commercial farmer programme” (CFP) aimed at aspiring black commercial farmers with experience. It was structured around three “redistribution windows” for small, medium and large-scale farmers who would need to contribute 20%, 40% and 70% of their total project costs, respectively.

To qualify for participation in the CFP beneficiaries had to: be black; have an annual income of at least R18,000; or be unemployed; or have a minimum of five years’ farming experience; or have a diploma in agriculture; not be an employee of the state; and be in good health. It was proposed that women should constitute 20% of the beneficiaries. The upper ceiling for the grant was set at R100,000.

Minister Didiza stressed in February 2000 at a briefing that municipal commonage would remain available for emerging farmers and act as a step-up into commercial farming. A draft document entitled ‘The Commonage Product’ was included in the first draft, and proposed that municipal commonage be leased on a communal basis for subsistence purposes and individually to emergent farmers. Subsequent drafts did not include the ‘commonage product’, removing one low-cost option for supporting the rural poor.

In addition to this, a “food-safety net” (FSN) grant was identified: This was to take over from the Settlement/Land Acquisition Grant for those too poor to participate in commercial farming through the CFP. FSN applicants would be eligible for a one-off grant of R24,000. The Land Bank was allocated the role of providing valuations of land. A budget for the entire programme was outlined, indicating a total capital budget of R29 billion over 20 years and R4.7 billion within the first five years. For

the first time, the relative budgetary priorities between the various products were outlined, with 75% of the budget going to food safety-net projects and labour tenants, and the rest to the CFP. However, this budget has not been reflected in any subsequent documents by the NDA (HALL, 2000).

The DLA's new strategy initially envisaged a hierarchy of black farmers who would be characterised as 'subsistence', 'semi-commercial', 'pre-commercial' and 'commercial'. Broadly aimed interventions were to assist large numbers of people at the subsistence level through the Food Safety Net, whilst more focused interventions would seek to support and promote emergent black commercial farmers. The progression was perceived as one of increasing scale, commercialisation of inputs and outputs and commitment to full-time farming.

However, much to the surprise of many, only a week later, on 15 May 2000, a second draft was suddenly released by the NDA. This paper drew together the three "redistribution windows" into one policy product with a grant on a sliding scale, together with a minimum "own contribution" of R5,000. There was no quota for women, and no mention of gender issues in land acquisition. On the 8th June 2000, a "Final Draft Document" was released to members of Parliament. It was almost identical to the draft released by the NDA, but the calculation of the grant to own contribution ratio, over and above the minimum level, had been changed from 1:5 to approximately 1:3. Although the graph to depict this relationship is curved, the formula remains linear (see Figure 4.2).

On the 6-7 November 2000 the Minister held a gathering of those involved in land reform (such a gathering is known as an 'indaba') to announce the finalised new land redistribution programme, declaring that it met both the needs of the landless poor and the aspiring black commercial farmer who would contribute to economic growth. The Indaba and, by implication, the policy were primarily concerned with the latter (HALL, in conversation). It was announced that implementation would begin in April 2001 through pilot programmes.

The programme was renamed the "Land Reform and Agricultural Development Programme: a sub-programme of the Land Redistribution Programme" (LRAD). It was renamed a 'sub-programme' because the 'commonage product' is to be employed through a second sub-programme (although nothing has been announced). It was also announced that land for settlement and non-agricultural purposes would also be dealt with in other policies, making it clear that LRAD was primarily concerned with commercial farming.

6.5 What influenced and determined the policy process ?

Given the scale and complexity of the South African land question, and the contested nature of thinking over appropriate land redistribution policy, it is in one sense impossible to identify each of the factors that influenced the policy process.

There are, however, a number of very significant factors that require examination and analysis. Each of these is now briefly defined and outlined, in increasing order of significance. A full discussion of each of them is found in Chapter Eight (Chapter

Seven first presents the empirical data to identify the factors that affected policy implementation).

1. The role of the World Bank

There is no doubt that the role of the World Bank in contemporary South African land reform policy process has been highly significant. The extent to which the World Bank succeeded in influencing policy thinking is too great for its influence not to be considerable. A number of academic commentators have published on this issue, most notably WILLIAMS (1996).

Such influence reflects the contested nature of contemporary land reform programmes, and thus approaches to land reform policy processes. This was identified in Chapter Two as an issue pertinent to understanding what affects the effectiveness of policy processes in contemporary land reform. The World Bank had a vested interest during the 1990s in shaping the policy conceptualisation and policy development stages of the policy process, since it was keen to ensure that land reform played an appropriate role in its wider economic and political development agendas for the newly democratic South Africa.

The influence of the World Bank's role on the policy process is also symptomatic of the complexity of the policy context in which contemporary land reform policy processes occur. It reveals the importance of understanding the different ways in which land reform is viewed as a tool for broader economic development agendas. Whilst NGOs and other stakeholders from civil society were keen to ensure that land reform in South Africa brought about a radical redistribution of land in order to tackle

endemic rural poverty, the World Bank viewed land reform as a means of achieving more sustainable rural economies and political stability in rural areas.

A full examination and assessment of the World Bank's influence will be made in 8.2.

2. Over-ambitious objectives and unattainable goals

With perhaps the benefit of hindsight a decade later, it does seem that the objectives and goals aspired to by those seeking to tackle the land question in South Africa were over-ambitious and ultimately unrealistic. Most policy thinking now reflects a more realistic and less idealistic perspective on solutions to the land question.

This factor adds weight to the indication from the review in Chapter Two that contemporary land reform policy processes can be characterised by competing and conflicting policy agendas resulting in problematic conceptualisations of policy and subsequent policy development. The goals of the initial land reform programme were shaped during the policy conceptualisation stage that sought to reconcile competing agendas, different approaches to land reform policy, and different objectives for land reform policy. The result was an over-ambitious set of objectives and a set of inappropriate policy mechanisms that meant policy was difficult to successfully implement.

This factor is also symptomatic of a desire of politicians during a shift to democracy to produce quick, simple policy solutions to complex, long-standing issues inherited from previous political systems. In South Africa, this desire ultimately influenced

not only the World Bank, but also the African National Congress (ANC) approach to the role and scope of a programme of land reform. They were keen to see quick progress made in land reform in order to provide evidence to its rural support base that it was making good on its election promises to resolve the long-standing 'land question'. Consequently, it set unrealistic timeframes for a series of goals that were unattainable because policy was unable to deliver them effectively, or quickly enough.

The extent to which this factor ultimately determined policy-making is explored fully in 8.3.

3. Competing political agendas

It is clear from the account of the three phases of the policy process that competing political agendas during this time had a significant influence on the nature and direction of the policy process. The interplay between the National Party, the ANC, white and black farming unions and the land-related NGOs had a profound influence on early decision-making and the context for policy conceptualisation and development during this time. The different thinking over politics and policy thinking offered by differing groups of policy-makers during this time continued into the early period of policy negotiations and consultation, and resulted in considerable conflict and delay as differing agendas were debated and contested.

This factor is also consistent with the issues identified in the literature review at the end of Chapter Two, and the nature of contemporary land reform policy processes outlined in Chapter Three. It is clear that the political context in which land reform

programmes are conceptualised, developed and then implemented, is a significant influencing factor on the policy process. The contested nature of South African politics influenced the politics of land reform specifically, resulting in both contested policy conceptualisation and development, as well as contested approaches on how to resolve deficient policy implementation.

The extent to which division within the ANC over long-term political agendas influenced thinking on land redistribution and how to develop appropriate policy only came to light during the third field visit, whilst examining the period 1999-2002. It is clear, however, that throughout the whole period under examination, differences between the DLA and the NDA over how to resolve the 'land question' also had a considerable influence on the policy process, and can be traced back to the earliest discussions over the role of land reform.

However, of most significance is the evidence that emerged during the second and third field visits of the policy "switch" by Njobe and Mbongwe, through Minister Thoko Didiza. This ushered in a significantly different focus for land reform in South Africa, and, as shown above, when the reasons for this action are uncovered, reveals the true nature of the land reform debate in South Africa, and, crucially, the extent to which politics shapes and determines the policy process. This is analysed further in 8.4.

4. A flawed policy process

It would seem from the data gathered and presented above, that there was a failure at the policy conceptualisation and development stages to fully understand the political

context of policy and to develop a policy that was appropriate to the challenge of land redistribution and that could be effectively implemented. This is possibly the inevitable outcome of other factors affecting the policy process for land reform in South Africa. In the words of one interviewee, “policy never had a chance – no one really actually agreed on anything!” The extent to which flawed policy conceptualisation and development stages are significant in explaining land redistribution policy difficulties is explored in 8.5.

Before each of these factors is explored in Chapter Eight, the following chapter details the factors that affected the implementation of land redistribution policy in South Africa, and the extent to which it was successful or not.

Chapter 7

Identifying the factors that affected policy implementation

“The performance of South Africa’s land reform programme needs to be seen within the contexts of the huge constraints imposed by the inherited apartheid structures, and lack of experience of the new state structures, compounded by the absence of effective local government structures”.

PALMER (2000:283)

7.1 Introduction

This chapter follows on from Chapter Six that identified the factors that affected the policy process and focuses on the factors that affected the policy implementation stage. It presents empirical data that identifies the factors that affected policy implementation. These data are then used in Chapter Nine which assesses the extent to which difficulties delivering South African land redistribution policy are a consequence of poor policy implementation, or a consequence of flawed policy conceptualisation and development stages.

The empirical data gathered during field visits to South Africa indicated that four factors affected policy implementation, including factors at each of the three stages of the policy process stages and a number of external and contextual factors.

For the purpose of context, the next section of this chapter briefly outlines the implementation stage between 1994 and 2001.¹ Subsequent sections then outline and present data gathered regarding each of the four factors identified above. The final section then concludes on which factor is ultimately responsible for difficulties in implementing policy.

¹ The focus of this research is on land redistribution. For details of the performance of the land tenure and land restitution sub-programmes see COMMISSION ON RESTITUTION OF LAND RIGHTS (1999), DEPARTMENT OF LAND AFFAIRS (1999, 2000d, 2001), MAY ed. (2000), NTSEBEZA (1999), PALMER (2000).

7.2 Implementation of land redistribution policy: 1994-2001

As noted in the Introduction, an abundance of research has been published on how effectively South African land redistribution policy has been implemented. It is commonly accepted that, despite all the efforts of the DLA and NGOs, the implementation of land redistribution policy between 1994 and 2001 failed to match the expectations and did not result in policy aims being achieved. The aim of the first redistribution programme in 1995 was to transfer 30% of white-owned land to 800,000 black households to “provide the poor with access to land for residential and productive purposes in order to improve their livelihoods” (ANC, 1994:27).² Minister Derek Hanekom, who deemed it unattainable, abandoned this target in 1996.

The 30% target would have amounted to a transfer of 30 million hectares of farmland between 1994 and 1999. By 1996, 200,000 hectares had been transferred to 20,000 households, representing only 0.6% of the target and 0.2% of the households demanding land (DEININGER & BINSWANGER, 1999:12). No revised targets were set and so the redistribution programme consequently ran without any specific goals other than to redistribute land where possible. Less than 2% of the target had been redistributed by 1999 (DLA, 2000d).

The shift in policy in 1999 prompted revised objectives: to increase access to agricultural land by black people and to “contribute” to the redistribution of 30% of commercial agricultural land. By 2001, just over 820,000 hectares had been approved for transfer with about 650,000 hectares actually having been transferred to beneficiaries, amounting to 0.81% of total land that could potentially be redistributed

(ADAMS & HOWELL, 2001:6; THE ECONOMIST, 2001:5). This lack of delivery has led to much examination and criticism of both the implementation process and the land redistribution policy itself. Much of that criticism argues that the programme has fallen short of the objectives set for it (see ADAMS & HOWELL, 2001).

7.3 Poor policy conceptualisation

7.3.1 Flawed thinking on land redistribution

Even before field visit interviews shed any light on implementation problems, many of those interviewed were keen to express their concerns at what they perceived as unrealistic objectives and guiding principles for land redistribution. Ben Cousins of PLAAS believed that the three sub-programmes of land reform were too segregated and argued that “the separation of land reform into three strands has been problematic from the start, they are artificial distinctions in reality, since land disputes, claims or needs inevitably involve a complex combination of the three”.

Glenda Glover of the SPP argued that within the land redistribution policy there should be different mechanisms for different beneficiaries, reflecting the different objectives embraced by it. This was also recognised within the DLA. Carolien Sampson and Carmen van der Merwe, when interviewed, argued “there is a need for new products, such as share-equity schemes and commonage... there needs to be a greater recognition of needs”.

² This figure is approximately a third of the land theoretically available to the redistribution programme, since 87% of all white- or state-owned agricultural land is eligible for redistribution.

Stephen Turner of PLAAS suggested that a more fundamental question “yet unanswered is, why are we doing this?”. He questioned the “extent to which a guarantee can be give to new farmers at a time when established white farmers are suffering and having to find off-farm employment to survive”.

Tom Lebert of the NLC was equally critical, arguing unequivocally that “land redistribution mechanisms and procedures will never achieve policy objectives because the policy is so poorly designed”. Significantly, Lebert suggested that it is neither the policy objectives nor the policy mechanisms per se that are wrong, but rather the relationship between the two. He criticised the whole policy process, showing that “the present rural reality did not organically emerge out of the past... market-led land reform is [wrongly] assuming that history stops and that a clean slate can be adopted where all are engaging equally with the process and the market... they are not and you cannot ignore our history!”. The NLC official position has always been that, ideologically market-led land reform is incompatible with the apartheid legacy in rural areas, and that the solution is a more socially just approach, with greater state intervention in the reallocation of rights and access to land.

Marc Wegerif of Nkuzi Development Association was equally concerned that the whole approach to the land question was flawed, suggesting “they have designed a policy around ideals and not the non-ideal reality... there is an attempt to keep everybody happy in the rainbow nation”. He argued that the government was “elected on a particular platform – by the black poor... they now need to serve them”.

Some others were not necessarily concerned with the general aims and objectives revealed by the chosen guiding principles, but rather concerned at the relative weighting given to each of them in policy. Ashley Westaway of the BRC suggested that “the government is over-emphasising rights, and undervaluing livelihoods – land rights don’t make everything secure for people”. He argued for a better balance between principles of equity, social justice and opportunity, with economic efficiency and poverty reduction through more pragmatic post-transfer support, and more holistic rural development planning by government.

Revealing the disjuncture between perceptions of the relative merits and emphasis of the five guiding principles, Fana Jiyane of the DLA argued the contrary to Ashley Westaway, suggesting that “GEAR is market-driven... it’s South Africa’s self-imposed structural adjustment... this is why land reform is market-driven and concerned with economics”. He went on to suggest that an over-emphasis on economic efficiency has meant that post-transfer support is ruled out for being too expensive, and yet “it is hard to meet the guiding principles because, even if communities get land, they still need water, infrastructure, agricultural extension support if having the land is to change their lives”.

Carolien Sampson of the DLA argued that the guiding principles were viable, but rather the ‘products’³ offered by the land redistribution sub-programme were wrong. She suggested that the principles of opportunity, equity and economic efficiency could all be achieved through a “range of products including farmworker equity schemes, rural livelihood projects, commercial farmers and commonage”.

7.3.2 Flawed thinking behind LRAD

During the third period of fieldwork, there was very real concern among academics and NGOs over the conceptualisation of LRAD. There were two principal reasons for this. Firstly, there was concern that LRAD would not enable a redistribution of land to the rural poor, but only to an emerging black commercial farming class, as it was designed to do. Ruth Hall was particularly concerned and wrote a briefing paper attempting to summarise the arguments against the new policy (HALL, 2000), arguing “it is doubtful whether, even within its own parameters, the programme will be implementable and successful”.

The commonly expressed fear was that there was significant scope for powerful interests to capture the majority of resources available for land redistribution at the expense of the powerless and vulnerable. It was generally concluded amongst the NGOs interviewed, that the grant structure provides high incentives for capital-rich people to gain access to state resources, and builds obstacles for poor people to do so.

Significantly, as Edward Lahiff of Nkuzi Development Association pointed out, LRAD does not enable citizens to gain access to land on an equitable basis, as prescribed in the Constitution nor does it pave the way for equitable agricultural development. Tom Lebert of the NLC suggested that the concept of a R5,000 contribution is certain to discourage many of the rural poor from applying for this programme, and that these criteria are open to abuse by unsympathetic officials. He pointed out in interview that “the average wage for farm workers in some provinces is as low as R300 per month, or R3,600 per year. How is such a person expected to

³ The term first emerged in policy dialogue following recommendations made by

accumulate R5,000 in cash or kind? Even if a worker devoted his or her whole labour to the project for a year, without any immediate return, this still would not be valued at R5,000”.

As Martin Adams explained, great emphasis has been placed on the revived principle⁴ that all beneficiaries must make a contribution “in cash or kind”, where the contribution of labour, or “sweat equity”, will be allowed as a form of payment in kind. Practitioners and NGOs were particularly critical of this principle, since they do not think it is workable in practice. As Edward Lahiff pointed out, “it is actually inherently meaningless... you cannot buy land with labour... the result is that the own-contribution requirement will be exceedingly difficult, if not impossible, to monitor and enforce”.

Ruth Hall was particularly scathing about the lack of attention paid to issues of social justice, suggesting that “the policy document shows little or no understanding of the concepts of affirmative action, poverty alleviation or transformation, and no evidence of having learned from the experience of the last six years. By proclaiming itself neutral on issues of gender, wealth and farm size, it effectively favours the more powerful elements within rural society and abdicates any responsibility for, or even understanding of, the transformation of inequality in land ownership.”⁵

The second reason for concern is that it would seem that there has been little serious attention paid to the means of effective policy implementation. For example, LRAD

PriceWaterhouseCoopers, who engaged in consultative work in 1994. For explanation see McINTOSH et al., 1999).

⁴ As noted earlier, the idea of an “own contribution” was first suggested in the initial stages of the policy development process.

does not (despite its name) make provision for post-transfer agricultural development, but only for the transfer of land, despite the policy intention to create an emergent black commercial farming class. Furthermore, LRAD makes no provision for the supply of agricultural support for those who have acquired or upgraded land rights under the restitution and tenure reform sub-programmes.

It does not specify how the Department of Agriculture is expected to be able to deliver successful land redistribution projects or how it will go about re-orienting their services of research, extension, credit and marketing to support land reform beneficiaries. And, as Ruth Hall also noted, “there is no mention made of services which must be made available to assist new owners of land to effectively invest in, and derive a livelihood from, their land”.⁶

7.3.3 Summary of findings on the influence of poor policy conceptualisation

It is clear from the field data presented in this section that many of the issues identified by interviewees correspond to the issues identified in Chapter Two of the Review section as being important in contemporary land reform policy processes.

The findings presented in this section can be summarized more generally as follows:

- unrealistic objectives and aims of policy were chosen;
- approaches to the role of land reform generally, and land redistribution specifically, were contested;
- inappropriate mechanisms for policy implementation were conceived of;

⁵ Interview, 2001 and HALL (2000)

⁶ Interview, 2001.

- competing political agendas had a significant influence on policy conceptualization;
- policy thinking at the policy conceptualisation stage was influenced more by the political context than an understanding of the most appropriate and viable policy approach to the problem of the 'land question'.

These issues, and their relative significance in explaining policy implementation deficit in South Africa, are examined in detail in Chapter Nine.

7.4 Poor policy development

A number of difficulties were reported as having been experienced during the implementation stage that related to the policy development stage during which specific mechanisms for delivering land to beneficiaries were designed. During the period 1994-1999, when the first land redistribution policy was being implemented, there were problems experienced as a consequence of the poor design of policy. There were problems implementing the policy mechanisms for redistributing land, and problems that arose from the procedures by which intended beneficiaries engaged with the policy mechanisms. Policy-makers outside government immediately identified potential implementation problems of the second land redistribution policy, LRAD, which are also considered in this section.

7.4.1 Policy mechanisms in the land redistribution sub-programme

A number of those interviewed felt that the mechanisms employed by the first land redistribution policy were inappropriate. Glenda Glover of SPP was concerned that the mechanisms were inappropriate, given the aims of the land redistribution sub-

programme. She pointed out that “people want land but they are restricted or afraid due to the cost of taking land on”. She also said that, at that time, SPP favoured “a more progressive policy with more expropriation... since current policy and land available on the land market forces people into communal land purchases which don’t seem to be working”.

Glover did qualify these concerns, suggesting that “SPP can understand the government’s caution – not all beneficiaries [of the SLAG] have used the land productively... this is why the DLA asks for land-use plans, to avoid wasting money in the long term.”

It was suggested by virtually all those interviewed during Field Visits 1 and 2 that the Settlement/Land Acquisition Grant (SLAG) was a flawed mechanism for two principal reasons. Firstly, the low value of each SLAG (R16,500) was insufficient for many aspiring poor rural households to buy viable agricultural land. As Ben Cousins of PLAAS explained, this “forced the creation of artificial groups and placed upon them the requirement of becoming legal entities and/or Communal Property Associations or trusts”. The only way some households could benefit from redistribution was to become part of a Communal Property Association (CPA) and pool their SLAG with other similar households. Cousins expressed concern at this, stating that “this is often complicated, drawn out and simply not natural for people. Furthermore... the process becomes problematic, placing great strain the artificial social relations that are not rooted in local socio-economic relations”.

Tom Lebert of the NLC pointed out that “since the grant is not enough... it is not going to end up producing independent small farmers with titles to land. Land is very costly to buy the smaller piece you buy (per hectare) so buying larger plots is always cheaper... it forces a communal approach which is a major weakness.” Ashley Westaway of the BRC noted that “there has been widespread criticism - the policy is forcing people into a communal approach and there are many unanswered questions about sustainability and livelihood creation.”

Secondly, the SLAGs were awarded only after a business plan had been accepted. The business plan system aimed to ensure that redistributed land would be used profitably. Cousins said that, “although in theory this may be a good idea, actually they have created some of the worst problems of all because they are a totally inappropriate procedure for the nature of the projects being developed”. Cousins pointed out that many of the beneficiaries were unable to develop economically viable business plans when they had yet to even own land.

Even critique from within DLA showed this to be a commonly held view. Peter Sapsford of the KwaZulu-Natal PDLA pointed out “the [business plan] process takes power away from the local community because beneficiaries ended up outsourcing to consultants for legal assistance and for their business planning. Few consultants understand the needs of their client and too often seem to have their own approaches that result in plans differing considerably from what is needed”.

This process was also criticised highly by the NGOs, particularly Nkuzi Development Association, who characterised it “as lengthy, drawn-out and expensive, with plans

being designed by government consultants and imposed”. Edward Lahiff put it like this: “DLA appoint a business planner... often private white consultants with expertise in large-scale commercial agricultural projects. They need to produce classic plans, showing reasonable profit in the near future...and this with only R16,000 per household... it’s crazy... it’s just not possible to generate an income for the rest of your life on this little, and yet the DLA sees this as an aim!”.

As Cousins explained, “the result of this is that communities disown them post-transfer - many of the applicants see no logical need for a business plan, and so simply write one in order to gain access to the land. Once the land has been transferred they forget all about their plan”.

Tom Lebert of the NLC stated that “the business plan system is considered by many to be unrealistic: the cost of developing one is high and not compatible with the insufficient resettlement grants and insufficient infrastructure and subsidy support to back them up once land has been redistributed and the plan must be implemented”.

Significantly, those within the DLA who were interviewed were well aware of these problems with the SLAG/business plan mechanism and procedure. Michael Aliber said that “as for the business plans... communities see no need for them... often they just use the system to get land and then abandon them.” Mbu Vundla, a senior land-planner in the DLA, referred to the “Compliance to Business Plan” report⁷ that shows that pre-planning stage was rarely complied with once the land was acquired. According to the report, this was a national trend. Fana Jiyane of the DLA did argue

⁷ See BOB & MOODLEY (1999)

in favour of SLAG, arguing “the government responds to demand and issues resettlement grants of R16000... we know it is insufficient but it is meant as a subsidy and not as the sole source of capital for land purchase.”

He also pointed out there was a technical issue that brought difficulties. Resettlement grants were allocated on a per household basis, but there was little consensus reached on what constituted a “household, which made the allocation of grants difficult and the processing of applications slow and unpredictable.

A second major mechanism was regularly identified by those interviewed as being problematic, namely that there were, and continue to be, insufficient willing sellers to enable the willing buyer-willing seller mechanism and the land market to work in the way that it was conceived. And even when there are sellers, they often will not wait for the DLA to finally agree a value for land and pay for it. Furthermore, according to Betty Mubangizi of EDA, “the land available for land redistribution is often marginal land and not very productive.”

It also became clear during interviews that often the land available on the land market was unsuitable for the business plans waiting for approval. Many large farms came on to the market but the majority of the demand was for small plots. This further forced the need for CPAs to emerge, as discussed above. Carolien Sampson of the DLA recognised that the “land coming on to the market was often of inferior quality, being marginal and/or unproductive, and that often the land is not suitable for the plan”. Tom Lebert of the NLC stated that “the land market is not functioning properly or in line with needs of the intended beneficiaries... huge farms are out on

the market and yet it is small plots that there is a demand for. The solution really is for the state to buy the land itself, subdivide and then sell to beneficiaries.”

A further complication was that the whole process could take anything from six months to three years from an initial application being made to land being transferred. There was agreement between the NGOs and the DLA that this was far too slow.

Alastair McIntosh of MXA explained that the effect of this was that “willing sellers (usually white) get impatient waiting for the DLA to process applications and release funds, and so sell to others that are engaging with the land market. Understandably, willing sellers won’t wait two years for government to release funds if there are other buyers who can act more quickly”.

According to Peter Sapsford of the KwaZulu-Natal PDLA, in a number of instances this was the downfall of a successful project, with willing sellers having sold their land to someone else after they got frustrated waiting to sell it through the DLA, leaving the applicant without any land. This would not have been problematic if the DLA then looked for other land, but it did not since policy procedures dictated that a whole new application must be submitted by aspiring landowners.

Edward Lahiff of Nkuzi Development Association was more opinionated over this issue, suggesting that “there are plenty of willing buyers but they won’t wait 2-3 years! Thus, it is not a really open market – a beneficiary of the programme cannot go to the market as an effective buyer.” Tom Lebert of the NLC said virtually the

same thing, arguing that “the time delay inhibits progress too... the market won’t wait two years for government to release money... farmers want to sell quicker than that”.

It also became apparent that there were often considerable difficulties in valuing land or agreeing a value for it. Policy procedure was that land on the market must be valued by the Land Bank if it was to be sold to grant beneficiaries. However, Land Bank valuations tended to be conservative. Offers were made on a take it or leave it basis and there was no means of negotiating. This often proved to be a waste of time and money, as often sellers sold to others who would pay a higher price either on the land market or privately.

Again this was recognised by the DLA. Carmen van der Merwe explained that “there is a big problem in evaluating the land as different people/groups get different values... time and money is often wasted trying to agree on the value. Some white farmers get impatient waiting to sell land so sell to those who will give them the price they asked for... the market value or more...some projects inevitably lose out.”

The same explanation was offered by Edward Lahiff: “land valuations by Land Bank are conservative... either that, or they [communities] get a private sector valuer in at great cost. It takes 6-12 months to get a valuation... once they do get a final valuation, the DLA will offer the farmer that value on a take it or leave it basis. If the farmer rejects the offer, the process ends – there is no follow-up or negotiation. It is such a waste of time and money.”

7.4.2 Concerns about the policy mechanisms of LRAD

Although the willing-buyer, willing-seller mechanism remains a primary component mechanism in LRAD, it has removed the income-based need criterion of R1,500 per household per month that underpinned the previous land redistribution grant system. Instead, LRAD saw the introduction of an “own-contribution” requirement to the grant system, wherein each participant contributes R5,000 towards a grant of R20,00, at the lowest level. As noted by many of those interviewed, most vehemently by Ben Cousins and Ruth Hall, this effectively excludes the participation of most rural people (depending on how the own contribution is calculated) and thus making scarce land reform budgets available to those who are not in dire need of assistance.

The new grant system tries to make it easier to acquire funding for a land purchase by allowing for this own contribution to be “paid in kind”, through labour or “sweat equity”, calculated on the basis of the average agricultural wage. There are many difficulties with this however. For instance, how do you calculate the labour equivalent of R5000?

LRAD maintains the household as the unit of redistribution, meaning that resources continue to be directed towards, and seen as belonging to, household heads, who are assumed to be men. Thus issues of gender equality will persist. Despite its name, the programme provides only for land acquisition and not for agricultural development (research, extension services, credit facilities and market access) that is appropriate for participants in land reform projects. It prioritizes the acquisition of land on a freehold basis for full-time commercial farming, rather than for a range of purposes, or part-time production, and in a system of tenure chosen by participants themselves.

This is despite an increasing body of evidence that suggests this is not in tune with the needs and aspirations of the rural poor (COUSINS, 2000).

Although billed by the Minister for Agriculture and Land Affairs as being a significant improvement to land redistribution policy, LRAD did not receive much praise from policy-makers outside government, particularly academics and NGOs. If anything, the policy was deemed more inappropriate than even the first policy.

7.4.3 Summary of findings on the influence of poor policy development

The issues identified during field visits as influencing difficulties in delivering land redistribution are consistent with the kind of issues more generally experienced in contemporary land reform programmes, and specifically, land redistribution (see Chapters Two and Three).

It is clear that the actual design of policy at the policy development stage of the first land redistribution policy resulted in a policy that was difficult to implement due to inappropriate and unworkable policy mechanisms, and complicated procedures for actually redistributing land to intended beneficiaries. This is perhaps an inevitable consequence of issues at the policy conceptualisation stage, identified above.

The policy design of LRAD was not considered appropriate or viable by policy-makers in the DLA or outside government. However since this thesis is concerned with the period up to 2001, the extent to which it has subsequently been effectively implemented is not explored.

7.5 Poor policy implementation

7.5.1 Implementation of the land redistribution sub-programme

The procedures for implementing the redistribution sub-programme were also severely criticised by many of those interviewed during field research. Tom Lebert of the NLC suggested that “a nightmarish bureaucratic process is a major factor preventing successful implementation”.

The procedure for allocating the SLAGs was repeatedly cited as highly problematic. Michael Aliber of the DLA explained that it operated on a case-by-case approach without looking at the wider context or issues. No assistance was offered to households or communities in developing business plans or in choosing appropriate land for resettlement. If the application was unsuccessful, rather than helping them redesign the application more appropriately, that particular application process was finished and the household or community had to begin the process again. The cost of doing this was high and often inhibited further, revised applications.

As Edward Lahiff of Nkuzi Development Association explained, “the DLA takes a case by case approach and as isolated cases...not looking at wider community contexts/issues that could be addressed at the same time. The DLA expects the community to make all decisions and come to them with a plan – they ask no questions to assist e.g. is this the most appropriate farm? No assistance in choosing the land... 2 years later, they’re told by DLA yes or no. If rejected, the project is closed, rather than helping them find better/more appropriate land.”

The NGOs, particularly the NLC and Nkuzi Development Association felt that there was a need for the Department of Land Affairs to adopt a part-supply driven approach, actively buying up land in advance of claims and developing viable and sustainable plans to save time and money. At the time, they argued that there was a general shortage of willing sellers but there were plenty of willing buyers, although they often lack the financial resources to buy land. The NLC suggested that an increased land reform budget would have allowed the DLA to participate in the land market itself, buying up good land and releasing it to intended beneficiaries.

This would have speeded up the process of redistribution and reduced the prospect of successful applications failing because no suitable land could be found. Instead, the plans submitted could then have been drawn up with particular land known to be available in mind, ensuring that they were viable and appropriate. This was even echoed by Carmen van der Merwe in the DLA who commented that “based on the willing buyer – willing seller mechanism... the government really should be buying up land in advance, but fiscal constraints means this is not possible”.

The sub-programme required a massive institutional shift in responsibilities from the Department of Land Affairs to the Department of Agriculture. Huge new responsibilities were allocated to local agricultural officers, including feasibility assessment, valuation, cash flow projection, environment assessment, land-use planning, certification of land titles, and advising beneficiaries. The NDA and its officers were insufficiently equipped to carry out these duties since this was the first time they had had responsibilities for any aspect of the land reform programme. The

abilities of the NDA to successfully manage land redistribution projects were questioned by many of those interviewed.

7.5.2 Implementation of LRAD

LRAD is now being implemented in South Africa. Little has been published or reported on how successful this is proving. However, it would seem that the general thinking among many of those who have expressed concern and frustration at the shift in both emphasis and means of the new land redistribution policy is that effective policy implementation will prove difficult. In contrast, the Ministry of Agriculture and Land Affairs remains optimistic about the prospects for rural development of LRAD (HALL, 2003, correspondence).

7.6 External and contextual factors influencing policy implementation

7.6.1 The problem of delivering policy at a local and provincial scale

It quickly became apparent during the first field visit that two problems were being experienced implementing the land redistribution policy at a local and provincial scale. Richard Clacey of the KwaZulu-Natal DLA summarised the problem as follows: "Land reform policy was designed at national level, but has proven not to be compatible across nine vastly different provinces due to differing land rights structures and tenure systems and thus differing needs and conditions. No real consideration was paid to gathering information on the particular rural realities in each province into which policy would eventually have to be implemented. The cost of this is being borne now, with inappropriate or inflexible policies being implemented".

Lala Steyn of the DLA argued that “there has been a failure to link in policy and policy processes with other government policies, particularly those of the Department of Agriculture. The result is a disjointed set of policies being developed in rural areas, often in conflict with one another”.

This explanation was echoed by Michael Aliber of the DLA who explained that “the breakdown in implementation occurs because policy is designed at national level and yet is implemented at a provincial level where the issues and problems all vary... we are trying to make one policy fit nine very different cases”.

7.6.2 Influence of political pressure for immediate success

A number of those interviewed argued that political pressure to deliver led to impatience and short-term perspectives, which in turn undermined the viability and sustainability as well as the effectiveness of the land redistribution sub-programme.

Glenda Glover of SPP was unambiguous about this matter, stating that “the time-scale adopted is totally inappropriate for the route adopted for land reform”. SPP favoured a longer-term approach to land redistribution, during which time “land could be viably transported, new farmers supported, local markets established and growth sustained”.

Carmen van der Merwe at the DLA summarised what many interviewed in the DLA thought about the time-scale for redistribution, arguing that “we are trying to do it too quickly. There was political pressure to be seen to be delivering, but we have basically learnt through doing. The whole sector is under-staffed given the scale of

the issues and the country... there are massive time and commitment pressures on the staff.”

Alastair McIntosh of MXA explained that one of the consequences of this pressure to deliver was that the Land Reform Pilot Programme (LRPP), which was supposed to be reviewed prior to a full redistribution programme being launched in every province, became the sub-programme, without any review or time for policy reiteration.

7.6.3 Constraints posed by insufficient budgetary resourcing of policy

Another factor identified during field research as a constraint on the effective delivery of land redistribution sub-programme was that of budgetary issues. Michael Aliber⁸ suggested that “the share of the annual budget that the DLA receives is far too little relative to the cost of implementing land reform policy - the total land reform budget is actually less than 1% of the annual national government budget”. PALMER (2000:16) shows that between 1994 and 1999 it was actually 0.4% of the government budget.

Those representing NGOs that were interviewed also identified the size of the budget as being a significant constraint on the effectiveness of the land reform programme. Ashley Westaway of the BRC argued that “the budget for land reform is too small” and that “it is clearly not a priority at cabinet level”. Glenda Glover of SPP argued that “the insufficient budget is a constraint, but it doesn’t need to totally prevent redistribution”.

⁸ DLA, interview 1999.

Significantly, all of those interviewed during the first field visit, including each of those within the DLA, stated categorically that the government needed to recommit to radical land reform and to increase the DLA's share of the budget.

Aliber also explained that the low budgetary allocation was "compounded because the present national government budget system does not work in DLA's favour". Departmental budgets were reviewed annually and the amount allocated is based on what was spent in the year preceding that. The DLA saw its budget cut in 1998 and 1999 because it had not spent budget money allocated in preceding years. This, however, was money allocated to land reform beneficiaries whose allocations were still being processed. In other words, the money was allocated to be spent, it just had not been awarded yet". Aliber suggested that "there should be a separate approach for the DLA, we don't spend from year to year but over a number of years".

7.6.4 The influence of insufficient inter-departmental co-operation

It also became apparent that between 1994 and 1999 there was little, if no, collaboration between the Department of Land Affairs (DLA) and the Department of Agriculture (NDA). According to Tom Lebert of the NLC, there was considerable conflict over how rural development should be tackled and thus over how best to achieve land reform and what it should be aiming for, all of which led to considerable difficulties in policy implementation.

Michael Aliber of the DLA cited "a lack of inter-departmental co-operation between the DLA and the NDA" as a major factor hindering redistribution policy. He stated "that there is no firm consensus within government on how to best implement land

reform programmes and policies and that there is conflict over how to proceed and improve existing policy”.

Stephen Turner of PLAAS was clear that “the Department of Land Affairs and the Department of Agriculture need to integrate, and integrate their strategies and policies” if redistribution is to be successful.

Gavin Williams, during a conversation, pointed out that these problems were made more difficult by the emergence of an Africanist element in the ANC and a corresponding fall-out of the white cadres in government. This is important since that new emerging political constituency was largely not a rural one, and represented a black urban professional class, not a black rural class.

Martin Adams of DFID sees this as a key explanation for land reform being slowly pushed off the agenda. He explained that increasing pressure came from this black professional lobby who promoted themselves as the new spokespersons of the black rural people, despite only representing aspirant commercial farming, instead of the white rural NGO lobby.

Another consequence of poor inter-departmental co-operation was identified by virtually all the NGOs interviewed, that indicated that there is a real need for post-transfer support packages to be provided by the NDA. It was consistently pointed out that early successful land redistribution projects failed because they lacked appropriate support, such as infrastructure and agricultural skills training. Ashley Westaway of the BRC pointed out that “this relates very much to a lack of

sustainability... the DLA transfers land but does not liaise with other departments to assist in post-transfer support”.

Betty Mubangizi of EDA argued that “there is a real need for government support packages”, suggesting that redistribution is successful only when “people are actually using the land, not just owning the land”. Glenda Glover of the SPP was equally clear on the importance of post-transfer support, stating that “there is no support post-transfer... things won’t work without it”.

Mubangizi also suggested that “NGOs need to empowering communities.” Tom Lebert of the NLC explained why, saying that “these new communities need to have huge capacity-building support if they are to succeed... trusts, legal entities etc need to be created. You cannot quickly build capacity... it takes years... who is going to facilitate this? Government cannot as it lacks skills and resources, and NGOs are only working with a fraction... lots more people are desperate for assistance in engaging with the redistribution process.”

It was argued by the NGOs that there is also a need for empowerment, skills training and capacity-building for rural peoples and communities in general, especially if they are to successfully and sustainably develop a viable rural economy. They felt that this was an area where their expertise would be most useful and are urging the government to facilitate this in partnership with NGOs.

7.6.5 Constraints resulting from government apathy and incapacity

Alastair McIntosh of MXA cited the lack of experience of government as a major contributing factor to failure to deliver policy objectives, suggesting that “the key

people who joined government spent lots of time working on policy, when the problems were about aligning policy objectives with viable mechanisms and procedures". The result was, according to McIntosh, "a system failure that they hadn't anticipated".

Richard Clacey, from the KwaZulu-Natal DLA, explained that a "lack of planning capacity at district-level DLA offices resulted in a reliance on private planning agencies, which was anathema to the principle of a community-driven process that would be participatory and empowering."⁹ Clacey explained that the urgency to create plans and to transfer land meant that local input was in some cases glossed over as a hindrance to efficiency. He also suggested that the review of the LRPP revealed a shift in emphasis towards a "reactive project-based paradigm" which was an unanticipated outcome of the demand-led programme being implemented.

Tom Lebert of the NLC was clear on the importance of government incapacity to deliver in hindering the redistribution of land, arguing that the "DLA offices don't have skills or capacity to implement policy – PDLAs are not up to the task".

Expecting a different line of argument, it was surprising to me when Carolien Sampson of the DLA also indicated that weak government was a hindrance to successful implementation of land redistribution policy. She argued that "there are differing levels of skills, capacity and bureaucratic competence in provincial DLAs. The provincial DLAs are under-staffed and under-resourced. Skills training and capacity-building is needed.

⁹ This is also suggested by LEVIN & WEINER (1997).

Glenda Glover of SPP identified an important paradox, stating that “there isn’t any will from the government [to deliver redistribution] and yet people are expecting them to implement policy”. She went on to argue that “there needs to be *both* viable policy mechanisms and will power on the part of government”. Her solution to this apparent lack of commitment to redistribution was that “the government should be buying up land and setting up a network to support people, not disposing of state land and just leaving the market to it”. In other words, Glover, like others, favoured a more pro-active DLA.

Stephen Turner of PLAAS also identified the lack of government will as a hindrance factor, suggesting that the “government must reaffirm its commitment to the policy and bolster the budget too”. Alistair McIntosh of MXA also held this opinion. He made it clear that he thought “the state should be actively purchasing land and developing plans for it for people if meaningful redistribution was to happen”.

Edward Lahiff and Marc Wegerif of Nkuzi Development Association in Pietersburg both expressed concern that “there was a general lack of will on the part of the government to take the necessary action needed to deliver land reform policy aims”. Lahiff argued that “the government seems to lack the will at present to see results and avoids responsibility for ensuring delivery”. He suggested that this was for a number of reasons: institutional incapacity; a fear of upsetting commercial farmers or being seen as an interventionist state. Wegerif explained that “the government believed that the market-led, demand-driven approach that was adopted means that the government should play only a facilitating and not an interventionist or lead role in the delivery process”. He suggested that “the demand-led notion means government

is not encouraging the delivery of land or taking responsibility for doing so. There is a reluctance in government to recognize they were elected by a constituency – they need now to serve them – government has not engaged with issues by trying to stay neutral”.

Betty Mubangizi of EDA also identified an apparent concern on the part of the DLA about upsetting commercial farmers, suggesting that the “government is very afraid of upsetting the commercial farmers – there is no reason to be – instead they need to concentrate on increased capacity-building instead”.

Stephen Turner of PLAAS, when asked to summarise the institutional problems hindering effective policy delivery, put it thus: “there is a lack of money, bureaucratic skills and insufficient institutional capacity”.

Ashley Westaway of the Border Rural Committee argued that “these issues appear to be compounded by, and are symptomatic of, a wider problem of incapacity and inaction on the part of the South African government” and that “many of these problems are a direct result of there being no coordinated government rural development strategy.” The consequence, he said, is that “government works too sectorally with very little coordination.”

7.7 Conclusion

7.7.1 Problems at the three stages of the policy process

It is argued, based on the data presented in this chapter, that a flawed policy conceptualisation stage resulted in unrealistic policy objectives and aims being chosen for the first land redistribution policy in South Africa. It is clear from the data that approaches to the role of land reform generally, and land redistribution specifically, were contested by the various policy-makers involved in the policy process.

It is also argued that the specific policy approaches that then determined how policy mechanisms were designed at the policy development stage for subsequent policy implementation were inappropriately conceived. It is also very clear that competing political agendas had a significant influence at the policy conceptualization stage, causing policy-makers to struggle to conceive of a policy that would be appropriate and viable, given the challenge of the 'land question' it was meant to help resolve.

It is also argued that poor policy development resulted in a policy that was difficult to implement due to inappropriate and unworkable policy mechanisms and complicated procedures for the redistribution of land. Factors at the policy implementation stage hindered effective implementation of policy. Complex and lengthy procedures for policy beneficiaries, coupled with weak institutional capacity in the government departments responsible for policy implementation, meant that implementation was a long and complicated process, restricting the amount of land that could be redistributed over any given period of time.

7.7.2 The influence of external factors

There is also clear evidence that a number of external and contextual factors further hindered the effective implementation of policy. The influence of political pressure for immediate success on placed great pressure on the policy conceptualisation and development stages. Constraints posed by insufficient budgetary resourcing of land redistribution policy restricted how much land could be redistributed once policy had been implemented. Insufficient inter-departmental co-operation created a range of issues that affected the policy process. Most important was the battle for control of the land reform agenda between the Departments of Land Affairs and Agriculture, detailed in the previous chapter. This, coupled with constraints resulting from government apathy and incapacity, meant that political agendas and issues heavily influenced the whole policy process.

It is suggested at this point that the primary factors affecting effective policy implementation are related to flawed policy conceptualisation and poor policy development stages in the policy process, and not policy implementation. Chapter Nine, as indicated in the thesis structure diagram in the introductory chapter to this thesis, examines the extent to which each of these factors is responsible for difficulties experienced successfully implementing land redistribution policy in South Africa. Chapter Ten then concludes on the extent to which policy implementation difficulties experienced are the result of flawed policy conceptualisation or policy development, rather than simply poor policy implementation.

Section Three

ANALYSING THE POLICY PROCESS

The third and final section of this thesis analyses the evidence presented in the previous section, in order to assess the validity of the argument proposed in the Introduction.

Chapter Eight examines the evidence presented in Chapter Six on the South African land redistribution policy process, in order to understand why it evolved in the way it did. Chapter Nine then examines the evidence presented in Chapter Seven on the factors that affected policy implementation, in order to assess the extent to which each factor explains the difficulties implementing land redistribution policy, and the extent to which those factors are the result of flawed policy conceptualisation and development stages in the policy process.

Chapter 8

Understanding the policy process

“One of the consequences of passing ambiguous and inconsistent legislation is that the arena of decision-making shifts to a lower level. The everyday practitioners become the ones who resolve the lack of consensus through their concrete actions... interest group pressures are brought to bear largely after legislation is passed”.

REIN & RABINOVITZ (1978)

8.1 Introduction

To understand fully the problems and issues that have arisen during the implementation of land redistribution in South Africa, outlined in the previous chapter, it is important to understand the policy process; why it took on the particular form that it did and how the various policy-makers influenced the shape of the two land redistribution policies. As CHRISTIANSEN et al. (1993:2) state, we must remember, “the preparation process is as important as the final product”.

This chapter draws on evidence presented in Chapter Six, to explain why the policy process evolved as it did, assessing the relative significance of the four factors identified as having shaped and influenced it. Chapter Nine then assesses the extent to which South African land redistribution policy has been difficult to implement because of a failure at the policy conceptualisation and/or policy development stages by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not simply because of poor policy implementation. The concluding chapter then identifies the extent to which the argument proposed in the Introduction is validated by this analysis of the empirical findings, and concludes on how the South African case study informs the issues raised in the first section of this thesis.

8.2 The role of the World Bank

It would seem that the extent to which the World Bank's influence and role can be considered helpful and positive during this period is contested. There has been a lot written about it, and its involvement has been much criticised and debated, both in terms of its policy approaches and in terms of its involvement in, and influence of, the policy process itself.

According to Michael Aliber, there was concern and suspicion expressed during the beginning of the policy process within the ANC over the possibility of the World Bank having a detrimental influence (as outlined in Chapter Six). Derek Hanekom, as head of the agriculture portfolio in the ANC, developed the Land and Agricultural Policy Centre (LAPC) as a counterpart team of advisers and policy-makers to collaborate with the World Bank team and to avoid any over-influence developing.

WILLIAMS (1996) argues that the intentions of the World Bank began to emerge at the 1992 conference, when it became apparent that the Bank was eager to implement land reform quickly to meet the expectations of a potentially militant rural population and thus stave off the threat of widespread rural instability and even revolution. It would seem that such a position was part of a process of legitimising the Bank's desire to be a presence in South African political and economic development during the transition to democracy.

Martin Adams argues that the World Bank believed the radical policy approach proposed by the ANC during the era of negotiations would have a destabilising effect on the transition to democracy, and that consequently it pushed for a more

conservative, market-driven approach to land reform that would also perpetuate the unequal distribution of wealth in order to ensure stability.

The principal means of achieving this was through the inclusion of the property rights clause in the constitution that effectively ruled out any massive state-led expropriation and redistribution of land. Adams went on to say “this government when in waiting, bought it... there was an acceptance that if there was to be a peaceful transition then it would be necessary to abandon radical policies”. He also pointed out that the same happened in the 1980 Lancaster House agreement over the land question in Zimbabwe and in the Namibian land issue too. The current land struggles in Zimbabwe are a result of Robert Mugabe choosing to ignore the presence of such a clause in the Zimbabwean constitution to ‘finish the process of decolonisation’ (see CHIKUHLWA, 1998).

A number of those interviewed, including Martin Adams, Tom Lebert and Ben Cousins, argued that this agenda caused the World Bank to adopt a somewhat aggressive and domineering approach, essentially forcing the South African government to give it an influential role in the policy process. Tom Lebert argued that “even at the conference,¹ a number of the South African participants felt somewhat patronised and that their expertise and knowledge was underestimated and negated [by the World Bank]”.

The World Bank was criticised for adopting a dual role of giving advice and recruiting South Africa as a client as a means of “redeeming its reputation” following

¹ The World Bank and the United Nations Development Programme conference held in Swaziland in November 1992, entitled “Experience with Agricultural Policy: Lessons for South Africa” (see Chapter Six).

a number of development policy errors during the early 1990s. WILLIAMS (1996:140) argues that the papers chosen at the “Options” conference were determined by the World Bank in order to shift the direction of the arguments in favour of the World Bank’s approach that favoured a market-led policy. This effectively gave the World Bank a mandate to push its wider neo-liberal economic policy agenda for South Africa, further ensuring that the land reform programme was based on a market-led approach, emphasising property rights and economic opportunity over social justice and poverty reduction.

LEVIN & WEINER (1997:260) argue that the development of South African land policy reflects a “familiar process whereby internal African policy agendas are strongly influenced by international institutions within the context of a policy alliance between domestic and international capital”. They suggested that, in the short to medium term, “the geography of a World Bank/ANC policy convergence on market-led land-reform allocation will likely help to reproduce South Africa’s historical political ecology” (1997:260).

There was also considerable criticism of the World Bank’s policy proposals. WILLIAMS & MURRAY (1994:322) pointed out a number of aspects that were potentially problematic when it came to policy implementation. For example, the proposals sought both extensive redistribution of agricultural land for small-scale and subsistence farming, whilst at the same time sought to increase commercial agricultural production.

Such criticism is also found in the academic critiques of the World Bank's policy proposals for South Africa. Most notably, LEVIN & WEINER (1997:257) are sceptical, suggesting that the World Bank's uncompromising "agrarian political economy" thinking was conveniently concealed by uncontested statements proclaiming that large-scale agricultural production units are more efficient than small-scale units. They show that World Bank proposals assume poorer households and individuals resident in rural black areas lack the necessary agricultural skills and should not therefore be primary recipients of land able to support commercial agriculture.

Essentially, there was a tension between the World Bank's emphasis on increasing the economic efficiency of commercial agriculture and the NGOs' concern with issues of social justice. Some of the World Bank economists, however, argued that creating opportunities for some small-scale farming would lead to progress delivering equity and social justice principles too.

Such a position is based on evidence from the Green Revolution, and reflects work on this in the 1970s by the World Bank and the Institute for Development Studies at the University of Sussex (CHENERY et al., 1974). The result, however, is that they made over-simplified and confused proposals that resulted in a market-led policy that was unable to deliver both guiding principles of social justice and equity and guiding principles of economic efficiency and opportunity. The land redistribution sub-programme reflects this oversimplification.

8.3 Over-ambitious objectives and unattainable goals

It does seem that the original objectives and goals aspired to by those seeking to use land redistribution to help tackle the land question in South Africa were over-ambitious and ultimately unrealistic.² There was recognition of this by policy-makers during the brief time of policy reiteration in 1999, but that was ignored with the sudden emergence of a second policy that many argue is just as fundamentally inappropriate and unviable. This section is concerned with assessing the extent to which over-ambitious objectives and unattainable goals are a significant factor in explaining difficulties in effectively implementing policy.

There are a number of aspects to this that require consideration. Firstly, it is clear that the expressed policy aims of the land redistribution sub-programme of redistributing 30% of white-owned land to 800,000 black households over five years (ANC, 1994, FRANCIS, 2000:34) were unrealistic. The time-scale was simply too short, and even if policy had more effective this would not have been attainable.

The five guiding principles underpinning the land reform agenda in South Africa, of equity, opportunity, economic efficiency, social justice and poverty reduction, simply cannot be implemented equally in any land reform programme, particularly one given a short time-scale in which to succeed. These different principles are not easily compatible, and an element of trade-off and compromise is required in the short term. The land redistribution sub-programme sought to deliver a market-led land redistribution that would be both economically efficient whilst also delivering equity, opportunity, broader social justice objectives and poverty reduction in rural areas.

² See Chapters Four and Six for an outline of the original policy objectives and goals.

Given the complexity of the South African land question, the pursuit of achieving such aims simultaneously was simply naïve and unrealistic.

These issues were then compounded by a number of other factors. The mechanisms for delivery were too inflexible and inappropriate for the realities prevailing on the ground. The institutional capacity of the Department of Land Affairs (DLA) at national, provincial and local level was insufficient for the complex policy implementation task. These factors are discussed fully in Chapter Nine.

8.4 Competing political agendas

It is clear from the evidence presented in Chapter Six that competing political agendas had a very significant impact throughout the policy process. Throughout the period 1990-2001, land reform was a contested political issue, prompting considerable debate and argument. The extent to which these struggles help us understand why the policy process evolved as it did is clear from the evidence presented in Chapter Six. Since the focus of this chapter is on understanding the policy process, it is not helpful to repeat that evidence here.

What should be remembered and noted at this point is that competing ideological dispositions shaped the approaches by the two departments, and the policy-maker networks around them, who were principally responsible for the policy process in South Africa. These two dispositions shaped their policy thinking, political perspectives, approach to policy-making and how they responded to the opportunity to review and revise policy in light of the 1999 review of the Land Reform Pilot Programme.

The extent to which this conflict between two different visions for land reform affected the policy process must not be ignored. Land reform in South Africa remains a highly contested and unresolved issue, with far-reaching social, economic and political implications for the future of South Africa. This is why land reform policy is so fiercely contested by those with different political agendas. The third phase of policy-making that saw the change to LRAD documented in Chapter Six is a clear illustration of this.

8.5 A flawed policy process

The research findings presented in Chapter Six suggest that there was a deficiency in the approach to the policy process that resulted in flawed stages of policy conceptualisation and policy development. The understanding of policy-makers of the importance in the policy process of the relationship between the guiding principles of policy and the approach to policy was weak. There was an attempt to make progress towards each of the five guiding principles whilst also seeking to accommodate political agendas which saw land redistribution as a tool in a wider development agenda. Policy-makers ended up producing a policy that was both market-led with a concern for encouraging commercial agriculture, whilst at the same time trying to help the rural poor gain access to land, all through the same policy mechanism (the willing buyer-willing seller mechanism).

This cycle was repeated during the third phase of the policy process with the conceptualisation and development of a replacement land redistribution policy. Again, policy-makers sought to accommodate all five guiding principles whilst also promoting a broader political agenda of black empowerment. In practice the

resulting policy, LRAD, actually only provided for those seeking to engage in small- to medium-scale commercial farming, and for all the claims that it also provided safety nets, these were not developed and incorporated in to the policy.

The research findings outlined in Chapters Six and Seven clearly show that the aims and objectives of both land redistribution policies were shaped at the policy conceptualisation and development stages by a complex interaction of personal biographies; political, professional and academic networks; institutional arrangements, loyalties and rivalries; ideological dispositions and material interests. These all operated on a rather different plane from what was actually possible and needed in practice.

It would seem that the aims and objectives of policy were determined largely by political agendas and dogged adherence to macro-economic agricultural economics. Ideally, policy would have been made in response to a well-conceived and viable policy approach that had been developed in response to an understanding of how policy could begin to deliver the guiding principles of the land reform programme and also make progress towards meeting the different needs and desires for land that were being expressed across South Africa. Whilst it was not possible, or indeed appropriate, to design a 'one size fits all' policy, it was possible to develop a policy that was more flexible and able to reflect the diversity of contexts into which it was to be implemented.

Instead, the policy process was shaped largely by competing political agendas and wider economic issues and hindered by a lack of knowledge and expertise. The

balance of emphasis on the guiding principles became confused and contradictory as attempts were made to compromise over a set of ideals and desirable outcomes that all those involved in the policy process favoured.

The Department of Land Affairs and the Ministry of Agriculture and Land Affairs took a “top-down” approach to the policy process that resulted from a desire to see five over-ambitious principles equally delivered. It follows logically that, if the emphasis and priorities of policy were influenced by the broader political context, and did not respond to policy learning that had occurred during the period 1994-1996, particularly by the LAPC, a policy would be developed that was both inappropriate and difficult to implement effectively.

In the case of South Africa it would seem that, although each of the guiding principles was worthy in and of itself, how policy-makers sought to bring them all together in one policy, and adhere to a particular political agenda resulted in an inherently inappropriate and unrealistic set of policy aims. The mechanisms then chosen to deliver these conflicting aims were very specific and inflexible, but also inappropriate, making successful policy implementation difficult. This was in part the result of a general reluctance and fear of being too radical that led to an approach, and thus policy, that sought to compromise, and consequently only went part way to allowing for land to be redistributed to the rural poor.

Many of those interviewed identified a lack of experience amongst the policy-makers with regard to the specific issues pertaining to the South African land question. This perpetuated the fact that there was insufficient understanding gained on what those

issues really were, and how best to approach the development of a policy that could bring meaningful change.

Consequently, when the policy was implemented, it was soon realised that things were not as straightforward as had been assumed. The implementation framework that was developed was too inflexible and unable to cope with the sheer number of applications as well as those that did not fit the procedures. The result of this was that by 1999 much of the redistributable land remained inaccessible to those wishing to gain access to it.

The extent to which the policy development stage, rather than policy implementation, is responsible for the policy outcomes that have been seen so far in South Africa is hard to assess fully. It is contended here that the policy development stage was flawed, resulting in a policy that was both inappropriate for the prevailing situation in South Africa, and insufficiently reiterative in design to allow for policy learning and modification. Had the policy process been reiterative and encouraged policy learning from the many ground-level policy implementers, policy could have been reiterated and improved, and thus far more effective in delivering the overall policy aims and objectives.

The rest of this section models the South African policy process in order to compare it with the theoretically idealised policy process model proposed in Chapter Two.

8.6 Understanding the policy process in South Africa

8.6.1 Understanding the three phases of policy-making

A number of interviewees identified the importance of understanding the policy process in South Africa as a series of interrelated stages. Before attempting to model the South African policy process, it is helpful to first understand the three different phases of the process. Martin Adams talked about the South African policy process as a “cyclical phenomenon”, whilst Lala Steyn and Peter Sapsford both identified the different stages of the policy process.

Understanding the different phases within the policy process is important if a coherent model of the process is to be accurately developed. There is clearly a juncture identifiable between the original land redistribution policy and its replacement, LRAD. Sapsford suggested that a second “policy cycle” began when Minister Didiza called for a moratorium on redistribution projects and a review of policy (effectively returning the policy process to the policy conceptualisation stage).

Edward Lahiff suggested that the period 1994-1999 should be seen as the first phase of the land reform programme, and that within that there was a 1994-1997 stage and a 1997-1999 stage, and that the 1999-2001 period constitutes the second phase. These phases obviously correlate with the two land redistribution policies – the land redistribution sub-programme and its replacement, LRAD. For the purposes of this research, the period 1994-2001 is viewed as three distinct phases in land redistribution policy. The first phase corresponds broadly to the policy conceptualisation stage in the policy process. The second phase corresponds to the policy development and implementation stages in the policy process. The third phase

corresponds to a new policy cycle that was initiated following a review of the period 1994-1999.

It appears that, with each of these three stages in the process, defining events can be matched up with them:

Phase I – 1990-1994 – Policy conceptualisation (policy conferences, World Bank involvement)

Phase II – 1994-1999 – Policy development and implementation (Land Reform Pilot Programme (LRPP), land redistribution sub-programme)

Phase III – 1999-2001 – Policy re-conceptualisation, development and implementation (emergence of LRAD)

This would suggest that the process of policy-making is driven as much by influencing (and at times unpredictable) factors, as it is by a firm commitment to fulfilling the guiding principles and policy aims. Lala Steyn and Martin Adams both emphasised that the policy process was largely driven by a highly political process.

Many of the factors that determined the eventual outcome of the initial land redistribution policy are political, which can be seen in comparing the intentions of the ANC in 1991 for land reform with the political thinking by the time the 1997 White Paper became policy. Ultimately the policy that the White Paper enshrined was a result of the politically driven decisions made by the first government. This is probably true of all government policies to some extent, but something as contentious as the land issue is inevitably more susceptible to being compromised. This is what Lala Steyn recognises when she defined the first land reform programme as a “negotiated land reform”.

Lahiff showed how prior to 1994 the NGOs affiliated themselves with the mass movement, and that increasingly since 1994 they wanted to work with government. He believes this change to be a significant factor in explaining the policy process. He explained this further by arguing that “the land-based NGOs got close to Hanekom and were invited in... personnel left the NGOs to go to government and close links resulted because the government made the right noises and knew it needed to depend on the NGOs to deliver”. The result of this was, he says, “that this led to a lack of a non-governmental critical voice... there was suddenly no one to keep them [the government] on their toes... the NGOs became weak in this regard... they got subcontracted into government and silenced”.

Another key factor important to understanding the evolution of the policy process seems to be that there was a lot of policy learning done through trial and error. The Land Reform Pilot Programme, which grew out of the land reform White Paper, was never intended to become policy at first, but it quickly became the programme itself, with few changes being made. This resulted in a time of policy reflection following the review, which resulted in identification of the problematic issues and a better understanding of why they arose. This effectively acted as a much-needed time of reiteration and out of this came an effort to remodel policy, adopting some solutions to the issues identified as problematic.

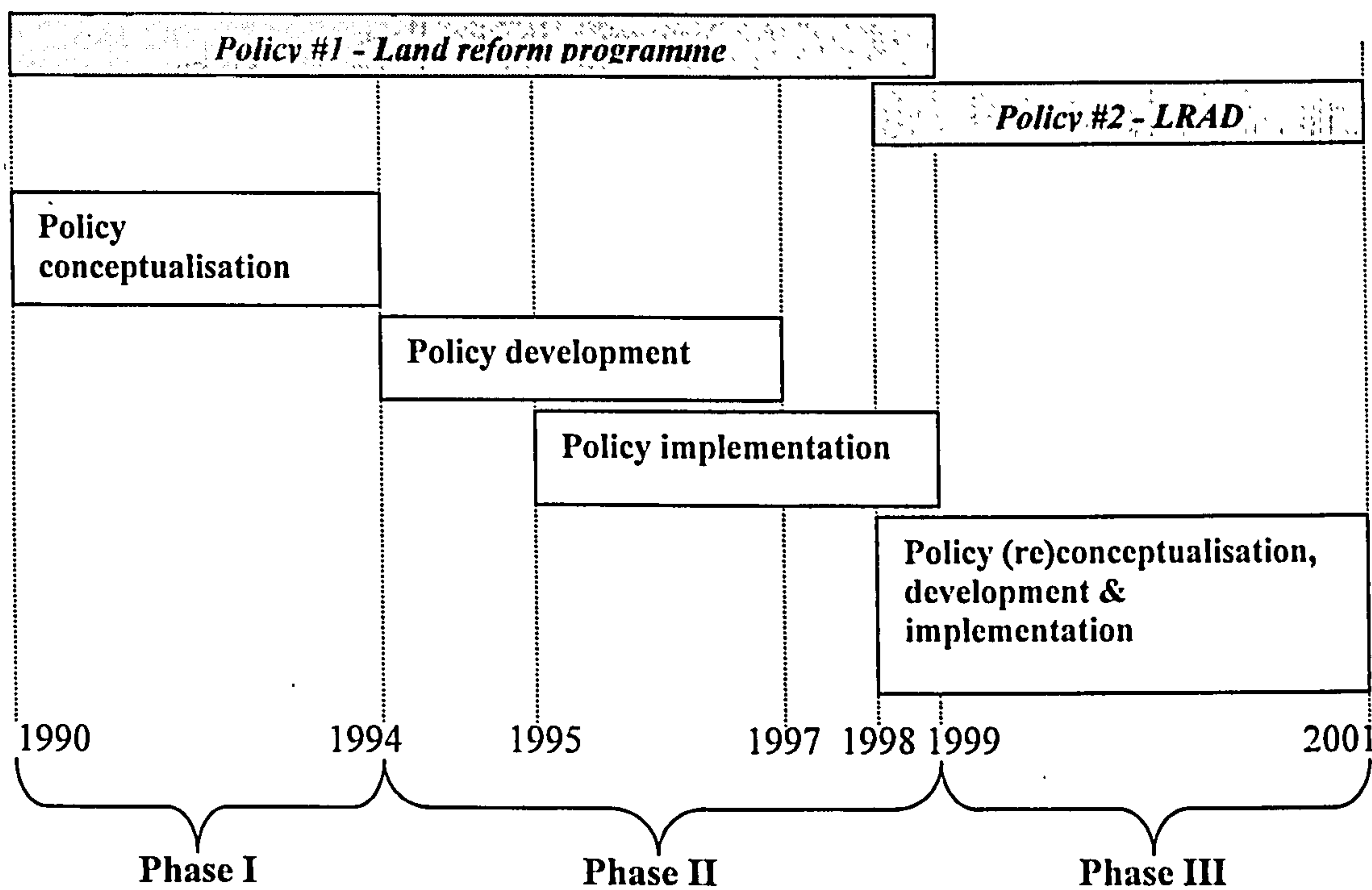
After much suggestion from those outside government that such reiterative policy-making was necessary, there was a time of expectation that policy would finally be modified and become more workable. There was real hope that Didiza would take on board the results of the official review and the new policy suggestions. That

expectancy and hope were dashed when it emerged that LRAD was to replace previous land redistribution policy, as outlined above.

8.6.2 Who were the policy-makers in South Africa ?

In identifying the South African land reform policy-makers during the policy process, it is helpful to use the three distinct phases explained above and shown here in Figure 8.1. This section also uses the classification of policy-makers developed by VAN NIEKERK et al. (1999) and discussed in the Introduction.

Figure 8.1 – Chronology of the South African land redistribution policy process



Phase I – 1990-1994

There has been extensive commentary on this period, both in general terms (see particularly SPARKS, 1994; CHRISTOPHER, 2001) and specifically with regard to the land reform policy process (see LEVIN & WEINER, 1997; van ZYL et al.,1996). Following the unbanning of the liberation movements in February 1990, the land

issue became a major issue to tackle. This period is characterised by massive political change and the return of foreign institutions and aid donors to South Africa. This had an effect on the policy process, with both previously banned political parties and aid donors becoming involved in the negotiations over the future of the country, including how to approach land reform.

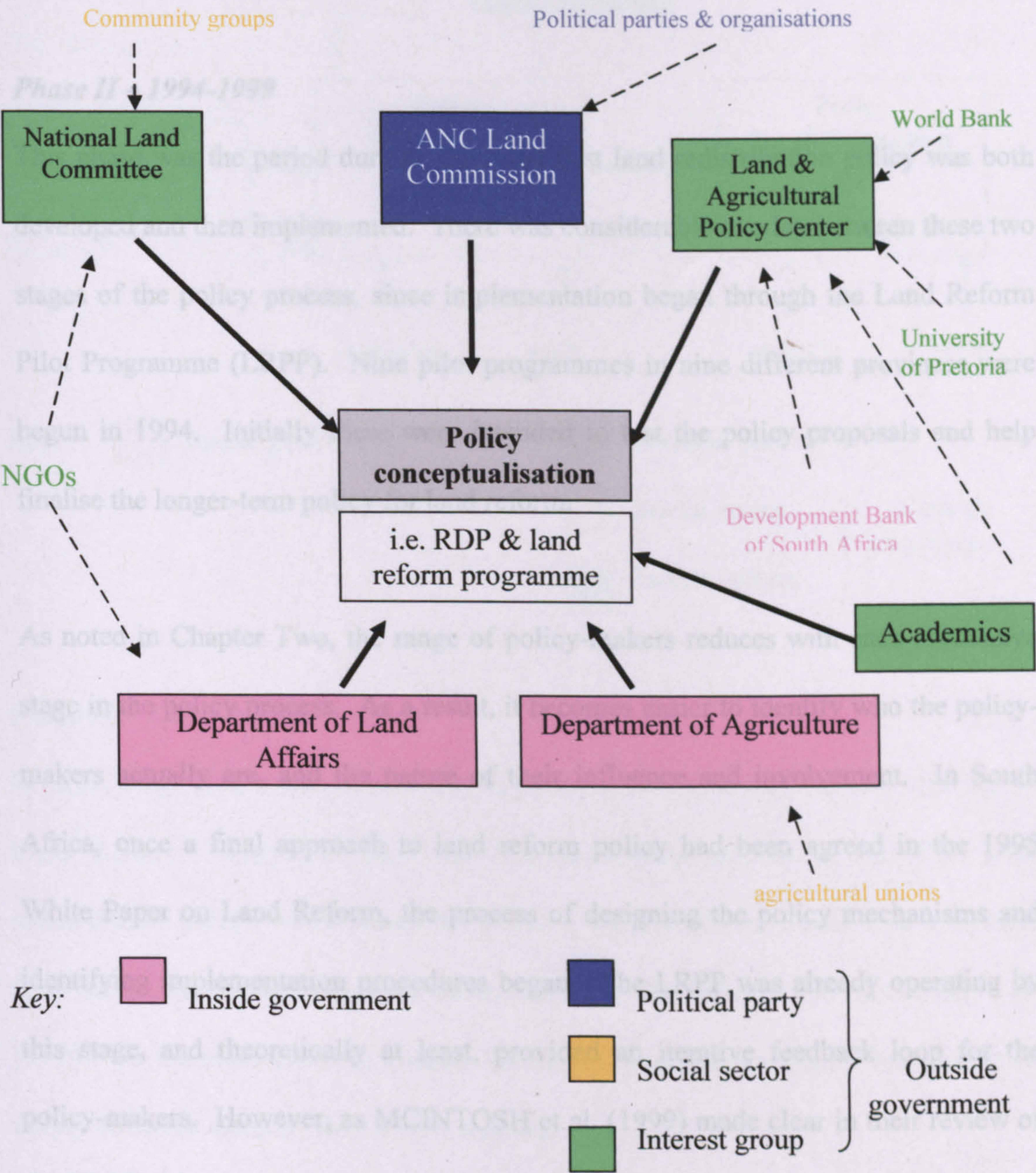
During this time of policy conceptualisation therefore, a wide range of differing policy-makers emerged, both inside and outside government. *Inside* government, the two relevant departments were those of Land Affairs and Agriculture. *Outside* government, there were three main influences: the National Land Committee, the ANC Land Commission and the Land & Agricultural Policy Centre. How they related to the policy process, and how other policy-makers is shown in Figure 8.2 below. The four-way classification outlined is shown using different colours for the different groups of policy-makers.

As detailed in Chapter 6, there were a number of specific opportunities for these differing policy-makers to participate in, and influence, the policy conceptualisation stage:

- 1991 – National Party consultation on white paper land reform proposals
- 1992 – ANC National Policy conference
- 1992 – World Bank & United Nations Development Programme, “Experience with Agricultural Policy: Lessons for South Africa” conference
- 1993 – Land & Agricultural Policy Center (LAPC) established by ANC & World Bank
- 1993 – LAPC “Land Redistribution Options Conference”

- 1994 – National Land Committee (NLC) “Community Land Conference”

Figure 8.2 – Policy-makers in the policy conceptualisation stage



Aside from these, the various policy-makers also participated in the broader activity of policy conceptualisation using a range of methods, as appropriate. For example, the academic community continued to publish research on the relative merits of policy proposals, NGOs lobbied government over issues and sought to influence

policy thinking by producing reports, and the agricultural unions continued to lobby the Department of Agriculture in favour of land policy options that were better for them.

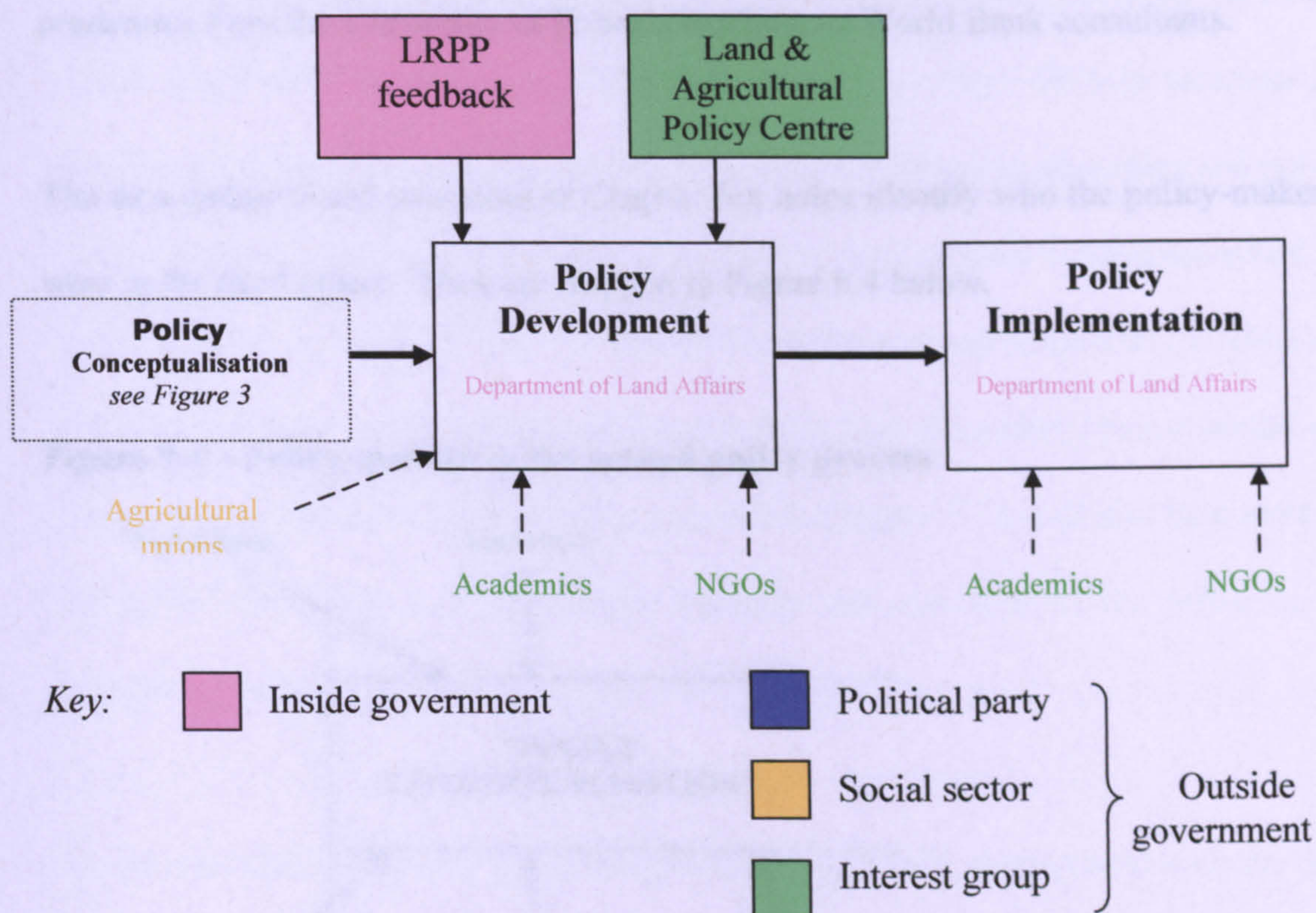
Phase II – 1994-1999

This phase was the period during which the first land redistribution policy was both developed and then implemented. There was considerable overlap between these two stages of the policy process, since implementation began through the Land Reform Pilot Programme (LRPP). Nine pilot programmes in nine different provinces were begun in 1994. Initially these were intended to test the policy proposals and help finalise the longer-term policy for land reform.

As noted in Chapter Two, the range of policy-makers reduces with each successive stage in the policy process. As a result, it becomes easier to identify who the policy-makers actually are, and the nature of their influence and involvement. In South Africa, once a final approach to land reform policy had been agreed in the 1995 White Paper on Land Reform, the process of designing the policy mechanisms and identifying implementation procedures began. The LRPP was already operating by this stage, and theoretically at least, provided an iterative feedback loop for the policy-makers. However, as MCINTOSH et al. (1999) made clear in their review of the LRRP, this opportunity was largely missed.

Figure 8.3 provides an overview of how the various policy-makers identified above, were or were not involved in the policy development and implementation stages.

Figure 8.3 – Policy-makers in the policy development and implementation stages



Phase III – 1999-2001

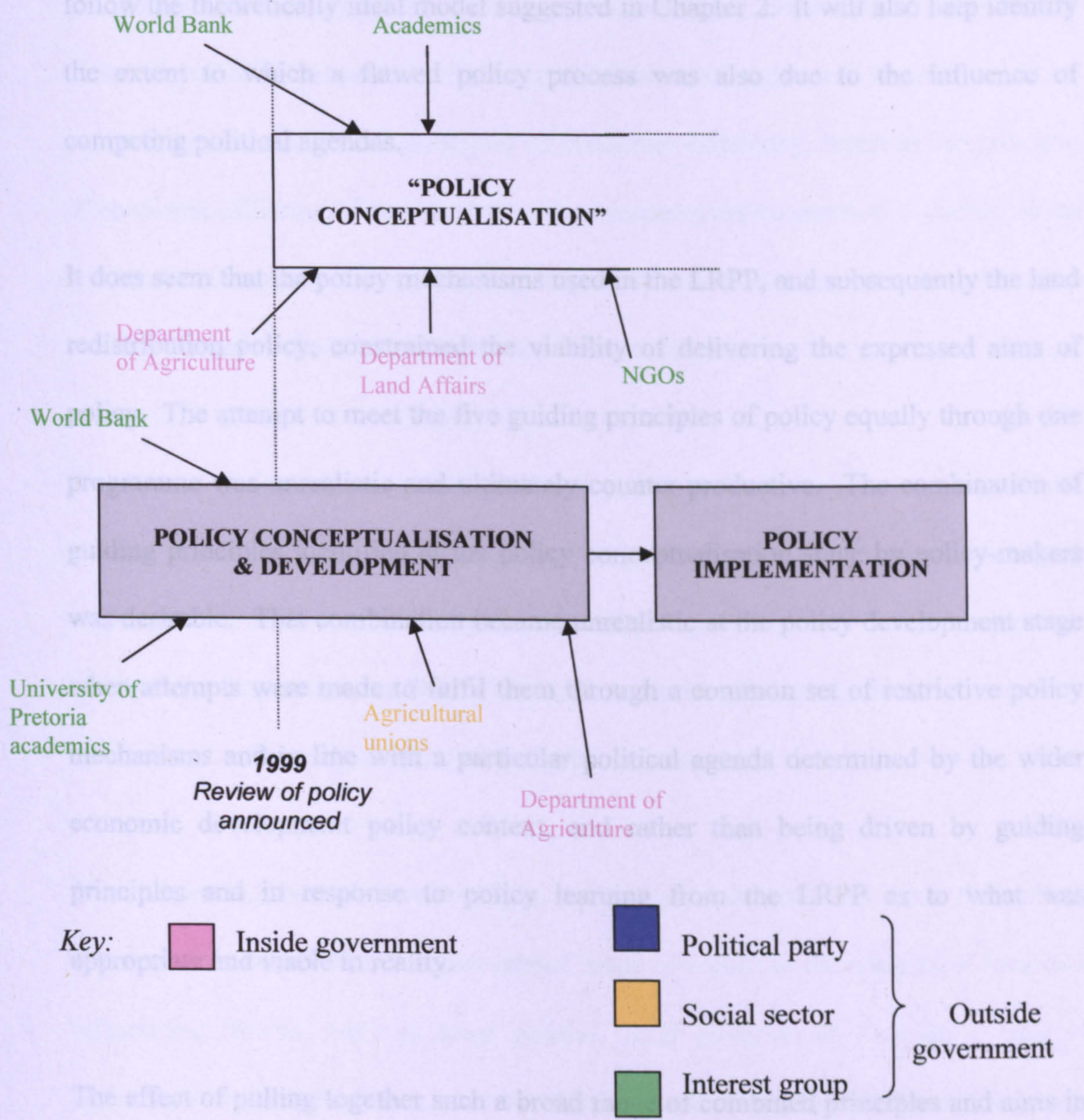
In 1999, a significant shift in land reform policy was initiated by the new Minister of Land Affairs. This cut short the implementation process of the first land redistribution policy, which whilst not working well, would have been able to benefit from some changes that had been recommended by the review by MCINTOSH et al. (1999). As the explanation in Chapter Six makes clear, the reasons for this change in policy are more complex than it first seemed.

This essentially caused a second policy process to be initiated, with only some follow-on from the first process. It became apparent that the new time of policy conceptualisation was actually a sham, since new policy proposals had already been

drafted by senior civil servants in the Department of Agriculture, assisted by academics from the University of Pretoria working as World Bank consultants.

The data gathered and presented in Chapter Six helps identify who the policy-makers were in the third phase. They are mapped in Figure 8.4 below.

Figure 8.4 – Policy-makers in the second policy process



8.6.3 Modelling the policy process in South Africa: Phases I + II

It is possible to model the South African policy process in order to identify the extent of the 'gap' between ideal and actual policy processes. This will help ascertain the extent to which the theoretical relationship between the guiding principles and policy approach, policy itself and the outcomes of policy implementation was understood by policy-makers in South Africa. If this relationship was not sufficiently understood and thus reflected in the policy process, it follows that the policy process would not follow the theoretically ideal model suggested in Chapter 2. It will also help identify the extent to which a flawed policy process was also due to the influence of competing political agendas.

It does seem that the policy mechanisms used in the LRPP, and subsequently the land redistribution policy, constrained the viability of delivering the expressed aims of policy. The attempt to meet the five guiding principles of policy equally through one programme was unrealistic and ultimately counter-productive. The combination of guiding principles identified at the policy conceptualisation stage by policy-makers was desirable. That combination became unrealistic at the policy development stage when attempts were made to fulfil them through a common set of restrictive policy mechanisms and in line with a particular political agenda determined by the wider economic development policy context, and rather than being driven by guiding principles and in response to policy learning from the LRPP as to what was appropriate and viable in reality.

The effect of pulling together such a broad range of combined principles and aims in one programme was to force them through a set of well-defined and inflexible policy

mechanisms, resulting in an unpredictable, unexpected and divergent set of policy outcomes that did not meet up with intended outcomes. In short, policy-makers appeared not to have realised that the bringing together into one policy of all the guiding principles was unrealistic, and that the challenge of delivering them all through one policy was impossible, given the complex nature of the land question.

Each of the guiding principles was chosen for particular motives and aims, and grounded in differing political and economic ideologies. For example, the principle of social justice is concerned with the redistribution of rights and wealth and is not necessarily concerned with principles of economic efficiency, whereas the principle of economic efficiency demands that policy outcomes are economically viable. What occurred in the policy was a compromising of these contrasting principles when they were combined in the land redistribution sub-programme.

The chosen policy approach, and thus policy mechanisms, acted to constrain those principles and aims from being achieved in practice, producing a set of divergent outcomes that did not match up with intended policy outcomes. The chosen policy mechanisms imposed a number of constraints on the principles and aims of policy, and external influencing factors, also acted as constraints.

The influencing factors were multiple, varied, unpredictable and often difficult to fully identify. Many of those interviewed made reference to the realities of localised influencing factors, such as local politics, local government incapacity, lack of agricultural support packages, poor local infrastructure. Such factors could not have been removed by a better policy, but a better policy process would have identified

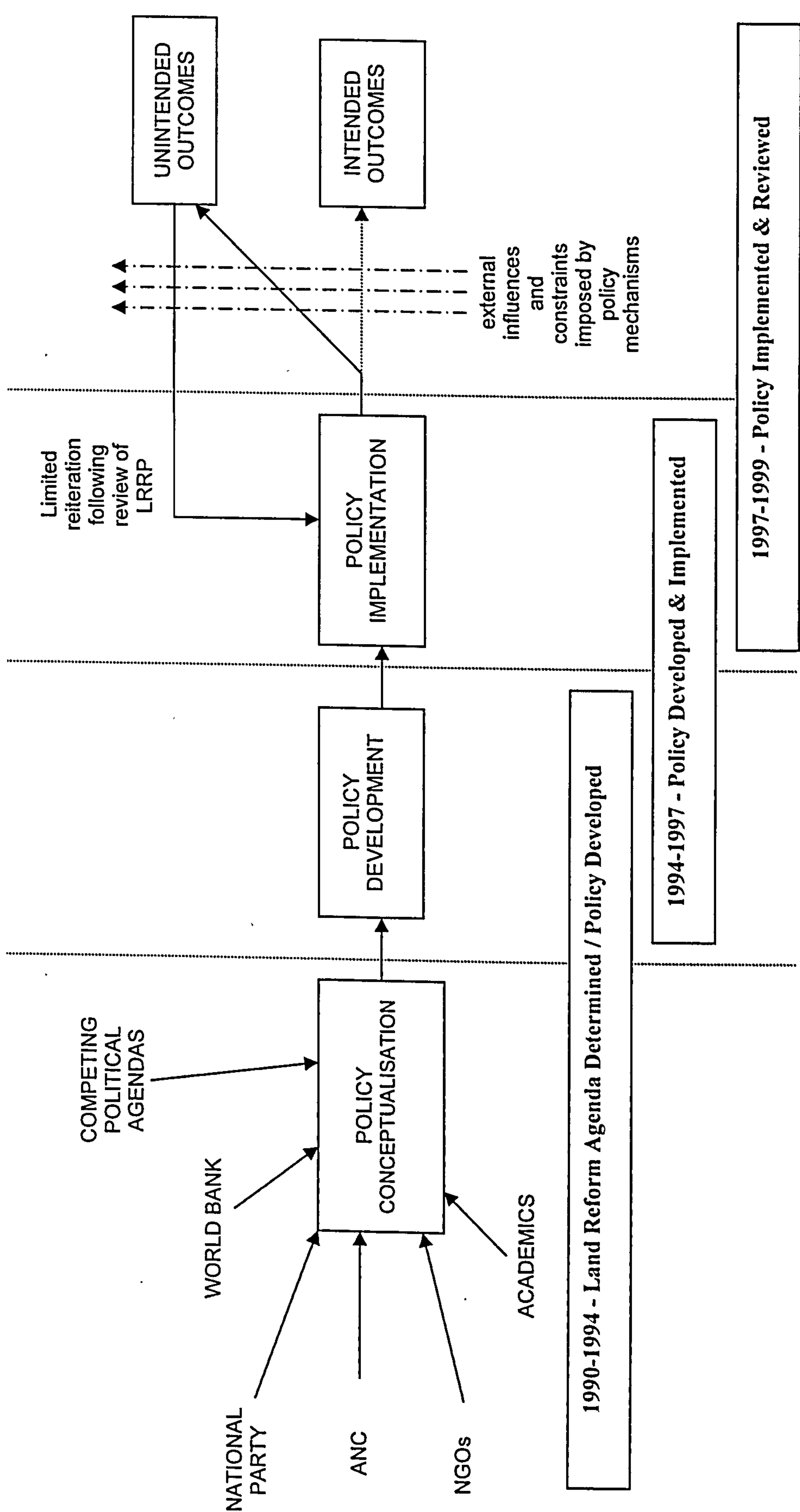
such factors, and thus anticipated the realities of implementing policy on. A lack of joined-up government, particularly between the NDA and the DLA, meant that, at local, provincial and national levels, policies were being developed and implemented without reference to one another. In reality, this will not produce viable policies.

Figure 8.5 is a hypothesised model of the South African process. It shows that the policy approach and guiding principles of land redistribution policy were influenced and determined by a range of factors. In contrast to the theoretical model proposed in Chapter Two, and shown again in Figure 8.6, it suggests also that the guiding principles and policy approach were developed without sufficient reference to an understanding of what was actually an appropriate policy approach or viable at the implementation stage. Instead, it reflected the ideological perspective of those involved in the consultation process and the particular development discourse promulgated by those who dominated it.

Comparing the two models, it is clear that the policy process in South Africa's land reform programme was not firmly rooted in an understanding of how the complex and varied rural areas function, the varying demands for land that were being expressed,³ or how existing economic and historical and political processes were operating in these rural areas.

³ The work of the LAPC in assessing the type and extent of demands for land was available to the policy-makers throughout the policy development stage, and yet only some notice to this valuable resource seems to have been made.

Figure 8.5 Model of the South African Land Redistribution Policy Process PHASES I.+ II - 1994-1999



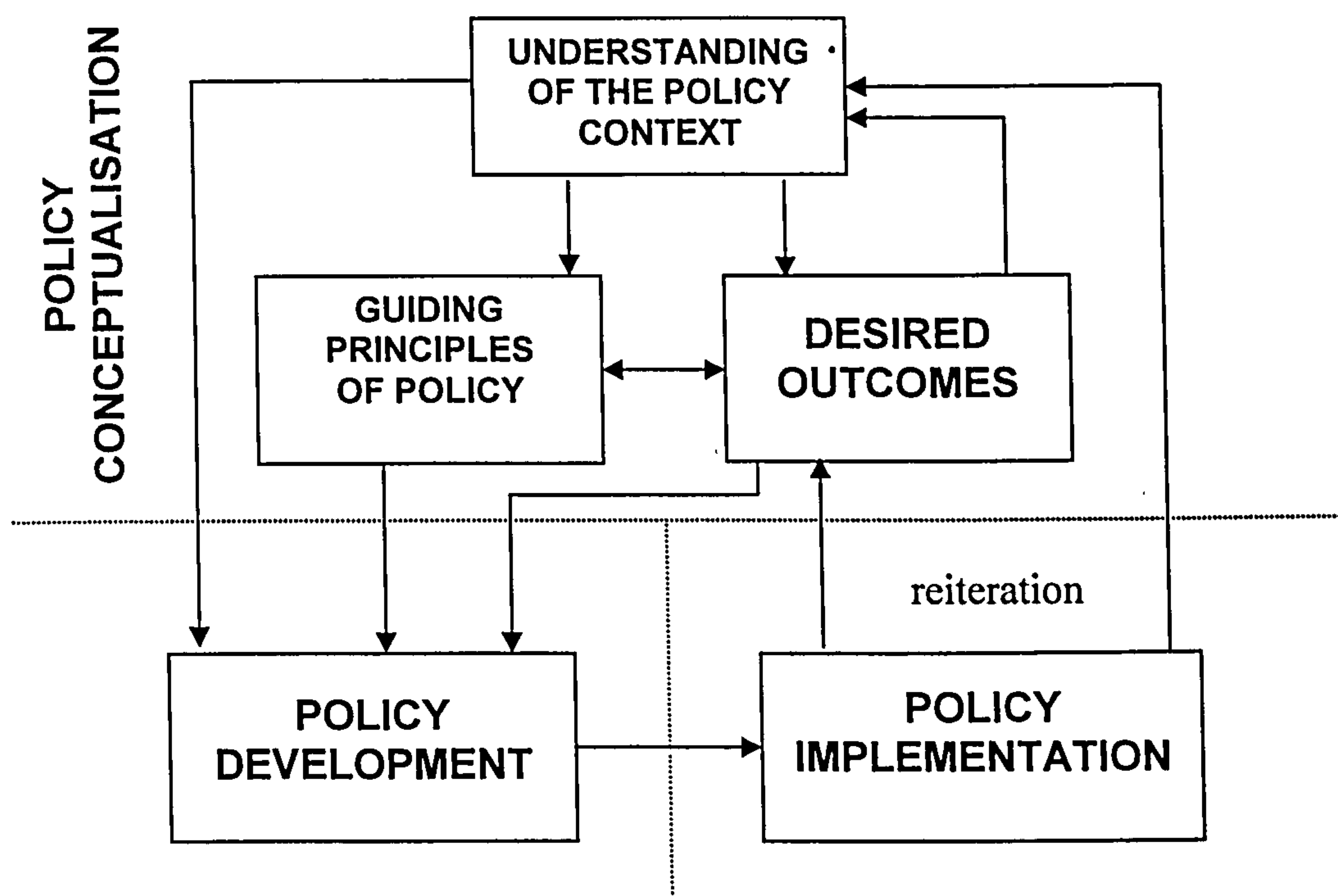


Figure 8.6 Model of a Theoretically Ideal Policy Process

“Implementation deficit” became apparent when policy was implemented and when policy implementers came up against the challenge of making policy work in any given geographical area in which there were prevailing economic and historical and political processes that policy was unable to respond to due to its inflexible nature. Consequently, the expressed aims and desired outcomes of the policy-makers could not be fully realised. Thus, although attempting to deliver the full range of policy aims argued for during the negotiations and subsequent policy process, land redistribution policy actually ended up delivering none of them satisfactorily.

The two models also differ with regard to policy reiteration. In the ideal model of the policy process, a time of reiteration would occur following a period of policy implementation. Whilst there was a degree of limited reiteration occurring in the

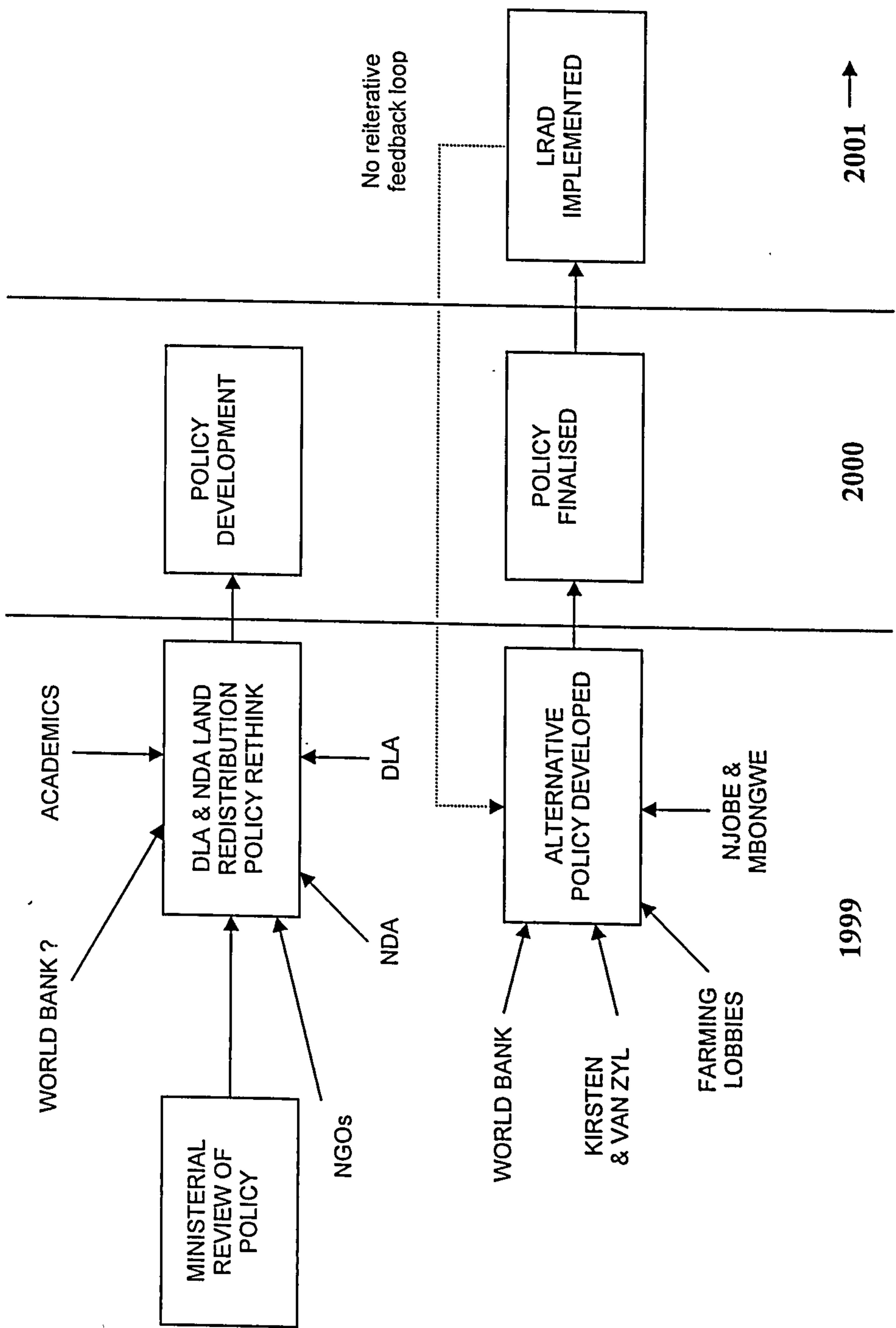
form of the Land Reform Pilot Programme (LRRP) review (see MXA, 1998), there was no deliberate effort on the part of policy-makers or the Ministry of Agriculture and Land Affairs to evaluate and review policy. As noted above, the LRRP review was completed after a decision to implement the land redistribution sub-programme throughout South Africa was made, effectively rendering the LRRP and its review a missed opportunity to pilot, evaluate and review broader land redistribution policy.

8.6.4 Modelling the policy process in South Africa: Phase III

The third phase of the policy process, which resulted in LRAD, is modelled in Figure 8.7, which shows that this phase was in many ways significantly different from Phases I and II. There are also common characteristics.

Phase III differs from Phases I and II in three ways. Firstly, it had two separate policy processes as a consequence of competing political agendas. Secondly, it was significantly quicker, due to the objective of the policy process, which was actually to provide a policy alternative to the failing land redistribution sub-programme. This meant that a considerable amount of the work associated with a completely new policy process was not needed. Thirdly, the process that actually resulted in LRAD was not conducted in 'public' but rather behind closed doors without reference whatsoever to many of the major stakeholders with significant input to offer. This did occur in the early stages of Phase I although the policy process was later dominated by certain stakeholders.

Figure 8.7 Model of the South African Land Redistribution Policy Process PHASE III - 1999-2001



More significant however, are the similarities, of which there is one that is hugely important to this analysis. Figure 8.3 shows that this policy process, similarly to that modelled in Figure 8.1, was not developed from a conceptualisation stage rooted in an understanding of the policy context, but again, one shaped and influenced by competing political agendas and ideology.

The opportunity for significant policy learning to occur, drawing on the MXA review of the LRPP and the many other reports and critiques of the land redistribution sub-programme, was missed. The result was a new policy for land redistribution that did not reflect the needs of the intended beneficiaries, did not employ viable policy mechanisms, and which would not meet the broader rural development objectives.

8.7 Conclusion

The literature review in Chapter Two indicated that a theoretically ideal policy development process would have the following characteristics:

- a policy conceptualisation stage in which the guiding principles and long-term objectives of policy are identified;
- an assumption that policy will not be developed until policy-makers have as good an understanding as possible of how those guiding principles both co-exist happily and conflict;
- knowledge gathering and analysis to ensure full understanding of the reality of the policy context before policy is developed to ensure policy approach is grounded in what is realistic and achievable;
- a reiterative loop in the process, so that policy learning along the way can be used to ensure the optimum policy is produced;

- sufficient thought is paid to the implementation of policy in the design of policy;
- the use of appropriate policy mechanisms for delivering policy to beneficiaries;
- use of pilot programmes to test policies before full implementation begins;
- constant review of policies during implementation and delivery through the reiterative loop to continually enhance policy.

A principal conclusion of this research is that the South African land reform policy process did not have these characteristics, and that it does not resemble the theoretically ideal policy process shown in Figure 8.2. It is possible to develop a hypothetical model of the present policy process in South Africa. From this it is possible to map how the approach that was adopted influenced the outcomes of land reform policy implementation. When this model is compared with the theoretically ideal policy process modelled above, it is possible to identify a “gap” between the two.

Examination of that gap and why it exists helps identify the points at which policy encounters difficulty and why. Understanding where and why policy has not been successfully implemented, in terms of policy processes, will allow a reassessment of how policy is conceived, designed and implemented.

It would seem from comparison of the two models that the policy process in South Africa was not sufficiently reflexive or grounded in an understanding of the policy context, but rather was overtly linear in its approach, and heavily influenced by competing political agendas that sought to use land redistribution for broader aims and objectives. The result, it would seem, is that the process was unable to respond to

the reality of the context in which policy was operating as problems and unexpected effects emerged and developed.

Analysis of the factors that affected policy success now follows in Chapter Nine. It examines and assesses why, and the extent to which, each of the four factors identified in Chapter Seven was responsible for difficulties delivering policy successfully during the two phases of South African land redistribution between 1994 and 2001. It then draws conclusions as to which factor was dominantly responsible for these difficulties.

Chapter 9

Assessing the factors that have affected policy success

“Implementation is the crux. Good ideas which are unimplementable are bad ideas”.

CHAMBERS (1993:57)

9.1 Introduction

This chapter tests the hypothesis proposed at the end of Chapter Seven that the primary factors that hindered effective policy implementation were flawed policy conceptualisation and policy development stages. It examines and assesses how, and the extent to which, each of the four factors identified in Chapter Seven was responsible for difficulties delivering policy during the two phases of South African land redistribution policy between 1994 and 2001. Following this, the concluding chapter then identifies what the South African policy process reveals about contemporary land redistribution policy more generally, and the nature of policy processes in contemporary land reform.

9.2 Poor policy conceptualisation

It is clear from the evidence in Chapter Seven that poor policy conceptualisation of both the first land redistribution policy and the Land Reform & Agricultural Development policy (LRAD) was considered by many of those interviewed to be a major factor affecting the effective implementation of policy and delivery of land redistribution objectives. When this evidence is analysed with reference to the policy process charted in Chapter Six, it is fair to argue that policy-makers failed, and continue to fail, properly to understand and conceive of the issues pertaining to land redistribution in the South African context and how best to formulate policy accordingly. It is also evident that the policy context was highly contested and

complex, with differing policy-makers and stakeholders adopting a range of conflicting approaches to land reform generally, and land redistribution specifically.

9.2.1 Conceptual problems of the first land redistribution policy

One recognisable problem has resulted from policy-makers deliberately separating out the various components of the land reform programme into three sub-programmes. These were then developed almost completely in isolation from one another by different policy development teams, with reference to differing contextual evidence. There was no effort made to ensure that the three sub-programmes would work in co-operation with one another at the implementation stage. The DLA had, and continues to have, distinct departments, known as “directorates”, for each of the three policy approaches to the land question. These each work largely independently of one another, seeking to achieve the land restitution, land tenure reform and land redistribution objectives of the DLA.

However, all this made the land reform programme difficult to implement at a provincial level, since the three different policies needed to be implemented simultaneously by newly formed, inexperienced provincial Departments of Land Affairs (PDLAs). Civil servants found themselves with three distinct and separate sub-programmes to implement, with each seeking to tackle one aspect of the land question, in one top-down policy solution. The result of this was that policies took a long time to implement as under-staffed PDLAs sought to implement them properly.

There were also implications for the effective implementation of land redistribution policy. The intended beneficiaries and participants found it difficult to fully benefit

because many of those beneficiaries did not fit neatly into the qualifying categories for the different sub-programmes, but rather needed more flexible, tailor-made policy solutions to help them to gain access to land. Most land disputes are far more complex than the sub-programmes allowed for, leaving many potential beneficiaries caught between one or more of the different policies.

At another level, interviewees suggested that the land redistribution policy was too inflexible, offering potential beneficiaries one policy package, when actually a number of packages would have allowed for more flexibility and creative solutions to particular aspirations. For most aspiring landowners, the willing-buyer, willing-seller mechanism and the Settlement/Land Acquisition Grant (SLAG) was the sole means of gaining access to land via the land market, and yet for many, as noted in Chapter Seven, this mechanism was problematic.

9.2.2 Conceptual problems of the Land Reform and Agricultural Development policy

As outlined in Chapter Seven, there are two broad concerns with the conceptual origins of the Land Reform and Agricultural Development policy (LRAD). The first is that a shift in policy emphasis towards the empowerment of black commercial farming will further disenfranchise the rural poor from the land redistribution process. The biggest concern of the critics of LRAD is that it effectively abandoned many of the rural poor who previously may have benefited from land redistribution policy. It would seem that LRAD essentially offers a repackaged version of this previous policy, with the notable changes outlined in Chapter Four, but with even

less reference to and collaboration with either the land restitution process or the land tenure reform debate.

The emphasis has evidently shifted from creating small-holding landowners to encouraging emerging black commercial farmers. It cannot be denied that this has implications for the rural poor who will neither benefit from LRAD nor from the restitution process, but also do not wish to become commercial farmers. LRAD has prompted a shifting of resources away from providing land redistribution opportunities to the poor towards a group of aspirant black people who already have assets or capital, or the ability to gain access to these. When questioned by NGOs about this, Thoko Didiza (Minister for Agriculture and Land Affairs) argued that the principle of own contribution does not exclude the poor.

The emphasis is now on changing the racial profile of commercial agriculture. The finite amount of resources and the low level of actual land redistribution mean that in reality the needs of the most poor will not be met. LRAD also seeks to reduce the use of commonage as a cost-effective means of providing land access to poor people because commonage does not often encourage commercial farming. Instead, LRAD emphasizes individual freehold tenure by the emerging black commercial farmers, which in most cases is inappropriate for the rural poor for whom security of tenure and opportunity to strengthen their multiple livelihood strategies are more important.

Whereas the Settlement/Land Acquisition Grant (SLAG) was available only to those households with a joint monthly income less than R1,500, applicants under the new programme do not have to demonstrate that they are needy in order to qualify. In

other words, as briefly outlined above, land redistribution is no longer targeted at the poor. Many aspects of the policy suggest that those who will be best positioned to benefit from it will be people who already own, or have access to, capital and assets.

The new grant system is premised on the principle that resources are released according to a participants ability to contribute, implying that “the more you have, the more you shall get”. In practice this shifts the emphasis of land redistribution away from providing small grants to poor rural people in order to alleviate rural poverty, redress the injustices of the past, promote gender equality and provide a basis for equitable economic development.

Under the policy, each eligible household was able to gain access to additional grants for project planning, equivalent to 9% of the R16,000 SLAG. These grants are no longer available to applicants in the new programme. The minimum grant of R20,000 is to cover transactions costs, investments in infrastructure and start-up costs as well as the purchase of land. In other words, compared to the R16,000 SLAG for the costs of land purchase only, there would be a decrease in the level of state support in real terms. Michael Aliber¹ questioned whether “any individual or any household would be able to buy sufficient land to engage in any agricultural activities with this level of support”. Furthermore, “primary responsibility for design and implementation rests with the beneficiaries” (DLAa, 2000:12), who are expected to engage the services of “design agents”. The comments on the potential for involvement of the private sector in the provision of services, such as business planning and agricultural extension, show limited understanding of the range of

¹ DLA, Interview, 2001.

demands for land being expressed and the varied local economic contexts across rural areas in South Africa.

Despite efforts on the part of the National Land Committee (NLC),² women are still unable to benefit directly from the new redistribution grants which continue to be directed at “households” and, implicitly, male heads of households. The policy itself shows that the programme will have a definite class and gender character, in contradiction of the principles set out in the Constitution and the 1997 White Paper on Land Policy (HALL, 2000).

The use of the household as the unit of redistribution was one of the key bases on which the first land redistribution policy was challenged from a gender equity perspective (HALL, 1998b; JACOBS, 1998; MEER, 1997, 1999). The allocation of grants to households, and the registration of land assets in the names of household heads, meant that in most cases women were not able to acquire land in their own right. Only women in female-headed households were able to obtain direct access to and control of land, unmediated by their links with male relatives.

Since making grants available to women in their own right would have had drastic effects on the budget, the household has been retained as the unit of redistribution under LRAD. HALL (2000) argues “the spectre of cost projections taking precedence over human rights principles enshrined in the equality clause of the Constitution is serious cause for concern”. In addition to the gender equity argument for making grants available to women in their individual right, and regardless of their

² Tom Lebert, National Land Committee.

marital status, women constitute the majority of the rural poor. If land reform does not benefit women, it is falling seriously short of its objectives to target the poorest sections of rural society.

The second reason for concern expressed by the majority of those interviewed was the means for effectively implementing and delivering LRAD. It seems clear that very little policy learning was adopted into the design of LRAD.

There are a number of elements to this concern. Under LRAD, and unlike with the first land redistribution policy, the government will not provide any direct assistance to the rural poor in designing or implementing projects. Ruth Hall contends that the “state is absolving itself of any responsibility for design and implementation of projects that meet the needs of the rural poor and placing unreasonable faith in the ability of the private sector to fill the gap”. This is partly a response to the awareness that state involvement in the previous business plan system was identified as a major hindrance to delivery. There is then a desire to speed up that stage of the process. However, without clear guidelines for the design agents, it could result in further inappropriate projects.

Finally, LRAD policy documents do not indicate how the functions of the DLA and NDA will be integrated and reassigned. Martin Adams³ suggested that the programme suffers from a lack of any obvious attempt to integrate the new vision for market-led land redistribution with appropriate use of available policy mechanisms and other rural development initiatives. Although the name suggests that there is an

³ DFID, Interview 2001.

agricultural development component to this land redistribution policy, it would seem that the redistribution of land *is* the agricultural development component, and that they are conceived of as being one and the same.

LRAD is fundamentally flawed in both its aims and means, but reflects the political shift that has occurred in government regarding the priority of the land question and the best means of answering it. LRAD relies on the “trickle-down” effect as the means of assisting the rural poor in South Africa. Given that there is questionable demand for commercial farms amongst middle-class blacks, but unquestionable demand for small plots of land amongst the rural poor, LRAD is seen as nothing short of an urban political agenda made manifest in a rural context at the expense of the rural poor.

LRAD has the potential to achieve its aims. Unfortunately, those aims only serve to deal with one aspect of the land question. Whilst there is a need to encourage black commercial farming, this must not be at the expense of tackling issues of endemic rural poverty through land redistribution mechanisms that deliver access to land for those unable to purchase or farm land commercially.

All the evidence gathered to date by academics studying contemporary South African land reform indicates that a wide-scale redistribution of land to the rural poor for the purpose of smallholding and improved multiple livelihood strategies is the necessary first step in a long-term approach to successful rural development. LRAD is seeking to bypass this long-term process by skipping several steps, reflecting the urban elite

in government's desire for the new South Africa to be a successful capitalist nation able to compete globally.

9.2.3 Informing the South African policy conceptualisation stage

The review of the guiding principles and the theoretical foundations of land reform in Chapter One identified the complexity of each of those principles in and of themselves. The two differing foundations of property rights, and citizenship and social justice, are both admirable aspirations for land reform, but they are contested and complex too. Delivering the five guiding principles that both of these foundations support, is a significant challenge. The difficulties experienced in South Africa are symptomatic of this. Politicians and policy-makers sought to use land reform as a vehicle for delivering both redistributed property rights and democratic citizenship and social justice to the rural poor. The challenge of creating effective policies that would do all this, whilst also satisfying political desire for quick progress, seems to have been too great.

The review of the policy context of contemporary land reform policies in Chapter Two indicates that the differing approaches and agendas of policy-makers are becoming increasingly complex and contested. The conceptual problems identified in this section are, in part at least, a consequence of a contested and complex policy conceptualisation stage. This reflects both the politicised nature of contemporary land reform and the difficulty of conceptualising land reform policies that will actually provide a policy solution to a recognised problem or political issue.

In the case of South Africa, conceptions of the role and form of land redistribution were determined by two broadly differing ideological dispositions. The Department of Land Affairs and the land NGOs approach land reform primarily as a means of reducing rural poverty by redistributing land to the rural poor, emphasising the guiding principles of social justice, equity and poverty reduction whilst those in the Department of Agriculture and the commercial farming unions, see land reform primarily as a means of expanding and revitalising commercial agriculture in South Africa through the empowering of aspiring black commercial farmers.

The literature reviewed in Chapter Two also identifies the implications for policy processes of the guiding principles of contemporary land reform which are neither fully compatible nor in conflict, but rather in tension, with one another. The contested nature of the policy conceptualisation stage in South Africa's land redistribution policy is a good example of this. Differing ideological dispositions influenced approaches to policy conceptualisation, with some favouring an emphasis on poverty reduction, social justice and citizenship through the prioritising of the guiding principles of equity, social justice and poverty reduction, whilst others favoured an emphasis on first empowering aspiring commercial farmers with property rights through the prioritising of the guiding principles of economic efficiency and opportunity.

9.3 Poor policy development

A second factor that hindered the effective delivery of land redistribution policy was flawed policy development, and specifically, inappropriate use and choice of various policy mechanisms for delivering policy aims. Some of the problems experienced in

implementing land redistribution in South Africa were a direct result of the way in which policy was developed. Although there is some logic to many of the mechanisms and procedures built into the land redistribution policy in theory, the evidence presented in Chapter Seven suggests that in practice the policy proved to be inappropriate and unworkable at the implementation stage. Much of this is due to pressure to realise broader political and economic agendas through land redistribution.

9.3.1 Assessing policy mechanisms in the first land redistribution policy

The extent to which poor use of varying policy mechanism options by policy-makers can be considered a significant factor is quite clear when each is assessed within the context of the South African land question.

Settlement Land Acquisition Grant (SLAG)

Firstly, the land resettlement grant (SLAG), which was one of the two principal mechanisms in the first land redistribution policy, was not large enough for the need it was supposed to help meet. The figure of R16,500 per beneficiary did not allow them to purchase a large enough piece of land. In theory there was logic to the use of this mechanism, and to the grant size. It was intended that the SLAG would be supplementary to private capital being contributed by redistribution beneficiaries. In reality, most of the intended beneficiaries and most of the applicants were actually the rural poor who were engaging with the redistribution process precisely *because* they had no private capital with which to buy land. It did not attract many who had some private capital, and thus simply in need of funding assistance to get them into small-scale farming. Although some small-scale farming entrepreneurs did make use

of this mechanism to their advantage, the majority of people seeking a small plot of land were too poor to contribute anything. As detailed in Chapter Seven, one of the implications of the insufficiency of the SLAG was that aspiring farmers were forced to pool their grants and form Common Property Associations (CPAs) through which to then purchase farmland.

A second flaw to the SLAG mechanism was that it assisted aspiring farmers in the early stages. It did not make any provision for post-transfer support and assistance with training and education of the farmers or infrastructural development of the farm. This is precisely what was needed, for even when land was successfully transferred, many of the beneficiaries lacked the necessary capital resourcing or skills with which to invest in the land they had just gained. There was no coherent and articulated post-transfer support programme to aid these aspirant but poor farmers.

Business Plans

Related to the SLAG was the business plan mechanism, which also proved to be largely unworkable and unhelpful, and which became characterised as a policy hoop through which aspirant land-owning households or communities had to jump in order to receive their SLAGs. Data gathered seem to indicate that the majority of the intended beneficiaries struggled to see any reason for them, and in many cases the plans have since been abandoned once land has been transferred. The business plan procedure was extremely time- and money-intensive, and in some cases cost aspiring beneficiaries of the SLAG up to 30% of the value of the grant. In some cases provincial DLAs contracted out the designing of the business plan to consultants, usually white, to aid the aspiring beneficiaries develop viable land use plans. Often,

however, they developed inappropriate plans that the aspiring beneficiary was unable to implement, or which did not permit the aspiring beneficiary to comply with the necessary criteria for support.

A second problem with the business plan mechanism was the inflexibility of the process. Although intended to ensure that beneficiaries would be able to achieve economic viability after transfer of the land, the process for business plan approval was lengthy and rigid. If a business plan proposal was not considered viable by the PDLA it would be rejected. Rather than then engaging in a process of modification with the applicants, the applicants had to start all over again with an entirely new plan, replicating costs previously incurred. An inevitable consequence of such bureaucracy was that unsuccessful applicants became frustrated and impatient.

Furthermore, the complicated and lengthy process for the development of business plans meant that applicants for the SLAG often needed expert assistance (at considerable cost) in order to make progress applying. Those experts tended to be white agricultural economists recommended by the PDLAs. As a result, many business plans were written with an over-emphasis on economic efficiency and assumed applicants wished ultimately to farm commercially. This was in many cases simply not correct. Many successful applicants seem to have ignored business plans once land was transferred, leaving them with no plan for how to maximise the opportunity they had acquired. Since it was intended that thinking on how the land could be best used would occur before transfer, there was little thought given to providing post-transfer support. However, since many successful applicants

subsequently dropped their business plans, many were left struggling to make best use of the land.

Willing-buyer, willing-seller mechanism

The willing-buyer, willing-seller mechanism was the second principal mechanism incorporated in to the design of the first land redistribution policy. As a mechanism for supporting the development of a viable land market, and as a mechanism for a market-led, demand-driven approach to land redistribution, the willing-buyer, willing-seller mechanism is a logical component of policy. However, in the case of South Africa, given the varied nature of needs and demands for land in rural areas, this mechanism was inappropriate and inefficient for some intended beneficiaries.

The land market relies on willing buyers not only being willing but also being able to actually engage in the purchasing of land through the land market. As already noted, the SLAG was insufficient, and this was compounded by a number of factors on the ground that had not been properly researched or anticipated by those designing the sub-programme.

Firstly, many of the intended beneficiaries had never owned land before and consequently lacked some of the necessary knowledge and understanding to constructively engage in seeking appropriate land for farming. Secondly, for many of the black rural poor, considerably different understandings of the nature of property and rights to land exist. Thirdly, due to the inherited indigenous understandings of land within society, many did not want to buy farmland as a financial investment, but

rather wanted the restitution of specific pieces or areas of land, and were unwilling to engage with a redistribution sub-programme that could not fulfil that desire.

9.3.2 Assessing the policy mechanisms of LRAD

It is too early to know how the design of policy mechanisms of LRAD will affect its success at achieving its objectives, although it should be noted that from the start they have been heavily criticised by NGOs, academics and some policy-makers outside both inside and outside government. It is possible to make a preliminary assessment of the extent to which the policy design of LRAD is likely to be a limiting factor on success, and to assess how much the design of LRAD can be traced to a flawed period of policy conceptualisation and development in the third phase between 1999 and 2001.

A number of those interviewed identified the key concerns with the design of LRAD. Firstly, there was concern that the “own contribution” element of LRAD would prove unworkable. Alastair McIntosh pointed out that “if people can afford a contribution of R100,000 they are privileged and don’t need help from the government whose focus should be on the rural poor” and that “the own-contribution idea is not new... it was talked about at the beginning⁴... as a mechanism and a principle... it was condemned then for being inappropriate... so what makes them think it will work now?”⁵

Great emphasis is placed on the revived principle that all beneficiaries must make a contribution “in cash or kind”, where the contribution of labour, or “sweat equity”,

⁴ The “own-contribution” component to the land grant mechanism was first seen in the BATAT policy (see Chapter 8).

⁵ McIntosh, Xaba & Associates, interview, 2001.

will be allowed as a form of payment in kind. When questioned by NGOs about this, Didiza argued that the principle of own contribution does not exclude the poor. This has highlighted a difference between government and NGOs etc on what is considered "poor".

Lebert also doubts that there will be much demand for assistance to become commercial farmers, arguing "we [first] need to establish what the uptake will be". He pointed out that it is not known how many people want to be commercial farmers. He hypothesised that it is probably not as many as the policy-makers think "since most aspirant people will surely head to the urban areas".

Lahiff was particularly animated when asked about the long-term implications of the recent changes. He argued that LRAD was not designed with the rural poor in mind, but rather was a political move of great long-term significance for the success of the land redistribution agenda, pointing out that "she's [Didiza] abandoned the DLA and created two very different branches... she's given agriculture new responsibilities and created a radical institutional shift which has no precedent" and that for Didiza there "is a survival or self-rationale going on... she is siding with the side that she needs to and trying to keep in with the president".

Lahiff also proposed that LRAD is a means of shifting the emphasis from land reform to agricultural reform, ruling out in the process the majority of the rural poor. He suggested during an interview in 2001 that the "land redistribution agenda has been hijacked by those who want it to be an agricultural reform project" and wondered whether LRAD has ever really been about redistributive land reform or whether the

agricultural reform agenda was always the real goal. He went further and argued “that tension has always been there... they’ve always wanted commercial agriculture... but they were forced to respond to the needs of the rural poor too”. He suggested that “now it’s just about changing the beneficiary since the new R5000 own-contribution requirement will remove all the rural poor... it will remove 90% of possible beneficiaries”.

It would seem, then, that the policy mechanisms of LRAD are logical for the desired policy outcomes expressed in LRAD, but wholly inaccessible to vast numbers of the rural population who still need land in order to develop their lives and for the rural areas to develop. Given that, the effect of these policy mechanisms on the redistribution of land is very significant. They are likely to be the obstacle in reality for many who seek to use LRAD to gain land.

9.3.3 Informing the South African policy development stage

It is clear from both the literature review in Chapters Two and Three, and the experience of policy development in the South African land redistribution policy process, that matching appropriate policy mechanisms with the aims of policy set by the guiding principles is not straightforward. The need to develop policy in keeping with the broader political and socio-economic agenda for land reform, and the guiding principles of policy, means that policy-makers have to adopt appropriate and viable mechanisms by which land can be redistributed.

As Chapter Three explained, the contemporary renewed interest in the potential of land reform programmes to assist with rural development aims, and land

redistribution in particular, has been accompanied by a shift to market-led approaches to policy. This reflects the changing political contexts in which land reform now takes place. Whereas previously land reform was a state-led intervention in existing property rights systems, contemporary land reform is seen less as a political intervention and more as a rural development tool. Consequently, states are keen to be seen only as 'facilitators' of land reform, relying instead on the market to make it happen. This is certainly true of South Africa during the 1990s, with the ANC keen to be seen as a democratising nation, and one embracing economic development.

These changes in approaches and political contexts have implications for land reform programmes, and not least the mechanisms by which land is redistributed. A market-led approach requires policy-makers to incorporate into policy market-led policy mechanisms. This can be seen clearly in the case of South Africa. Policy-makers thus adopted a technocratic, top-down approach to policy development, essentially imposing upon the land reform policy process criteria for land redistribution policy based on this broader political agenda and ideology. This was further compounded by the influence of competing political and economic development agendas outlined in the previous chapter.

This stifled any meaningful contribution from the grass roots in civil society, and minimised the influence of indigenous⁶ understandings of the land question in South Africa. Had this not happened, a greater understanding of the policy context, from a perspective informed by the range of conditions and experiences of people living in

⁶ By using the term "indigenous" I mean to make a distinction between that which is particular to South Africa and that which is more generic, and often from outside. Thus, "indigenous understandings" means understandings that South African people have by virtue of being native to the country and through that, personally affected and shaped by an aspect of the land question.

rural areas would have been afforded policy-makers. This would have helped the policy-makers develop a more appropriate and thus viable set of policy mechanisms.

The influence of the World Bank on the policy process, outlined in the previous chapter, is not without precedent. As outlined in Chapter Two, the prevailing rural development paradigm is in part shaped by the influence of international institutions such as the World Bank and the International Monetary Fund. The implication of this for land reform policy processes, as occurred in South Africa, is that the policy process has external influences on it, both directly, and indirectly via the influence of these institutions on the broader policy context.

9.4 Poor policy implementation

It is too early to examine the implementation of LRAD since it has only recently been approved as a replacement for the first land redistribution. This section will therefore concentrate on assessing the extent to which ineffective policy implementation hindered the objectives of the first land redistribution policy from being delivered. It does however provide an informed view on the potential for the successful implementation of LRAD.

9.4.1 Assessing the implementation of the first land redistribution policy

It is clear from the interviews conducted over the period of fieldwork that there were a range of implementation and delivery problems that hindered policy effectiveness. Some of these problems were the effect of poor institutional organisation and a lack of communication, whilst others were a consequence of a growing lack of government will and interest in land reform. Resources had always been in limited

supply, which over time has resulted in government departments finding themselves in competition with one another.

Budget constraints inevitably limited the extent and pace of land reform, and curtailed the efficiency and effectiveness of the DLA. The lack of skills and “capacity” to cope, at both national and provincial level, should have been remedied with skills training and increased staffing levels, but the department lacked sufficient funding to pay for it.

Excessive bureaucracy was also cited as a hindrance, causing the process to run more slowly than would be ideal. The long time-scales that were reported in the application and delivery process were common to many applications, and inevitably restricted the extent to which delivery could be achieved, and at what rate. This led to the collapse of land resettlement applications, with landowners pulling out of the process in frustration at the length of time it took to get land valued and a sale agreed. There were reports from across the country of potentially good land resettlement projects failing at this point.

Such issues were compounded by a lack of vision and strategy, targets and goals for land reform and rural development more generally. The general feeling within the DLA in 2001 was that they have been somewhat abandoned by government and left to look after themselves. Something as complex as land reform should have been conceived as one part of an integrated rural development strategy, with an emphasis on inter-departmental co-operation.

9.4.2 Assessing the prospects for the effective implementation of LRAD

There has been insufficient thought and wisdom invested in LRAD. For example, the programme does not, despite its name, address agricultural development. It does not specify how the Department of Agriculture is expected to be able to deliver successful land redistribution projects or how it will go about reorienting their services of research, extension, credit and marketing to support land reform beneficiaries. As Ruth Hall noted, “there is no mention made of services which must be made available to assist new owners of land to effectively invest in, and derive a livelihood from, their land”. With regard to the implementation of LRAD, there are a number of key issues that will determine how successfully its objectives are implemented.

The political agenda driving the form and aims of LRAD require that a further shift in responsibilities from the Department of Land Affairs (DLA) to the Department of Agriculture (NDA) occur in order for policy to work. The NDA said when it launched LRAD that its staff would be trained and equipped to implement various aspects of policy implementation and delivery. This is the first time that the NDA has had responsibilities for any aspect of the land reform programme, and its abilities successfully to manage land redistribution were questioned by many of those interviewed. There does not appear to be any recognition of this issue by Didiza or the NDA and the programme does not provide for any additional funding or personnel to those in the NDA to implement and deliver LRAD.

The role of the DLA in the implementation and delivery of LRAD remains unclear. The DLA had developed significant experience during the period 1994-2001.

However, this policy learning and practical experience of the difficulties of effective policy implementation seems to have been ignored. This has, at best, weakened the viability of LRAD, and at worst fundamentally undermined it, since it is policy implementers at ground level that deliver policy success, and the NDA civil servants at provincial and local levels do not have that level of experience and knowledge. Until 2001, with the unveiling of LRAD, the role of local agricultural civil servants was restricted to the provision of audits of agricultural holdings within their boundaries, and municipal commonage projects (which were discarded by LRAD)

Even assuming that such factors are resolved over time, it is actually doubtful whether, even within its own parameters, LRAD will be successful, primarily because there is significant scope for powerful interests to capture the majority of resources available for redistribution at the expense of all other potential beneficiaries. The grant structure provides high incentives for capital-rich people to gain access to state resources, and builds obstacles for poor people to do so. The policy does not enable citizens to gain access to land on an equitable basis, as prescribed in the Constitution, nor does it pave the way for equitable agricultural development. It does not indicate how the functions of the DLA and NDA will be integrated or reassigned. LRAD also suffers from a lack of any obvious attempt to integrate the new vision with appropriate use of available mechanisms, and makes no provision for the supply of agricultural support for those who have acquired or upgraded land rights under the restitution and tenure reform programmes.

9.4.3 Informing the South African policy implementation stage

The examination of the policy process in Chapter Two identified the importance of policy-makers understanding how the three primary stages of the process interrelate. South Africa's difficulties implementing land redistribution policy reflect the fact that its policy process did not produce a policy that was viable and appropriate to the range of needs and demands for land across rural South Africa. Although there were difficulties that arose out of poor implementation procedures and general institutional capacity, the primary cause of the problems was that it was simply too difficult for policy to be implemented by civil servants at provincial and local government levels. The cost of failing to understand the policy context sufficiently is born at the implementation stage, when policy is put into place and efforts are made to deliver its aims and objectives.

The importance of policy reiteration was also noted in Chapter Two. Thoko Didiza, Minister of Agriculture, failed to take the crucial opportunity to draw on the lessons of the policy review and evaluation that she initiated. While reiteration was going on, LRAD was being developed in secret. Consequently the first land redistribution policy was never fully evaluated, and the general approach to land redistribution was never properly reviewed. Rather, a totally separate policy process was initiated, with even less policy conceptualisation based on understanding of the policy context taking place than in 1994-1997. It is too early to tell how significant this will prove, but most commentators agree that LRAD may suffer because of its inappropriateness for the context in which it is being implemented.

9.5 Contextual and external factors

The interviews conducted during field visits to South Africa indicated that, along with the influencing factors analysed above in this chapter, a number of other factors, either contextual or external, also affected hindered the effective delivery of policy objectives. Evidence relating to these factors is now examined in order to assess the extent to which they were significant.

9.5.1 The problem of delivering policy at a local and provincial scale

There were two primary reasons for difficulties implementing the first land redistribution policy at both local and provincial levels.

Firstly, it was a “one size fits all” policy solution to the land redistribution aspect of the land question. It was designed, developed and approved, essentially in isolation at a national level, and before the results of the Land Reform Pilot Programmes (LRRP) were known and could have provided valuable policy learning input. It was designed in a technocratic and top-down manner with the assumption that each provincial Department of Land Affairs (PDLA) would be able to implement certain aspects at a provincial level, and that each local office of the Department of Land Affairs would then be able to implement more specific aspects at the local level. Policy-makers failed to acknowledge both the great range of differing provincial needs with regard to the land question, and the need for a flexible, reiterative policy implementation strategy to allow PDLAs to make necessary changes in response to their own contextual issues.

This problem was compounded by inadequate institutional capacity at the provincial level since PDLAs had only been set up in 1996, and nothing more than weak institutional capacity existed at the local government level. Policy was designed at a national level by policy-makers who assumed that the provincial and local government structure would provide appropriate channels for implementation. However, this was not the case, with the primary constraint on institutional capacity during this period being the limited number of staff available to implement land redistribution at these levels.

Secondly, delivery of the policy was made more difficult by a lack of coordinated government. The policy was developed largely in isolation from other rural development initiatives from other government departments, such as the Department of Agriculture, but also other departments providing infrastructural development in the rural areas. This made successful implementation difficult because in reality such programmes and initiatives work successfully only if they are linked into one another and working together. In the rural areas, difficulties were encountered as different local and/or provincial government departments sought to implement different programmes and policies with very little collaboration and coordination. Although all of these were ultimately seeking to develop rural areas, this lack of collaboration and coordination resulted in the very slow delivery of these programmes and policies, and confusion for the intended beneficiaries.

An interesting consequence of this is that the land NGOs found themselves increasingly playing an advisory and advocacy role on behalf of intended beneficiaries who were seeking to benefit from government programmes, but who

found the whole process confusing, lengthy and disjointed. The NLC noted that many of its NGO partners increasingly found themselves acting as the link between provincial DLA offices and the intended beneficiaries, helping the former implement policy and the latter navigate the complex set of mechanisms in order to gain access to land (Tom Lebert, interview, 2000).

These difficulties were a significant factor that hindered the effective delivery of land redistribution policy. They were further compounded by more general difficulties that the ANC government had in moving from being a political movement to a ruling political party. One of the major challenges it faced was successfully coordinating and implementing the many important and urgent programmes and policies.

LRAD is unlikely to suffer from the same difficulties, for two reasons. Firstly, the bulk of the responsibility for implementation lies with the provincial Departments of Agriculture. They are also responsible for other rural development initiatives and so coordinated delivery of LRAD and these initiatives should be easier. Secondly, upon election as President, Thabo Mbeki instigated a shift in how top-level government is organised. He now operates with “bundles” of departments whose senior personnel meet regularly with Mbeki to coordinate government. This appears to have helped considerably in the “joining up of government” at both provincial and local levels.

9.5.2 Influence of political pressure for immediate success

There is no doubt that there was political pressure on the DLA to deliver land redistribution objectives quickly. There are a number of reasons for this. Firstly, the land struggle had been such a central part of the ANC agenda during the struggles,

that when they came to power, the expectation on them to deliver land to the rural poor as promised was massive. This pressure was passed down to the newly formed DLA that had the responsibility delivering these promises on land reform. Secondly, this issue was even more crucial since the rural poor were and remain a vocal and important political support base for the ANC. The potential for civil unrest in rural areas if moves to address the land question were not quickly made could have been great. Thirdly, the targets set for the land redistribution policy in line with the commitments of the Reconstruction and Development Programme (RDP), meant that it would be considered a failure if it did not deliver those targets in time. As Chapter Two discusses, this is unhelpful for a policy issue like land reform, where progress and effectiveness are more helpful measures than success or failure.

The implications of this pressure for the longer-term success of the land redistribution policy were considerable. It significantly influenced the policy process, shaping both the time-frame chosen for, and the means chosen of, delivering land redistribution. The result was a time-frame that was never unrealistic, and a policy that relied solely on one, inappropriate, market-driven policy mechanism.

This is best seen in the pressure to begin implementing the first policy before the completion of the Land Reform Pilot Programme (LRPP), thereby removing the opportunity for a time of policy learning and reiteration by the policy-makers. Significantly, the review of the LRRP completed by MXA revealed a range of significant problems that, if addressed at the time, would have vastly improved the policy and would have avoided many of the problems it experienced, and which by 1999 had become apparent to all involved.

Thus, short-term political agenda were a considerable influencing factor on policy success that is only made evident at the implementation stage, but actually is most influential earlier on at the policy development stage, where policy targets are set, and policy options determined. For land redistribution, this meant unrealistic targets for the amount of land to be redistributed in five years, and the adoption of a set of objectives that could never realistically be met in ten years, never mind five.

Ultimately, the result of these factors was that, when policy failed to meet these targets, the first policy was shelved and replaced with LRAD, which itself has not been properly piloted, has not made use of policy learning and looks likely to flounder and fail to deliver. The potential for LRAD to succeed where the sub-programme did not does not look any better, given the assumptions made about the best way to deliver land redistribution, the continuing reliance on inappropriate and unworkable market-led mechanisms, and an over-simplified understanding of both the demands for land and what kind of policy is appropriate or viable.

9.5.3 Constraints posed by insufficient budgetary resourcing of policy

The insufficient budgetary funding of the first land redistribution policy affected policy success. The budget was woefully insufficient given the magnitude of the problem and the nature of the solutions needed, but it was probably appropriate to the actually policy developed. The issue is not the financial support for the policy, but the policy itself. The reality is that, if the sub-programme had had the levels of funding that many wanted, it almost certainly would have been unable to spend it all, simply because the implementation process was so slow and difficult. By 1998 the DLA had already begun to struggle to spend the funding it had received.

However, the low level of financial resourcing did compound problems generally, and did affect certain other specific factors considerably. For example, if more money had been made available to the DLA, more staff could have been employed to speed up the process of redistribution, more training and equipping of staff to increase institutional capacity could have occurred, and more money could have been saved in the longer term, by spending money in the shorter term on setting up effective and able local and provincial DLA departments.

The fiscal issues for LRAD appear somewhat harder to define. A total capital budget of R5,5 billion for 2001/2002 was budgeted for, but this was premised on unspent DLA budgets from previous years being released. Given that the money was not actually there, existing only on paper, this did not happen. In the absence of any indication of government's intention to substantially increase the budget for land reform generally, LRAD does not appear to be financially sustainable. The nature of the beneficiaries has changed from aspiring smallholders seeking a (relatively) small land grant to middle-class entrepreneurial blacks seeking larger grants to establish small commercial farms.

There are no guidelines for how the government will manage the financial pressures that this change will bring. The major factor behind the high estimated costs of LRAD is the opening up of eligibility to all black citizens, regardless of their need. The programme lacks any consideration of the support needs of participants in the tenure reform and restitution programme, and, if it is successful in recruiting a class of African commercial farm owners, would "eat up" the budget of the DLA. Given the general squeeze on government resources, there is genuine concern that LRAD

will only be funded to the detriment of land restitution, land tenure reform and any future opportunities to meaningfully meet the land needs of the rural poor.

9.5.4 The influence of insufficient inter-departmental co-operation

As detailed in Chapter Seven, problems were exacerbated by poor inter-departmental coordination and collaboration, at both a national and provincial scale, in providing improved infrastructure and post-transfer support services to beneficiaries. For example, the allocation of grants by the PDLAs was not matched with necessary post-transfer support services from the provincial Departments of Agriculture (PDAs).

There are a number of reasons for this. Martin Adams of DFID explained that the Department of Land Affairs and the Department of Agriculture have a long tradition of independent action, and are often reluctant to take on land redistribution responsibilities that will serve the other department's public goals.⁷ The extent to which this factor influenced policy success is hard to accurately assess, but it continues to be a source of tension. Given the responsibilities of these two departments, the fact that they do not co-operate well must not be ignored when assessing land redistribution policy success.

The DLA was created in 1994 and is predominantly staffed by a whole new generation of post-apartheid civil servants. Many of them come from an activist/struggle background and consequently have a concern for the welfare of the poor and marginalized. This can be seen in their political convictions and beliefs,

⁷ See CROSS (1998) for more on this.

favouring social justice over economic efficiency, and redistributive justice. The NGOs were drawn to these socially responsible civil servants, leaving the National Department of Agriculture (NDA) somewhat isolated in the mid-1990s. Indeed, many in the DLA were working in the NGOs prior to 1994. The general aims of the NGOs have remained largely unchanged from the struggle era and, because of the personnel shift, heavily influenced the general aims and approaches of the DLA itself.

The DLA is predominantly concerned with issues of social justice and poverty reduction for the rural and disenfranchised black poor, seeking to integrate them into the wider agricultural economy through the creation of sustainable and multiple agricultural and non-agricultural livelihoods. It wants to achieve these aims through appropriate land tenure reform and extensive land redistribution. It favours resettlement grants and state support mechanisms as the means of achieving this. Ultimately, the desired outcomes are equity, poverty reduction and opportunity creation. This approach could, then, be labelled as a welfarist approach.

The NDA, in contrast, is still staffed predominantly by white civil servants, the majority of whom remained despite the political changes (although at provincial level many found themselves demoted and replaced by less-experienced blacks⁸). Whilst the DLA and the NGOs were developing a collaborative relationship, the NDA was successful in developing a strong collaborative relationship with black women activists, who were promoting a political campaign that centred on gender issues such

⁸ James Wulff, Planner, Northern Province Department of Agriculture

as women's rights, particularly a women's right to own property.⁹ This was in part a fearful response to the partnership between the DLA and NGO activists and was important to the NDA in maintaining some credibility and influence in black rural communities. Nevertheless, the women's groups that bought into this relationship seem to have been somewhat sidelined, and the NDA has continued to promote its own aims, which contrast with those of the DLA.

The NDA is predominantly concerned with helping emerging commercial black farmers integrate into the commercial agriculture sector. This is in order to pursue principles of productivity, opportunity and economic efficiency. They see land reform as a means of achieving this, but not for welfarist outcomes, and instead see it as just one mechanism for achieving economic growth and integration.

There have been many calls for the two departments to merge. Although there has been one minister since 1997, there have never been any moves to merge the two departments. All of those interviewed stressed the need to improve co-operation and communication between the two departments.

The effect of all this is that during the period 1994-1999 the first land redistribution policy was treated by the NDA as a separate policy initiative from agricultural and rural development initiatives originating in the NDA. There was virtually no collaboration between the two departments on issues of rural development, and thus no strategy for approaching contextual rural development issues coherently. The DLA considered this the responsibility of the Department of Agriculture, which in

⁹ For more on this, see HALL (1998b), MEER (1997, 1999) & JACOBS (1998).

turn thought it should be the responsibility of the DLA. The NGOs have stepped in to play the role of post-transfer support provider, which is only sustainable over the short term. It has also meant that the NGOs have to take resources and staff away from other areas of work that they are keen to do, including assisting households/communities in engaging with the land reform programme in the first place.

As noted in Chapter Eight, the amalgamation of the ministerial oversight of these two departments created some messy politics during the late 1990s. Whilst Hanekom was Minister for Agriculture and Land Affairs, there was a check on the NDA and its agenda. Once Hanekom was tactically replaced by Didiza in 1999, the balance of power shifted firmly to the NDA.

This opportunity was not missed, as noted in Chapter Eight, leading to the promotion of the LRAD replacement for the first land redistribution policy. This shift in minister allowed for the emergence of an Africanist element within the NDA. Importantly, this new emerging political constituency is not a rural one, but a black intellectual elite. This change in personnel is seen as a key explanation for land redistribution for the rural poor being slowly pushed off the political agenda, and replaced by a black commercial farming agenda.

9.5.5 Constraints resulting from government apathy and incapacity

Many of those interviewed highlighted apparent apathy and incapacity on the part of the South African government meaningfully to promote land reform policy. The apparent lack of government will with regard to land reform and the lack of a

coherent rural development strategy actually reveals a more significant problem in government, namely that rural and thus land issues are no longer considered important on the political agenda. Although during the period of transition rural issues were given equal prominence with other issues, the realities of government have taken over, and for the ANC government there are more pressing issues to take care of. Crime, urban unemployment and education issues, as well as maintaining global market competitiveness, have become the significant political issues of the day, relegating land reform and rural development to lower significance.

This is also a result of the successful lobbying by urban pressure groups to promote urban issues on the political horizon. A lack of any coherent national rural voice meant that rural issues in the land debate were more easily sidelined by the Ministry. Frustration with this comes not only from the NGOs and academics but also from the Department of Land Affairs itself that wishes to see the land issue reinstated as a top government priority.

It seems fair to say that this is a relatively insignificant factor in determining policy success, but important to understand for the realities that lies behind it. The shift in personnel, thinking and emphasis in the government during the Mbeki tenure has been undeniable and has had far-reaching influence, permeating every government department. Time will reveal just how significant that shift has been.

9.6 Conclusion

The policy conceptualisation stage of the process has been highly influential in shaping the development and implementation of policies. For both the first land redistribution policy and LRAD, it is at this stage that policy direction seems to have been set and policy mechanisms chosen. It seems clear from the analysis that the policy mechanisms are chosen in light of how policy has been conceived. In both instances, the policy mechanisms chosen are in many ways appropriate for the perceived ideal policy solution.

The problem is that the perceived ideal policy solution was not formulated in response to policy learning from the LRPP or indeed, from knowledge of the differing contexts and ranges of demands for land that the LAPC research had focused on. In both instances, policy has not been conceived primarily in response to a well-developed understanding of what policy approaches and mechanisms were appropriate and viable, but rather primarily to political and policy agendas expressed within government and by external bodies of influence, such as the World Bank. The consequence both times has been the development of a land redistribution policy that fails to enable significant redistribution of land to those that need and/or want it.

Difficulties interacting with policy because of complex or inappropriate policy mechanism and difficulties effectively implementing policy are simply symptomatic of the effect of conceptual design flaws. Many of these difficulties were then compounded by a range of external and contextual factors. Of those factors, the significance of the rise to prominence and influence of the urban black agenda within

government is perhaps the most influential. The lack of government coordination and agreement must not be under-estimated.

In conclusion, it would seem that the primary factor that affected and is continuing to affect the successful delivery of land redistribution policy in South African land redistribution is the influence of a flawed policy process, which has resulted in two land redistribution policies that are both inappropriate and difficult to implement. A flawed policy process resulted from contested approaches to, and objectives for, land redistribution that reflect broader competing political agendas for political and economic development of South Africa.

Chapter Ten now follows, and concludes from this analysis and understanding what the South African land redistribution experience reveals about the issues and problems with contemporary forms of land reform, and the nature of policy processes.

Chapter 10

Conclusion: a problematic policy process

“Given the wealth of foreign and domestic expertise that was available during the process of land reform policy development, as well as the extensive and inclusive nature of the policy process and the commitment of those involved, this low level of success is a common cause for concern.”

JOHNSON (2000:1)

10.1 Introduction

The thesis has been concerned with evaluating the principles of, and approaches to, contemporary rural land redistribution programmes. Using South African land redistribution policy as a case study, it has examined the policy process in contemporary land reform programmes, in order to assess the extent to which policy implementation difficulties that are often experienced are the result of flawed policy conceptualisation and/or policy development, rather than simply poor policy implementation.

The first section of this thesis provided a review of the theoretical foundations and guiding principles of contemporary land reform, examined theoretical aspects of policy processes, identified the policy context of contemporary land reform, and also provided an overview of different aspects of contemporary land reform programmes. This review has provided a framework in which to examine the South African land redistribution policy, and to assess the validity of the argument of this thesis, as summarised in the introduction and repeated here.

The principal argument of this thesis is that the policy process for conceptualising, developing and implementing South African land redistribution policy between 1994 and 2001 was flawed. It argues that South African land redistribution policy has been difficult to implement because of a failure at the policy conceptualisation and

policy development stages by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not simply because of poor processes for implementation. It argues that the design of land redistribution policy has limited, and continues to limit, the extent to which the need for a substantial redistribution of land to the rural poor can be met.

It suggests that this is because the policy process was actually driven and influenced by competing external political and socio-economic agendas rather than a more pragmatic approach and commitment to reducing rural poverty through effective land redistribution policy mechanisms.

It proposes that the policy process was influenced primarily by competing political agendas that weakened and hindered the policy conceptualisation and policy development stages of the process, resulting in a land redistribution policy that was both difficult to implement and unable to meet the challenge of rural poverty it was meant to help alleviate.

This concluding chapter thus seeks to pull all of these various strands of analysis and argument together to draw final conclusions. It begins by summarising how the South African policy process experience can be informed by the broader understanding of contemporary land reform programmes and policy process. It then identifies how the South African policy process informs that broader understanding. In doing this, a number of conclusions are summarised on the nature of land reform policy processes, drawing on this understanding of how the South African policy

process is both informed by, and informs, understanding of contemporary land reform. Final conclusions then follow.

10.2 Informing the South African policy process

The South African policy process studied in this thesis is a good example of the complex nature of contemporary land reform and policy processes for land reform policies. Whilst it is in one sense unique, and thus requires analysis and examination as a distinct land reform example, there is considerable comparative analysis that can be done that helps inform the South African case study.

Chapter Eight modelled the three phases of the South African land redistribution policy process and then contrasted this model with the theoretically ideal model proposed in Chapter Two. This comparative analysis revealed the fundamental differences between the theory of policy processes and the realities of practice. The theoretical model does not match the models of what actually happened. There are **three** principal ‘lessons’ for the South African policy process arising from this study:

1. The policy conceptualisation stage must be firmly rooted in an understanding of the policy context and acknowledge the competing agendas for policy and how that affects the approach taken to policy. The literature seems clear that the three stages in the policy process are so closely interrelated that failure properly to conceptualise policy at the first stage has knock-on consequences for subsequent stages.
2. There must be circularity in the policy process, in the form of a reiterative feedback and review ‘loop’, if complex policies such as land redistribution are to

be successfully implemented and delivered according to the expressed aims and objectives of policy. Failure to develop an approach to policy conceptualisation, development and implementation that encourages reiteration, policy learning, policy review and subsequent policy change will result in an inflexible policy that when faced with implementation difficulties is unable to respond or evolve.

3. Policy success is far more likely when there is consensus on both the reason for land reform and the approach to be adopted. Where these two remain contested, the policy conceptualisation stage will end up being overly-influenced by competing agendas and perspectives, at the expense of actually being able to meaningfully tackle the problem it is meant to be resolving.

Chapter Nine closely examined the extent to which various factors affected policy implementation. It is clear that there were factors from each of the three stages of the policy process. The literature in the review section, and the implications of the three 'lessons' identified above, would clearly suggest that the major factors are actually not the policy mechanisms or procedures for implementation.

The evidence and argument of this thesis are that what happens at the policy conceptualisation stage is the most important factor in determining how effectively policy is delivered. Better policy conceptualisation coupled with a more appropriate approach to policy processes based on the model proposed would result in a set of more realistic, viable and appropriate policy aims and objectives, and a better means of developing and re-developing policy.

10.3 What does the South African policy process teach us ?

There are also a number of lessons that can be learnt from the South African policy process.

Firstly, South Africa's experience of trying to deliver market-led land redistribution on the scale it did is without precedent. The whole experience provides a learning opportunity for future attempts to implement similar policies. Some of the difficulties experienced in South Africa can be avoided elsewhere. The South African experience reveals a number of things:

- the complexity of the broader policy context in which contemporary land reform occurs;
- the challenge of reconciling the conflicting or incompatible guiding principles of contemporary land reform;
- the difficulty in establishing consensus on the most appropriate means and aims of a programme of land reform;
- the challenge of implementing land reform as part of a broader neo-liberal economic development agenda into a developing world nation where understandings of property rights, citizenship and social justice can not be presupposed.

Secondly, the South African experience reveals the highly politicised nature of contemporary land reform programmes, despite it in theory having a state-facilitated and market-led approach. The World Bank had a particular influence on the policy process in South Africa that had clear impacts on the resultant land redistribution policy. Its involvement was motivated by a political concern for ensuring political

and economic stability in South Africa in order in turn to ensure political and economic stability throughout sub-Saharan Africa.

If contemporary land reform is to be about helping deliver a broader agenda of rural development, competing political agendas must not be allowed to dominate the policy process for land reform. As far as is practicable, the political arguments about the role and agenda for rural development per se must be heard and responded to, but not at the expense of influences on policy conceptualisation. However, South African land reform also suffered because the broader rural development agenda was never developed and discussed. That too is problematic, since in the case of South Africa, land reform became the only rural development strategy, placing great political pressure and popular expectation on land reform policies.

Thirdly, the South African case study reveals the challenge of delivering market-led land redistribution in times of political transition. The difficulties experienced making the willing-seller, willing-buyer mechanism work reflect both the insufficient state assistance provided to aspiring landowners (which in turn reflects insufficient budgetary resources) and the difficulties of a weak land market. This was made more complex by the cultural clash between an existing indigenous understanding of property rights and the system of private property rights that market-led land redistribution would instigate.

Much has been written on how South African land redistribution has been so difficult to implement. This thesis goes some way to explaining why, and traces the problem back to the policy process that produced the policy.

10.4 Final conclusions

This thesis has proposed a clear explanation of the factors that hinder land redistribution policy processes in general, and why South African land redistribution policy has not made significant progress towards delivering its expressed aims and objectives. This final section summarises this argument.

It seems clear from the evidence and analysis presented in this thesis that an effective policy process would be one that was as close to the model of an ideal policy process as possible. This model was proposed in Chapter Two and is shown here in Figure 10.1.

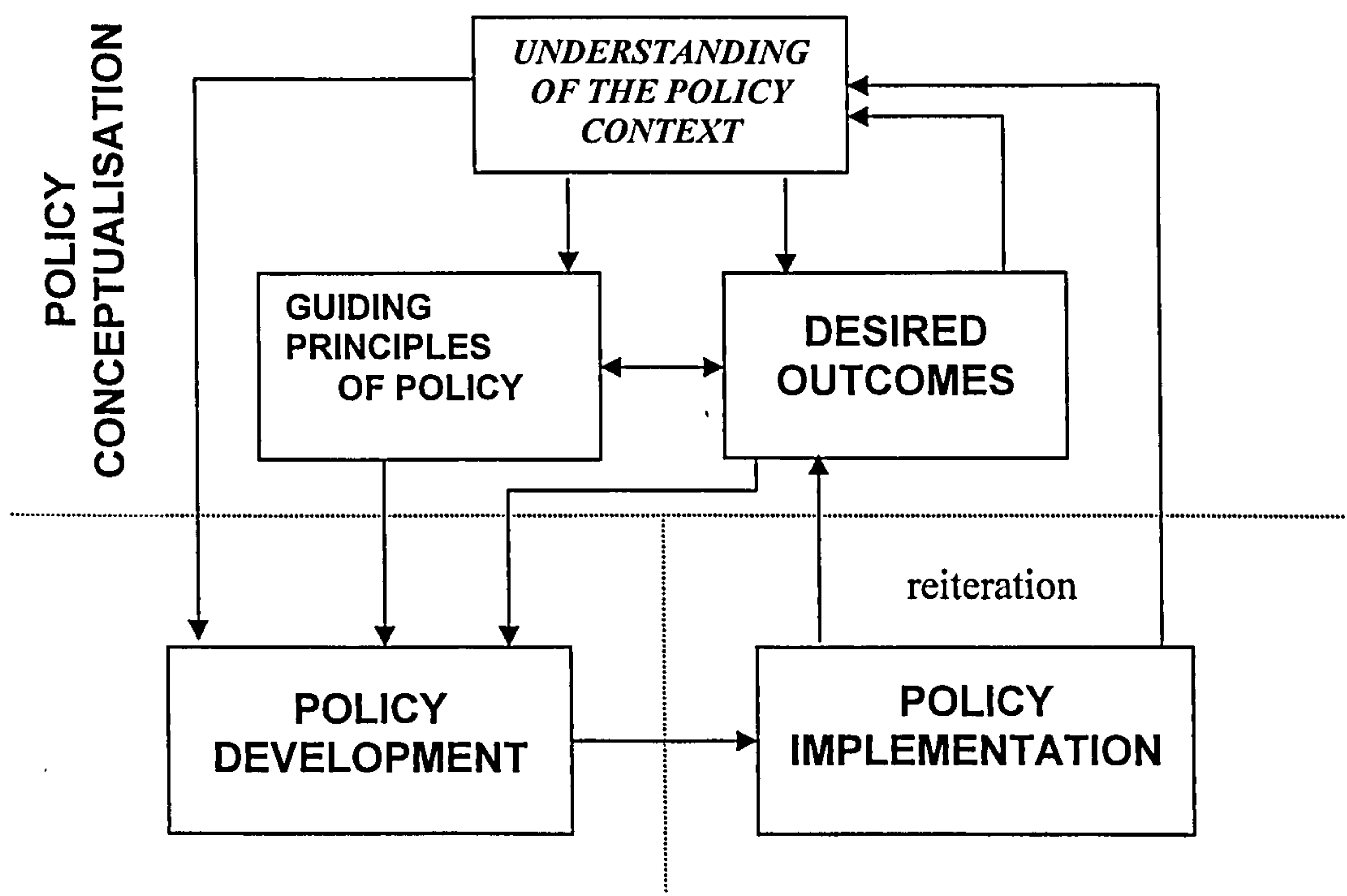


Figure 10.1 Model of a Theoretically Ideal Policy Process

The thesis suggests that had the South African policy process more closely followed this ideal model, policy-makers would have developed a policy that was better able to

deliver access to land to a broader range of beneficiaries, through a number of more flexible policy mechanisms that provincial and local DLA offices would then have been able to use creatively to help people gain access to land.

It is clear from the analysis in chapters eight and nine that the policy development stage for the first land redistribution policy produced a policy that was actually very difficult to implement, partly because of the procedures for implementation and difficulties relating to institutional incapacity, but largely due to the inappropriateness of the policy mechanisms for delivering land to the intended beneficiaries. It is also clear from the analysis in this thesis that how this policy was actually developed was determined primarily by the approach and aims of policy that were determined at the policy conceptualisation stage. South African land redistribution policy has been difficult to implement because of a failure at the policy development stage by policy-makers to develop a viable and appropriate policy for achieving land redistribution aims and objectives, and not simply because of poor processes for implementation.

However, it is argued that a failure at the policy conceptualisation stage of both policies to establish an appropriate and viable approach to land redistribution is what ultimately resulted in the development of two policies, the first of which proved difficult to implement effectively, and the second of which is currently being implemented. This was a result of insufficient attention being paid to accurately understanding the policy context and then allowing such knowledge shape and influence the policy process. It was also the result of the influence on policy approach and policy aims and objectives of contested and competing political and economic agendas for land reform.

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Appendix A

Content of semi-structured interviews

Field Visit #1 – October 1999

INTRODUCTION

This interview and discussion constitutes one part of my fieldwork for my doctorate degree. My research is examining the relationship between the aims of land redistribution programmes (equity, efficiency, opportunity and justice) and the means of achieving them (for example, land grants and the willing seller-willing buyer principle). Through this approach I intend to identify some of the problems that arise in practice, and which hinder the effectiveness of land programmes.

I am focusing my research on the South African land redistribution programme as it offers the most potential for useful and practical research results. I hope that it will be relevant and helpful for those working in land reform, both in South Africa and elsewhere.

During this interview I'd like to cover three particular areas: your organisation, land redistribution policy and the your organisation's role in that policy. I'd like to tape record these, as that makes it easier for me, and allows me to concentrate on the conversation. If you'd rather I didn't then that's fine. I'd also like to ask you some questions about your personal opinions, which wouldn't be recorded - that would be an opportunity for you to speak off the record if you wish...

I will consider what you say as confidential but on-the-record and will use it in my thesis. However, if at any point, you would like comments to be off-the-record or considered anonymous then please say so.

ORGANISATION

1. Could you provide me with a brief history of this organisation ?
2. How did it become involved in work on land issues ?
3. How has political change affected that work ?

LAND REDISTRIBUTION POLICY

4. How effective is the government's land redistribution programme ?
5. Are the mechanisms for redistributing land appropriate given the aims of land redistribution ?
6. What are the main factors preventing the land redistribution process from achieving these aims?
7. How can these factors be explained ?

ORGANISATION'S ROLE IN POLICY

8. How effective has your organisation's work been in promoting and implementing government land redistribution policy ?
9. What problems have your organisation experienced ?
10. How much co-ordination and co-operation is there with other organisations or actors ?

PERSONAL QUESTIONS

11. How did you come to be involved in work on land issues ?
12. What areas of the land redistribution process would you like to see changed or improved ?
13. How do you see the future for land redistribution in South Africa ?
14. Do you think the aims and objectives of land redistribution are realistic ?

Field Visit #2 – June 2000

INTRODUCTION

Thank you for agreeing to see me. Explain focus of my research and aims of current field visit.

CHECKLIST OF ISSUES TO BE COVERED

- get their assessment, accounts and explanations of the two redistribution policies;
- get their take on the new policy – why ? how ? prospects ? positives ? negatives ?
- establishing an accurate and thorough account and explanation for the policy development and implementation processes in the South Africa land reform programme;
- clarifying the relationship between the guiding principles of land redistribution policy, the aims of land redistribution policy and the policy mechanisms of land redistribution policy;
- how and why that relationship determines and/or influences policy outcomes when policy is implemented;
- explore how the relationship between guiding principles, policy aims and policy mechanisms inhibits, influences and determines the policy development and implementation process.

Field Visit #3 – March 2001

INTRODUCTION

Thank you for agreeing to see me. Explain focus of my research and aims of current field visit.

CHECKLIST OF ISSUES TO BE COVERED

- get their revised assessment, accounts and explanations of LRAD;
- understand the politics of LRAD;
- what does this mean for land redistribution prospects ?
- the extent to which the policy implementation deficit was and is, actually a consequence of a poorly designed policy resulting from a flawed policy development process.