Land and Freedom in South Africa

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We will not sit back and watch as the wealth builds up in the cities, while on the edges of these cities, in the small towns and in the countryside, we continue to starve.

This was the challenge issued by 700 representatives of 357 rural and landless communities at the National Land Conference in Bloemfontein in February 1994. It is a sharp reminder to the new government of national unity, preoccupied as it will be by the overwhelming need for jobs and housing in the urban areas, that the link between access to land and political freedom in South Africa is a fundamental one.

South Africa’s countryside is highly disparate. First, it was divided into expansive tracts of white-owned farmland, where Africans’ direct access to land was reduced to a bare minimum and whose proprietors could take advantage of generous state assistance, and small and increasingly congested African reserves where it became impossible for anyone but a very few to make a living off the land. Second, ecological conditions vary greatly between different regions, from the lush vineyards of the western Cape to the arid sheep pastures of the Karoo; from the maize heartlands of the highveld, subject to the vicissitudes of drought and shifting interest rates, to the subtropical luxuriance of the eastern Transvaal lowveld. Third, rural people pursue a diversity of strategies to secure their own and their children’s livelihoods, and combine these in different ways within each locality and region. Fourth, and above all, the countryside has been a place of struggles: those of farm workers and labour tenants and their families; those of dispossessed communities; those of landless people, confined to reserves, and increasingly dependent on access to urban wages. Often such struggles have been obscure, overshadowed by the ‘struggle for the city’. Their central theme is access to land and use of land.

The Rural Heritage

There are many land questions in the new South Africa. What sorts of demands are being made for land? What land, of what kind, may be available for redistribution? How will it be acquired? Who will have access to such land? What criteria will be applied? How will they farm? What will they produce? Who will decide how they farm? How will decisions be made on each of these questions? What are the implications of the changing strategies of white and black farmers? What is the position of farm workers? How will they benefit from changes in land and agricultural policies? Or might they lead to new sources of dispossession? What lessons can be learned from experience both in South Africa itself and in other countries in the region, notably Zimbabwe? This issue contains diverse articles on different aspects of these themes and Briefings from front-line NGOs. It also contains an extensive Briefing by Morris Szefelt on the South African election of April 1994, and an Debates piece on the contradictions of multi-partyism and structural adjustment in Mozambique by Graham Harrison.
What do rural people want? Many different things, according to the list of demands presented by community representatives at the National Land Conference: restoration of land lost; no more evictions of labour tenants and of farm workers; basic services such as clean water and accessible health care; that rights to own land and inherit property under customary law should be extended to women; community representation in decisions on local development. The conference was organised by the National Land Committee, an umbrella NGO which embraces many different regional affiliates and which has devoted its energies to assisting and publicising campaigns over land restitution and greater security for farm workers and labour tenants. A report on the conference appears in the Briefings section, together with items produced by some of its affiliates.

Rural peoples' demands can only be understood in the context of the history of conquest and dispossession, of territorial segregation and political exclusion, of generations of state control of the movement of people and of the socio-economic conditions of their lives. The claims of people to land have always been closely linked to the demand for political representation. The Act of Union in 1910 excluded black people from the franchise, except for a limited number of qualified voters in the Cape. The South African Native National Congress, later the African National Congress (ANC), was formed in 1912 to unify African opinion in opposition to their exclusion from the franchise and impending loss of rights to land. In 1913, the white parliament passed the Natives Land Act, which built on earlier republican and colonial legislation. It prohibited sharecropping contracts between white landowners and black peasant farmers. It also required the designation of 'scheduled' areas outside which Africans could not buy or rent land and inside which non-Africans could not acquire rights to land. At that time, the land 'scheduled' in this way represented about 7 per cent of the land area of South Africa. Most of the rest of the country was reserved for white ownership. Limited provision was then made, in principle, for the identification of further land to be 'released' for African occupation in due course, but legislation to facilitate this was not passed for more than twenty years. The Native Trust and Land Act of 1936 established the South African Native Trust (later the Development Trust) as a state agency with wide-ranging powers to acquire and administer such land. In practice, acquisition was partial and ponderous. Even once the nominal quota of land was 'released' in this way, the African reserves or 'homelands' would amount to barely 13 per cent of the land area of the country. The corollary of this limited provision of 'additional' land was the destruction of the qualified franchise for Africans in the Cape Province, despite a vigorous campaign of opposition from the 1935 All-African Convention.

The Trust regime in the African reserves was highly authoritarian, and Africans did their best to subvert it. Its regulations were inspired by the view that Africans did not know how to farm and that conservation measures had to be strictly administered by the central state. The 'betterment' and rehabilitation programmes were initiated in the 1930s and extended across South Africa, and the British colonies of southern and east Africa. They involved the separation of residential, arable, grazing and woodland and the resettlement of people in planned villages. In South Africa, as everywhere else, they provoked enormous resentment, and in many regions bitter revolt, over the culling of livestock, the cutting of arable lands, the enforced removal and concentration of settlement, and the imposition of Native/Bantu Authorities through which the state sought to enforce its policies. They were designed to improve production and conserve the soil in the African 'reserves' without altering the distribution of land.
These programmes of land rehabilitation were incorporated into the National Party Government's grand strategy of territorial segregation, population resettlement and political exclusion, in terms of which all Africans, including those settled for generations in 'white' South Africa, were to be politically associated with one or other Bantustan. They could exercise political rights, pursue business enterprises and hold land rights only in the bits and pieces of 'homeland' associated with their 'own' ethno-national group. This was a vast experiment in 'ethnic cleansing' whose consequences were viciously destructive. 'Black spots' - fragments of black-owned land surrounded by 'white' countryside - were eliminated, and whole communities were dispossessed and forcibly removed. Hundreds of thousands of people were dumped in remote and barren settlements in the Bantustans. Conflicts whose origins lay in acute competition for scarce material resources - residential sites, schools, basic services, permission to seek employment - developed along ethnic lines, because Bantustan citizenship became the criterion for distinguishing 'insiders' and 'outsiders'.

Agricultural production in the Bantustans was constrained by lack of access to land, transport and markets. 'Betterment' only made things worse. For most rural families in the Bantustans, agricultural production declined over the last 40 years and came to provide a minute share of family incomes. Most households in the Bantustans survived only through the incomes of migrant members employed in the mines or in manufacturing industry or through the meagre pensions paid to elderly people. Government schemes increased overall agricultural output, but at costs in excess of returns. In some areas, farmers with access to cattle and the ability to acquire tractors have been able to farm successfully and to expand their access to land by sharecropping with others. Some of these have been beneficiaries of political patronage; others have not - these include former labour tenants resettled in Bantustans. Cane growers farming small plots in KwaZulu and larger areas in KaNgwane have increased production, generally as contract farmers for the sugar mills. Like the country as a whole, the former Bantustans are diverse. Access to resources is differentiated and determined, to a significant extent, by access to incomes from the urban economy, trading activities or the local state.

In the 'white' countryside itself, legislation, accentuated by private and public coercion, sought to secure farmers an adequate supply of cheap labour which would be subordinate to their authority. For more than a century, official policy has sought to turn African sharecropping peasants first into labour tenants and then into wage labourers. Africans responded in various ways: migration with their stock, evasion of controls - often in collusion with landowners, and resistance to eviction and their loss of rights to land and grazing. Farm workers were tied to the farms by extremely low wages, tight legal restrictions on their freedom of movement and their dependence on the farmer's goodwill for a home for themselves and their families. Labour tenancy survived its legal abolition, itself removed in 1986. For most Africans on the farms, their decline in access to land to grow crops and keep stock was not matched by improvements in wages. The adoption of combine harvesters and chemical technologies from the 1960s led to a decline in the demand for labour and evictions of many people from their jobs and homes. The owner-managed farm, using the most up-to-date technology and employing wage labour, has been the ideal for 'progressive' farmers since the beginning of the century; it has often produced insecurity for and evictions of farm workers.

Chris de Wet discusses the experiences of people who were relocated from land and homes both within the Bantustans and the 'white' farms and small towns and the consequent disruption to the lives of individuals and of communities which followed
from various forms of resettlement and ‘betterment planning’. He draws attention to the issues which must be considered in any future plans to relocate people again as part of a strategy of restoring or securing their access to land. White farmers had access to a generous infrastructure of state assistance for commercial agriculture, above all, cheap credit through the Land Bank, and an increasingly elaborate framework of subsidies, guaranteed markets and price controls. Networks of political patronage closely linked the National Party and the white farmers with three of the four provincial Farmers’ Unions and the supply and marketing co-operatives. Land reform is not simply a question of the redistribution of land. Its outcome will also depend on re-structuring complex chains of forward and backward linkages in the interests of all farmers and of consumers rather than of large-scale farmers, input and wholesale monopolies, and the supermarket giants.

Land Reform: Redistribution and Restitution

As the new South Africa emerges, many difficult questions arise. The ANC’s Reconstruction and Development Programme (RDP) identifies a ‘national land reform programme’ as ‘the central and driving force of a programme of rural development’. Its two aspects are redistribution of ‘residential and productive land to the poorest section of the rural population and to aspirant farmers’ and restitution for those ‘dispossessed by discriminatory legislation since 1913’. The priority is restitution. The ANC has committed itself to a Land Claims Court to arbitrate conflicting claims and deal with urgent claims for restitution. President de Klerk appointed an (Advisory) Commission on Land Allocation (ACLA, later CLA) in 1991, which resolved very few of the claims placed before it, not least because many claims involved land which the state had transferred to whites. The new government’s Department of Land Affairs is already trying to deal with a number of claims through negotiation. Where agreement is not reached, people will have to wait for the Land Claims Court. This procedure will be expensive, cumbersome and protracted; but it is essential if there is to be a start to restoring to people the rights which were overridden in the past, and it is vital to the political credibility of the new government. The constitutional provisions to protect property against expropriation mean that it will be expensive to compensate those who have since acquired the land.

John Sharp’s article on the Komaggas reserve, in Namaqualand in the northern Cape, demonstrates that some land claims fall outside the criteria for restitution that are likely to be applied by a Land Claims Court. He describes how a community’s claims to land have been bound up with conceptions of their identity and involved recourse to different criteria in a changing political and legal climate. Recently, they have raised the issue of the original rights of their Nama foremothers rather than appeals to Victorian treaties. Either way, their claims to land now held by the state and mining and power companies predate 1913, the likely cut-off date for claims under relevant legislation.

The restitution of land leaves open the question of how land and other rights are allocated among members of dispossessed communities and how they may use the land. The official paper explaining the 1993 Provision of Certain Land for Settlement Act recalled the ‘three key land policy objectives’ which informed the 1991 Abolition of Racially Based Land Measures Act; namely, ‘the broadening of access to land for the entire population, the upgrading of the quality and security of title on land and the judicious utilisation of land as a national asset.’ These are outlined in a Briefing on 1993 land legislation. It continues to insist on limiting settlement of both ‘families and small and/or large livestock units’ to the ‘carrying capacity of the land’. As Harald
Winkler's Briefing, 'New Methods of Control' shows, the outgoing administration in the Transvaal sought to restrict the numbers of people who could take up land and dictate how they used it. Jocelyn Alexander demonstrates how the government in independent Zimbabwe has tried to impose on both resettlement and communal areas the forms of residential and land use planning embodied in the Rhodesian Native Land Husbandry Act of 1951 and in South African 'betterment' schemes. On the point of leaving the office of President, F. W. de Klerk signed a trusteeship of land in the former KwaZulu to King Goodwill Zwelithini which may remove it from the direct control of the new regional government in KwaZulu/Natal. It is likely to consolidate the existing political structures of 'tribal authorities' and their gendered criteria for allocating land. It is unlikely to facilitate women's ability to claim rights to land and a recognised voice in the affairs of their communities.

Cherryl Walker here analyses the conflict between the accommodation of 'tradition' – the formal structures and the popular discourse of rural patriarchy – and the ANC's commitment to promoting gender equality. She argues that the two political objectives are fundamentally incompatible and that the language of the Reconstruction and Development Programme (RDP) betrays a rhetorical indulgence of the struggle for gender equality rather than a strategic integration of it.

For the vast majority of people who have no viable claims to recover land, there are proposals for redistribution of land. Several lines of argument have been advanced against land redistribution. The first assumes that large-scale farms are able to adopt more advanced mechanical, chemical and biochemical technologies which will realise economies of scale and that small-scale farms are incapable of producing sufficient foods to meet South Africa's domestic needs and supply its export markets. The second argues that black people want jobs, not land, and that the debate on land redistribution is a diversion. These two views are linked by common assumptions about the necessary directions of historical progress.

State policies in the past subsidised the acquisition of machinery and extension of grain production into ecologically fragile areas. They encouraged the consolidation of land into ever larger farms and prohibited its sub-division below a legal minimum. Rising costs and falling prices have partly reversed the trend to highly-mechanised grain production. However, farmers have tended to shift towards stock farming, reducing employment opportunities for farm workers. In some regions, farms have been converted to game farming and even 'conservation', reproducing images of a landed aristocracy and further reducing opportunities for access to jobs or land. Both employment and residence of blacks on white-owned farms have continued to fall for the last two decades. The 1991 census suggests that 200,000 people have been displaced from white farms in the Orange Free State alone since 1985 – and evictions have continued since 1991, not least to pre-empt the extension of rights to farm workers and labour tenants.

The RDP talks of 'a dramatic land reform programme to transfer land from the inefficient, debt-ridden, ecologically-damaging and white-dominated large farm sector to all those who wish to produce incomes through farming in a more sustainable agricultural system'. On the other hand, it recognises that the 'present commercial agricultural sector will remain an important provider of food and fibre, jobs and foreign exchange'. Large-scale farmers have benefited from extensive subsidies and adjusted their strategies to the tax and price regime. This does not prove that they are 'inefficient' in using resources – though the new government cannot afford to sustain this largesse. Within the system of large-scale farming, there are
'economies of scale' in the use of machinery and the farmers’ own managerial capacities. It does not follow, however, that smallholder farming would be 'uneconomic'. There is historical and contemporary evidence, both from South Africa and elsewhere in Africa, that smallholders make effective use of the resources at their disposal and respond actively to market opportunities. In Kenya and Zimbabwe after independence, smallholders dramatically increased their production as high-value crops (in Kenya) and favourable prices (in Zimbabwe) were made available to them. Redistribution of white-owned land did not lead to a collapse in farm output; in Kenya, production increased markedly. What has proved expensive is the cost of state strategies to resettle farmers, to provide them with inputs and direct their priorities, as the successive settlement and farmers’ support programmes funded by the Development Bank of South Africa, among examples from many other countries, indicate. The question is how existing and prospective smallholders can get access to resources and opportunities.

Black families want to have access to land as well as to jobs. They are well aware of the vulnerability of farmers to drought and debts and of the need for income from outside farming to secure household needs and the costs of farming. Rural workers confront declining employment opportunities in farming, and in mining, and many have had to earn what income they can find in the urban settlements which have expanded in the erstwhile Bantustans. Farm workers, and former farm workers, have relevant experience of farming, but lack capital resources to invest in farming. 'Yeomen politicians', as Merle and Michael Lipton (IDS Bulletin 25, 1, 1994) have called them, might be better placed than farm workers to take advantage of the opening of land to black people. Further, people want land, in rural and in urban areas, for a variety of purposes. They want somewhere to live; they want land to grow food to eat and to sell; they want a place to keep chicken and goats, to provide grazing for sheep and cattle, they want a place to return to, and land they can rent, sell and pass on to their heirs. People will change the ways they use land as circumstances change, and in different ways from one another. They will not all give priority to production of crops or stock for the market. They do not generally like to be told what to use it for or how to use it.

There is no single ‘moment’ of transition. Changing farming strategies have evolved over time in response to changing economic conditions. White farmers felt economically betrayed by the Nationalist government long before they felt politically betrayed. The life-chances of both farmers and farm workers are more deeply affected by the forces of drought and economic recession, of positive real interest and adverse terms of trade, than they are by the forces of political transition. William Beinart explores the shifting strategies of white farmers in a zone of arable and pastoral farming in the southern Orange Free State. He found that farming strategies, and their implications for employment, tended to vary, in part, by size of farming enterprise, and that smaller farms were quite intensively worked. Strategies to bring about change need to start from an understanding of how things are changing and what the actual consequences may be, whether or not they are intended.

Andries du Toit points out that discussions about land reform and rural restructuring in the former ‘white’ farming areas tend to ignore most of the people who live and work there. Farm workers are exploited and insecure. They have been locked into a repressive paternalism which subordinates them to die boer se wet – ‘the farmer’s law’ – beyond the formal legal constraints to which they have been subject. The struggles of farm workers throughout South African history have been about access to land and security, to respect and to rights in law, to run their own lives and make their own
decisions. They take place ‘within and against’ the terms of paternalist discourse, practices and institutions. The 1994 Agricultural Labour Relations Act, which is outlined in a Briefing, does not of itself change social relations on the farm but it does create a framework in which relations of power can be contested and changed. The problems and struggles of farm workers have to be recognised in their own right, not subsumed under either the struggles of urban workers or the broad rubric of land reform and the agrarian question. Du Toit observes that, in the process of political transition in South Africa, policy debates have been cast not in political terms but as development problems, opening the way to ‘a technocratic discourse’ transcending past political and ideological divisions. These make it possible for the late government, the ANC, the World Bank, academics and consultants, NGOs and research institutes to join together in formulating policies. This process is one both of strategic opportunity and of tortuous political difficulty.

Setting the Agenda

In 1992 and 1993, the World Bank entered a series of dialogues with policy-makers concerned with housing and urban issues, education, health, land and agriculture and macro-economic strategy for the ‘new South Africa’. Through the Land and Agricultural Policy Centre (LAPC), it funded a series of reports, mainly by South Africans, whose findings were incorporated selectively into the World Bank’s ‘Options for Land Reform and Rural Restructuring’. Many activists in affiliates of the National Land Committee were uneasy about this process, fearing that instead of developing local research capacity it would limit the scope for South Africans to think through the issues and define their own policy agendas.

‘Options’ clearly states its ‘guiding principle ... political and economic liberalization. At the heart of such a process would be a new agricultural pricing and marketing policy and a program for land reform’. It wishes to extend recent policies of abolishing subsidies, removing current regulations and liberalising markets which will, it argues, reduce the unfair advantages which state policies currently confer on large-scale producers. The RDP similarly argues for ‘removing unnecessary controls and levies as well as unsustainable subsidies’ to the large-farm sector.

The World Bank argues that its models ‘indicate a substantial increase in rural employment and income as a result of land redistribution’. ‘Options’ envisages and costs at market prices a substantial transfer of perhaps 30 per cent of medium- to high-quality land from large-scale white to small-scale black producers. The RDP commits the ANC to these targets and to have a land reform programme in place in 1995. ‘Options’ distinguishes between those who might receive a ‘basic grant’ which could ‘pay for a major share of a rural housing site’ and ‘individuals or groups who will use land in a productive manner’, who could receive a grant for the cost of half the land and a loan for, say, 30 per cent; and who could commit 20 per cent of the costs themselves. State land, and private land which may be acquired for redistribution, is not usually empty of people; farm workers, labour tenants and squatters may all make a prior claim to land and not welcome its allocation to incoming tenants. They may find it difficult themselves to raise the capital costs of entry into the scheme. The cost of such a redistribution is claimed by the World Bank to be ‘surprisingly small’. ‘Options’ estimates the public costs of settling over 600,000 smallholdings on 24 million hectares of agricultural land in four fertile regions at R17.5 billion – R3.5 billion (c. US$1 billion) per annum over five years. This would be funded from past, current or future taxes. It would compete for resources needed, for example, to
provide safe water, roads and schools in the former Bantustans as well as with the more vocal demands from the cities. The estimates are based, not on evidence, but on indicative models. The outcomes may change markedly if the assumptions are varied. The key elements are land prices, yields, crop prices, target incomes, interest rates and administrative costs; these determine the costs of settling families and the numbers which can be settled. If farmers are to repay loans at more realistic interest rates than the models adopt, farmers' incomes would fall by between about 10 and 30 per cent for three of the four regional models. In that case, more support would be needed to bail out project beneficiaries and less land would be available for others. The annual sum envisaged is more than the R2.5 billion the new government has allocated to the entire Reconstruction and Development Programme for 1994-95, and more than 40 per cent of the R40 billion planned for the RDP over five years.

The World Bank criticises Zimbabwean resettlement schemes for imposing cultivation rules on settlers and expecting them to give up urban employment. It insists that its models are illustrative and are not intended to guide the way beneficiaries use their land or as targets 'driving the planning process'. 'Options', unlike the prior terms of reference for the research it drew on, avoids the term 'resettlement'. It is, nevertheless, difficult to see how a programme to move 600,000 families over five years could be anything but 'a vast resettlement project'. 'Options' envisages a common framework within which broadly similar processes of land redistribution would be managed. It is hard to imagine how strategies appropriate to one of South Africa's diverse regions, let alone the different localities within them, would be applicable in another. Nor can one envisage such a programme responding to the diverse claims of very different groups of people – relocated communities, farm workers and labour tenants, migrant workers or ex-workers, widows and single mothers, small-scale cane growers, aspirant farmers – to acquire land for diverse purposes – as somewhere to live, to plant crops, to graze stock, to return to, or even to rent out at a profit. The World Bank's 'Options' seeks to square a number of circles: redistributing land and maintaining agricultural production; providing for the poor while settling people who have the resources to take up land and cultivate it commercially; setting up a national programme yet implementing it at the local level – through the newly created regional governments. These dilemmas are not resolved. The ANC, for its part, needed a plausible land reform policy and 'Options' provided the basis for it. The ANC could not afford the rhetorical luxury of the Pan Africanist Congress's demand to restore the land to the people. But how will it work out in practice?

The Danish agency, DANIDA, is funding the LAPC to carry out a second stage to the programme. This was intended to 'field test' land reform proposals in different regions. Organisations were invited to 'tender' to undertake research within a structure of national and regional managers. Field research needed to draw on the skills and political credibility of the local affiliates of the NLC. This gave the regional research groups some scope to undermine the technocratic style of the new programme and to define their own research objectives. However, these are at variance with the commitment of the funders and the new government to initiate pilot projects. The research may not inform policy; it does make it possible to claim that policies are based on the findings of science. In any case, land reforms are not like new seed varieties or fertiliser combinations. They cannot just be tested in the field. This research process itself illustrates the tension between the need for policy-making at the national level and the need for sound empirical research at the regional level on recent trends in land ownership, indebtedness, land use, and land claims. Experience in different regions through 1994 demonstrates the complexities of resolving this tension between differing strategic priorities, and also the conflicts that arise between
different organisations, with different histories and priorities, striving to cooperate to implement a regional research programme.

One regional research programme that has recently come to fruition is the MacArthur Foundation-sponsored project on ‘Community Perspectives on Land and Agrarian Reform in South Africa’ (CPLAR). Its programme, led by Dan Wiener and Richard Levin who discussed ‘The Agrarian Question and Politics in the “New” South Africa’ in ROAPE 57, was explicitly committed to developing a participatory research method by which communities were actively represented in the shaping of the research process, and the conduct of the research was integrated into the local procedures for the management of conflict. Community representatives took part in presentation and discussion of the findings.

Land in the Cities

Land questions are not restricted to rural areas. The apartheid state sought to segregate urban land as it did rural land ownership. The decline of the apartheid system, and of the state’s capacity to impose its policies, led to renewed and often violent struggles to gain access to and control over urban land. Iain Edwards examines the complex and contentious history of Cato Manor in Durban, the struggles of its residents to make a living and find a place to live and the conflicts to which this gave rise in the 1940s and 1950s. The state cleared the areas of its African and most of its Indian residents but, as with District Six in Cape Town, was unable to develop it for white residents. Protagonists in current political struggles over access to and control of land and housing in Cato Manor lay claim to alternative interpretations of this history. Edwards’ historical account sheds light on one aspect of the political divisions between Africans and Indians in Durban, which have arisen out of the ways in which the whites who controlled local, provincial and national governments excluded both from the areas and resources which whites sought to reserve for themselves.

People seeking land for housing in urban areas come from the overcrowded houses and backyards of the townships more often than from rural areas. Election victory for the ANC has encouraged homeless people in the major cities to stake out new claims to their own land. This has opened up new opportunities for political entrepreneurship and confronted local, provincial and national governments with harsh dilemmas. Evictions ordered in the middle of the coldest night of a highveld winter by the Johannesburg City Council, still controlled by the National and Democratic Parties, attracted strong criticisms. Joe Slovo, the national Housing Minister, warned that some land invasions were orchestrated ‘by outsiders ... for their own personal and political gain’. The ANC regional government has stopped further evictions. Housing is a priority for the RDP. The new government faces the problem of mobilising the resources to build the houses and to decide through what mechanisms and by what criteria to allocate houses and who shall get what land on which to make their own homes.

In Conclusion

Some lessons are clear from historical studies of South Africa and other countries in Africa. Issues concerning land will continue to be central in the lives of rural people. State policies will continue to shape the extent to which people get access to land and the ways they can use it, but will not necessarily do so in the ways in which planners and policy-makers intend. In considering policies we need to try to understand, in
inconvenient detail, the complex and protracted changes that have been taking place in different parts of the country which operate with time-scales that transcend the period of ‘political transition’ or the horizons of planners.

Questions about land are also questions about much else – gender relations, generational differences, labour and employment, access to markets. They are rural and urban and crucially involve the connections between town and country. They are about class formation, class privilege and class power; these are interlinked with the process of the reformation of the state, at all levels, state allocation of resources and state power. Bureaucrats and businessmen will be week-end farmers. Like their predecessors, with whom they will share power, they are likely to take advantage of their privileged access to state patronage. They may allocate land publicly with one hand and receive land privately with the other. Regional governments, which have little capacity to raise their own taxes but will be responsible for spending a large share of the taxes raised through the centre, are likely to become major dispensers of local patronage. They will incorporate politicians, officials and businessmen from the former Bantustans who have already demonstrated their ability to acquire land and other resources from the local state. For those without these advantages, the capital resources needed to cultivate land or to invest in livestock are likely to be derived, in large part, from the earnings of urban migrants. In recent decades, numerous people have been shut out from such sources of income. Opportunities in the countryside will, in large measure, be differentiated by people’s capacity to acquire resources in the towns. The variety of links between the rural and urban economies must be well understood both by policy-makers and by their critics.

In the light of the dismal history of ‘top-down’ state intervention in rural development, strong institutions of civil society – trade unions, women’s organisations, farmers’ associations, religious institutions, local associations of one kind or another, and service organisations – are all necessary, if by no means sufficient, if rural transformation is to benefit poor people. They need to be able to maintain their autonomy from, yet gain access to, the local, regional and national state and a capacity to have their voices listened to. During the apartheid years, society was uncivil in the extreme. In nearly all regions of the country rural people, above all, voted for the ANC and look to it to bring changes to their lives. After years of struggle against a brutal white supremacist state, people cannot now invest their faith uncritically in the promises of a new state, even one which has declared its commitment to undo the injustices of apartheid. Apartheid’s legacies will live on beyond its demise. Nor can the new state assume political support for further ‘top-down’ measures of reform. The challenge is how to resolve constructively the inevitable tensions between national policy-making and the diverse needs and conflicting demands of the people in the different regions and localities which make up South Africa. Coherent state structures are required both to carry through ambitious programmes of support for disadvantaged people and to adjudicate conflicting demands.

Against those who question the relevance of land reform in modern South Africa, we emphasise the diverse claims of people in different localities and circumstances to get access to land for a plurality of purposes. Over the coming decades, we expect that substantial areas of land will be transferred from white to black ownership and occupation, even if not on the scale and at the pace outlined in the World Bank’s ‘Options’ and by the RDP. The critical problem is to find ways of enabling as many people as possible to meet their needs for security and for productive activities, lest the majority of people continue to find themselves excluded by state policies and market criteria from being able to provide for their needs.
State, Peasantry and Resettlement in Zimbabwe

Jocelyn Alexander

The end of minority rule in Zimbabwe seemed to herald dramatic changes in agrarian and local government policies, as well as in official attitudes towards the rural areas more generally: the newly elected ZANU(PF) government promised a dramatic decentralisation and democratisation of government structures and a large scale redistribution of land. This article assesses the extent to which the promises of independence were met. It stresses the importance of the political context of debates over agrarian change – the constraints of a negotiated independence, the political clout of commercial farmers, the ruling party’s own political agenda and economic interests – and focuses on change in the institutional forums in which debate took place, particularly the extent to which the inherited ideologies and practices of the state bureaucracies charged with formulating and implementing agrarian policies were transformed by decentralisation and majority rule.

ZANU (PF) Ideology: Constraints of a Negotiated Independence

In 1979, the leaders of ZANU and ZAPU – temporarily united under the banner of the Patriotic Front – entered British-brokered negotiations with the Rhodesian authorities to end the guerilla war. Under pressure from the countries which hosted the guerilla armies and placated by promises of international aid in the acquisition of land, the Patriotic Front accepted significant constraints on the future government of an independent Zimbabwe. The Lancaster House constitution protected property rights for 10 years, thereby leaving the majority of the economy in private hands. Critically, ‘European’ land could only be acquired compulsorily if the owner was compensated in foreign currency. Moreover, the constitution guaranteed 20 seats to whites in the 100 seat parliament for seven years.

In the 1980 elections, Robert Mugabe’s ZANU ran as ZANU (Patriotic Front) and Joshua Nkomo’s ZAPU ran under the name of the Patriotic Front party. ZANU(PF) won a decisive 57 seats and was thus in a position to form the new government. The ZANU(PF) leadership espoused a recently acquired marxism-leninism. However, the party’s ideology had not been translated into specific programmes and policies, remaining instead at the level of slogans and broad goals. In practice, ZANU(PF)’s ideology was constituted by a populist endorsement of pragmatism and nationalism (Drinkwater 1988:128-34). ZANU(PF)’s pragmatism took the form of ‘moderation and reconciliation’. In political terms, ‘moderation and reconciliation’ applied to influential whites willing to work with the new government and, initially, to ZAPU.
In economic terms, 'moderation and reconciliation' translated into the 'Growth with Equity' policy (GoZ 1981). Growth with Equity stressed the constraints which the constitution placed on the redistribution of resources and the central role whites would continue to play in the economy. Particular emphasis was given to the 'indispensability' of white farmers: in 1980, they produced 90% of marketed food requirements as well as a significant part of exports and supplies to the manufacturing sector. Equity would be achieved through the centrally planned redirection of public and donor resources to the black majority. Growth was thus the province of the white and foreign-owned capitalist sectors of the economy, while alleviating the inherited inequalities of the Rhodesian era fell to the central state.

'Moderation and reconciliation' had other implications. First, 'moderation' left much of the Rhodesian state's bureaucratic structures, as well as former officials, in place. In 1980, 29,000 of 40,000 civil servants were black but whites dominated the senior echelons. Africanisation was concentrated at the most senior levels of the state and in fields such as education. Many whites who chose to stay kept their influential positions within government. During the first critical years of independence they were able to draw on their experience to great effect, especially given ZANU(PF)'s lack of clear policies. Moreover, Africanisation did not necessarily mean the introduction of new attitudes and practices as many blacks promoted within the post-independence civil service received their training within the Rhodesian state.

Second, 'reconciliation' was a fragile concept which was all too easily abrogated with regard to certain sectors of society. The extensive powers inherited under the Emergency Powers Act, the Law and Order (Maintenance) Act, and other legislation, as well as the massive police and intelligence apparatus built by Rhodesian governments were maintained and even expanded (Weitzer 1984; Ncube 1991). The ZANU(PF) government justified the maintenance of the state's repressive capabilities in terms of the threat posed by South Africa and disgruntled whites. However, whites were largely free from state repression: their powerful economic position and constitutionally guaranteed Parliamentary seats put them beyond the reach of ZANU(PF)'s project of political control (though they were criticised for their loyalty to Ian Smith in the 1985 elections). Other groups, most notably ZAPU, were not so well protected. From 1982 to 1987, the ZANU(PF) government subjugated (or drove underground) and eventually absorbed ZAPU through a brutal campaign of repression which formed part of its attempt to consolidate control over the 'nation' to create political 'unity' (Alexander 1991, 1993; Werbner 1991).

The government also tried to centralise control over a variety of other organisations and social groups, ranging from trade unions to ex-combatants to 'traditional healers' and spirit mediums to ZANU(PF) village committees to churches. In an ironic twist, ZANU(PF)'s pre-occupation with 'regime security' transformed its erstwhile wartime enemy – the Rhodesian state – into an effective ally. The interaction between ZANU(PF)'s political agenda and the largely intact Rhodesian state had significant implications for reforms in local government, development planning and agrarian policy.

Decentralisation and Development Planning: Continuity and Change

Though the ZANU(PF) government promised increased popular participation in development planning through elected councils and committees, its policies were
strongly shaped by those of the colonial era. In the early 1960s, both Edgar Whitehead's government and that of the Rhodesian Front endorsed the internationally fashionable policy of 'community development'. The policy called for a rollback in the coercive implementation of centrally formulated policies in favour of development driven by the 'felt needs' of 'natural' communities represented by councils and community boards. In practice, the policy was dominated by the need to re-assert state control in the face of intense resistance to the government's agrarian policies and the spread of nationalism. The policy stressed the role of chiefs and headmen in creating political stability: councils, boards and courts were based on 'communities' associated with officially recognised chiefs and headmen.

By the late 1970s, councils lay largely moribund while in areas where the war was closely contested chiefs had been forced to withdraw from their often ambivalent cooperation with government officials or face violent attack. The first step in re-establishing peacetime local government was symbolic of later reforms, in terms of its pre-independence genesis and its top-down implementation. New district councils, established in lieu of the smaller chieftaincy-based African Councils, were designed by the transitional government and adopted just before independence. To implement the measure, the thin veneer of ZANU(PF) officials at the national level relied on an uneasy combination of the former officials of the Ministry of Internal Affairs and village level ZANU(PF) and ZAPU committees. Initially, party committees played a key role in distributing aid, reconstruction, and communication with central government officials. However, though rural party committees were instrumental in the creation of councils, they found themselves rapidly displaced by them, and by the re-establishment of government bureaucracies in rural areas. Senior ZANU(PF) officials were reluctant to empower rural party committees for a number of reasons: they did not represent all members of rural society as councils theoretically did; they acted with an autonomy from the ZANU(PF) leadership which reflected both the lack of middle level party structures and the disparity between local demands and government policies; and, notably in Matabeleland and parts of Midlands and Mashonaland West, they were not loyal to ZANU(PF). In 1980 and 1981, the demands of rural party committees were routinely over-ridden by the central government, with the effect of 'demobilising' them.

Other reforms were instituted with the ostensible purposes of replacing chiefs and headmen with elected institutions and further decentralisation. In 1981, the Customary Law and Primary Courts Act replaced chiefs and headmen's courts with elected presiding officers and assessors; in 1982, the Communal Lands Act gave district councils authority over land allocation thus removing the Tribal Land Authorities' powers. Proposals for decentralisation below the level of district councils were mooted in the 1982 Transitional Plan: the Plan promised further attention to 'popular local organizations and participation in regard to regional and local development'; it included mention of 'peasant associations' and 'village committees' (GoZ 1982a:55, 18, 98). However, it was not until 1984 that a Prime Minister's directive created village and ward development committees, referred to as 'vidcos' and 'wadcos' respectively. These new 'democratic institutions of popular participation' were to promote

the advancement of development objectives set by Government, the Community and the People. They would ensure that opportunities are created for greater participation by the mass of the people in decision making processes which lead to the setting of development objectives (MLGTP 1985:1).
The directive also created district and provincial development committees, comprised of civil servants and chaired by administrators, and the office of Provincial Governor, a political appointee. The much delayed Rural District Councils Act of 1988 provided for the amalgamation of the new district councils with rural councils, the local authorities which represented formerly ‘European’ farming areas.

In theory, the government had established democratic, secular, and non-racist channels for popular participation in planning and policy-making from ‘village’ to provincial level and had taken steps to expand the resource base of local authorities in the former Tribal Trust Lands (TTLs) to include ‘European’ areas. Change was not, however, so dramatic. First, the implementation of the Rural District Councils Act did not get underway until June 1993 due to conflict over borders and resources. The extent to which the Act will redistribute resources is at any rate questionable (Helmsing et al. 1991). Moreover, farm workers remained disenfranchised. Second, despite the establishment of elected councils and courts in place of chiefs and headmen, the central government instituted or perpetuated a number of measures which retained chiefs’ status if not, initially, their late-colonial powers. The reasons behind these measures were diverse, with roots in Rhodesian policies as well as the new government’s political project.

In the first chaotic year of independence a key source of support for chiefs and headmen lay in the former officials of the Ministry of Internal Affairs. In Manicaland Province, for example, Rhodesian-era administrators who still held their posts responded to the idea of excluding chiefs from their previous roles with horror. With the support of the Provincial Commissioner, one District Commissioner complained that, ‘To destroy or diminish that structure [chieftaincy] without a definite plan on how to fill the vacuum, could lead to confusion if not anarchy in the communally occupied areas’ (MLGTP, Chimanimani District, correspondence files). In the end, the Ministry of Local Government required that chiefs sit as ex-officio members of the new councils, even if local communities objected. In addition, chiefs’ and headmen’s salaries were maintained, leaving them better off than either elected councillors, who received a fraction of chiefs’ salaries, or party and video leaders who received no remuneration (Kriger 1992:225).

Prominent ZANU(PF) leaders publicly defended the continued recognition given chiefs under the mutable rubric of reconciliation and through an Africanist appeal for the preservation of culture, custom and tradition. Though this rationale had roots in the uses of African culture in nationalist and guerilla mobilisation, the ways in which the ZANU(PF) government sought to ‘preserve and conserve’ culture, and the version of culture which it privileged, had less to do with cultural nationalism than with Rhodesian traditionalism. In a vein similar to earlier white politicians’ attempts to woo chiefs, Prime Minister Mugabe held a series of indabas with chiefs in 1980. The Ministry of Local Government acted to protect ‘tradition and dignity’ by retaining central government control over chiefly appointments (Kriger 1992:225, 233-4). By keeping chiefs as salaried appointees of the state, the government sought to pre-empt any opposition they might offer and, increasingly, to use them to build a rural constituency and to aid in policy implementation. Indeed, at yet another indaba before the 1985 elections, Mugabe promised chiefs the return of control over courts, thus undermining one of the democratic reforms of the independence era, as well as compromising other legislation, particularly that granting women new rights. Just prior to the 1990 elections Mugabe went a step further, promising chiefs involvement in the selection of people eligible for resettlement land (Alexander 1993).
Other aspects of Rhodesian community development also persisted. A handbook produced by the Secretary of Local Government, L. V. Brown, explained the 1982 District Councils Act to civil servants in terms of a familiar dichotomy between ‘traditional’ and ‘modern’ institutions: the Act was to ‘marry traditional methods of administration ... to a modern system of local government’ according to the ‘philosophy, principles and practices of community development’. As in the rhetoric of the 1960s, the councils’ ‘driving force’ was to be the ‘felt needs of the people’. Brown continued:

*Any spirit of self-help that once existed in a community may have been dissipated by too-easy solutions having been provided in the past.*

*All too many communities are seriously deficient in public spirited persons with the will to serve others without substantial reward.*

*Much of the initiative and drive will be found in the executive [the district administrator and other civil servants] who themselves are often stimulated by the ideas promoted by Central Government Officials.*

*For a long time to come District Administrators will have to lend their authority and prestige to bolster the efforts of councils and to give them confidence in their powers. However, it is important that communities should feel that the results achieved are due to their own efforts and have not merely been imposed from above.*

While Brown conceded that councils were allowed to reach decisions contrary to the advice given them by civil servants, he cautioned, ‘This approach must not be taken too far’ (GoZ 1982b). The handbook was indicative of more than simply the last breath of a soon to depart Rhodesian official. Statements by ZANU(PF) officials, including the Minister of Local Government, also employed the ‘felt needs’ vocabulary and stressed the role of district councils as implementors of centrally formulated policies. At times central control over service delivery was used as a threat to induce cooperation; ‘participation’ came to mean assent and compliance. Moreover, the District Councils Act retained the right of the Minister to assign any or all of the powers of the council to an officer of the public service. District administrators, who sat as the chief executive officers on councils, exercised great sway over councils and remained answerable to the Ministry of Local Government hierarchy, not elected authorities.

The conditions which had made the rhetoric of ‘democracy’ and ‘felt needs’ so empty in the Rhodesian era were perpetuated in other respects. Councils and videos were largely dependent on centrally generated and controlled resources while videos were based on the arbitrary unit of 100 households, a unit which did not necessarily comprise a community with shared resources, interests, or a common identity. Videos were nonetheless mandated to produce land use plans (of which more later), a goal which again did not reflect local demands and which proved well nigh impossible to carry out without the modification of boundaries and membership.

The institutional structures established to carry out development planning further marginalised councils and videos. Theoretically, videos submitted annual plans to ward committees which were co-ordinated and passed on not to the district council but to the civil servant-run district development committees. Ministry representatives on the development committees were supposed to incorporate ward plans into a district plan which would then be ‘approved’ by the council and passed on to the provincial development committee, again dominated by civil servants. In practice,
videos rarely came up with more than lists of 'needs', ward committees hardly functioned at all, and district councils were not in a position to challenge plans produced by ministry officials. Instead, largely on the basis of submissions from service and technical ministries, plans were produced by departments of the Ministry of Local Government. Even some committees of the district council, particularly those concerned with the highly politicised area of land use, were dominated by appointed technical officials. The formulation and implementation of by-laws regulating the use of natural resources were likewise the province of technical ministries, despite a nod to the participation of councils (Thomas 1991). Local authorities were thus left with some of the principal weaknesses of Rhodesian community development: though they were free to articulate 'felt needs', they were not in a position to redress them; ministries regarded local authorities primarily as policy implementing, not formulating, agencies; planning remained the realm of 'experts' employed by the government.

Failures to decentralise power to elected local authorities were paralleled by failures to achieve the lesser goals of devolution within and co-ordination among ministries through development planning. Despite the creation of the Ministry of Economic Planning and Development, and the emphasis on national planning to direct the transition to socialism, the central government's planning capabilities remained weak. The pre-independence Ministry of Finance, through the annual budget, dominated the allocation of resources: 'economic management took an essentially short-run, fiscal and external balance stabilisation orientation' (Kadhani 1986:111). The Ministries of Finance and of Economic Planning and Development were amalgamated in 1985.

In practice, the planning and finance ministries were represented only at the national level. Below the national level, the Ministry of Local Government dominated planning and the co-ordination of policy implementation. Despite the time and resources the Ministry put into planning, provincial and district plans were almost totally ignored and held no legal status. The Provincial Administrator for Matabeleland South commented:

_The planning process ... is not affected much by decentralisation. The planning process is affected by the fact that power still rests with central government. If you are going to plan and plans are going to be workable you also need to control the budget. Power still remains in Harare and they still think that money cannot be decentralized. Videos and Wadcos, PDCs and DDCs are planning and the money is controlled elsewhere. They end up with good plans which are not implemented_ (interview, 23 August 1988).

To add insult to injury, the Ministry of Finance did not even allocate funds for the production of provincial and district plan documents. The competition and conflict among centralised and autonomous ministries and departments which characterised the Rhodesian era continued. Despite the fact that technical and service ministries were represented on, and were supposed to co-ordinate their actions through provincial and district development committees, they operated within the hierarchical structures of their own ministries. Diverse problems emerged from the failure to decentralise budgets and to empower co-ordinating committees at lower levels. Ministries formulated the details of projects and plans after the Cabinet had approved the national plan: where Cabinet directives were vague, and they often were, the ministry concerned could impose its own interpretations. If budget allocations were curtailed or redirected, entire programmes could be cut, despite their nominal inclusion in the plan. If a policy required the co-ordination of several ministries, such as was the case with agrarian reform, contradictory or redundant steps at local levels often ensued. In independent Zimbabwe, the government's decentralising rhetoric,
the greater legitimacy and sympathy for local concerns of black civil servants and the presence of MPs and Provincial Governors, did allow room for contesting the control of the central government and for patronage. Nonetheless, and as in many other countries in Africa, Zimbabwe’s decentralisation policies disguised a desire to ease the implementation of centrally formulated policies and increase control. The processes through which post-independence agrarian policies were formulated and implemented reflected the failures of decentralisation: continuities in centralised control reinforced the powerful influence which Rhodesian policies and practices exerted over agrarian reform.

Agrarian Policy: Continuity and Change

A central legacy of the Rhodesian era was the unequal division of land between black and white and the state subsidies and discriminatory legislation which had made white agriculture successful while impoverishing black producers. Equally important was the legacy of technical development (Drinkwater 1988, 1989). The most ambitious colonial technical development policy, the Native Land Husbandry Act (NLHA), had sought to separate grazing, residential and arable land; to limit arable lands and stock holdings according to technical calculations of carrying capacities; to permanently fix the numbers of farmers and give them conditional title; and to introduce a market, albeit a highly restricted one, in rights to land and stock. Though the Act’s technical and economic calculations had been fundamentally flawed, the NLHA’s faults were brushed aside in the 1960s in favour of an administrative explanation of its failure in terms of its insensitivity to ‘tribal structures’. The assumptions of technical development continued to inform agrarian interventions subsequent to the Act’s demise, and were available for revival after independence.

In the early 1980s, the government sought to redress the legacy of Rhodesian policies: health, education, marketing and extension services in the former TTLs were vastly expanded; discriminatory legislation was repealed; an ambitious resettlement programme was tabled. However, the new government did not challenge the beliefs and practices which had informed technical development. Moreover, though redistribution was intended to meet popular demands, decisions regarding redistribution were taken at the national level with little popular participation.

Economists, technical officials, and politicians, as well as donors such as the British Government, agreed on the need to meet the ‘crisis of expectation’ with a quick redistribution of resources, financed through public and donor funds. At the Zimbabwe Conference on Reconstruction and Development, a forum at which the government sought to secure donor support, officials stressed the political importance of land redistribution above all else. Minister of Lands Sydney Sekeramayi argued,

quote a failure on the part of Government to meet these expectations [for land] could well degenerate into a cancer relentlessly eating away the promising foundation upon which all of us ... are trying to build a genuinely democratic, non-racial and egalitarian society in Zimbabwe.

The resettlement programme was necessary to ‘neutralize a looming crisis of expectation on the part of a land-hungry population’ (MEPD 1981:124). Land redistribution was portrayed as a political imperative central to creating the stability required for economic growth. Casting resettlement as a political imperative left unchallenged the colonial myths of African farmers as subsistence-oriented and inefficient, in contrast to market-oriented European farmers. The distinction took on
symbolic weight in the designation of former TTLs as ‘communal areas’ and former European land as ‘commercial areas’. Policy-makers and official commissions relied on the same bodies of research and the same assumptions about communal area tenure and productivity that had informed Rhodesian policy. Resistance to colonial agrarian policies was explained in terms of their methods of implementation, not their inherent flaws, an analysis which put a nationalist spin on the Rhodesian state’s own interpretation of resistance to the NLHA. Thus the answer to ‘bad land distribution, poor soils, poor farming methods and over-population’ was to be found in a combination of resettlement and the inculcation of ‘good farming methods’ in resettlement and communal areas. ‘Good farming methods’ would be identified through ‘considerable investigation, research and planning, through the employment of special expertise and skills’. The concession to popular participation consisted in a recognition that plans, prepared through ‘project study, analysis, planning and presentation, including consultancies’, could not be forced on people: one of the vital components of any plan was that it be ‘adequately sold to the people’ such that they were convinced it was ‘in their best interests’ (MEPD 1981:52-3, 123, 138-9). Popular participation in planning was thus reduced to an exercise in convincing people that the experts knew best.

The Riddell and Chavanduka Commissions set the tone for the agrarian reform debate in the early 1980s. They recognised a pervasive demand for land and endorsed land redistribution but went on to make proposals similar to Rhodesian technical development policies. The Riddell Commission (1981:147-9) recommended consolidating arable land into blocks, fencing grazing areas, registering land with a title, and abolishing labour migration, thus creating permanent farmer and worker populations. The 1982 Chavanduka Commission recognised that ecological degradation in communal areas was not a deliberate policy of communal area farmers, that they were economically rational, and that the demand for land was widespread. Nonetheless, it went on to assert that ‘the main problem facing many communal areas in this country was one of land husbandry’. The Commission put the blame for low communal area productivity on the shoulders of ‘traditional tenure, poor farming practices and labour migration. It recommended improving productivity through an expansion of agricultural extension and a change in tenure which would provide ‘security’ so that ‘there is a clear link between an area of land and an individual or group, which will be recognisable in practice and in law’ (1982:9-13, 62-3). Early legislation followed suit. The Communal Lands Act of 1982, and its 1985 amendment, ‘facilitated the underlying intention of the government to introduce the demarcation of arable and grazing lands, and areas for rural housing construction (Thomas 1991:15).

Subsequent policy papers produced by the Ministries of Agriculture and Lands followed the lead of these early commissions. The Ministry of Agriculture produced ‘Proposals for a National Land Use Programme’ in 1984 (Reynolds and Ivy 1984); in June 1985 the Ministry of Lands revealed its Communal Lands Development Plan. Strangely, the latter report relied on 1970s research and reports, ignoring the increased communal area contribution to marketed crops of the post-independence years. The plan criticised communal tenure and its alleged ill effects, especially the sub-division of arable land and over-stocking. Like the NLHA, it saw a solution in the creation of surveyed, planned and demarcated ‘economic units’, consolidated villages, and increased state control over tenure through a leasehold system which would exclude those who were not full-time farmers (MLRRD 1985:121-4; Drinkwater 1988:139-40).

Part of the ideological impetus behind the Ministry of Lands Plan was a desire to root
out all things deemed traditional, and thus, by definition, static, conservative and opposed to accumulation and production for the market. Chiefs, headmen and village heads were cast as the conservative guard of an unproductive system. The Ministry of Lands saw the new legislation on land and courts as the key to undermining them: 'If successful, the measures will leave the traditional, conservative leaders with little more than spiritual functions ... and will allow substantive innovation' (MLRRD 1985:20). This attitude contradicted the continued status accorded chiefs by the Ministry of Local Government and politicians. As in earlier periods, the co-optation of chiefs in the interests of administrative control and policy implementation, and the use of traditionalist ideologies in legitimising the state, sat uneasily alongside technical development policies.

The assumptions behind the reports and plans outlined above were as problematic in the 1980s as they had been in the 1950s. First, ‘communal’ tenure was anything but static and conservative. On the contrary, over the last century it had been dynamic, adaptable, and open to entrepeneurial accumulation (Ranger 1988; Scoones and Wilson 1988). Chiefs and headmen had played innovative roles, regularly re-interpreting ‘tradition’ in the light of new economic and political demands; ‘communal’ tenure was a great deal more secure than tenure dependent on the state. Second, the reports and plans ignored the interdependence between rural and urban economies and, as was the case with the NLHA, were over optimistic regarding the capacity of the formal sector to employ those excluded from land (Drinkwater 1988; Cousins 1990; Bush and Cliffe 1984).

From the outset the new government failed to come up with alternative policies to those implemented before independence: continuities with Rhodesian planning were rooted in the reproduction of the same assumptions and information within bureaucracies which remained unaccountable to representative institutions. Land redistribution was cast first and foremost as a political necessity, not as a solution to constraints on communal area production.

**The Resettlement Programme: Plans and Politics**

Resettlement targets fluctuated widely. In 1980, the target was set at 18,000 families. In 1981, the number was tripled to 54,000; in 1982, the Transitional Plan tripled the figure again to 162,000 families, to be settled largely over the three year plan period. Finally, in 1985, the Five Year Plan set a target of 15,000 families per year over the 1985-1990 period. Also prone to fluctuation were the criteria by which settlers were judged eligible. Initially, the programme focused on need, giving priority to the landless, unemployed and refugees. In 1982, however, master farmers, usually better-off communal area farmers with good farming certificates issued by the agricultural extension service, were included in an effort to raise productivity. This latter focus was strongly reiterated in the 1990 National Land Policy (Alexander 1991:605-6).

An unchanging aspect of resettlement policy was the goal of productivity, and the commitment to state regulation and planning as the means of achieving it. From the outset, the ministries concerned with resettlement stressed that the measure of the programme’s success lay in its ability to produce marketed surpluses, an ability which they firmly and ahistorically believed did not exist within the ‘subsistence-oriented’ communal areas. In 1981, the Minister of Lands stressed the need to redistribute land on a ‘planned and organized basis’, adding that ‘the objective of land redistribution is not merely to give land to the landless masses, but to create an agricultural community on land which will no longer be just subsistence but
commercial in orientation'. Other officials stressed the need for settlers to become 'productive farmers': resettlement could not become 'just an extension of a peasant sector or subsistence farming sector' (MEPD 1981:124, 132).

Resettlement schemes were not to be extensions of communal areas. They were envisaged as self-contained islands of modernisation: in effect, settlers were expected to sever all social and cultural ties with their past lives in order to achieve new levels of productivity under the tutelage of the state. As a 1983 Department of Rural Development (DERUDE) report put it:

The resettlement process discourages spontaneity in settlements and fights against attempts at reversion back to traditional methods of agriculture ... Resettlement can never be about extending the boundaries of existing communal areas ... creating new power bases for the restoration of traditional authorities, such as chiefs, headmen etc. (quoted in Drinkwater 1988:137).

The battery of rules and conditions designed to regulate production in resettlement schemes relied heavily on pre-independence plans, in part due to the inexperience of the newly created Ministry of Lands. Herbst (1990:71) quotes a Ministry of Lands official who graphically recalled conditions in the first months of independence:

When the Ministry was first established we had no files, no phones. Everything was new ... We had no idea what to do in the beginning ... Everyone asked, 'What are we supposed to do?' It took us six months just to learn the issues.

Even after the Minister of Lands had acquired files and phones it remained reliant on the pre-independence Ministry of Agriculture for much of its technical planning while DERUDE, which administered resettlement, often found itself in conflict with the powerful Ministry of Local Government.

Unsurprisingly, the dominant resettlement model, Model A, closely followed the pattern of the NLHA and the resettlement plans produced by the Rhodesian Ministry of Agriculture. Settlers were allocated individual five hectare plots of arable land with provision for common grazing ranging from 20 hectares in Natural Regions I and II to 150-200 hectares in Natural Region V. Draconian conditions of tenure were enforced by DERUDE’s resettlement officers. As Kinsey (1983:8) comments,

Settlers occupy land, plant crops and graze livestock on the basis of a series of permits. The permits are neither leases nor title deeds, convey no security, and appear open to political pressure. If the permit to reside is revoked, which it may be at the sole discretion of the minister, the holder is entitled to no compensation for any improvements made – far harsher treatment than that received by white farmers whose land is acquired for resettlement.

Resettlement areas did not fall under the jurisdiction of district councils: in effect, settlers had no elected representatives. The extensive state controls on resettlement schemes proved a disincentive to potential settlers, some of whom chose to migrate to the frontier regions of the north or to cities, and encouraged the widespread abrogation of conditions such as those requiring that settlers give up claims to communal area land or employment. In practice, a great deal of negotiation surrounded the enforcement of regulations in resettlement schemes, often consisting of exchanges of access to land for compliance with technical rules. People were able to play on contradictions in policies, such as those between the status accorded chiefs and the rejection of chieftaincy-based claims to land, between the populist
pronouncements of politicians and attempts to exert control on the part of technical bureaucracies.

The resettlement programme quickly fell short of its plan targets. As Herbst (1990:45) argues, resettlement targets, notably the figure of 162,000 families, were 'ideological statements' devoid of detailed plans and budget allocations. Land acquisition and resettlement proceeded most rapidly in the first three years of independence, by which time much of the land abandoned during the war had been acquired: over 70% of all land purchases up to 1989 were made between 1981 and 1983. By 1985, 35,000 families had been settled on 11% of formerly 'European' land, mostly in the drier Natural Regions. By 1990, 52,000 families had been resettled on three million hectares or 16% of formerly white land (Moyo and Skalnes 1990:3).

According to the government, the resettlement programme failed to meet plan targets for one particular, and three general, reasons. Political conflict in Matabeleland posed the particular problem. More widely, the government blamed the economic constraints imposed by world recession and drought: after 1981, Zimbabwe suffered from a severe balance of payments and debt crisis, inflation, and declining growth (GoZ 1986; Drinkwater 1988:118-21). Second, land grew increasingly scarce and expensive (Palmer 1990:170; Cliffe 1986:47). Finally, the government complained that it had insufficient trained staff for planning and implementing resettlement, and that it faced problems coordinating the many ministries and NGOs involved in the programme. The poor quality of most resettlement land – commercial farmers rarely sold high quality land – made the provision of water supplies particularly difficult (Herbst 1990:48-9). These factors cannot, however, fully explain the slowdown in resettlement: recession-inspired cuts in the resettlement programme were far deeper than those in other redistributive programmes; while land did become scarce, the government failed to purchase much of the land that was on offer, even when it met its criteria for resettlement; the shortage of trained staff was in part a self-imposed constraint which reflected the government's unwillingness to adopt less elaborate methods of redistributing land, notably the option of extending the resource base of communal areas under local control (see Bratton 1987; Palmer 1990; Drinkwater 1988).

The resettlement slowdown had deeper roots. As Moyo and Skalnes (1990:4) note, after 1983, the debate over land redistribution shifted from a focus on the 'normative and political' to 'arguments in terms of a broader economic significance'. Reports by the Whitsun Foundation (1983), World Bank (1985) and various consultants fed a growing consensus among policy-makers that land redistribution could not solve rural Zimbabwe's problems. The reports and, increasingly, government officials, pointed out that resettlement would not keep up with communal area population growth even if it met plan targets. For resettlement to have any significant impact on communal area population pressure, it would need to use the majority of former European land, an idea considered impractical given the 'indispensability' accorded commercial farm production. Thus, agrarian policies should focus on improvements within the communal areas, not land redistribution (Cliffe 1986:56; Moyo 1986:171-81).

The debates over commercial and communal area production and productivity which surrounded these arguments relied on sketchy evidence and questionable assumptions. In the latter 1980s, the commercial sector accounted for roughly 80% of total marketed agricultural production and the bulk of agricultural exports which were responsible for 35-40% of foreign exchange earnings. It was also a key supplier to and buyer from Zimbabwe's manufacturing sector. In large measure, the question
regarding the threat posed by further resettlement took the ‘indispensability’ of the commercial farm sector for granted and focused narrowly on trying to gauge the extent to which commercial farm land was underused. Numerous calculations were made, from those of the 1982 *Transitional Plan* to the 1991 World Bank report which concluded that at least three million hectares of commercial land in the high potential regions were underused. As the report commented, ‘This 3 million hectares is equal to the total amount of land resettled during the 1980s (1991:45; also see Cliffe 1986; Weiner et al. 1985; Weiner 1988; Moyo et al. 1989).

All of the estimates relied, in part, on the assumption that using better rainfall Natural Regions for cattle grazing constituted underuse. From the point of view of resettlement and the government’s strategy for economic growth, this assumption was problematic. First, ‘underused’ land usually formed only part of a farm which would otherwise be considered productive, making acquisition difficult, and, second, cattle production in higher rainfall areas was encouraged by the prolonged droughts of the 1980s and by Zimbabwe’s entrance into the European Community beef market. Beef production in better rainfall regions was defended as a foreign exchange earner, much as extensive wildlife farming has been in recent years (Weiner 1988:76-7). The question of underused land in the commercial sector must thus address the government’s wider economic strategy, especially the extent to which an export-promotion led growth strategy, reinforced by the adoption of a structural adjustment package in 1990, can justify land-extensive as well as capital-intensive variants of commercial farm production.

The debate over communal area productivity and land redistribution focused on two contradictory features, both of which were used to argue against further resettlement: first, the unreliability of production in drought years and, second, post-independence increases in marketed production. The fear that further resettlement would lead to a loss in agricultural production received a powerful boost from the dramatic drop in communal area production during the early 1980s drought. Embarrassingly, Zimbabwe had to import grain through South Africa in 1984; the drought cost the government Z$101.1 million in relief and Z$10 million in public works from 1982/83 to 1984/85. In response to the high costs of drought, the government focused on boosting communal area productivity through a ‘green revolution’ package of inputs and credit (Drinkwater 1988:121-2). The strategy seemed to be vindicated by the bumper communal area crop of the post-drought 1984/85 year: the communal area share of marketed maize production jumped from 8% to 38% and of cotton from 7% to 42% between 1980/81 and 1984/85. As Cliffe (1986:67-8) commented, ‘There is a current of thought that feels resettlement is not worth pursuing, and that [Communal Land] farmers will go on responding, as in 1984/85, to new economic opportunities now that they have inputs, credit and access to markets’. Official pronouncements cast increases in communal area production as an unqualified success.

However, increases in communal area production were severely limited, both geographically and socially. Production in the drier Natural Regions remained economically and ecologically precarious; drought relief and public works programmes were necessary even in average years and took on an institutionalised form. Most estimates put the percentage of farmers to benefit from increased marketing at 15-20%, largely in the better watered Mashonaland Provinces (Weiner 1988:63-89; Cousins 1990:3-10). Even the ‘productive’ sectors of the communal areas faced serious problems: many farmers using credit and input packages fell deeply into debt (Drinkwater 1988:123). As Moyo and Skalnes (1990:8) write,
there is a fundamental question whether high producer prices, credit schemes and infrastructural development can suffice to increase peasant production in the longer term, or if what has been experienced in Zimbabwe since 1980 is really only the one-off gain of the lifting of artificial restrictions on competition from peasants.

Debates over communal area productivity within official circles and their implications for policy remained as unresolved as those over the efficiency and ‘indispensability’ of commercial production.

The unresolved nature of economic debates over agrarian policy in Zimbabwe’s official circles was partly due to wider political processes. The most important factors were, first, the government’s assessment of external economic and political influences; second, the accumulation of land on the part of the ruling elite and the related political influence of commercial farmers; third, the government’s perception of its domestic political vulnerability; and, finally, the dominance of technical bureaucracies and criteria in the formulation and implementation of agrarian policies. The government’s choice not to contest the ‘spirit’ of Lancaster House gave it more credibility with the British government and international financial institutions though, as Moyo and Skalnes (1990:10-11) point out, depending on how it was carried out, further land redistribution would not necessarily provoke opposition from international donors and financial institutions.

The government was also influenced by the political weight of the Commercial Farmers’ Union (CFU), which represents the commercial sector, and by the accumulation of land on the part of the ruling elite. The CFU consistently claimed that large scale land redistribution or land acquisition outside the ‘willing buyer, willing seller’ format would undermine commercial farmers’ confidence in government. Thus the government chose not to foreclose on commercial farmers who became heavily indebted to the parastatal Agricultural Finance Corporation as a result of drought in the mid-1980s (Stoneman 1988:45-50). Likewise, the Land Acquisition Act of 1985, which was intended to allow the government to acquire more land for resettlement in blocks near to communal areas, was scarcely used. Ironically, the Act aided in the accumulation of land by the ruling elite. Many farms offered to the government were refused and went onto the private market. According to Palmer (1990:170), ‘A significant number of farms, totalling well over one million hectares, changed hands in this way, many to senior members of the government and the new black ruling elite.’ Moyo (1986:188) estimated in 1986 that 300 blacks had joined roughly 4,000 whites as commercial farm owners and as member of the CFU. In the 1990s, pressure from the black elite for government support in gaining access to land became much more overt, and was enshrined as a plank of the 1990 National Land Policy.

It might be more appropriate to ask why so much land was redistributed rather than why plan targets were not met. The driving force behind the resettlement programme was a combination of the availability of abandoned land and its occupation by ‘squatters’ acting outside the control of the resettlement bureaucracies: land acquisition in the early 1980s was dominated by purchases of abandoned and heavily occupied land; Weiner (1989) estimated squatters comprised half of all those resettled by 1989. Most commentators argue that resettlement slowed in part due to increased bureaucratic control over, and a reduction in, squatting as well as a lack of organised political pressure to maintain or increase resettlement. Bratton (1987) suggests that people in communal areas saw the lack of access to agricultural services as a constraint to production on a par with land scarcity, and that they placed a great
premium on access to education. Thus the government could shift its focus from resettlement to improved services without risking its political support. Herbst (1990:57-9, 75-7) stresses the lack of an organised lobby for resettlement. He notes that the weak and underfunded National Farmers' Association of Zimbabwe, which in theory represents communal area farmers, consisted largely of better off farmers and focused its demands on service provision, not resettlement.

Herbst's and Bratton's analyses are problematic for a number of reasons. Bratton's distinction between the demand for services and the demand for land redistribution was rarely endorsed by rural communities. He makes the distinction on the basis of a static snapshot of communal area demands, failing to explore people's perception of future concerns – for their children, for example – or how priorities changed from year to year in response to drought or unemployment. The government's use of services as a palliative in place of land redistribution was also contingent on changing forces: the dramatic revival of the 'land question' in 1989, in conjunction with an effective reduction in services, illustrated the government's ability to reverse its tactics. Herbst limits his consideration of pressures for land redistribution to squatters and the National Farmers' Association. He thus leaves out many factors, such as chiefs, councils and local party committees which were significant in local negotiations for land. Moreover, the implication that illegal land occupations were no longer significant in number is misleading: in the late 1980s, Mashonaland West and Manicaland Provinces both recorded squatter populations of over 35,000 people. Where squatters were still numerous, they continued to dominate available resettlement land; encroachment remained a key tactic in the battle for control over resources.

A focus on organised demands for land is in itself misplaced. The government's promises of resettlement depended to a great degree on its perception of its political vulnerability: from the first year of independence, resettlement was cast as a means of establishing political stability. Thus the revival of promises of land in the late 1980s and early 1990s was not a response to an upsurge in organised demands for land, but rather to the pre-election insecurity which ZANU(PF) felt when faced with disaffection over corruption and the economic consequences of structural adjustment, as well as the challenge posed by new opposition parties.

Finally, in turning to the concerns of the following section, it is worth making a final criticism of Herbst. Herbst (1990:52-3) notes the dominance of centralised technical bureaucracies in agrarian policy-making, as well as their role in backing the shift from a focus on land redistribution to communal area reform. He portrays their recommendations as justified and rational, technically sound and apolitical, endorsing the conclusion that communal area land use can be reorganised more 'rationally', with positive benefits for productivity, in the absence of land redistribution. The following section considers the latter position through an analysis of the debates within the ministries charged with formulating and implementing agrarian policies.

'Internal' Resettlement, 1985-1989
In the latter 1980s, government ministries managed agrarian reform with little reference to the people for whom plans were developed: extensive state intervention in the communal areas, de-linked from further resettlement, sat firmly on ministerial agendas. Debates focused largely on methods of and obstacles to implementation,
rather than on the merits of state regulated modernisation. The confusion in government over the overarching goals of agrarian reform, as well as bureaucratic conflict, idiosyncratic budget allocations, and local resistance meant agrarian policies proceeded in fits and starts.

The Chavanduka Report was released to the public in late 1984 and, shortly thereafter, in June of 1985, the Ministry of Lands revealed its Communal Lands Development Plan. Ideas expressed in these documents were incorporated into the First Five-Year Plan in which agrarian reform came to mean two things: 'translocation resettlement', meaning what had previously been called simply resettlement, and 'internal resettlement' meaning reorganisation within the communal areas. Under the latter, 20,000 families were to be moved into 'consolidated villages' annually, arable land was to be planned in blocks and rotational grazing schemes and irrigation were to be introduced. Though the plan stated that 'the reorganization of settlement patterns in the Communal Areas will become part and parcel of the resettlement program', the implementing agencies for land acquisition and communal area reorganisation were not co-ordinated (GoZ 1986:11-12, 27-8).

The separation between 'internal' and 'external' resettlement was reinforced by a reshuffle of the ministries concerned with agrarian reform. In 1985, the Ministry of Lands, Resettlement and Rural Development, a ministry created after independence specifically to facilitate resettlement, was divided between the long established Ministries of Local Government and Agriculture: DERUDE, which administered resettlement, was transferred to the Ministry of Local Government while other branches went to the Ministry of Agriculture which was renamed the Ministry of Lands, Agriculture and Rural Resettlement, referred to hereafter as the Ministry of Lands. Responsibility for agrarian policy was thus split between two powerful pre-independence ministries. The (post-1985) Ministry of Lands was responsible for land acquisition and the majority of technical agricultural planning and extension while the Ministry of Local Government was responsible for physical planning, aspects of infrastructural development, and administration.

In this somewhat chaotic context, one aspect of 'internal' resettlement gained prominence. The First Five-Year Plan budget allocated funding for the Ministry of Public Construction and National Housing to launch a rural housing programme. The 'consolidated village', in which the improved houses were to be built, was the lowest rung in a seven tier settlement hierarchy which drew on earlier traditions of physical planning. As Gasper (1988:435) comments,

The emphasis given to the programme reflects the relative ease with which it can present visible results of 'development' to rural areas ... Physical infrastructure programmes are relatively easy to design and implement quickly; and a partial blueprint existed ready made on the shelf ... Physical planning was one tool of settler social engineering. Its typical concern with a clear cut settlement hierarchy may also match the social vision of some of the new leaders, of a single and well-defined social tree – orderly, controlled, simple (and, if necessary, simplified).

Some senior officials seemed to believe that economic development would somehow follow automatically from spacial reorganisation, in this case villagisation (e.g. see Minister of Lands in Association of District Councils, 1986, Annexe 6). Pressure for villagisation increased following a 1986 directive requiring a pilot village in each district. As the Deputy Minister of Public Construction stressed, 'My Ministry
is resolved to phase out haphazard and scatter-based settlement pattern[s] prevailing throughout the country and establish properly planned villages’ (quoted in Gasper 1990:16). Promises of or, more accurately, threats to withhold, water, electricity and housing loans were used to ‘encourage’ people to agree to move into planned villages. The Ministry of Public Construction asked the Department of Physical Planning to provide village layouts. District councils and district administrators were told to identify village sites. Little consultation occurred between the district level and the people whose village was to be planned.

The Department of Physical Planning of the Ministry of Local Government prepared the only kind of layout it was trained to do: a town plan where all the houses faced onto a central street (interview, Deputy Director, Regional Planning, 6 September 1988). The sites chosen were often far from established villages. People were expected to move without compensation and to take out a loan – which would leave them in debt for years – to cover the costs of housing construction. The pilot villages were greeted with hostility by local authorities: councillors objected to the lack of compensation for those forced to move and were unwilling to accept the de facto separation of land redistribution and villagisation (Association of District Councils 1986). Villagisation proceeded slowly in part due to district councils’ non-cooperation. Councils were slow to apply for the necessary borrowing powers and, as the Deputy Minister of Public Construction put it, they had failed to ‘mobilize and educate the people on the rural housing programme, as well as make them understand and accept the concept of planned villages’ (Association of District Councils 1986, Annex 8). The Deputy Minister stressed that, ‘The households and their councillors must accept the concept of planned villages’; in some areas, coercion accompanied the programme (Gasper 1990:16-17; Drinkwater 1988:189-98). Ministries and departments also blamed each other for delays in implementation: some openly objected to aspects of the policy, while others instituted non-cooperation policies or were simply unable to provide the necessary support (Alexander 1993:203-4). DERUDE, the Department of Physical Planning and Agritex saw focusing on housing in the absence of a wider agrarian reform policy as a case of putting the cart before the horse. DERUDE’s Director held:

We don’t think we should start with villagisation which appears to be the main focus. We believe we should look first of all at how the land in these areas can be more effectively used. Villages are not necessarily a more effective use of the land (interview, 5 September 1988).

Agritex officials were equally critical of villagisation (interview, Assistant Director (Technical), 21 September 1988).

The fate of villagisation exemplified the problems caused by continuities in the centralisation of ministries, lack of effective planning coordination and the hostility with which local communities met recycled Rhodesian planning. The policy was initiated as a result of a vague pronouncement in the national plan, line ministry budget allocations, and ministerial directives. Interaction with the ‘beneficiaries’ of the policy lay solely in trying to convince them to go along with it once it had been formulated. Because the policy came down through one ministry it lacked coordination with and co-operation from other ministries. This, in turn, led to a series of promises to local communities of which other ministries did not approve, or did not have the resources to implement. They saw the Ministry of Public Construction’s policy as an infringement on their own mandates and a wasteful use of their resources. Nonetheless, villagisation remained on the agenda.
DERUDE and Agritex: Debates over Agrarian Reform

Villagisation survived as a component of the broader agrarian reform policies of the Ministries of Local Government and Lands. These policies stressed changes in production and tenure and cast villagisation as a secondary goal. In the latter 1980s, DERUDE tried to take the lead in establishing a policy framework for agrarian reform which would receive approval from the Cabinet, as well as guarantee the Department a continuing role in the context of declining resettlement. DERUDE took up aspects of Lionel Cliffe's 1986 FAO-funded report on agrarian reform and organised two interdepartmental conferences, again with FAO funding: the Nyanga Symposium, held in October 1987, and the Harare Agrarian Reform Seminar, held in August 1988. The Nyanga Report stressed the need to restructure existing land use patterns in communal areas and to coordinate this process with 'external' resettlement and non-agricultural development. The Report endorsed land redistribution, stressing the need to amend the constitution after the expiry of the Lancaster House restrictions in April 1990. DERUDE called for a Natural Region-based land ceiling in the commercial sector and for other measures to control the price of land and its availability in blocks. As in earlier periods, however, there were no mechanisms to ensure that resettlement and communal area reorganisation were in any way coordinated.

DERUDE sought to extend resettlement scheme controls into communal areas, marking an important reversal of earlier plans to bring resettlement areas under the control of councils. The Nyanga Symposium recommendation read,

> Land tenure shall be guaranteed within communal and resettlement areas on an individual permit basis [elsewhere described as a 'long-term conditional lease']. These permits shall guarantee succession, prevention of sub-division, abidance by environmental regulations and acceptable land husbandry practices (Nyanga Symposium 1987:28-9,49).

The Symposium (1987:29,51-2) recommended that those who did not farm their land holdings should have their rights withdrawn and that those in employment should be given last priority in land access. The legislation which DERUDE was preparing implied heavy state regulation. It would,

> emphasise that it is the duty of every cultivator, owner or occupier of any land to cultivate such crops or rear such breeds of livestock as are best suited for the land having regard to the natural regions ... according to certain specified standards with the objective of improving the productivity and monitoring efficient standards of production as to both the quality and quantity of the produce (Nyanga Symposium 1987:95).

The technical side of the programme fell under the Ministry of Lands' Agritex. Agritex was responsible for the production of land use plans which would serve as the basis for reorganisation and setting standards of production. These relied on a familiar combination of spatial reorganisation and enforced carrying capacities:

> ... blocks for residence, arable, grazing and other are identified and isolated in land use plans. Land availability in the cropping area will determine the number of users and should also determine the siting and size of residential area ... [Land use plans] will determine the location and extent of grazing which will determine carrying capacities and stocking rates per village (Gonese 1988:3-4).

Such recommendations paralleled with remarkable closeness the thinking which had informed the NLHA in the 1940s and 1950s, and early 1980s commissions.
In order to implement these measures, the symposium called for institutional reform within the communal areas. It recommended that land allocation and other powers should be devolved to vidcos. It called for an increase in vidcos' legal powers such that they would be able to enforce penalties for failures to farm productively or follow conservation rules. In an apparent reversal of the earlier hostility to 'traditional' leaders in the planning departments, the symposium also recommended that, 'VIDCOs should be re-constituted to include whole village head units (sabhuku areas) so as to avoid fragmenting communities and thus make these units identifiable communities occupying a given geographic space, with defined boundaries.' In addition, it recommended that, 'To resolve the potential conflict between the traditional local leadership and the new development institutions of VIDCOs and WADCOs, the sabhuku and headman should be incorporated into these institutions as ex-officio members as is the case with chiefs at the District Council level' (Nyanga Symposium 1987:51-2, 28).

In large measure, the recommended institutional and tenurial changes were intended to allow greater state control: they reflected the limits to existing state capacity. DERUDE's director, after expounding on the benefits of the resettlement permit system – with the one proviso that enforcement powers needed to be strengthened – contrasted it to the problems the department had encountered in the mid-Zambezi Valley Project:

> we have been having problems because in communal lands people have got rights which don't derive from government legislation. They have always occupied that land, it is theirs, it is not state land. They say they have got traditional rights to it and some stubborn communities will say, 'No we don't want anyone to come and dictate to us how we will live. We will live how we have always lived and that is it' (interview, 5 September 1988).

From the director's point of view, rights to land not derived from the state were obstructive: they weakened the state's ability to intervene. DERUDE's stance was that all land should be vested in the state which could then make decisions on tenure and land use (Harare Agrarian Reform Seminar 1988:15). DERUDE's director depicted the relationship between the state and rural areas as determined by the central state:

> We work with district councils, district administrators and district development committees but government at this point in time is the much bigger partner. Government has the resources and the people take a back seat. We tell people what we are doing and they tell us their fears (interview, 5 September 1988).

He saw his minister's demand that policy go back to the districts for consideration before Cabinet approval as no more than a delaying tactic. In fact, Minister of Local Government Chikowore’s decision to send the recommendations back down the ministerial hierarchy may have been directly related to the opinion of district administrators. Though participants in the Harare Seminar, including administrators, unanimously endorsed its recommendations, their endorsement was equivocal. They complained that they had had only one and a half days to consider the recommendations; one district administrator told me that most administrators had strong reservations, that their endorsement had been 'rammed down our throats'.

In addition, DERUDE found itself in conflict with the Ministry of Lands' Agritex. Though Agritex officials did not question the technical validity of land use planning, they had misgivings about enforcing technical calculations of carrying capacities, pointing out that there was simply not enough land in the communal areas to make
such prescriptions viable: 'In reality, in terms of land area, we can't depopulate by that kind of margin,' commented Agritex's Assistant Director (interview, 21 September 1988). Moreover, Agritex questioned the ability of vidcos (in the absence of the reforms recommended in 1987) to implement and enforce communal area reorganisation, noting that vidcos were weak, had artificial boundaries and still faced challenges from 'traditional institutions' (Agritex 1988:6). Agritex also complained about the lack of coordination among and support from other departments, as well as its own shortages of both staff and resources to undertake land use planning (Agritex 1988:6-7). The immense task of producing land use plans had forced Agritex field staff to marginalise or abandon their duties in extension, much as had been the case during the NLHA's implementation. In practice, the land use planning exercise proceeded very slowly (Gasper 1990:18).

Despite the critical nature of the Agritex paper, at the national level Agritex retreated into the safety of calling itself simply a 'technical adviser' and thus refusing responsibility for the agrarian reform policy. This stance notwithstanding, Agritex played a highly political role: its technical credentials legitimised interventionist policies. By the end of the 1980s, the agrarian reform debate within the national levels of government focused on the methods of implementing a policy which closely paralleled the NLHA. Though land redistribution was ritually endorsed in all policy documents, it was not coordinated with the implementation of interventions within communal areas. The ironies of such a policy were great: resistance to the NLHA and demands for land had constituted a key force behind rural support for the nationalist parties which came to power in 1980.

Conclusion

After independence, the restrictions of the Lancaster House constitution as well as the government's decision to pursue a policy of 'moderation and reconciliation' left much of the Rhodesian state and economy intact. While important changes followed from the lifting of discriminatory legislation, democratisation, the extension of services in communal areas, and land redistribution, continuities were striking. Despite promises of decentralisation, local authorities were left with some of the principal weaknesses of Rhodesian community development: they had no substantial control over resources while decision-making was dominated by 'experts' within centralised government ministries. Moreover, aspects of Rhodesian traditionalism persisted, and gained force with concessions over land and courts to chiefs.

In terms of agrarian policy, even substantially new redistributive policies, notably resettlement, were formulated and implemented in ways which reflected strong continuities with Rhodesian ideologies and practices. The influence of the NLHA was evident in every important policy document, from the Riddell and Chavanduka reports to the Harare Agrarian Reform Seminar. Though each of these reports endorsed land redistribution, they also made recommendations regarding communal area tenure and productivity which called for extensive state regulation: colonial concerns for spacial reorganisation and the enforcement of carrying capacities were reproduced repeatedly; debates over agrarian policy in the latter 1980s focused on obstacles to implementation. Nor did land redistribution and technical interventions in communal areas go hand in hand: the former responded to political pressures which were outside the control of planning ministries. In the early 1980s, land redistribution was strongly shaped by the conjunction of weak bureaucratic control, abandoned former European land, large squatter movements and high popular expectations. The bulk of resettlement occurred in those provinces where the war had
driven white farmers from the land. In recent years, the government's increased emphasis on resettlement responded to a perception of electoral vulnerability. Thus the 'land question' was dramatically revived in public discourse prior to the 1990 elections. Populist calls for land redistribution were not, however, matched with material support for ministries charged with implementation.

More recently, the launch of the 1990 National Land Policy, which called for the resettlement of a further five million hectares, and the passage of the 1992 Land Acquisition Act seemed to herald more serious intentions. However, and as foreshadowed by the 1985 Land Acquisition Act, the new Act's initial uses seemed to respond to an altogether different set of political dynamics, most importantly the desire of a black elite to use access to the state to accumulate land. Much of the land initially acquired under the Act went not to the land hungry of populist discourse but was leased to members of the ruling elite, including the former Minister of Lands under whose aegis the Act had been passed (The Guardian, 30 April 1994; Parade, Harare, June 1994). Though President Mugabe hastily cancelled the leases when they came to public attention, the incident highlights the assertive demands on the ZANU(PF) party-state of Zimbabwe's black elite, a group long frustrated by the constraints of a still largely white and foreign owned economy. In coming years, land redistribution may well be most strongly shaped by the competing demands for state patronage of this group and those farming in the communal areas.

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Bibliographic Note


Women, ‘Tradition’ and Reconstruction

Cherryl Walker

This article discusses the tension between the ANC’s commitment to gender equality and its engagement within the new government with what I term ‘the politics of traditionalism’. These politics have been most evident in the deadly struggle to out-manoeuvre the Inkatha Freedom Party (IFP), while convincing it to participate in the elections, a struggle in which the Zulu king has been the pre-eminent (but not the only) representative of the resurgent traditionalism that the ANC has been attempting to defuse and co-opt. The ‘tradition’ being negotiated is fundamentally patriarchal, and the two goals – gender equality and accommodating ‘tradition’ – are, I argue, ultimately incompatible. Further, given the limitations on the way in which gender equality is perceived within the ANC, as well as the absence of a politically powerful mass women’s movement on the ground, it is likely that, in seeking to manage this incompatibility, the ANC-led government will compromise or delay its commitment to gender equality.

This outcome is particularly likely in respect of the land reform programme, which the ANC regards as the cornerstone of its rural reconstruction programme. Both the Reconstruction and Development Programme (RDP) and the Report from the Macroeconomic Research Group (MERG) recognise that rural women are particularly disadvantaged in terms of access to land, and target women as key beneficiaries of land reform. But here the clash between the principle of gender equality and the ANC’s circumscribed accommodation of traditional leaders is particularly apparent, and women are most likely to continue to suffer the consequences of an ‘official’ patriarchal domination legitimised as ‘tradition’.

Rural Patriarchy

In an era when the run-on phrase ‘non-racial and non-sexist’ operates as a ready-made badge of political respectability, few would disagree that South Africa is a patriarchal society or that, within this order, rural African women are particularly disadvantaged. Less tolerantly received, however, is the more disruptive claim that, in order to redress these disadvantages, not only do key institutions in rural society have to be radically transformed, including the institutions of local government (the chief and traditional and tribal authorities), customary law, polygyny, and the male-dominated homestead, but also the legitimating discourses of ‘tradition’, ‘custom’ and ‘African culture’. Together these interlocking systems of authority constitute what I describe as ‘official rural patriarchy’, as distinct from the more amorphous, contradictory and fluid patriarchy of ordinary relationships and popular culture. Here I argue that while the latter has also to be transformed, it is the former that poses the more serious institutional obstacle to the achievement of gender equality in and through a state-initiated rural reconstruction programme.
The combined mobilisation of traditional authority, customary law and ‘tradition’ was clearly evident in the Multi-Party Negotiating Council, during the protracted debate between May and November 1993 on the principle of gender equality in relation to customary or indigenous law. Initially the representatives of traditional leaders attempted to get customary law exempted from the ambit of any gender equality clause.

'We are in Africa and we remain in Africa. We are not prepared to give up and sacrifice our Africanism', one traditional leader declared. Chief Mvelo Nonkonyana agreed, rejecting the notion of equality for women as 'foreign to us'. The whole impact of equality was having an impact on the lobola custom, Nonkonyana complained. 'Who must lobola whom, if we are all equal?' he asked. 'If we say “all will be equal”, then the custom of lobola is threatened' (IDASA 1993:5).

When the exemption bid failed, as a result of fierce lobbying by women’s groups, traditional leaders attempted to get customary law itself entrenched as a fundamental right. Ultimately, this attempt was defeated as well and the preservation of customary law was not specifically enshrined as a ‘fundamental right’, while the interpretation of both customary and common law was subjected to the general equality clause. Nevertheless, support for the women’s lobby was not whole-hearted among party leaders (IDASA 1993), and the traditional leaders continue to press for a larger role in government. In this process they invoke an emotive vocabulary of ‘Africanism’ and respect for indigenous culture, to ‘reaffirm’, in the words of the ANC-leaning Congress of Traditional Leaders of South Africa (CONTRALESA), the status and dignity of traditional leaders, and to ‘provide a unifying focus for the community’ (Sunday Times, 19 June 1994, reporting on a recent CONTRALESA conference).

Chief Nonkonyana’s comments do not reflect the degree to which everyday gender relations are in a state of considerable flux and often painful contestation and renegotiation (TRAC 1994). A report on a recent community meeting in Natal captures some of the complex dynamics of this process and its uneven impact on local organisation. This particular meeting, at a former ‘black spot’ community called Cornfields, in the Natal Midlands, had been called to discuss the composition of a committee to represent the community in negotiations to acquire and administer a number of adjoining white-owned farms. When a fieldworker from a non-governmental organisation urged the meeting to elect women to the committee, a fierce debate ensued:

An old man said: 'It has always been said that men are better than women, but I know there are some women here who can do things better than some men.' There was much clapping of hands by the women. A man stood up and said: 'A woman will not be over me as long as I live.' There was much noise after this. Another man then got up and said: 'OK, it's alright now for women to take over because the tough fight with the government for land is now over.' At this an older woman responded that he was being unfair since women had also fought the battle for more land (AFRA 1994b:1).

A similar process of debate could be seen at the historic Community Land Conference in February 1994. While the demand put forward by women’s organisations for the abolition of polygyny and the levirate did not win a majority, the conference did endorse a number of far-reaching demands for equal rights for men and women with regard to inheritance, ownership of land and housing, and representation in local government (AFRA 1994a:13) – demands which cut right across the ‘traditional order’ CONTRALESA is attempting to shore up. The conference also called for ‘democratic,
non-racial, non-sexist local government’ in which chiefs would ‘become accountable to the people’ and not control land allocation (AFRA 1994a:15).

Clearly, any process of rural institutional and social transformation has to proceed carefully, mindful of the brittle nature of social networks and the enormous damage that has been wrought on people’s lives by decades of underdevelopment and abuse. Equally, people’s commitment to ‘custom’, ‘culture’ and ‘tradition’ has to be treated with respect if any programme of rural reconstruction is to succeed, while the level of support of many rural women for ‘tradition’ has to be acknowledged and its ambiguities explored. However, both ‘tradition’ and ‘custom’ have to be critically deconstructed, so that rural policy is not developed on the basis of the ahistorical, partisan and essentially self-serving use that many male traditionalists make of these emotive terms.

Men and women do not stand in the same relation to ‘tradition’ and, as the Community Land Conference indicated, do not necessarily agree on the value or significance of many practices, including polygyny, male inheritance and patriarchal authority structures within both household and community (AFRA 1994a; AFRA 1994c; TRAC 1994). Too often it is male definitions of ‘culture’ that are accepted uncritically as those of ‘the community’, a hegemony that the proponents of this view readily promote. In view of their subordinate position, many rural women find it difficult to challenge the dominant view of ‘tradition’ head-on and their views are likely to display ambivalence, even contradiction, as a result. It is in the disjunction between what women say about ‘tradition’ and what they want to improve their position that, often, their support for a reformulation of gender relations may most clearly be seen. Thus a recent survey at Cornfields found more women in favour of the participation of the district chief in the new management committee than not, with 12 out of the 27 female household heads interviewed in favour, 7 against and 8 unsure. Those in favour cited as their reasons the chief’s ‘authority’, his knowledge of the laws and his claim over the land. Of the 12 respondents apparently endorsing ‘tradition’, however, 11 went against customary law by choosing a deceased man’s widow over his son or brother as the person who should inherit his land (AFRA 1994c). The history of the Rural Women’s Movement also illustrates very vividly a process of radicalisation in relation to established gender roles as members organised as women to confront basic needs and general community issues. In the words of one member, ‘women must be under the tree taking decisions with men’ (quoted in TRAC 1994:8).

Furthermore, as is now well-established, what is today cast as ‘custom’ or ‘tradition’ and therefore sacrosanct is in fact the product of a complex, dynamic and frequently ambiguous history of contestation, co-option and reconstruction (Chanock 1982; Marks 1989; McClintock 1990; Ranger 1989; Simons 1968; Walker 1990). Unfortunately this important insight does not appear to have taken root in current political debates: it is perhaps too subversive of a range of political readings of history. Nevertheless, as the women’s movement needs to keep insisting, having been refashioned in the past, ‘custom’ can be refashioned again, to better fit contemporary goals of a non-sexist and non-racial society. Here it is the principle of gender equality that needs to be reaffirmed – a modern principle and a product of modern conditions, but, arguably, not in itself incompatible with what Nhlapo (1991) has identified as the underlying morality of customary law, that of social responsibility for the well-being of all members of society.

What requires emphasising is the gendered nature of the central and local state’s commitment to ‘tradition’ and ‘traditional leadership’. Successive white governments
worked to refashion precolonial society in the interests not only of a white but also a patriarchal supremacy, first in relation to the development of the migrant labour system and then, under apartheid, as part of the legitimation of the bantustans as the true ‘homelands’ of the various ethnic groups into which the African population was divided. In this process, two critical institutions were reinvented – the chieftainship and ‘customary law’.

Under successive white governments, the institution of the chieftainship was stripped of its independent authority as well as its accountability to the local community and redefined in the service of the central government. The chief became a lowly state functionary, whose authority and income depended on the approval of the centre, supplemented by his powers of patronage and skill in manipulating local resources. Here his power to allocate land was of critical importance: a power that served the interests of apartheid planners but will enormously complicate the rural reconstruction programme of the new government. Under the bantustan system the power of chiefs received an enormous boost, with the establishment of the various bantustan legislative assemblies in which they are well represented.

The patriarchal nature of the chieftaincy was also strengthened, and this too will frustrate and complicate the implementation of a future reconstruction programme. With few exceptions which do not challenge the patriarchal essence of the institution, chiefs are male. More significantly, the culture and ethos of the institution and the tradition that it claims are deeply masculinist, while most holders of this office are strongly committed to upholding patriarchal norms and practices (Maré 1992:68). In a similar vein, what is now cast as customary law is not only ‘sexually discriminatory in the extreme’ (Julyan 1987:139) but is also a construct of the past 100 years or so. In 1968 Simons singled out the Natal Code of Law adopted by the colonial government in 1891 as particularly oppressive, ‘stereotyping a concept of feminine inferiority unknown to the traditional society’ (1968:26).

**Constitutional Gender Equality**

When one looks at the Interim Constitution, the picture becomes considerably brighter. After years of feeling themselves politically marginalised, feminists in South Africa are entitled to a sense of achievement. Women’s rights are unequivocally on the agenda, both in the Constitution and in the broad policy directions of the Government of National Unity. The Chapter on Fundamental Rights within the Interim Constitution spells out the commitment to gender equality in clause 8(2):

_No person shall be unfairly discriminated against, directly or indirectly … on one or more of the following grounds in particular: race, gender, sex, ethnic or social origin, colour, sexual preference, age disability, religion, conscience, belief, culture or language._

In the accompanying ‘Constitutional Principles’, clause III declares that ‘The Constitution shall prohibit racial, gender and all other forms of discrimination and shall promote racial and gender equality and national unity.’ The Constitution also provides for a Commission on Gender Equality ‘to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women’ (Section 119(3)).

These clauses represent significant victories for women. The ANC’s thinking on gender relations has been considerably sharpened since its path-breaking acknowl-
edgament in 1990 that ‘the emancipation of women is not a by-product of a struggle for democracy, national liberation or socialism’ (ANC 1990), and the gender clauses of the Interim Constitution represent a major advance on the ‘fundamental ambivalence regarding the position of women’ that Driver (1991) identified in the ANC’s earlier Constitutional Guidelines. Compared to these Guidelines there is now a far clearer commitment to women’s rights as individual rights, separate from and over-riding any concern with protecting or restoring family integrity. Gender equality is treated as one of the fundamental injustices to redress, on a par, in terms of its formal positioning in important texts, with the eradication of racial discrimination and white privilege. Driving this process has been an increasingly organised and vociferous women’s lobby within the ANC, as well as the National Women’s Coalition and activists in some of the other political parties.

However, the constitutional gains for women are not without qualification. As noted, the adoption of the gender equality clause did not pass without challenge from the representatives of the traditional leaders at the World Trade Centre, nor, when pitted directly against the claims of the traditional leaders, did the principle have the unequivocal support of the major political parties. The women’s lobby was left ‘angry at the fact that they received very little support or assistance from the various party leaderships’ (IDASA 1993:2):

In the final analysis, a handful of women were pitted against an unyielding block of traditional leaders ... One suspects that political considerations (the chiefs wield considerable influence in the rural areas) may have outweighed a commitment to basic human rights principles.

Furthermore, one legal expert, Professor Mureinik, is of the opinion that the women’s lobby gained what may turn out to be a ‘pyrrhic victory’ (quoted in Devenish 1994). As a result of a separate compromise on the applicability of the chapter on Fundamental Rights, the negotiating Council decided to narrow this down by excluding earlier references to the judiciary and making the chapter binding on the legislature and executive branches of government only. In Mureinik’s opinion, this means that ‘indigenous law is only reviewable under the Bill of Rights when it has been translated into legislation or is being applied by government.’ This ambiguity is still a matter for the Constitutional Court to decide.

This means that where the unwritten customary law is being applied by a court to a dispute between private individuals, the Bill of Rights seems to put it beyond challenge for a violation of a right guaranteed in the Bill (Devenish 1994:5).

‘Women’ and ‘Gender’ in Reconstruction and Development

As a result of the mobilisation of the women’s lobby (as well, no doubt, as its exposure to international gender debates), the ANC has been propelled towards greater gender sensitivity in its own structures and policy documents. Nowadays no politically correct speechmaker will miss the opportunity to stress his (or her) commitment not only to a non-racial but also to a non-sexist democracy. More noteworthy is the high level of attention to women and gender in ANC policy documents such as the RDP. The RDP singles out women as specific targets of state intervention to redress poverty and develop a people-centred economy:

Women are the majority of the poor in South Africa. Mechanisms to address the disempowerment of women and boost their role within the development process and
economy must be implemented. The RDP must recognise and address existing gender inequalities as they affect access to jobs, land, housing etc. (ANC 1994:17).

Overall the document makes considerable effort to insert women into key areas of discussion, and is quite explicit that women are envisaged as key beneficiaries of its land reform programme:

Women face specific disabilities in obtaining land. The land redistribution programme must therefore target women. Institutions, practices and laws that discriminate against women's access to land must be reviewed and brought in line with national policy. In particular, tenure and matrimonial laws must be revised appropriately (ANC 1994:21).

Whereas a few years ago it was easy for feminists to be cynical about how far progressive gender sentiments moved beyond rhetoric, today a more serious accounting is required. Nevertheless, dissonances remain. For one thing, the gap between formal statements and political practice persists, as demonstrated in the lack of priority accorded to the struggle over the status of indigenous law at the multi-party talks. The male monopoly on real power has hardly been discomfited, whether in the cabinet, where only three women are ministers/deputy ministers, in parliament, the trade unions, civic organisations and negotiating forums cited by the RDP as key agents of reconstruction, or in the very conceptualisation and drafting of the RDP and MERG report themselves.

Furthermore, a closer reading of the RDP reveals a problematic unevenness in the ways in which the category 'women' and the concept 'gender' are used. Women are singled out for attention only in certain sections, with no discernible justification for when they are specified and when they are left out. Why, for instance, are 'gender' and 'women' featured in the sections dealing with the corporate sector; micro, small and medium businesses; science and technology; the financial sector, and agriculture; but not in the discussions on tourism; forestry and fisheries; mining; commerce, and distribution? Why does the section on labour and worker rights specify the need to 'provide job security for pregnant women and promote the provision of child care ... to further women's equality in employment' (1994:115), while the immediately preceding section, on workplace empowerment, is entirely gender-neutral in language? Here only an ambiguously neutered 'worker' is invoked for participation and decision-making (1994:114), and the barriers to specifically female workers' participation in shop-floor decision-making and worker organisations do not warrant mention.

Such anomalies do not make planning sense, but they do point to the uneven level of gender awareness among those who drafted the different inputs to the RDP. They also flag an underlying conceptual weakness and political clumsiness in relation to gender on the part of the senior policymakers responsible for the overall formulation and implementation of policy. There is no clear indication from the ANC how it understands 'gender equality', nor what guidelines the Constitutional Court is likely to adopt in adjudicating on this. The debate on what a non-sexist society might look like has only just begun in South Africa (see Murray and O'Regan 1991). It is relatively simple to isolate examples of gender discrimination. But to define gender equality? Should this be taken to mean that everybody should be treated exactly the same, or are men and women to be recognised as significantly different in some respects, requiring differentiated treatment by the law? This debate has sharply divided feminists in other parts of the world (Vogel 1990). The Women's Charter of the National Women's Coalition takes the line that 'true and effective equality will sometimes require
distinctions to be made’ (1994:1) between men and women, who cannot be treated as exactly the same. But this thinking has not been refined in relation to either policy or strategy, and the debate does not seem to have informed the RDP.

Perhaps even more crucial is the way in which ‘women’ and ‘gender’ are still conflated in the ANC’s understanding of the issues, so that attention to gender is seen as synonymous with talking about women, and women are themselves stripped of the full range of social identities that are part of their consciousness and their experience. This is by now a standard feminist complaint, but the shunting of gender relations, gender ideology and gender identity into a lean-to marked ‘women’ continues apparently unabashed. In the RDP ‘gender’ invariably means paying attention to and rectifying disadvantages suffered by women. It does not signal directly attention to male privilege or advantage nor spell out steps to dismantle this. Gender as a relationship and gender as informing male politics (cultural weapons come to mind), male employment patterns and male identities do not feature. The RDP renders women’s problems routinely in the passive rather than the active voice – they are ‘excluded from decision-making structures’ (1994:84) but by whom or what is not spelled out. Women, it appears, are to be empowered without causing discomfort to men.

Implicit within the analysis lurks the presumption that the remedy for women’s problems lies in being treated according to male norms. ‘Worker’, ‘citizen’, ‘farmer’, ‘youth’ remain fundamentally although surreptitiously gendered – male – in the official South African political lexicon (Manicom 1991). This implicit ordering of social categories becomes occasionally embarrassingly explicit in the RDP. Thus the section on ‘Building the Economy’ addresses the need to ‘democratise the economy and empower the oppressed, particularly the workers and women and their organisations ...’ (ANC 1994:79). Similarly, the discussion on the corporate sector in the same chapter warns against ‘the domination of business activities by white business and the exclusion of black people and women from the mainstream of economic activity ...’ (1994:93). There are workers and then there are women; there are black people and there are women. The distinctions jar, particularly when immediately afterwards one reads that ‘a central objective’ is to ‘deracialise business ownership and control completely’ and ‘make it easier for black people to gain access to capital’ (Ibid). Suddenly ‘women’ have vanished from the discussion. Were they ever really present?

The discussion on democratising the state and society is also revealing. The primary focus is clearly on eradicating minority rule and racial discrimination (1994:119-20). Democratisation is elaborated upon – enfranchisement, equal citizenship, accountable institutions, modernised structures of government, civilian control of a restructured military and police force, a strong civil society, including recognition of community organisations and non-governmental ones, democratisation of information. Finally:

Ensuring gender equity is another central component in the overall democratisation of our society. The RDP envisages special attention being paid to the empowerment of women in general, and of black, rural women in particular. There must be representation of women in all institutions, councils and commissions, and gender issues must be included in the terms of reference of these bodies (1994:121-2).

Here again, ensuring gender equity translates into directing attention at women – in isolation from men and men’s roles in institutions, councils etc. And the way to
achieve this equity is through ‘representation’ of women in otherwise unreformed structures. However, it is not simply ‘women’ that have to be represented, but the issue of gender equity, and the mere presence of a limited number of women on structures cannot guarantee effective commitment to the larger issues. The limits of the ANC’s understanding of women’s representation have, in any case, already been pointed out in relation to the overwhelmingly male cabinet.

This may seem an unduly stringent reading of the RDP and the ANC’s understanding of gender equity, but it is important to draw attention to these deficiencies. They signal the deeper problem of a fundamentally additive, reformist and limited understanding of women’s disabilities and gender relations. There are many daunting constraints on the successful implementation of the RDP, not the least being global economic forces beyond the control of the policymakers and planners. But also significant is the deeply gendered — in this case, masculinist — understanding of the world on the part of the major players, as well as the tenacity of a patriarchal social order that cannot be abolished simply through a sincere attempt to add women to existing conceptual universes.

The Politics of Traditionalism

The add-on approach the RDP displays to gender equality allows the ANC to ignore the contradiction between its commitment to gender equality and its handling of the claims of the traditionalists — because the understanding of gender is not integrated into its thinking about society at large or its strategising overall, but is dealt with as a separate (and relatively minor) topic labelled ‘women’. The significant point of tension in the new Constitution is not, as in the ANC’s earlier Constitutional Guidelines, between the principle of gender equality and the protection of ‘the family’ (Driver 1991), but between gender equality and respect for ‘tradition’ and cultural rights. And although the women’s lobby won a significant victory on this issue in the drafting of the Interim Constitution, this was not a complete rout.

The Constitution as a whole recognises the institutions of the chieftainship and customary law, and makes some attempt to incorporate traditional leaders into government at an advisory and ex officio level. As a result of the skirmish between chiefs and women at Kempton Park, the chapter on Fundamental Rights limits the protection of custom to two general clauses that enshrine freedom of thought and religion and respect for cultural diversity. Clause 14 recognises ‘the right to freedom of conscience, religion, thought, belief and opinion’, and provides also for legal protection of religious (undefined) ‘personal and family law’, while Clause 31 confers on every one ‘the right to use the language and to participate in the cultural life of his or her choice.’ These principles are carried through into the Constitutional Principles which bind the drafters of the final constitution. Here the diversity of language and culture is ‘acknowledged and protected’, and ‘traditional leadership’ is specifically recognised (Principle XIII). It is not, however, an unconditional recognition, since Principle XIII also states that ‘indigenous law, like common law, shall be recognised and applied by the courts, subject to the fundamental rights contained in the Constitution and to legislation dealing specifically therewith.’

The Constitution also provides for the establishment of a National Council of Traditional Leaders and a provincial House of Chiefs, with the authority to advise and make proposals to their respective levels of government, but not to initiate or veto any act. Indigenous law and traditional authorities are both designated as falling within the legislative competence of the provinces, rather than the central
government, and the Constitutional Principles specifically state that 'provision in a provincial constitution relating to the institution, role, authority and status of a traditional monarch shall be recognised and protected in the Constitution' (Principle XIII).

How is one to interpret this clear yet limited endorsement in the Constitution of what I have identified as the major elements of 'official' rural patriarchy? According to Professor Devenish, a member of the technical committee that drafted the Constitution, there are sufficient ambiguities in the document to allow for challenges both to promote gender equality and to assert the authority of customary law and traditional leaders (personal communication). He is of the opinion that in all probability the Constitutional Court will adopt a 'liberal rather than a conservative interpretation with regard to women's rights, partly because of the undoubted importance the Constitution accords gender equality and the fundamental status the equality clause enjoys in general, but also because of the political leverage of the women's lobby within parliament, the constitutional assembly and the ANC itself.

However, at this point it becomes necessary to address the far less transparent politics within which the debate on 'tradition' is inserted, in which considerations of gender equality have been conspicuously absent. The limited constitutional protection afforded the institution of the chief and traditional authorities is perhaps less significant than the way in which, by seeking to co-opt certain traditional rulers and undercut the appeal of movements such as the IFP, the ANC has strengthened the hand of male traditionalists within its own and other ranks. This has been clearly evident in the manoeuvres around the Zulu king and the concessions made in the direction of guaranteeing his position as a constitutional monarch in a considerably enlarged 'Zulu kingdom' in what is now the province of KwaZulu/Natal. The Zulu king is a representative and symbol not simply of a Zulu ethnic identity but of a patriarchal social order, which he himself actively upholds and promotes. His gains embolden not only other traditional monarchs and would-be monarchs seeking a similar degree of recognition, but also help cement the official rural patriarchy centred on the lesser chiefs in the former bantustans.

An example of how these different elements might play themselves out is provided by the uproar occasioned by the Ingonyama Trust land deal that was signed into law by former President de Klerk in April 1994 as one of his last acts of office. Initially, ANC spokespersons came out strongly against what one described as 'a brake on development stability', while an IFP spokesperson defended the deal as 'the continuation of an indigenous political system where power to allocate land was vested in the chiefs under the trusteeship of the king' (Weekly Mail, 27 May - 2 June 1994). Subsequently, the ANC dampened down its outrage, adopting a somewhat similar stance to the IFP but in a different frame, that of national unity. In a radio interview on a commission of enquiry's proposals to modify the trusteeship, an ANC spokesperson talked about the need to preserve the integrity of traditional communities, tradition and existing tribal tenure (Radio Today, SABC, 16 June 1994). There was not a word about the gender implications of such an approach.

The ANC leadership wanted to defuse an embarrassing situation without having to confront its partners in the Government of National Unity, especially the National Party, or alienate King Zwelethini, whom it has been trying to woo away from IFP President Buthelezi. However, in adopting this strategy, it did not stop to consider the implications for its longer-term goal of development or for its commitment to the principle of gender equality. That issue did not arise – I would argue because of the
conceptual weakness in ANC thinking on gender and because the women’s lobby was not as mobilised or as politically important on this issue as the range of forces clustered around ‘tradition’.

Implications for the RDP and the Land Reform Programme

As noted, the RDP singles out women as key beneficiaries of its agrarian reform programme and spells out customary tenure systems and matrimonial laws as the significant blocks to women’s access to land. If the above analysis is sound, however, it is difficult to see the ANC giving priority to dismantling these blocks or being willing or able to go very far in enforcing limits to the authority of traditional leaders to allocate land, administer local affairs, and uphold patriarchal norms and practices. Because of its ‘add-on’ approach to ‘gender’ (equals women), the ANC has strengthened the hands of the patriarchal traditionalists, despite its own undoubted support for the idea of gender equality. It has treated the two issues in isolation. ‘Women’ and ‘chiefs’ have been seen as distinct and separate constituencies that the ANC, in its quest for both power and national reconciliation, has attempted to accommodate in its broad-church movement.

But the constituencies are not autonomous in this way, nor are the interests they represent discrete. While one must appreciate the political and developmental imperatives to stem the violence and neutralise anti-democratic forces, nevertheless the ANC’s strategy of appeasing traditional leaders is likely to undermine both the prospects for gender equity and the rural reconstruction programme. In order for the latter to work along the lines envisaged by the RDP, undemocratic, patriarchal structures need to be dismantled, not sustained.

If the ANC is serious about gender equality, it faces a mammoth task in the rural areas. It has to dismantle ‘official’ rural patriarchy, while managing the assertive traditionalism of the IFP and CONTRALESA and engaging seriously with rural people’s own, gendered relationships to ‘custom’ and ‘tradition’. This requires incorporating an understanding of gender equality into its strategic planning, and not addressing gender simply at the level of principle and very broad policy statements. The RDP requires the democratisation of chieftaincies as a matter of priority, at all levels, as well as legislation empowering all women, regardless of their marital status, to enjoy secure access to land and to inherit property in their own right. Implementing such changes will require major investments of resources in popular education, as well as monitoring and enforcement on the ground. It will also require a Constitutional Court that is sensitive to gender equality and prepared to defend this hard-won principle, not just in the narrow sense of fixing ‘women’s problems’ but in the broadest sense of promoting effective equity. There is a major need for encouraging a much wider debate on what is meant by gender equality and how one might measure it; the Women’s Charter developed by the Women’s National Coalition provides an excellent starting point and the Coalition itself is well placed to initiate the debate in a wide range of forums.

Much more thinking needs to go into what the RDP means for women on the ground and how policy can be effectively implemented in resource-starved, isolated, and frequently disorganised and divided communities. Whatever strategies for education and capacity-building are devised to empower women have to be conceptualised around and aimed at men as well. There is also a place for much more focused research aimed at plotting and understanding the complex and varied responses of
rural women and men to 'tradition' and to the choices being offered them through the rural reconstruction programme. One of the goals of such research should be to build up a clearer picture of the differences and the extent of stratification among rural women, so that they are not all lumped misleadingly together as the equally deserving poor. Another would be to probe women's own assessment of their needs and priorities and the economic and personal choices they would make if there were wider employment, mobility and status opportunities open to them than those provided by farming. Critical in all this is the question of building a broad-based women's movement that organises and lobbies at the local and regional level, as well as the national.

Gender equality is now a basic principle in the Interim Constitution. But unless the Government of National Unity is impelled towards a much deeper commitment to its realisation than that displayed to date, the application of the principle in the rural areas is likely to be severely compromised by the political and ideological forces mobilised in defence of 'official' rural patriarchy.

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Bibliographic Note


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Resettlement and Land Reform in South Africa

Chris de Wet

Since 1913, at least seven million South Africans, mainly Africans, have been uprooted or actively resettled for predominantly political purposes. This article provides a brief overview of the extent and the consequences of several different kinds of resettlement. It then argues that land reform in a post-apartheid South Africa will require further resettlement, and considers a number of possible settlement patterns, as well as some of the problems likely to arise.

African Resettlement

Resettlement of Africans in concentrated settlements in what is now the Ciskei, go back to the 1830s and 1950s (Mills and Wilson 1952:1-2, 70; Peires 1989:290 ff; Webster 1991:iii). Later attempts to control the movement of squatters and to manage the conditions of labour tenancy in favour of white land owners, came to a legislative head with the passing of the 1913 Natives Land Act (NLA), which in Keegan's view (1986:183) was 'designed to stamp out all forms of independent black tenancy'. It prohibited sharecropping on white-owned farms, limited the number of labouring families on a single farm to five, and 'laid down that all black tenants were to be defined as servants ... and not just as individually contracted employees' (Keegan 1986:192).

The Act was not applied in all its aspects, and sharecropping in particular was not significantly curtailed until several decades later. A number of farmers however used the Act as a pretext to get rid of unwanted families on their farms, to press tenants to cut the number of their cattle, and to turn sharecroppers into labour tenants. Large numbers of Africans were either expelled from farms or left rather than sacrifice their economic independence. Some of these expelled and wandering families 're-established working relationships with landlords, new or old' (Keegan 1986:189), while others moved off to the towns and cities in search of work, resulting in a significant displacement of Africans in white-controlled rural areas, and disruption of rural social structures.

In the African reserves, successive South African governments were for several decades concerned with what they saw as serious problems of overstocking and the resultant degradation of the vegetation and soil erosion. The idea of rational land-use planning as the only feasible solution to the problem saw planners wanting to separate off arable, residential and grazing land – implying the relocation of people. Enabling legislation was provided by the 1936 Native Trust and Land Act. A number of 'Betterment' areas were proclaimed, and a number of Trust areas were established (see below), involving the resettlement of people and resulting in resistance in a number of cases, in large measure because of the culling of cattle that officials had
sought to implement as part of Betterment planning (Yawitch 1981:Ch 1). It is however, the post-World War II period that has seen the really substantial resettlement of Africans, largely as a result of the apartheid policy introduced in 1948 and particularly the homeland policy initiated in the 1950s. Before looking at the post-1948 era, it may however be useful to distinguish resettlement from other kinds of population movement in South Africa.

The Surplus People Project (SPP) Survey of Relocation

The Surplus People Project provides the most comprehensive account available of relocation in South Africa. It relates relocation in terms both of its causes, and of the types of settlement resulting, to the implementation of the South African government policy of apartheid. SPP lists 11 categories of relocation (in terms of their causes), all of which are seen to arise from the implementation of South African government policy. However, no framework is provided to explain the differences in people's circumstances or responses between different types of relocation or settlement area.

SPP argues that up to 1982, ranked by cause, the largest categories of removals were people either being evicted from or leaving white-owned farms (1,129,000 people); people being moved in terms of the Group Areas Act (No. 41 of 1950, and as amended) which prescribes the provision of separate residential and trading areas for Coloureds, Indians and Whites (834,000 people); urban relocation, whereby African townships in white South Africa were deproclaimed, and their inhabitants were settled in newly established urban settlements within the homelands (730,000 people); homeland consolidation and 'black spot' relocations (614 000 people).

'Black spots' refer to areas where African rural settlements had developed on land African people either owned or rented, or on mission-owned land, within 'white South Africa'. Inhabitants of a number of black spots have been relocated to homeland areas. Homeland consolidation may involve an exchange of land between 'white South Africa' and a homeland, or even between various homelands (SPP 1983, Vol. I:3-7).

The figure of 3.5 million relocatees does not include people resettled within the homelands in terms of the implementation of Betterment planning, which SPP (1983, Vol. II:110) estimates 'has probably removed more people in more places with greater social consequences and provoking more resistance than any other category of forced removal in South Africa'. Relocatees in South Africa are seen by SPP as having moved into four main types of resettlement areas: Group Areas townships; relocation townships established within the homelands to absorb people removed from African townships, but often close enough to cities to allow daily commuting; closer settlements, i.e. residential settlements usually in the rural areas of the homelands to take people relocated from 'black spots' or homeland consolidation; Betterment and Trust settlements.

In practice, each of the four SPP types of resettlement area has attracted people other than those for whom it was originally intended, such as people coming from farms, or people seeking accommodation or employment opportunities. Such people have rented accommodation, built rudimentary housing, or squatted on other people's sites. A fifth type of resettlement area – refugee camps – assumed importance after the SPP research had been done. They are the result of people fleeing the conflicts between Frelimo and Renamo in Mocambique and political violence in South Africa.
Betterment Planning in a Ciskei Village

Betterment Planning (or ‘Rehabilitation’ as it is also known) has given rise to the numerically largest and most widespread form of resettlement in South Africa. Rooted in the Native Trust and Land Act of 1936, it refers to attempts by successive governments to combat erosion, conserve the environment and improve agricultural production in the homeland areas. Activity reached its height after the Tomlinson Commission reported in 1954. The intention was to create economically viable, agriculturally-based communities. Originally, Betterment areas were to be planned on the basis of economic units, designed in such a way that a family (apparently equated with a household) should have access to an amount of arable land and grazing that would provide it with a minimum annual income of £60. If implemented, this would have required the resettlement of over 40 per cent of rural families (Tomlinson Commission, UG 61/1955:113-114).

Families for which economic units were not available (described in planning documents as ‘surplus population’) would have to move off the land. They would be accommodated in new ‘rural villages’ from where they would migrate to employment centres, and in new industrial towns, where they would be employed as wage labourers. The implementation of these proposals would thus require a fundamental restructuring of the rural environment. It would also require a significant expansion of industry in and around the homelands.

Betterment was not implemented as envisaged. In most cases the funding necessary for the new villages and industrial towns was not made available, and there was therefore nowhere to which to move the ‘surplus’ population. The idea of the economic unit was dropped. People moved to the new residential areas, being partially compensated for the move, and arable and grazing lands were fenced off, to facilitate what planners saw as a sounder land-use patterns. The rate of compensation for huts left behind varied considerably, usually being below replacement cost. Land regarded as unsuitable for cultivation was removed from use, so that in some areas people found themselves with less arable land than they had before. In some cases, people lost their arable land altogether.

After several socio-economic surveys and meetings to discuss Betterment planning, a detailed plan was drawn up for the village of Chatha in the Keiskammahoek district of Ciskei – which had to be drastically amended when the idea of economic units became untenable. Betterment was implemented in the mid-1960s. People had to move from their old residential clusters, which were strategically located in relation to resources such as wood, water, arable and grazing land, to two large new residential areas. In many cases, people are now further from these resources.

Land regarded as unsuitable for cultivation was re-zoned by the planners and residents found themselves with smaller arable holdings than before (.5 morgen or .43 hectare), as well as with smaller gardens, as their residential sites are now demarcated and fenced off. They are also living in more crowded residential areas which, in Chatha’s case, were planned for only limited population growth, thereby increasing human and animal pressure in these areas. The fact that arable, residential and grazing areas are fenced off from each other means that it is no longer possible to extend residential areas into grazing land, or to convert arable land into grazing areas, or vice-versa. By taking the flexibility out of the land-use pattern, without lessening
the human or animal pressure on it, Betterment has actually worsened the soil erosion it was planned to prevent with parts of the residential areas devoid of ground cover. Surveys conducted in 1983 (some 18 years after Betterment) suggested that both soil and vegetation were in a poor condition – if anything, worse than when a survey was done in 1952. The fact that fields and gardens are smaller, and soil and vegetation are in poor shape, means that people are agriculturally worse off, and more dependent upon migrant labour, than before. The exceptions to this are the 24 families on the irrigation scheme which was created as part of Betterment in Chatha. They each have access to 1.5 morgen (1.23 hectare) of level, gravitational irrigated land, and clearly are agriculturally better off than before.

With the exception of the irrigation settlers, people's experience of Betterment is almost totally negative. In their opinion, it was forced upon them against their objections. The compulsory move to the new residential areas, coupled with the loss of arable land and what they see as inadequate compensation for their houses, has been a source of bitterness and the loss of control over their circumstances.

The movement of people into new, concentrated settlements has also made for significant changes in their social spatial setting. The greater concentration has made it possible for people to continue with individual ties of friendship and co-operation, but the move has broken up the old pre-Betterment territorial groupings and seriously eroded the political and ceremonial ties that had been predicated upon them. Tensions, which on occasion have been expressed in violent form, have developed between the two large residential areas which see themselves as competing for political influence and for economic resources.

Betterment planning could not have succeeded in its basic aims because trapped within the land allocations of the 1913 and 1936 Land Acts, it could not relieve the pressure on the land. Operating in a top-down fashion, with an essentially uniform plan applied across the homelands, it was unable to cater for the integrated local ecological and social patterns that people had developed over time. This inflexibility, coupled with land pressure already existing before Betterment, had a predictably negative environmental, economic and social effect (de Wet 1993).

'Black Spots' and Trust Areas in the Transvaal

Both these types of areas developed as a result of provisions arising out of the Native Trust and Land Act of 1936. 'Black spots' refer to areas where African rural settlements had developed on land they either owned or rented, or on mission owned land within 'white South Africa'. In terms of the 1936 Act, these people were expropriated and usually moved to the reserves/homelands. 'Trust areas' are in a sense the opposite of 'black spots'.

The South African Native Trust (SANT) was authorised to purchase and make available to Africans land which was scheduled for allocation to Africans in terms of the 1936 Native Trust and Land Act. Whites were no longer allowed to buy or rent land in such areas and the SANT was empowered to buy their land from them, which was then converted into Trust land. They then settled Africans on this land, making arable allotments available to them under a government-controlled form of (non-ownership) tenure, and sought to relocate people into these concentrated settlements. Trust areas were mostly converted into Betterment areas, automatically falling under the relevant Government Proclamations (No. 31 of 1939 and No. 116 of 1949). People who moved into these Trust areas included 'not only the landless, and
people forcibly moved from their homes in the Republic where they owned or collectively had rights to land, but also [evicted] former tenants with access but no rights to land on white farms’ (James 1983:2).

This may be illustrated by the fate of the African inhabitants of the farm of Doornkop, about 15 kms from Middelburg in the Transvaal. Nearly 300 families bought the farm in 1905, with a number of tenant families subsequently moving in. While shifting increasingly from a subsistence focus with wages as a supplement to a greater dependence on wages, people still clearly found it worth their while to cultivate their fields, either directly, or through tenants (James 1983:6).

In 1964, the Government put forward a plan to move the people from the ‘black spot’ of Doornkop to another farm, a Trust area called Bothashoek (now in Lebowa). The people refused to move and, after their chieftainess had been gaoled for a month, split on the issue. She and a small group moved in 1970 to Bothashoek, which had already been planned as a Betterment settlement, together with some labour tenants from nearby farms, and some people from a local mission. Those people from Doornkop who refused to move, were eventually forced to do so in 1974. A few moved to Bothashoek, but the majority, who rejected the chieftainess for her capitulation to the authorities, were moved to another site which had been proclaimed a township, and where nobody had access to arable land (James 1983:54). Bothashoek was originally planned to accommodate the families who had owned land in Doornkop with residential sites of one-quarter morgen and fields of 1 morgen (.86 hectare) or larger. In the early 1980s, there were more than 1,000 families in ‘a kind of rural slum’ as labour tenants from white-owned farms, people from Transvaal towns, and from places in Lebowa moved in (James 1983:19,21). Most of the late arrivals could not be awarded arable holdings, and residential sites had to be sub-divided to accommodate them.

Social differences arose between the landed, more long-established early settlers, and more recent, landless arrivals in such Trust settlements, who had no kin links in the areas. Residential arrangements have tended to reinforce such distinctions. In the case of Bothashoek, the first arrivals were settled together, while more recent arrivals were scattered across the village. ‘People generally state that they know only those who came with them, or those living in the same section as they do’ (James 1983:19). In the case of the Trust area of Metz, those people who were allocated arable land were actually placed on a different settlement from those not allocated arable land (Letsoalo and Rogerson 1982:309), thereby giving visible physical expression to the division between them.

This division became further accentuated in Sephaku, another Trust settlement, where the early, landed settlers benefited from the establishment of an agricultural co-operative scheme, and where they hired members of the late-arriving, landless as wage-labourers (James 1984:19). This contrasts with the situation in Chatha, where members of the small irrigation scheme established with Betterment do not appear to employ other members of the community on a wage labour basis. Help was obtained from relatives or members of pre-Betterment territorial groupings, options which were feasible in a community with the kind of continuity that Chatha has been able to maintain. One can however not talk of the Trust areas of Lebowa, with their massive influx of an essentially heterogeneous population, as communities in the same sense. People have undergone far-reaching socio-spatial change in moving to such Trust areas, which, in this respect, are more like the closer settlements of Qwaqwa, than a Betterment settlement of Chatha’s type.
Closer Settlement in Qwaqwa

In 1969, the reserve area of Witsieshoek was designated as the official homeland for South Sotho speakers, becoming known as Qwaqwa. Ten adjacent white-owned farms were purchased and added to Qwaqwa. In 1916, the Witsieshoek area was already overcrowded, as relocation there from white-owned farms had begun as a result of the restrictions imposed on labour tenancy and share-cropping by the 1913 Natives Land Act. In 1970, there was a population of nearly 24,000 in Witsieshoek. The period of the 1970s saw the start of a massive relocation of people into Qwaqwa to the extent that, by 1983, its population was estimated to be at least 400,000, with a population density of over 1,000 people per sq km (Sharp and Martiny 1984:2-4).

This massive influx developed in response to several factors. Farm workers on white-owned farms in the Orange Free State 'experienced a process of increasing marginalisation' (Sharp and Martiny 1984:5) as their terms of employment became increasingly less favourable. Farmers were adopting combine harvesters and, being less dependent upon their labourers, were reducing their access to arable land and grazing on the farm. Labourers moved from farm to farm in search of more favourable conditions before finally moving to Qwaqwa. A 'large number' of people from the Thaba 'Nchu area entered Qwaqwa in the early 1970s, seeking to escape from 'systematic victimisation' of Sesotho speakers by the Bophuthatswana government (Sharp and Martiny 1984:5, 6). People were endorsed out of South African cities or towns because they did not have the correct documentation to stay there or because the townships where they stayed had been deproclaimed (Sharp 1987:134).

The dramatic rise in the number of people entering Qwaqwa in the early 1970s caught the authorities off-guard, with no real preparation being made except for the provision of housing and facilities on a limited scale in the only town of Phuthaditjhaba. It was decided that only people who had held permanent rights to live in urban areas in South Africa should be allowed to live in the town, while others would have to move into the rural areas. The town initially had no sanitary facilities except for a single outside tap (Niehaus 1989:165) while closer settlements were hurriedly established in the rural areas – also with no facilities at first. 'People were sent to whichever village was being filled when they arrived' (Sharp and Martiny 1984:6), spilling over onto the fields and grazing areas of the longer established residents. They were constrained to live in shacks in a transit camp and pressed for bribes and taxes by officials while they waited for between six months and two years to be allocated permanent residential sites (Sharp 1982:25).

There thus seem to have been two very different sorts of resettlement experience in Qwaqwa. People who qualified to live in Phuthaditjhaba were from South African towns or cities, which meant that they were usually better educated than people in closer settlements, many of whom had come from farms. They had access to better services and available jobs in Qwaqwa and in nearby South African towns and were more likely than people in the rural settlements to have relatives in South African cities; some could even hold on to their urban jobs (Bank 1984). People from the farms had to rely on what savings they had, on the sale of their livestock, and on help from neighbours and what kinsmen were available (Niehaus 1989:169). They participated in longer-range migrant labour to a greater extent; many of them had been migrants while still living on the farms, and this, together with their limited education, (Niehaus 1989:172) continued to influence their perceptions of, access to, and choices in the labour market (Niehaus 1989:169-172). Within the closer settlements, people's economic well-being depended to a significant extent on the degree to which they
were able to plan their move and the stage of the household domestic cycle at which they moved. People able to plan their departure from a farm could dispose of their livestock over time, rather than having to sell at a buyer's price when being turned off the farm. They could leave the farm at the most favourable time, such as when there were sons of a wage-earning age in the household. The earlier they left (e.g. the late 1960s or early 1970s), the more they had to take with them, and the better their chance of gaining access to what little arable land there was available in the closer settlements (Sharp 1982).

The social upheavals and the economic dislocation of resettlement have placed tremendous strain on relationships within many households in Qwaqwa, which display a high level of gender conflict. The relative economic fortunes of men and women often changed when men found themselves unable to provide for their families. Some women secured poorly-paid jobs in the industrial parks near Phuthaditjhaba. This, together with women's ability to hawk goods and alcohol in the informal sector, generated conflict within the household with unemployed men seeking to hang on to their faltering control of the women in the domestic unit (Bank 1989; Sharp & Spiegel 1990). Not surprisingly, ‘few young women could think of any positive advantages of getting married in the closer settlement, and they spoke with great enthusiasm of their ambitions to find wage employment for themselves by leaving the homeland, if need be illegally’ (Sharp & Spiegel 1990:548-9).

A Dispossessed Community Tries to Move Back

After the frontier war of 1834-35, some 2,000 members of the Mfengu grouping were settled west of the Fish River, in the Tsitsikamma region near Humansdorp, some 140 kms from Port Elizabeth. They were given deeds of registration which stated that ‘their lands would be held in trust by the State for the descendants of the first settlers’ (SPP 1983, Vol. II:248). In 1952, a limited form of Betterment planning was implemented, leaving people with fields of about 4 morgen (3.4 hectares) each and their livestock reduced, although each household had nearly 30 morgen (25.7 hectares) of grazing available. A number of the able-bodied members of the community were able to find employment in the surrounding farms and towns to supplement their income from agriculture.

But their semi-independent agricultural existence was not to last. In 1976 they were moved, by order of the Government, to a closer settlement named Elukhanyweni, in the Keiskammahoek district of the Ciskei, over 400 kms away. The community initially resisted the move, though some families agreed to go. Those co-operating were offered agricultural land in the Keiskammahoek district. The state later exerted pressure on the resisters, who were then moved by government trucks to the new settlement of Elukhanyweni where the great majority of households found themselves with only a residential site and no fields (SPP 1983, Vol. II:253-258). Elukhanyweni is an overcrowded (closer) settlement with facilities such as a clinic, school, churches and shops. People have small garden plots but, with the exception of these early settlers who received land (and are not strictly part of the Elukhanyweni settlement), they are without arable land.

In the early 1980s, under the leadership of the Tsitsikama Exiles Association (TEA), some members of the Elukhanyweni settlement began to take initiatives to return to Tsitsikama. These included demonstrations outside Parliament and a deputation to (then) President de Klerk, led by Archbishop Tutu. Funds were raised, principally from overseas sources and, by April 1993, some thirteen families had gone back to
the Tsitsikama area as an advance party. They have not yet gone back to their old
lands, as these are still in the hands of the white farmers who bought them from the
government after the Mfengu's initial expropriation. In 1993 the Moravian church
made some land (1,352 hectares) available for the settlement of 50 Mfengu families,
and the state agreed to make available 1,880 hectares of land formerly held by the

The Elukhanyweni settlement is divided on whether to return to Tsitsikama. Those
who had secured employment in the Keiskammahoek area, or were waiting to secure
their old age pensions, or who were too old to make a new start again, chose to stay at
Elukhanyweni. While leadership structures have been divided about returning, the
issue has not caused serious divisions within the settlement as a whole, although
individual families are more directly threatened and divided about the issue. The
thirteen families who returned to Tsitsikama in April 1993 had to live in the seven
houses that had been constructed at the time. Because they are aware that it is
temporary, the congestion is not seen as a significant problem. While these houses
have gardens with access to piped water, they are not yet established enough to
provide much food. As yet these families have not been allocated arable land. They
are thus dependent upon donations, migrant remittances and pension payments for
their survival.

Some youths formed a music group which is in demand among the coloured
community on the mission and which has also begun to extend hospitality towards
the Mfengu settlers. Children are attending the local school, and people are attending
church services on the mission. Initial tensions between the Mfengu settlers and the
Moravian church around the conducting of Xhosa rituals appear to have been
resolved. The closer proximity of work centres such as Port Elizabeth means that
migrants return home on a more frequent basis than was the case in Elukhanyweni
(Deliwe 1993).

A small number of people have returned and begun to re-establish themselves and to
integrate with the local host community. However, it is still too early to detect any
longer term patterns of community formation, or possible lines of division – not least
among those still at Elukhanyweni. The original Tsitsikama community is however
becoming permanently divided into three groups: those who were the first to come to
Keiskammahoek and received land, inter alia on the Keiskammahoek Irrigation
Scheme – and who have ever since effectively been separate from the rest of the people
who came later and – unwillingly to Elukhanyweni; those who will choose to remain
in Elukhanyweni; and those who will choose to go back to Tsitsikama. These choices
will be affected by recent developments. In March 1994 the South African government
agreed to make available R37,680,000 to enable the Mfengu to buy back their ancestral
land from the white farmers who took it over when they were moved to
Elukhanyweni. It has been agreed that for the first few years the Tsitsikama
Development Trust will lease the land to these white farmers, while the Mfengu
people prepare themselves to farm it (Daily Dispatch, 26 March 1994, p. 2; 29 March

Resettlement: Patterns and Problems

There are significant similarities and differences both within and across different
types of resettlement in South Africa. Although at varying levels of intensity, all the
different kinds of resettlement we have considered have led to disruption of people's
socio-economic relationships, and changed the nature of their access to resources
such as land, livestock and jobs – usually for the worse. Resettlement has thus left many people vulnerable and at risk of impoverishment. The seven areas of risk which were identified by Cernea (1990:19) in terms of the ethnography of resettlement/displacement worldwide are: landlessness, joblessness, homelessness, economic marginalisation, food insecurity, morbidity, and social disarticulation, would clearly also apply in South Africa.

Planning and implementation of resettlement has often taken place in a rather ad hoc fashion, with changes to the broad framework and with detail plans having to adapt accordingly. Economic units had to be dropped from Betterment planning, and Trust areas had to abandon Betterment-type land-use plans when people who had not been planned for streamed onto Trust settlements. It is thus not possible to distinguish a clear set of phases of the planning, implementation and consequences of resettlement.

Rural people who are moved often find themselves with less arable land or none, with smaller residential sites and gardens, and having to limit or dispose of their livestock. They often lose a significant portion of their cash income as they lose their jobs. This may be because they have to stop working in order to make the move, wait for housing sites, build houses, or clear new fields, etc. They then find that they are unable to break back into the labour market again, or because problems of distance and transport make it increasingly difficult to compete for, and to maintain, a job from their new residential base. People are often further disadvantaged by the inadequacy of services in the new areas – for example, the lack of clean water.

People’s network of social relationships are usually disrupted, and sometimes completely broken, by resettlement. One need only look at the way the move from the farms has broken up households and scattered kin as farm labourers in the Orange Free State have moved from one farm to another, and eventually to Qwaqwa. People have needed to forge new links in a strange physical and social environment and, largely in the absence of kin, have had only very limited support in the crucial, transitional years. People have thus tended to turn inward, retreating into and drawing their strength from the domestic unit. In the context of disruption and impoverishment, this has put greater pressure on domestic relationships, giving rise to conflict along gender and generational lines, with an increase in domestic violence.

Resettlement has also weakened community structures. The people of Doornkop, for example, were deeply divided as to whether to accept or to resist being moved. This weakened the legitimacy of leadership structures, further complicating the process of re-establishment in the new areas. Differential access to resources led to divisions in the new community, particularly when, as in the case of Sephaku Trust farm, the older settlers, who had either come from the same area, or had built up links over the years, gained access to the best land, or to development assistance. They tended to form an elite block, as against the poorer, more recent arrivals, who had no kin or friends in the area. While fairly general, these patterns do not apply to the same extent to all kinds of resettlement, or even to all people within a single settlement scheme. Betterment schemes in Ciskei have clearly been much less disruptive than Trust farms in Lebowa and closer settlements in Qwaqwa because they involved less physical and socio-economic disruption. There was accordingly a much greater continuity in the setting, circumstances and experience of people in Ciskei Betterment schemes. People within a particular scheme are also differently affected – again because of differences in the way their circumstances have been changed. Here one could look at the differences between the dryland and the irrigation areas of Chatha; the early settlers and the latecomers in Bothashoek; and people in Phuthaditjhaba and the closer
settlements in Qwaqwa. One would also need to go further, and look at differences across gender and generational lines.

Although there are exceptions where people benefit from resettlement (such as the irrigation settlers in Chatha, or shopkeepers in closer settlements), the broad tendency is one of disruption and impoverishment. Different people are affected in different ways which need to be taken into account in planning resettlement as part of a land reform policy.

Land Reform Settlement Problems
A number of possible settlement patterns are likely to arise out of land reform, each of which will involve distinctive social and spatial change.

Where a formerly dispossessed group moves back onto its original land: These may include 'land owners who have been forcibly removed from their land' or 'those forcibly removed from Trust land or other government land' (Land Restoration Campaign, 1993:5). A few such dispossessed communities (e.g. Charlestown and Roosboom in Natal) have been allocated the lands claimed by them by the State President, after ACLA (the government appointed Advisory Commission on Land Allocation) had heard arguments and recommended such restoration (National Land Committee 1993:15). In addition to the Tsitsikama Mfengu, one such community that has begun the process of return, is Mogopa, in the Transvaal, which was removed from the two farms it held in 1984. From 1988, members of the group started erecting shacks on one of their former farms. After court hearings and negotiations, they were re-awarded the title deed of one of the two farms - the first such expropriated community to achieve this. This process of land restoration is potentially fraught with problems. ‘Now they [i.e. the people of Mogopa who return] have to start dealing with new questions like who should own the land, how to use it, and what form of agriculture should be re-established’ (Land Update, No. 10, August 1991:11).

Tensions may well arise around conflicting claims to formerly-held land, particularly if land-holders had not held title-deeds before expropriation. Further conflict will probably also arise from the fact that all of their number may not move back, or may not do so at once. What is to happen to the land of those who choose not to move back, or do not move back at once? Are their former lands to be kept vacant for them, or to be used on a temporary basis by others – who may then argue that possession is nine points of the law? Or, if the original holder has subsequently died, how are competing family claims to be sorted out? What is to be done to accommodate people who (before their expropriation) had been tenants, without title deeds of their own? (AFRA 1993). Whether and how such disputes are resolved will depend very much on the effectiveness and cohesion of leadership in the newly re-occupied home area, which will in turn be influenced by the extent to which post-expropriation leadership had developed in the ‘exile’ area, and the measure in which it has been fragmented by the move back ‘home’. The challenge is thus to achieve group cohesion and organisation, both in the period leading up to the move back and afterwards.

Merely putting people back on their old land will not be adequate to ensure their economic viability. Their agricultural production before expropriation may not have been adequate to ensure viability in the first place, requiring people to work as migrant labourers further afield (as seems to have been the case in Tsitsikama). People are now returning to a situation where it may take them several seasons to get production levels going again, and where they may be without the jobs they held as
migrants, either before or after expropriation. A conscious effort will have to be made to enable people to manage during the first few years of re-establishing themselves, by way of possible subsidies, despite the costs involved and the problems of dependency they may give rise to.

We should have no illusion that this is a second move – albeit a return home – and that in a sense a previously broken leg is being broken a second time in order to reset it properly for recovery. It must therefore almost certainly have damaging effects – however carefully the move is planned.

*Where a group moves onto formerly white-owned land:* There will be no pre-existing guidelines, no historical precedent for dividing up this new land among the settlers. This presents a chance for the constitution of a new set of land relations, in a sense from scratch, as well as the potential for conflict over land. With the new land being both politically and morally new land, its *de novo* demarcation is likely to give rise to conflict between the older section of the community, who for the most part have held land and leadership, and the younger members, who see an opportunity for themselves in the new situation, particularly if the older leadership has been divided, or weakened, by the move. In government-planned settlement schemes, a resettled community often carries its pre-move patterns of stratification with it (James, 1984:19 for South Africa; Boesen et al. 1977:136 for Tanzania). If the new area has been subdivided and allocation determined before the move, it seems likely that the old guard will succeed in maintaining its favoured position, as the leadership group with which the planners consulted. This could also provide an incentive for more members of that leadership group to make the move, as there would be something in it for them. If, however, the new area is only to be subdivided and allocated once the community has arrived there, the chances of younger people seeking to stake their claim and to challenge for land and leadership, are so much greater. So there seems to be a potential tension between continuity of leadership and social structures on the one hand, and greater equity of access to land and authority between the generations on the other.

If only a part of a group moves, particularly in the context of people moving from homeland settlements and resettlement areas, it is likely to be the wealthier, with enough money to put down their share of the purchase price, obtain a loan, and feel confident enough to take the risk of starting over again, or the younger, more energetic and entrepreneurially minded group who have relatively little to lose and much more to gain by the move. While this will doubtless be good for the potential success of the new area, it may not bode well for those remaining behind.

Settlers will take a few years to get production and marketing going effectively. This may mean that they may have to forego the earnings derived from migrant labour during those transitional years, as they will need all available labour for agricultural purposes. They may also have to contend with less available labour than before, and now on larger tracts of land. Once settlers have established themselves agriculturally, those members of their families who had temporarily dropped out of migrant labour for that purpose, may find themselves unable to break back into the migrant labour market.

People must be allowed to choose their own residential pattern, rather than putting everybody in a central nucleated area for the convenience of the planning and provision of services. People moving from a homeland settlement (many of which have been nucleated as a result of Betterment Planning) or from a resettlement camp
will for a number of years have been used to a concentrated residential settlement pattern. It is really only the relatively few freehold and quitrent areas, and the areas not yet subjected to Betterment, that will have had a dispersed residential pattern. For people who have been socialised in a predominantly dispersed settlement pattern to move to a more concentrated pattern could produce all the tensions inherent in Betterment settlements. People moving to a dispersed pattern where each family lives separately on their farm could also find the change disruptive, as they will now be more isolated while seeking to re-establish themselves socially and economically. Resettlement tends to lead to people’s social networks turning inward and to heavier reliance on kin and long-standing colleagues (Scudder and Colson 1982:274). It is critically important to provide for the necessary continuity in the payment of old-age pensions and disability grants, one of the few predictable sources of income in the transitional years when people are re-establishing themselves in the new areas.

Where a number of individuals, or families, move onto subdivided formerly white-owned land: Here families or individuals moving onto new land will probably not have any community or kinship links with other families moving in. They will need to build up some minimum level of group organisation and cohesion de novo, even if only for the administration of services and tasks which they will jointly share, such as roads, water, agricultural services, possibly a school and clinic – as well as for organising access to labour outside of the immediate household a serious problem as they will not be likely to have kinsfolk to call on.

It is likely that the first families to arrive will get the best sites and lands, that such buildings as are erected after their arrival will be situated so as to favour them, that they will obtain the most favourable loans and grants while the funding is still available and it is politically important for land settlement to be seen to be working. They are likely to become the influential people, the leadership core, by virtue of their early arrival, which may well make for subsequent divisions within the community.

Where farm labourers gain legal access to land on the farm on which they live: Here labourers or tenants may purchase, hire or share-crop land. Any land reform programme should build in the provision of professional advice, both for any necessary surveying and titling of land, as well as for the setting up of legal contracts. New decision-making and financing structures will have to be developed as a new set of political and administrative relationships takes shape on the farm. In one case, Gannahoek, labour tenants were to buy a third of the farm on which they worked (Land Update, No. 13, May 1992:17). Instead of scattered homesteads moving into a nucleated settlement, the usually nucleated pattern of farm workers’ houses may become dispersed as individual families move onto their newly allocated piece of land.

Where the original owner keeps title to the whole farm, but contracts parts of it out: In this case, a white farmer contracts out part of his farm to outsiders. This could take place in some of the ways it did before the passage of the 1913 Land Act, such as hiring or sharecropping or leasing on a longer-term basis. This is too fluid a situation to venture any predictions or to suggest any particular course of action as regards resettlement, as contractees may come and go, using different sizes of land, and may or may not move onto the farm. The farmer will however play a much more central manager/owner role than in the previous case. Such contracting has become more frequent in recent years. Adequate professional legal advice should be available for drawing up contracts between the farmer and contractees.
Where white farmers and their labourers move off the land: Both farmer as well as farm labourer will have to make major adjustments as they resettle elsewhere, although in vastly different ways. Even if the farmer has sold or been compensated for his land at the going market rate, he may still be in financial difficulties. The prevailing drought and possible withdrawal or lessening of government loans or subsidies will probably bring down the price of land, although the greater availability of purchasing finance may well compensate for that to an extent. In any event, the white farmer moving off the land will probably have to find an alternative source of income, and many farmers have few professional qualifications.

In a much worse position will be the farm workers leaving the farm. They will have no capital and hardly any formal education to help them. The problems of the farmer, and especially of his labourers, in re-establishing themselves will have to be consciously taken into account in any land reform programme. Such problems will not only be economic, but also social and psychological. Many farm workers have been living on their employer's land, dependent upon him for housing, rations, wages, justice, education and religious instruction. In many cases, their wider contacts have been with farms within walking or cycling distance, or when the farmer has taken them for monthly shopping trips to the nearest town. Until very recently they have enjoyed no protection under labour legislation, and many have little or no knowledge of their legal rights. Farm workers being turned off farms thus are an extremely vulnerable population, which will be scattered, and thus socially uprooted, as they seek opportunities elsewhere, as in the aftermath of the 1913 Land Act. The plight of such workers moving to homelands has been documented in detail in the case of Qwa Qwa (e.g. Sharp 1982).

Spontaneous Settlement/Land Occupation: This occurs when people move on to land, whether privately or government owned, whether with (usually tacit) permission or without formal permission. An example is the occupation of Merino Walk farm by members of the Thornhill community (Land Update, No. 23, June 1993:5-6), and the Zevenfontein farm near Johannesburg (Land Update, No. 15, July 1992:10-12). Officials are here presented with a fait accompli, and any planning or provision of infrastructure usually has to take place afterwards. This may be further complicated by a process of negotiation for the land. People may well be loathe to move temporarily to allow roads or pipes to be put down, for fear of being turned off the land permanently. They may also be suspicious of the introduction of services in their own right, as this usually involves surveys, service charges, and a greater degree of potential control by the authorities. As with various other settlement types, there will be the challenges of creating leadership and cohesion, and problems generated by differential access to better located resources.

Moving African people onto formerly white-owned land will thus not be a simple matter of taking possession of the 'Promised Land'. It will involve the splitting up of old communities and the building up of new leadership and relationship structures. Conflicts are likely to arise over leadership, land and other resources, emphasising tensions between the generations and the sexes. These new land-acquiring settlements will encounter economic and social problems as they establish themselves, and will require a judicious balance of financial, infrastructural and legal support on the one hand, and of maximum autonomy to sort out their own internal affairs and settlement patterns, on the other.
Experiences from agricultural settlement schemes across Africa and elsewhere show a fairly similar pattern. Governments and scheme managements usually want to control settlement schemes fairly closely, in large measure because they are expensive undertakings, and because they are seen as political showcases, which must therefore be seen to succeed. The record shows clearly that where an inflexible regime is imposed upon settlers, whether in terms of tenure type, cropping patterns, management or marketing structures, schemes tend to develop economic and social problems. Such a scheme is not only new, but a socially and economically disruptive process, in which people are at risk of impoverishment and in which their coping abilities are accordingly restricted in the first few years while they find their feet. An inflexible settlement regime can only further aggravate the problems both of the scheme and the settlers. Evidence further shows that unless active steps are taken to get settlers established and to incorporate them in local economic structures, they may never become productive or even self-supporting. There is a long history of failed agricultural settlement schemes and land reform projects.

In an attempt to overcome such problems, the World Bank (1993) has recently put forward proposals for designing a land reform programme for South Africa. It argues for a smallholder approach, with a market-assisted mechanism (involving possible subsidies and loans to aspirant African farmers wishing to buy land) as the means of affecting the transfer of some thirty per cent of white-owned agricultural land to African hands over a five year period. Whether the new South African government accepts or modifies it, it is likely to encounter resistance – not only from anxious white farmers, but also from aspirant African landholders who argue that they should not have to pay, even in part, for land which they claim was taken from their forefathers, and that the rate of transfer is too slow.

The new government will thus come under strong pressure to be seen to implement land reform and to create successful settlement schemes. It will therefore also come under pressure to regiment the process too tightly, at the risk of repeating the mistakes of the apartheid era, and of other countries in Africa. The above review of possible land reform settlement patterns suggests that there will almost certainly be problems and unpredictable outcomes along the way. It is therefore important that as much choice and flexibility as possible be built into land reform options and settlement patterns. The decisions as to what range of choices is to be allowed for must be made through an continuing process of negotiation with the people on the land, so that irreversible mistakes may be minimised. For such a process of negotiation to bear fruit it is necessary that there is a conscious attempt to educate people as to the options and problems that face them as they enter into new sets of tenurial and social relationships.

To be successful a land reform programme also needs to take account of those people who may suffer from it, such as farm workers and labour tenants, and homeland villagers. The former are in danger of being dispossessed of what access to land they have, while the latter are in danger of the state allocating resources to the rest of the country, where land reform must be seen to work, and of remaining land-hungry.

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Bibliographic Note


Government Publications and Reports:

Farm Workers and the ‘Agrarian Question’

Andries du Toit

The poorest, most insecure and the least visible of South Africa’s black workers are those who live and work on its white-owned farms. They have been oddly peripheral to the current land debate, partly due to the technocratic nature of the discourse of ‘development’ which has foreclosed consideration of the irreducibly political nature of local power relations. Farms are not mere units of production: they are structured by paternalist discourses – practices that weave power relations into the very fabric of social identity and daily life. Legal reform creates a space for contesting these power relations. This article explores some of the issues they face and tries to link these to larger questions of transformation.

Farm Labour Today

Some 1.16 million workers live and work on the 67,000 farms that make up South Africa’s commercial agricultural sector. Together with their families they constitute just under a third of South Africa’s rural population. Employed by, and at the mercy of, the white farmers who own these farms, they experience harsh living conditions. Working hours have been long, working conditions are grim and sometimes dangerous, and housing, when provided at all, has fallen well short of minimum health and safety standards. Wages are low: household incomes, some analysts suggest, are below one-third of the minimum living level. Figures are unreliable, and there is significant regional and sectoral variation, but it is clear that the situation is worsening rapidly. Commercial agriculture in South Africa, hit hard by recent drought and economic crisis, is shedding livelihoods at a catastrophic rate.

Beyond these bare bones of fact, we know little of farm life. Indeed, here we find a strange paradox. On the one hand, the plight of farm workers has over the years become a kind of metaphor for the worst aspects of apartheid rule. The word ‘Boer’ today no longer refers simply to white Afrikaans-speaking farmers, but has become an icon for white racism in the society as a whole. But this very symbolic significance only underscores farm workers’ real marginality. Since the mid-1970s, the labour movement has transformed South Africa’s factories, and township-based mass movements have challenged the hegemony of the Nationalist government; farm workers have, however, remained silent figures on the margins of South African politics. Farmer and worker are all too often not merely symbols but stereotypes, a static frieze that embodies the racist attitudes of the past, but which has no clear connection to the politics of the present.
New Highways and Bypasses

In some ways, the future has already been taking shape on the farmlands. Change is already happening. The economic crisis of commercial agriculture has prompted moves for restructuring in the 1980s. The period of negotiations has further broadened the scope of rural reform. The breaking of the political log-jam has set the scene for burgeoning and complex policy debate. This debate has proceeded on very different terms from preceding discussions about change in South Africa. Most importantly, it has tended to conceptualise basic social ills, not in political terms, but as development problems. This meant that a new conceptual space opened up: a technocratic discourse that transcended old political divisions and made possible agreement on new policy initiatives across old ideological divides. A plethora of NGO and policy research organisations arose; the Government, the ANC and the World Bank, drawing on the advice of an extensive and overlapping number of academics and consultants, have been putting forward a range of important policy proposals.

What do these proposals say about farm workers? Not much. One of the most interesting aspects of current debates on the land question and rural restructuring is the way in which they more or less leave out farm workers. This is partly because of the focus of the debate which has concentrated on two issues. On the one hand there is the restitution of land to dispossessed communities. On the other there is the redistribution of land and the restructuring of agricultural land ownership and production. The latter debate has been dominated by the 1993 proposals of the World Bank (World Bank 1993) which, while disclaiming responsibility for the eventual implementation of these reforms, has attempted to set the terms of the policy debate on the matter. The agenda has therefore been dominated by the Bank’s attempt to marry individual tenure and ‘efficient’ farming with equity and redistribution. At the centre of the debate has been the proposal that land should be distributed from ‘inefficient’ large-scale enterprises to small black farmers who would be more efficient (World Bank 1993:3; Lipton 1993:373).

These proposals are being subjected to searching debate and critique. It is an open question, for example, whether the theoretical efficiency of low-input family farming can in fact translate into a practical, economically viable reality (Williams 1993; Francis and Williams 1993). This has highlighted the ideological nature of the Bank’s commitment to individual tenure and modernisation (Bernstein 1990; Levin and Weiner 1993). The Bank’s ‘pragmatic’ proposals are informed by neoclassical assumptions about the nature of the economic actors on the ground. Proposed reforms have rested upon idealised constructions (the farm as ‘firm’, the patriarchal black smallholder as entrepreneur) which ignore the diversity and complexity of rural household livelihood strategies, and the fragmented and contradictory nature of the communities which are caught up in the implementation of rural restructuring.

This has meant that the politics and power relations of the white farmlands themselves have received little attention in their own right. The key political problem recognised by current proposals for agrarian restructuring has been patterns of land ownership, and the virtual monopolisation of agricultural land by a white farming minority. The debate has therefore concentrated on the extent and the terms of redistribution. Clearly, however, redistribution of land deals with only a part of the problem. No matter how sweeping land reform may be, between 90% and 50% of white farming will remain (World Bank 1993:3). Some of the sectors that are likely to be least affected by land redistribution, such as wine and deciduous fruit, are also, as
it happens, the most labour-intensive. Farm workers will clearly not disappear. Neither will their problems. But while most of the proposals on the table have recognised this fact, farm workers themselves have received scant consideration. They have generally only entered the debate as a factor of production.

This article tries to go a little further. It will try to address some questions about the implications for farm workers of some of the proposals currently on the table. More fundamentally, it simply tries to put farm workers’ problems on the agenda. It will raise more questions than it answers. Farm labour in South Africa is still relatively under-researched, and farm workers’ problems are of a particular and intractable nature. They are not easily resolvable, and do not admit of easy incorporation into ‘the’ land or agrarian question. Some of the problems lie, indeed, with this very notion that there is ‘an agrarian question’; a basic underlying issue that lies at the root of all the divergent problems of rural people, and on the resolution of which particular interests depend.

Farm Workers and Agrarian Capitalism

Farm workers’ problems have generally been approached in three different ways. First, there is an approach characterised by an optimistic attitude to ‘progress’ and business-like good sense. Merle Lipton has argued, for instance, that white farmers still have a role to play in the new South Africa – provided they change their racist attitudes. According to her, ‘socio-economic forces’ such as ‘part-time farming’ and ‘business-like relationships’ could gradually erode the quasi-feudal, master-servant relationships that persist on many farms (1993:373, 383).

This, of course, is a hope often expressed in South African history. Many liberal analysts have pinned their hopes on modernisation, hoping (some more naively than others) that it would bring about a more enlightened approach to farming relations. Clearly this is possible; South Africa has had its forward-looking, business-like farmers, and many of them have calculated that sound labour relations would give them an important competitive edge.

But progressive agriculture also has its costs – not the least being the displacement of ‘unproductive’ farm dwellers. This is not only true of the transformation of sharecroppers and tenants into wage workers during the first third of the century (e.g. Murray 1992:118). Even today, in the Western Cape, where the Rural Foundation’s reforms have done much to improve conditions, reform has often had contradictory results. Housing has improved and disciplinary violence has decreased, but farmers’ control has often been tightened, and other forms of conflict have often escalated: while modernisation has improved conditions for some workers it has also at times increased competition among them. New methods of management have replaced the toto system and paternalist management – but it has also meant that many workers who cannot conform to the requirements of ‘human resources management’ and productivity teams have been told to leave.

This brings us to the second approach; one that locates the roots of farm workers’ exploitation in the nature of agrarian capitalism itself. Since the 1970s a whole generation of sociologists and historians has shown how the transition to capitalism in the countryside perpetuated and indeed depended upon coercive and authoritarian social practices. For these analysts, the problem lies not in racist attitudes or in the survival of ‘feudal’ practices into the twentieth century; it lies with the very relations of production themselves. Instead of there being a disjuncture between modernisation
and exploitation, they were two sides of the same coin (e.g. Morris 1976; Marcus 1989).

Clearly, this approach leads to a much more critical view of current proposals for rural restructuring. In a recent paper, Levin and Weiner have argued that the crisis of socialist orthodoxy does not legitimise the planning institutions of the right. They have warned that the developing consensus on a redistribution policy based on the entrenchment of property rights could end up reproducing past agrarian power relations. Restructuring may be in the interests of 'the urban-based black petty-bourgeois and emergent bourgeois forces generally', but will only perpetuate the misery of 'the landless, the poor peasantry, farm workers and labour tenants' (Levin and Weiner 1993:31, 35, 37).

Clearly this is rather reductionist. The real issue, however, is that Levin and Weiner do not really offer any believable alternatives. They point out, quite correctly, that any attempt to address poverty on the land must involve the rural poor themselves – but their vision is still one which depends on urban radicals are telling rural people what to do. Popular participation is for them premised on the hope that the ANC returns to a more radical policy agenda, giving rural people a direct voice in the national policy debate itself. They argue for a two-pronged strategy that involves the formulation and imposition of 'progressive policy' on a national level and the mobilisation of the masses on the ground (pp. 41-42). Today, this hope seems naive. Obviously progressive policies are important; as it happens the ANC's policy on farm workers (ANC 1993) is a very model of good intentions. Whether – and how – that policy will be implemented is a different story. We should not delude ourselves about the imperatives of government or the depth of urban-rural divides.

I will attempt to follow a third approach: one that is informed by an sense of the complex, ambiguous and antagonistic nature of the discourses and identities that shape rural struggles on the ground. No doubt the overarching relationships of production are important. But these relationships do not exist anywhere but in local and concrete ways, and invariably involve local political realities: identity, antagonism, hegemony and authority. In the last decade, social historians and anthropologists have started to explore these issues in nuanced and creative ways. Although they have generally fought shy of the full implications of their critique of orthodox marxism, they have emphasised the importance of local practices, traditions and institutions and have insisted on the significance of localised and often disregarded struggles on the land (e.g. Beinart, Delius and Trapido 1986; Beinart and Bundy 1987; Bradford 1988; Keegan 1987; Murray 1992). To ignore the detailed texture of local contests, these scholars have argued, is to miss much of their meaning and importance.

This is no less true in the case of farm workers. It has been too easy in the past simply to assimilate their struggles with those of other groupings. Thus, on the one hand, they have been lumped together with 'the proletariat' – albeit as a 'super-exploited' sector (Marcus 1989) – and analysis has focused overwhelmingly on the wage level. On the other, it has proved equally easy to lump them with other sectors of rural landless people, and to see farm worker unions simply as another way of putting a 'squeeze' on agrarian capital (Bernstein 1992:13). Clearly farm workers' problems do link up to these broader issues. But farm workers are not there to play a subsidiary role in anyone else's programme. Their struggles have to be supported in their own right and their problems have an intractable logic of their own.
Power Beyond the Law

Modern South African farming has roots that go back more than 200 years to the early days of colonialism. Since the early part of the nineteenth century, the countryside was marked by the struggle to transform agriculture along capitalist lines (Beinart, Delius and Trapido 1986; Bradford 1990). This effort was always a bitterly contested one. It was only in the twentieth century that capitalist production as we know it became dominant; and even then its victory was partial, incomplete and uneven. Important regional and sectoral differences exist today. But these divergences should not obscure the fact that farmers' aspirations were shaped by a very specific model of farming: a system, ‘not of plantations, not of small-holders, but of large owner-operated farms worked by a harshly exploited black labour force’ (Ross 1986:58). This is a complex issue and it is beyond the scope of this article to provide a social history of the white farmstead itself. What I want to emphasise is one very particular aspect: the contested place of law in the institutions of white agriculture.

This was a crucial issue since the very first years of colonial settlement. One formative influence here was the ideological and political legacy of eighteenth-century Atlantic colonialism, which linked European identity to membership of an exclusive Christian commonwealth from which alone political and civil rights were derived (Trapido 1994). Another was the institution of slavery. Slavery entrenched a racial order at the Cape and institutionalised a very specific legal order in labour relations: one in which masters or mistresses had an all but despotic power over their servants. To be slave was to be denied any recognition as a holder of rights; indentured servants were not much better off, and as colonists settled on land further inland, they endeavoured to reduce indigenous Khoi and later Xhosa peoples to a similar position of subjection (e.g. Worden 1985; Shell 1986; Crais 1992).

Farmers came to conceive their relations to their workers in terms of an ideology of paternalism. Alongside the legal bonds of slavery and the omnipresent use of violence there arose a discourse that described the farm as a family-like community. Drawing on the patriarchal heritage of eighteenth century Europe, it emphasised the master's absolute and despotic power over the 'child', his servant. In the early nineteenth century, as slavery came under mounting pressure from abolitionists, this argument was given an increasingly benevolent slant, as masters came under pressure to justify slavery as such. They protested that it was because they cared for their slaves that they were reluctant to let them go. But this sudden outpouring of love was no radical break from what had gone before: it was part and parcel of a discourse that linked the servant to the master as a child to his or her father, and which denied him or her any independent status as a juridical subject (Endnote 1).

Research on the rural Western Cape has shown the extent to which this relationship was concretised in the institutions of farm life itself. These tied the servant to the master in an all-encompassing relationship of dependence. Debt peonage was one of the ways masters kept workers beholden to them. Another was the payment of free workers with wages in kind: from an early stage, too, farmers used payments of alcohol to reaffirm and seal workers' dependence (Scully 1989). Thus the farm took shape as a community 'held together not only by violence, but also by ties of blood, clientage and reciprocity' (Crais 1992:45).

This formed a model that was to cast a long shadow on the history of agrarian relations. The social identities that had been shaped during more than 170 years of slavery did not just vanish. They lived on long after the abolition of slavery. The self-conception of white colonists had been too profoundly shaped by the notion of
ownership of a piece of land that was in many ways their own kingdom, and of themselves as masters over subjects who did not dare to disobey, much less dare to judge them as equals. Paternalist discourses and institutions did not simply wither away; they were ceaselessly re-invented and reconstituted, and tended to shape farmers' responses to their changing environment.

The new ideologies of liberalism that started to percolate into colonial society with the commencement of British rule did not sit easily with these traditions. This does not mean that they flatly contradicted each other or that Dutch trekkers and settlers clung to a 'feudal' economy, outside the circuit of merchant capital. Capitalist transformation has been a real process in South Africa's rural hinterlands since the early nineteenth century. But this change was, as that useful marxist catch-phrase has it, 'contradictory and uneven'. On the ground, it had complex effects and involved deeply ambiguous struggles. Many farmers tried to reduce tenants and peasants to proletarian status; others were squeezed off the land themselves. But wherever it occurred, farmers tried to see to it that this transformation should always happen on their own terms. The ideal of the patriarchal farm, where a boer was baas, was to shape the contours of white settler's expectations wherever they settled on the land (see, for example, Keegan 1987:199-200).

Thus farmers fought a centuries-long rearguard action against the implications of the reforms that tried to free rural labour. At times they participated in these reforms. Again and again they enlisted the aid of the state, and called for legislation that would shift to their side the balance of power in the struggle for cheap and controlled labour. But where the power of the law was permitted onto the farm it was always on grossly unequal terms. The Masters and Servants Act denied the labour contract even the semblance of formal equality. Until recently, only the common law, the Workers' Compensation Act and the Machinery and Occupational Safety Act have had any application on the farms and these have been honoured more in the breach than the observance. For years, farmers managed to secure the exclusion of agriculture from the provisions of the Basic Conditions of Employment Act, the Unemployment Insurance Act and, particularly, the recognition of worker's organisations under the Labour Relations Act.

This has had important implications. More than a century-and-a-half after slavery, farmers still control – or try to control – almost all the resources workers need for survival: not only money, but land, electricity, water, housing, transport, access to consumer goods, markets, and other services. In local government terms, it is the farmer who is the main 'service provider' to black farm dwellers. The farmer is, in some ways, a local state – a state, however, without a constitution. For the institutions of paternalist wage labour on the farms place the master beyond any control; he is accountable to no one for his decisions. Farm workers know all too well that there are, for them, two legal orders; besides the law of the land, there is the much more immediate and much more brutal reality of die boer se wet (Nasson 1984; Scully 1985; Du Toit 1993; Waldman 1993).

Social Engineering

What does all this mean for land redistribution? For one thing, it should make us a lot more cynical about 'our' ability to modernise the countryside at one sweep. Farms are not mere units of agrarian production. Production occurs within power relations and social institutions that are deeply rooted in people's lives. These institutions shape farm workers and farmers' expectations of each other in profound ways. They have
persisted on the farmlands despite fundamental changes; they are not going to disappear at the waving of a wand. 'Business-like relationships' won't come to the farm by themselves and, when they come, we cannot easily control their consequences.

This last point is important. Theoretically it might be possible, for instance, to crack the carapace of the paternalist relationship by creating 'farm villages' (Lipton 1993:384) where farm workers can live outside farmers' control. We could even ignore, for the moment, the serious practical difficulties of implementation, such as where the money is going to come from. The problem, however, is that we have absolutely no idea of what the real practical results of any attempt to 'resettle' farm workers would be. They will be escaping one form of social domination; but what will take its place? That will depend on the outcome of political contests on the farmlands. Any attempt to transform social relations from above will clearly itself be the site of closely fought local contests on the ground – contests in which farmers and other rural power-holders will have real vested interests.

To mention just one issue that will be up for discussion: farmers will be only too glad to be relieved of the burden of the social costs of reproduction. If farm workers do not live on the farm, they will no longer be dependent on the farmer for many of the crucial resources they need to stay alive. Where would they turn to? There are two alternatives. One possibility is that they will become dependent on some other holder of power.

The other is even grimmer: that, to use the language of the new right, farm workers will have to 'purchase' these services. This brings us to the most worrying implications of a triumph for economic liberalism in the countryside. The future is harsh for farm workers, whether or not they are cut loose from the claustrophobic embrace of paternalism. The current phase of agricultural restructuring is exposing workers and farmers alike to harsh economic pressure. In the future, those pressures are likely to intensify.

The World Bank's recommendations, for example, are based on the assumption of an employment-intensive growth path for South Africa (World Bank 1993:1, 11). Such a path would be possible only if wages were kept low. The Bank argues that if food prices could be depressed, real wages could rise without increasing the nominal wage levels (pp. 15, 25, 44). It is beyond the scope of this article to evaluate this argument. Such a task is, in any case, quite difficult. The World Bank's outcomes are presented in a best-of-all-possible-worlds scenario in which South African agriculture (and international prices) conform to the mythical ideal of an undistorted market. There are many things that could go wrong along the way (Williams 1993).

But even if the Bank's model correctly predicted the development of the economy as a whole, the consequences for farm workers would quite clearly be disastrous. Farm workers' wages are miserably inadequate even when wages in kind are added in. Lower cash prices for food will do little to address this poverty. And if the implications for agriculture of 'managing food prices through cheap imports' are taken into account, the picture looks even grimmer. In the liberalised environment restructuring envisages for South African farming, farmers will have their backs against the wall, and face unrelenting pressure to cut costs. Farm workers have borne – and will continue to bear – the brunt of it. There is no easy way out. It might be possible, theoretically, to 'pull up wages by making labour use more profitable through improved skills, appropriate technology and improved water control'
This, however, cannot be reconciled with intensive employment. In practice workers will most probably face low wages or falling employment, and quite probably both. It is not clear what there is to compensate for this. One cannot simply assume that workers are likely to benefit from counterbalancing increases in the 'social wage' (Lipton 1993:381).

Clearly, farm employment, whatever happens, cannot supply farm workers' households with a full livelihood. Non-farm rural employment will be essential. It is for this reason that proposals for a Public Works Program are crucially important (World Bank 1993:45). Such a programme could indeed play a vital part in increasing the cash incomes of the rural poor. But again, what matters are the practical details of implementation. What are the consequences of the availability of such a resource in poverty-stricken rural areas? While it could be a vital supplement to meagre wages, it also increases the chances of patronage and corruption. This is not mere carping. An important issue is involved. The point is not that these policy proposals are wrong, and that better ones are needed. It is simply that, should the discussion remain on this extremely abstract level, it will end up closing off many of the most important questions. Policy cannot be thought out in the absence of a detailed knowledge of the contests and antagonisms that constitute social reality.

Let us remember a basic conceptual point that is all too easily forgotten in South Africa's new policy research industry. Policy researchers all too often imagine themselves standing 'outside' a particularly defined problem, weighing up its constituent parts, and formulating a solution. There is of course, no standing 'outside' a problem in this way, not least because policy changes the context in which it is implemented. No matter how good a policy is, it has to be implemented by social actors who will themselves be part of social reality in all its recalcitrant and intractable density, its inertia and complexity. Policy-makers will find themselves being second-guessed, third- and fourth-guessed. Their plans, far from resolving the antagonistic contests that constitute social reality, will themselves become snarled up in those contests.

This is an irreducible fact. The point is not to come up, somehow, with a policy that is foolproof, that has more checks and balances, that is immune to subversion by free riders, that cannot be caught up in local antagonisms. Lately, rural NGO workers have been arguing for a different approach, one that, instead of trying to bring about a set of predetermined outcomes, is simply geared to facilitating those local contests themselves. That entails not standing outside those struggles but trying to increase people's ability to make their own claims on scarce resources. It also means making, right at the outset, a political choice about whom you are going to support. Farm workers' struggles are a case in point.

Contests on the Farm

What do farm workers struggle for? Here we must be careful. Farm workers are not abstract socio-economic entities, and we must be careful not to impose our presuppositions on a complex social reality. For one thing, the word 'farm worker' does not exhaust their identities. Farm workers are not simply 'employees'; their status as (more or less) waged workers is not the ultimate determinant of their existence. They are, ultimately, people who dwell on the land. Working for white farmers is one of the ways rural households can survive; their struggles and strategies involve the terms of farm employment, but they also involve a wide range of issues and options beyond the farm. There is therefore not just one thing farm workers
'want'. Their struggles are diverse. Farm workers demand many different things, differently, for different reasons.

Yet there are some important underlying themes. Here, the full importance of the history of paternalism should be clear. For it is paternalism that provides one of the more important contexts of workers' struggles. Farm workers' struggles are, to a greater or lesser extent, also struggles within and against the terms of paternalist discourse, practices and institutions. Wherever they have settled, South Africa's white farmers have attempted to reduce the independence of their workers. But wherever they tried this, workers, tenants and squatters resisted. Paternalism, wherever it exists, is a contested reality. In a myriad ways, farm workers have found their own ways of surviving. They have found ingenious ways of supplementing their own livelihoods, ranging from the pickings of off-farm employment to involvement in the illicit economy of alcohol, dagga and sometimes simple theft.

These struggles are, nakedly, about survival. But they are more than that. They are reactions - and, sometimes, challenges - to one all-important fact: farmers are not merely employers, they are holders of power, power over every facet of workers' lives. This is what is at the root of workers' problems. And what is at stake in any challenge to the farmer is therefore not merely income, but also farm workers' ability to run their own lives and to make their own decisions about household livelihoods.

Two crucial themes have figured in these contests. The first is land. Historians and activists have shown very clearly just how important land has remained to farm workers, in spite of farmers' efforts to reduce them to a rural proletariat. Social historians of agrarian change have chronicled this long-drawn out struggle against independent African control over land. In parts of the country the struggle against African title to land extended well into the second half of the twentieth century; even where legal title was denied African workers continued to cling to de facto possession (Claassens 1990). And in these struggles, land was important for many things. Ultimately land is a foothold for an independent existence in a context where the economic winds blow harsh (Williams 1994:3).

This is a reality that redistribution should take into account. Current attempts to entrench private property and to convert rights into individual tenure represent the continuation of the struggle to transform the countryside along capitalist lines (Francis and Williams 1993). And this means it is not only white farmers who will lose rights to land if sweeping restructuring takes place. Farmyard paternalism, for all its harshness, is an institution under which many workers have access to land. If workers are not to be reduced to even greater poverty, the rights they have established through usage should also be respected.

But as important as land has been another issue: that of law. This is a point that has perhaps not received the attention it has deserved. Historians of South Africa have rightly pointed out the importance of the hegemonic function of the law (e.g. Hogan 1987). But this does not mean the law is simply an apparatus of social control. Farm workers have often seen it as a crucial resource. Farmers' attempts to deny that their workers were bearers of rights did not go unchallenged. For farm workers, recognition by the law was an elusive prize, but that made it all the more important.

For those who remember rural rebels such as Abram Esau in the Northern Cape, for labourers resisting lynch law in Umvoti, for rural Africans communities insisting on their title to land, the law represented something else, too: the promise of a world in which their own voices would carry equal weight.
Some Useful Developments

This brings us to the current situation. The new South Africa does not bring much for farm workers, but it does hold at least one promise. It could bring a broadening of the scope of legal struggle on the farmlands. Here we must recognise the importance of a change that has run parallel to the negotiated transfer of power: the dawn of a new legal dispensation on the farmlands. In 1990, after COSATU’s successful campaign against the amended Labour Relations Act (LRA), the Minister of Manpower announced in Parliament that the Basic Conditions of Employment Act (BCEA) and the Unemployment Insurance Act (UIA) would be amended to include farm workers. Furthermore, parliament would consider the extension of the Wages Act and the LRA.

A closely fought series of tripartite negotiations between COSATU, the South African Agricultural Union (SAAU) and the State ensued – the first of its kind in South Africa. The amended BCEA and UIA were passed on 11 June 1992. The SAAU resisted to the last, and a series of attempts followed to have the promulgation of the Act delayed or suspended (Hamman 1992). Ultimately, the BCEA’s provisions on agriculture were incorporated into a separate piece of legislation, the Agricultural Labour Relations Act (ALRA). The ALRA, besides conferring basic rights on farm workers, also made, for the first time, provision for collective bargaining in agriculture. This Act came into effect on 17 January 1994.

Clearly the new legislation opens a new chapter in the history of labour relations on the farms. Late in 1993 came the news that COSATU had formed a new trade union for farm workers. A range of smaller unions have already been operating for some time on the farmlands, often well before the promulgation of the new Acts, and these, too, will have more scope for activity. It is too early to assess in detail the effects of these developments. But what is clear is the significance of the issues at stake. This is shown by a very interesting feature of the way negotiations around the Acts and their promulgation were received on the farmlands. For the most striking feature of the reaction by workers and farmers is the significant disjuncture between their perceptions and the real issues at stake in point of law.

Thus many farmers have persistently tended to over-react massively to the very moderate contents of the proposed BCEA. On the one hand, they tended to talk as if the BCEA, beyond simply extending basic protective legislation to farm workers, was intended to rob them of their rights (see articles like ‘Farmers have rights, too’, Farmers’ Weekly, 4 December 1992). Alternatively, farmers sometimes implied that there was no real need to extend the BCEA to the farms since most farmers were already applying its provisions (Hamman 1992). In either case, they were incensed at these new developments. One of the striking aspects, indeed, about organised farming’s reaction to the new legislation was the high level of disinformation and misrepresentation that characterised its reaction to negotiations. Thus the basic reaction of organised agriculture was to accuse Government ministers of lying, saying that the negotiations had gone on behind their backs, that farmers had not been consulted, and that the Act was being unilaterally imposed on commercial agriculture – after the SAAU had been party to months of intensive negotiations (e.g. Farmers’ Weekly, 8 November 1992, 20 November 1992; Landbouweekblad, 20 November 1992).

A parallel disjuncture exists on farm workers’ side. Figures are unreliable and details are hard to come by but it seems that the first weeks of September 1993, just after the news of the new Act, saw a sudden rise in the level of worker unrest in the farmlands. In the Stellenbosch district, for instance, the announcement of legislative change was
immediately followed by a series of brush-fire strikes on the wine and fruit farms in the area. Many of these early strikes were not in any precise sense attempts to get farmers to stick to the letter of the law. In some cases, farms where workers struck were well within the provisions of the law. Workers were reacting, not to specific and concrete new rights, but simply to what the Act seemed to represent: that their voices would now at last be heard, that what had been wrong would now be put right (J Hamman, personal comment).

It would be wrong, however, to dismiss these discrepancies simply as the result of misapprehensions. They show that workers and farmers recognise a much deeper reality: the new legislation signals a distant but potentially decisive shift in the balance of power. The state is insisting that farm workers should be juridical subjects. The problems remain, but their context has changed.

Many crucial issues still remain unsettled, and much depends on their resolution. One crucial issue that will be established in the next few years is the precise way that the ALRA is implemented. It can turn into yet another mechanism by which workers' demands are contained and controlled, or it can evolve into a framework for the resolution of a wide range of disputes. Another key question is the role played by continuing efforts to unionise workers. This can remain at the level of a largely rhetorical enterprise, focusing only on large enterprises owned by the state or monopoly capital, or it can attempt to draw in workers on owner-operated farms. And thirdly, farm workers' future depends on the labour movement's ability to enter into negotiations beyond the level of the farm, involving workers in subregional and local government negotiations, and participating in sectoral restructuring.

It is too early to speculate about what will happen. In the harsh environment faced by commercial agriculture today, there is not much room for movement; I have been considering only possibilities - limited possibilities, at that. But they are still important. The changes these struggles sometimes involve may be small, but they are significant.

What is at Stake

Farm-based strikes are not merely rural versions of what happens on the shop floor. Lawyers involved in rural issues have recognised for some time now that collective bargaining in the rural areas will deal with a much more broadly-defined range of issues than wages and overtime. Housing, off-farm employment, livestock and grazing, transport and access to land - all the needs of rural dwellers can figure in farm workers' demands (CRLS 1993).

But much more is involved. Oversimplifying grossly, we could argue that it is through collective bargaining of this kind that the new South Africa arrives on the farm. Workers negotiating about these demands are, by doing that, doing something else as well. They are undermining white farmers' sole claim to authority. They are not merely acting within the law, but also for it. They render concrete the abstract notion that farm workers, too, are bearers of rights. This will be, quite often, a lacerating and brutal process. For it will clearly, on occasion, put farm workers' struggles at the heart of the struggle around the extent and depth of the reach of state power and state authority in the countryside. It is clear that elements of the right wing will have a strong foothold in the rural areas. If, in the near or distant future, they attempt to defy the power of a new government, farm workers will be living on the frontline. This is true even where farmers do not actively attempt to challenge the
political authority of a new government. Many farmers have vowed to defy the terms of labour legislation. It will be up to farm workers and farm workers' organisations to force them to stay within the law.

But even where farmers do not directly defy the law, collective bargaining still has a political significance. The ALRA does not by itself bring about any real change. But it creates a framework in which basic relationships of power can be contested. Collective bargaining is one of the basic ways in which the fundamental power relations on the farm are re-articulated. Every contest brings new ways for farm workers to understand themselves. New institutions, new practices, new circuits of power are created. Every round of negotiations questions black farm dwellers' marginality; every victory certifies their right to speak and be heard. In a profound way, farm dwellers' struggles in the coming few years will also be, in a local, provisional and partial way, struggles for democracy.

Local, provisional and partial: this brings me to my final point, which concerns the broader picture. Here, what is at issue is not merely the complexity of farm workers' problems in themselves, but the relationship between these contests and the larger process of transformation in South African society. Here, we have to consider, not only the framework of rights and institutions in which contests take place, but also the identity of those who struggle.

Until now, of course, there has been little doubt about who was struggling. On the one hand, there was the 'apartheid state' and its repressive policies; on the other hand there was South Africa's disenfranchised people. The battle lines were clearly drawn. But what happens when 'God's rainbow people' take charge, and when the new framework of politics is set by notions of nation building and reconstruction? Clearly, differences remain. It is clear that the notion of national unity and its implications will be heavily contested. But it is equally clear that, though 'the struggle continues', it is not the same struggle. It is an mistake to dismiss the depth of the current change, and to talk, as Levin and Weiner (1993) have done, about the new dispensation simply as 'neo-apartheid'. There are new opportunities – and new dangers.

On the farm, it is quite clear, the old rules do not apply. Indeed, if we look at the way farm workers' unions operate, we seem to see some strange bedfellows, unexpected possible alliances, and some even more unexpected enemies. Trade unions do not necessarily have a completely adversarial role. Obviously there is a strongly adversarial component in any challenge to master's authority. But they also sometimes organise within the conceptual framework of paternalism, and articulate a corporatist discourse. Some unionised workers in the Western Cape, for instance, do not really disagree with farmers' argument that everyone had to work together like a team; they are more concerned to teach the farmer what being a good team-mate entails (du Toit 1993).

This is a lesson echoed elsewhere during the negotiations around new labour legislation in agriculture: Unions can potentially become contributors to farm organisation and may help farmers strategise production in the work process (CRLS 1993). Farm workers' struggles in other parts of the world have shown that farmers should not simply be seen as workers' natural class enemies. Workers of the Farm Labour Organising Committee (FLOC) in the American midwest, for instance, have at times managed to make common cause with farm owners, acting together to demand better producer prices from food processing concerns (Velasquez 1993). Workers
organisations will eventually have to look beyond the farm. Conditions on the farm can improve only if networks of marketing and processing are fundamentally restructured. Perhaps what workers will have to fight is not the boer, but Pick ‘n Pay. Ultimately, farm workers may find themselves, not so much confronting their immediate employers, but up against policies geared at bringing cheap food to the cities.

This raises some uncomfortable possibilities. Thus far one of the most important arguments on the left in favour of farm worker organisation has been that urban workers will need their comrades in the countryside to be organised in order to prohibit right-wing farmers from starving the cities of food. Farm workers were part of the people oppressed by capitalist colonialism; they could also defend the interests of the people in time of food scarcity (Krikler 1987; Ball 1990). Clearly, it is true that farm workers do have powerful potential allies in urban organised labour – and that they need all the allies they can get. But those alliances cannot be on urban workers’ terms. If farm workers are to look out for their own interests as farm workers, this might mean that we see confrontations developing in which farm-based and town-based workers are involved, not shoulder to shoulder, but on opposing sides.

All this shows, eventually, something that is true, not only for farm workers, but for all the communities whose futures are at stake in the democratic transformation of South Africa’s rural areas. Macro-economic models are important. But what matters is also how a programme of transformation can be used to give an institutional basis for local struggle and local dispute resolution. And this means that rural people are to a large extent on their own. Though they desperately need allies, they cannot rely on myths about the solidarity of the South African people, or, for that matter, South African workers. It is rural communities themselves that will make the new South Africa a reality in the rural areas. The costs will be great and the transformations will be limited, incomplete and partial. That does not make their struggles less important. For what is at stake, eventually, is their own survival.

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Endnote

1. Here, I am not using the notion of paternalism to describe a more ‘benevolent’ approach, concerned with ameliorating social relations. Though the differences between benevolent paternalism on the one hand and the more violent and coercive relationships on the other are important, they cannot simply be counterposed. There are also important continuities. For the purposes of this discussion, the most important feature of paternalism is not its supposed mildness, but its organic vision of the farm community and its authoritarian insistence on the farmer’s position as master. These have meant that until recently, farm paternalism in South Africa, no matter how benevolent, has always contained the possibility of violence (e.g. Van Onselen 1992).

Bibliographic Note


Farmers’ Strategies and Land Reform in the Orange Free State

William Beinart

It is possible to conjure a wide variety of future agricultural scenarios in South Africa. But new policies should be developed only with close attention to what exists and what is feasible. Analysis of the potential for land reform should remain sensitive to local ecological and economic conditions and to the current strategies of both farmers and dispossessed. Rural life for many people remains insecure. Farm workers are particularly vulnerable at present and might become more so in a phase of rapid reform and uncertainty. Although the most carefully planned strategy of reform might be undermined by the sheer demand for land or informal reoccupations, the aims of restitution, justice and redistribution should be tempered by the equally difficult demands of production.

Drawing on material from a local research project in the Orange Free State (OFS), done jointly with Colin Murray, this article concentrates on three issues: patterns of land ownership; farming strategies; and land availability. The position of farm workers and those who have recently moved off farms, as well as the potential for new patterns of occupation will be addressed in subsequent project papers (Murray 1993).

The Context

Interviews were conducted in 1993 in four areas around Thaba Nchu in the eastern OFS: Tweespruit (a section of Excelsior district and the neighbouring part of Ladybrand); the northern sections of Dewetsdorp district; Thaba Nchu district itself; and parts of Wepener. Much of this land used to be in the old Thaba Nchu magisterial district before it was shrunk to be incorporated into the Bophuthatswana homeland. Thaba Nchu was the only district in the OFS which historically had a mix of white- and black-owned farms in private tenure (Murray 1992) and there is still some black privately-owned land in the Thaba Nchu section of Bophuthatswana.

Most of the farm land investigated is owned by whites within the boundaries of South Africa. But agrarian and social relationships in the area are deeply influenced by the proximity of large black settlements like Thaba Nchu itself and Botshabelo, the rural town which was to become part of Qwaqwa but escaped this fate. Parts of Wepener and Ladybrand districts border on Lesotho. Many farms in the zone are therefore close to the interface between white-owned and black-occupied areas.

The zone straddles a line where the crop producing areas of the northern and eastern highveld merge into the pastoral southern OFS. All districts retain mixed farming
characteristics and this was more general a few decades ago. But in Dewetsdorp and Wepener the farms are mainly, though by no means exclusively, stock farms while crop-farming, especially of wheat, is more dominant around Tweespruit. Some of Thaba Nchu itself is suitable for crops. Rainfall is about 24-26 inches in the cropping area but falls slowly to the south and west where soils also tend to become poorer.

In contrast to much of the rest of the Afrikaans-dominated rural OFS, there is a significant number of English-speakers in Tweespruit and to a lesser extent in parts of Ladybrand and Wepener. Most are descendants of settlers who moved in after the South African War. Ladybrand and Wepener also attracted English-speakers because of their position as trading centres on the periphery of Lesotho. A number of Tweespruit farmers come from United Party backgrounds and some now lean towards the Democrats or even the ANC. When Nelson Mandela sought an opportunity to address farm workers in the OFS during the election campaign, he came to Jevington farm in Tweespruit (Land Update, April 1994). The largely Afrikaans-speaking Dewetsdorp, by contrast, has a Conservative Party MP and is a well-known centre of far right views.

OFS farmers are often viewed as uniformly reactionary; indeed the Conservative Party, the OFS Agricultural Union and the government Agriculture Department share the same building in Zastron Street, Bloemfontein. Research was conducted in the aftermath of Chris Hani’s murder, when farm killings escalated and Peter Mokaba, leader of the ANC Youth League, reiterated his chant of ‘Kill the Boer; Kill the farmer’. OFS farmers reacted with mass meetings and tough talk of civil war. Nevertheless, political positions have a certain fluidity, particularly within the Nationalist Party and it is intriguing to find a greater variety of views than might be expected. The growth of the Rural Foundation in this zone is one indicator; Dewetsdorp branch had 45 members, perhaps a quarter of farmers in the district. It aims to bring farmers and farm workers together in order to improve the social awareness of the former and the skills and conditions of the latter, as well as rural services more generally. While it has a clearly paternalist ethos, the Foundation nevertheless confronts the question of social reform, if not yet land reform, directly.

Interviews were undertaken at a time when farmers were cautious about responding too freely to researchers interested in land matters. Nevertheless, discussions were possible with a considerable number of farmers, officials, NGOs such as the OFS Rural Committee and the Rural Foundation, farm workers and recent migrants into small towns. These, together with sketchy statistics available for the area, enabled us to gain some overview of social changes.

Patterns of Ownership and Farming Strategies

National figures suggest that the number of farming units owned by whites peaked at about 119,000 in the early 1950s and subsequently declined to about 60,000 in the early 1980s. Since the Act governing subdivision in 1970, it has been far more difficult to break up farms; market processes towards concentration received strong legislative reinforcement. By the late 1980s, government surveys and agricultural economists were suggesting that the number of farming units was creeping upwards again, particularly in the Transvaal, from about 60,000 to 67,000 farms (World Bank 1993a:30). It seems that while some farms were getting bigger, some were getting smaller and the number of part time farmers, especially closer to the urban centres, increased significantly. In the zone around Thaba Nchu, there was little evidence of an increase in the number of farming units; interviews suggested that the inverse
Joel Modupe Makau, aged 27, was evicted in October 1993 from a white-owned farm near Thaba Phatshawa in the Ladybrand district of the Orange Free State. A former mine worker, he was living in a small shack on the edge of the Tweespruit New Location with his wife and young daughter, and shared with its other residents the predicament of acute structural unemployment. (Photo: Linda Waldman)

There is a surprisingly high volume of farm land transactions registered at the Deeds Office in South Africa: around 300,000 in the 28 years up to 1991 or an average of around 10,000 transactions annually (World Bank 1993a; World Bank 1993b:165). These included a disproportionate number of smaller pieces of land. The average piece bought and sold (c. 270 ha) was a quarter of average farm size. About four per cent of the total farm land area has been transferred every year; more than the total amount of farm land in SA has changed hands in the last 30 years. Many transactions must have consisted of farms passing by inheritance or transfer between generations within the same family. Nevertheless interviews tended to confirm a relatively high turnover of land, especially smaller pieces of land, outside such family transactions. This is potentially important for black purchasers and more generally for any market-led element in land reform programmes.

Up to the present, the high turnover of farms has not resulted in easy access into the market for land. Relatively little land appears to have been bought by new farmers. Indeed, it is important to stress the centrality of inheritance in the creation of the modern South African farming class. Every white farmer interviewed had inherited some land. Nationally there are many examples of wealthy individuals or corporations purchasing land, but corporate ownership was not a significant feature of the zone investigated where perhaps 80-90 per cent of farming units belonged to owner-occupiers in 1991 (Department of Agriculture, Glen).

It is useful to discuss farming strategies in relation to the size of farming units (Endnote 2) While there is no tight fit between patterns of farming and farm size, some loose relationship can be discerned. Clearly farm size must be related to ecology, soils and rainfall, crop farms can generate a larger value of production per hectare than stock farms. The average farming unit in the OFS is a little over 1,000 ha but especially to the south of our study zone, in the pastoral areas, farms tend to be bigger. Department of Agriculture statistics for 1991 show average farming units in Excelsior at about 1,184 ha and in Wepener, 1,597 ha. Although Dewetsdorp is more pastoral than Excelsior, average units were 1,136 ha, probably because ownership in the district has historically been more dispersed. The neighbouring sheep-farming district of Reddersburg had average units of 1,620 ha. A Departmental survey of 46
farms in Excelsior found average units of 1,303 ha (Coetzee and Heckroodt 1991). Sizes ranged from 88 to 3,680 ha and 50 per cent of units were larger than 1,200 ha. This analysis will explore three categories of farmer: very large owners or land barons with over 5,000 ha; big owners with between 1,500 and 5,000 ha; and average or smaller farmers with less than 1,500 ha.

Land Barons with over 5,000 Hectares

Although there is a significant number of English-speaking farmers in the zone, the big accumulators encountered were all Afrikaners. They had inherited some land, but no simple continuity in large landholdings is apparent. We heard of past land barons whose holdings had been broken up, either for financial reasons or because of dispersal to children. It seems unusual for a single large farming block in this zone to have survived intact over many decades. In this sense, the term land baron, sometimes used locally, is a little misleading because it might suggest fixed family properties transferred over a long period by inheritance.

One large landowner (N), born in 1922, came from a poor background. His father, orphaned in the South African War, had to struggle for years as a bywoner before he was able to purchase a farm in Ladybrand in 1924. He nevertheless did well enough to send N for medical training at the University of Cape Town. N clearly had a promising professional career before him, but his strong attachment to Afrikaner ideals brought him back to the rural areas. He built up a successful practice in the southern OFS and invested the proceeds partly in land.

N was a farmer with strong business sense, but also explained his investment into land by reference to the hardships which his father and other Afrikaners had suffered. On returning from the concentration camps his father had to get milk from 'a Mosotho native' and sift earth to glean burnt grain for food. Reclaiming the land is a constant refrain in family tradition as he told it. N specifically purchased farms around his parents’ to the east of Thaba Phatshwa. He eventually inherited the parental farm. And although he bought some dispersed farms, his strategy was increasingly to form a block. The turnover of land through three decades was sufficiently high for him to do so. He accumulated nearly 4,500 ha, recently consolidated by his son with further purchases to a total of over 6,000 ha. It is probably the biggest single contiguous farming unit in our zone and N claimed that it was the best stock farm in the eastern OFS.

Joel Modupe Makau’s mother, Anna Makau, was a pensioner who remained on the farm with some of her grandchildren. Together with three other remnant families on the farm, now unemployed, she had been forced by the new owner to disperse or dispose of her few remaining livestock. They were all under indirect pressure to leave the farm. (Photo: Linda Waldman)
N was the most committed stock man interviewed. He and his son have increasingly turned the farms over to cattle – around 1,000 head (the recommended stocking rate on open veld in this area is about 6 large stock units per ha). They have about the same number of ewes – largely mutton sheep because of the low return on wool. Many of the farms incorporated into the N estate had been mixed, with fields of wheat, maize and other crops. Now most of the ploughed lands have reverted to veld or been planted with permanent grass pasturage (eragrostus and smutsvinger) and lucerne for fodder. N concentrated on stock despite the fact that there is a large dam bordering his land. Indeed, he allowed others to use a little of his land, irrigated by dam water, for cabbages. Neighbouring farms in the Tweespruit area retain a more mixed character.

One big accumulator in northern Dewetsdorp with over 20 farms seems to follow a similar strategy and evidence from Wepener district perhaps justifies cautious generalisation. The two largest land owners there, both of whom probably owned and rented more than 15,000 ha though not all in the district, were mainly involved in stock farming. One, a businessman with many different interests who employed white managers, had the meat contract for the Lesotho Army and Police. Part of his business involved purchasing and fattening stock for the meat trade. The other (S), also local, despite limited education, had successfully built on a few inherited farms to purchase about 20 and also hired land.

Even more than N, S was concentrating on cattle – despite the fact that Dewetsdorp and Wepener have long been mainly sheep districts. Given sufficient water, cattle were perceived to have a number of advantages. Compared to crops they require little investment and labour. The cost of inputs, especially for crop farming, has increased considerably over the last decade in relation to prices. N contrasted his good fortune with the experience of nearby Tweespruit grain farmers, many of whom he thought were saddled with debt. ‘He who tills the soil’, N opined, ‘will never be a rich man’. S had recently sold his last sheep and in 1993, for the first time in his farming career, did not get a wool clip. The low price of wool over the previous few years was a major factor in his calculations. But both he and N perceived sheep to have higher costs in shearing, dosing, dipping as well as losses from theft and predators. Rates of stock theft in the zone have escalated and sheep seem to be the prime target. Sheep also need green pastures for lambing each year.

The central strategy of the land barons, learnt during the lean agricultural years of the 1980s, has been to minimise input costs and maximise economies of scale by concentrating on stock and even on cattle only. Mutton sheep have some of the same advantages. The barons can pare down on their capital equipment as well as on labour. They can operate on a less crowded and more predictable annual cycle of activity. While there are great disincentives to the purchase of land with loans because of the high interest rates, these are far less evident if purchases are made largely with cash and borrowing is kept to a minimum. Moreover, the tax regime favours those who purchase land and stock it quickly. Expenditure on a large range of improvements – such as fencing, dipping tanks, dams and boreholes, eradication of weeds and prevention of soil erosion – is deductible from taxable income. Livestock are assessed at a very low ‘standard’ value, far lower than the market rate, for the purposes of any tax liability on the increase in numbers owned; farmers saw this to be a major benefit to stock accumulators.

A further local element in the shift to meat production has been the emergence of the Thaba Nchu butchery and abattoir as a major purchaser. The butchery is situated
within the boundaries of (the former) Bophuthatswana and is owned by a local white family who also have land. Initially they benefited from the lack of regulation in the homeland, which allowed them to minimise costs (one reason given by farmers for the collapse of other local abattoirs, such as at Wepener, was the tightness of health regulations). Thaba Nchu butchery buys very widely and collects from farms. Farmers thus do not have to meet the transport costs involved in selling to the major urban abattoirs. Especially since the collapse of the Red Meat Board which controlled prices and marketing, the butchery can sell widely both locally and in urban centres. They have discovered the secret which underpinned the emergence of Chicago as the major meat processing centre in the US a century ago: it is cheaper to transport dead and prepared meat in bulk than live animals (Cronon 1991).

Cattle farmers responded in three ways to questions about the possibility of a glut of meat on an unregulated market. First, they thought that drought in 1992/3 had reduced cattle stocks in the country as a whole and that the resulting shortage would secure prices. The end of regulation was seen to benefit both producers and consumers. Second, they argued that in the longer term demand would remain buoyant because of the expanding urban African population – the likely beneficiaries of any redistribution of wealth. Third, if meat prices did decline rapidly, they had sufficient capital to switch production or they could sell land.

The consequences of such strategies for the social fabric of the countryside are very considerable. Most of these large operators were conservative in their political outlook; by no means all right-wingers are ‘small men’ or people marginalised in the agricultural recessions of the 1980s. It is intriguing that men with right-wing views present themselves as fighting for the interests of the Afrikaner volk and its land but have built their estates largely upon the misfortunes of their Afrikaner brethren. Many farmhouses, including handsome buildings occupied by white families within the last few decades, lie vacant, or derelict, or have been destroyed. The Nationalist government was deeply perturbed by white rural depopulation up to the 1960s, but decreasingly so afterwards (Du Toit Commission).

This pattern of land accumulation has even more serious consequences for black farm workers. Land barons generally removed farm workers when they took over a farm and noted that it was simpler to ease farm workers off newly purchased or rented land. It is not least in the sphere of employment that the big farmers seek economies of scale. A large number of farm workers with varied tasks and interests are also perceived to take up a great deal of administrative and ‘paternalist’ time and energy. The metaphor used by some farmers was that they wanted to enjoy their weekends. Farmers have also become increasingly concerned about possible enforcement of legislation on basic conditions of employment, the introduction of minimum wages, and unionisation. In anticipating intervention, they wanted to be sure that they had as few as possible black families on the farm.

The biggest landowners in this zone are not necessarily the most intensive producers and investors in the land. Land accumulation appears to be closely related to extensive stock farming; it is not worth buying so much land if crops are to be the main focus. Certainly the operations of the big owners are designed to be streamlined and efficient. However, they do not always invest heavily in machinery or in improvements to the new land added to their core farm.
Large Commercial Farmers with 1,500-5,000 Hectares.

It may appear that a relentless economic logic operates in our zone, pushing farmers into beef and mutton; overall, there probably is a shift towards cattle. But the logic operates best in the case of big farmers who have the ready capital to purchase land, take risks by specialising and switch productive activities should this be required. The next layer of landowners by size pursue far more varied strategies. They had no easily discernible single approach, except perhaps a tendency towards specialisation of some kind. There are also examples of very diversified farming although this seems to be more characteristic of smaller farms.

Location, water resources and soils can strongly influence farming strategy but neighbouring farmers can also have very different enterprises shaped by past decisions and present imperatives. Some farmers are reluctant to abandon sheep, even though profit margins are squeezed. Their farm infrastructures, such as paddocking systems and fences, sheds and water provision are arranged for sheep. Overall the number of sheep has not declined precipitously despite low wool prices. Farmers' caution was reflected in an article in the *Landbou Weekblad* (agricultural weekly, 27 August 1993) which advised against sudden switches. The start-up costs of a new form of farming can be very high. Cattle might need different types of pasture and water provision; the value of experience and locally adapted stock could be underestimated. Farmers were advised to develop holdings of dual-purpose wool and meat sheep and wait for the upturn; in fact wool prices have risen significantly in 1994.

G is part of a large family in the zone, descended from a German husband and Scots wife who came to Wepener to trade in the 1870s. As was often the case, capital accumulated in trade went into farms. Since then branches of the family, some Afrikanerised, have dispersed through the zone. G's father sold a small inherited farm elsewhere to purchase in Dewetsdorp, including a portion of the former De Wet family farm. General Christiaan de Wet – a famous Boer leader in the South African War – was son of the first landdrost (magistrate) in the district which was named after him. The General was not a successful farmer and divided the original grant into three for his children. In the 1920s, three large identical houses were built in a classic Free State style with broad verandahs and squat gables. But all three were sold out of the family.

G went to the University of the OFS and is seen as a highly efficient, conservationist farmer. Building on his father's purchases he re-amalgamated much of the original de Wet farm and added to it to form a block of about 3,500 ha. He developed both wool and dairying, keeping them going through the 1980s recession. He also ran beef cattle and cultivated some wheat as well as permanent pastures and fodder. Although not much smaller in size of landholding than the biggest operators, he took a more cautious approach, consolidating his existing land and retaining a major interest in sheep.

Q in Wepener was an older man, a distant relative who also studied at the University of the OFS, also inherited land and was also committed to sheep. But he followed a different strategy. He had worked for many years as a co-operative extension officer, advising on finance and farm planning as well as wool and sheep farming. This gave him an intimate knowledge of the local land market and the state of farms. While he owned farms, including one with a substantial old family farmhouse, his land was more dispersed than G's. He was convinced of the economic benefits of hiring land
and stocking it quickly rather than purchasing. He also acted as an agent for others in the rental market.

His argument was convincing given the prices ruling in 1993. Grazing land was available for hire at around R20 per ha per year; although one farm in Wepener was sold for under R200 per ha, purchase costs were closer to R400 per ha. At a low rate of 15 per cent annual interest, a loan would cost R60 per ha in annual interest. While land prices were low, and purchasers might expect some appreciation in their capital asset, this was seen as a risk in the political and economic context of 1993. In the short term, it was extremely difficult to retrieve R60 per ha annually from grazing. Many farmers who purchased land with loans in the 1980s had been embarrassed and Q expressed a general view that it was only worth purchasing with cash. Nevertheless, farmers still require considerable amounts of capital to rent successfully in that such land must be stocked quickly if it is to return a profit.

Rental has other advantages in that the costs of maintenance are lower. Although most contracts involve some stipulation about wise usage, this is not easy to enforce and some argue that rented farms or fields are more likely to be ‘hammered’ (overgrazed). In practice, a limited number of large farmers rent the most land because they have the equipment, labour or stock to use it quickly and efficiently. It is, however, possible for smaller farmers to benefit from the widening rental market for land. Perhaps 25-30 per cent of land is rented in Wepener; less in Tweespruit and Dewetsdorp.

The picture becomes more complex when larger farms in Tweespruit are considered. R (born 1915) worked with his father in the 1930s on a small farm which made little profit. The family was dependent on his father’s salary as a manager at Tweespruit dairy, the largest in the eastern OFS. They had most success with a piggery which drew on dairy by-products. It was only after the war that R began to expand. With the aid of a Dutch extension worker, he and a couple of others pioneered a system which transformed South Africa’s wheat-producing capabilities. Drawing on American methods as well as earlier South African experiments, they found ways of keeping moisture in the soil by a long clean fallow. Yields of wheat shot up and in the 1950s and 1960s many farms in Tweespruit and neighbouring areas were laid down very largely to wheat. Protected prices and the market created by rising white living standards and black urbanisation underpinned expanded production. R lacked formal education, but he was a committed innovator who managed to keep in the forefront of the wheat revolution for three decades and extend his property every few years. Now run by his daughter and son-in-law, the main farm around Jevington is about 3,000 ha, not all contiguous, and held in complex interlocking ownership by various family members.

A variety of factors, including rapidly inflating costs of machinery, has made many farmers wary of maintaining specialised grain production. Equipment is ageing and it is difficult to purchase new machinery such as combine harvesters. Profit margins on all but the best land are low. Most farmers who had specialised in wheat have diversified again, initially in response to pests and weeds but increasingly because of costs.

Farmers have also taken advantage of the government subsidy available since the mid-1980s to switch marginal grain lands into permanent pastures. Heavy capital investment, careful rotational systems involving sunflower and maize, the introduction of irrigated cabbages, and sophisticated accounting has enabled R’s family to maintain intensive crop production. Their system demands a good deal of labour, and the number
of farm workers has not declined significantly. The owners pride themselves on the housing, education and facilities provided for their workers. Together with other members of the Tweespruit study group and a network of largely English-speaking farmers, they have met the ANC and civics as well as developing a plan for rural reconstruction. Theirs is essentially a programme of enlightened capitalist reform entrenching private land tenure and relatively unregulated markets alongside improved social conditions for workers and market-based opportunities for blacks to buy land.

A different pattern of specialisation was found on B’s farm, only a few kilometres away. B’s father had inherited about 1,400 ha, still the core of the farm, to which an additional 500 ha was added. Up to 20 years ago it was a mixed farm, with wheat the major concern. Like many in the area they kept a herd of about 40 cows to supply Tweespruit dairy of which B’s father was a director. During the 1980s, B gradually cut down wheat and increased the variety of crops grown, especially fodder. More surprisingly, just as almost everyone else in the district moved out of dairying, B expanded and improved his dairy herd to 180.

Dairying, as farmers frequently explain, is labour-intensive and demands heavy investment in equipment and high quality cattle. Consequently few farmers are prepared to risk it. The collapse of Tweespruit dairies – which had been running in some form since the early decades of the century – in the mid-1980s was a major blow and has narrowed the options for dairying in that farmers either have to sell in bulk to Bloemfontein or process milk themselves. At its height the Tweespruit branch of the dairy, one of about a dozen, alone employed about 80 white and 300 black workers; cheese and butter were marketed nationally. B has not developed cheese production, but his investment, including a bottling plant, paid off because he was able to compete in the local market for milk. The rapid growth of Thaba Nchu and Botshabelo provided a new market and he has also been able to undercut big Bloemfontein suppliers by delivering milk in bulk which some shopkeepers sell direct to customers who bring their own containers. Consumers in impoverished townships have benefited from low milk prices, although B’s success has helped to undermine the government-financed smallholder dairy scheme in Bophuthatswana. Rather like Thaba Nchu butchery, B’s dairy business has prospered from deregulation and looser controls over sales.

Of all the farms on which we were able to collect information, B’s has the largest number of settled black workers for its size – about 60 adults in 37 houses. Whereas many farmers had been reducing the number of their ‘staff’, B and his wife, like the owners of Jevington, accept that the consequences of their farming strategy is a large community of resident black employees living near the farmhouse. B has developed a complex management structure which allows black heads of division considerable responsibility. Employment was also available for women in the dairy and related activities at wages higher than those generally paid to women in the zone.

Farmers with land holdings between about 1,500 and 5,000 ha were not generally committed to expanding stock farming or purchasing large new areas on which to do so. There was a tendency to engage in more intensive investment and production so that the total turnover of their farms could be more than that of big stock-farmers. While there has been a movement out of intensive crop farming towards a greater variety of income generating activities, new specialisations are also evident.
Average Landowners with Under 1,500 Hectares

If it is misleading to see cattle as the main answer, it is also misleading to see specialisation as the only response to the agricultural crisis in the 1980s. Some reasonably successful farmers with smaller landholdings moved in quite the opposite direction. Although there are specialised farmers with smaller holdings, particularly in parts of the eastern OFS where crops, fruit or high value vegetables like asparagus are grown, information from the interviews suggests a tendency to adopt a mixed farming strategy. Landowners with average size farms or lower, including two black commercial producers on private land, found it safer to pursue a wider range of income-generating activities.

K was brought up on a farm near Bloemfontein but did not inherit land. Rather, marriage brought him back to the land after a university education and employment in a large corporation. He and his wife purchased in 1984 nearly 1,000 ha including a substantial dam. K increasingly relinquished maize which had been the predominant crop on his farm in the mid-1980s and diversified into wheat, sunflowers and planted pastures, goats rather than sheep, and some beef cattle. His dam gave him additional options, notably irrigated vegetables. Potatoes have long been a Tweespruit speciality. In the inter-war years, two of the biggest growers in South Africa, the MacPhersons and the Luries, operated from this area (Murray 1992). But eelworm and economic problems drove them out and by the 1950s wheat was shouldering other crops aside. K operates on a far smaller scale, using 10 ha of irrigated land and producing largely for the local market. Nevertheless he could dispose of 500 bags a week over the harvest period and this provided a good supplementary income.

As important, K went for cabbages. The OFS cabbage revolution started in the late 1970s around the time of rapid local urbanisation. Vegetables were not subject to control by marketing boards and farmers could sell from the farm through what has become known as the ‘bakkie trade’; signs simply saying ‘cabbages’ adorn farm gates. Black businessmen with pick-ups buy direct for sale in Lesotho, Thaba Nchu, Botshabelo, Bloemfontein and smaller OFS centres. Cabbages, which are relatively cheap, provide a much needed supply of greens and last better than most other vegetables, have become an important element in the diet of the African poor. They require a great deal of water and irrigation systems are expensive to install; overproduction in an unregulated market is a danger and the success of OFS producers has already affected smallholder irrigation schemes in Lesotho. But profits can be high and in this zone cabbages are, for the present, king.

Highly diversified farming, especially when it includes vegetables, can place severe strains on managerial time and is labour intensive. K had sixteen families on his farm and six further permanent single workers. Casual workers from the neighbourhood, especially women, were employed to help pick and pack potatoes and cabbages. (As a perk, women can collect wild greens which thrive on irrigated land.) K was aware of the criticism that farmers were pushing farm workers off their land and saw his practices, while driven by the need to find new sources of income, as compensating in some small way. A diversified farm also provides food to pay in kind. K is a neighbour of N, where almost exactly the opposite process has been taking place over the last decade although N still maintains a surgery with many black patients.

F’s experience since he started farming on his father’s land in 1957 was in many ways typical of reasonably successful average-sized landholders in Tweespruit. At an earlier stage than many others he sold the dairy herd and by the mid-1960s the arable
parts of the farm were largely devoted to wheat; profits allowed expansion from 900 to 1300 ha. By the 1970s, problems with pests and weeds pushed him into more complex rotations with sunflowers and maize. More sheep and beef cattle were introduced and with them oats as fodder and subsidised planted pastures. Whereas wheat took 90 per cent of the arable land in the early 1970s, it now occupies less than a third. However, a more limited strategy of diversification than that pursued by K enabled F’s son, committed to greater efficiency, to cut the labour force from 18 to 13 families.

Thaba Nchu is one of the few parts of the country where private black land ownership has existed continuously for over a century. Although large amounts of black-owned land were lost to whites, mostly before the Second World War, there are still some 64 black private farms in the district. Many are separately owned subdivisions, far smaller on average than surrounding white-owned units and a number are let out to black and white tenants (R’s family, for example, rent additional land for crops within Thaba Nchu). Only a few might be considered successful commercial farms. One, a new farm swopped for inherited land, belongs to a leading businessman who runs cattle. Two others are farmed by families who, in contrast both to other black and white landowners, did not inherit land.

M was born in 1920, brought up in Thaba Nchu and studied at an Anglican high school. After a spell in teaching, he bought a cheap, undeveloped farm from a black owner in Thaba Nchu in 1949. A brother took it over as a base for stock speculation while M moved to Lesotho where he rose to a senior position in the post-colonial Agriculture Department.

After working in Swaziland he became a senior civil servant in the new Bophuthatswana homeland government in the late 1970s and the family started to farm seriously. Well-positioned politically, M’s wife was able to win the egg contract with Thaba Nchu hospital which had previously had gone to white farmers. They bought dairy cattle and participated in establishing a government assisted cooperative dairy. Although this was not a great success, they kept the cows. Like medium-sized white landowners, and in consultation with them, M and his wife then diversified rather than specialised. They bought beef cattle in 1987 and Dohne Merino slaughter sheep, hiring grazing land formerly occupied by whites but incorporated into Bophuthatswana. This took their total farming unit to over 1,000 ha. They planted maize, wheat as well as sunflower in rotation, despite the fact that profits from stock were higher. M is now determined to establish pigs. Despite success with poultry he argued that ‘you can’t put all your eggs in one basket’.

D had a rather different background. Brought up as a farm worker in Bloemfontein district he became, after many years as a migrant worker, a skilled mechanic in Welkom. He rented land in Thaba Nchu in the 1970s before moving to one of the new farms which became available through homeland consolidation measures. He started farming with a second-hand tractor, a plough, 20 sheep and R200 in savings on a few hundred hectares. He gradually developed sheep, pigs, cattle, maize, wheat, turkeys and a large coop of free range chickens. He is now a committed mixed farmer, owning no land but renting 1,200 ha from the (former) Bophuthatswana state. Simultaneously he accumulated five tractors, enough to rival most white farmers, which he maintains himself. Like M he has benefited from government contracts which provide some ballast for his farming income. He does the ploughing in three nearby Trust or communal villages. He used to sharecrop their land but found that the control of the crop was too difficult.
Both these commercial farmers had built new houses, but by the standards of white farmers these were not ostentatious. Both had considered purchasing land, legally possible since 1991, outside the homeland boundary. They held back because they felt that they would not yet be sufficiently secure in the heart of a conservative white community. However, some white farmers, especially in Tweespruit, recognised that it was important for their own future to encourage commercial black farmers in their midst.

Farmers’ Debt and Land Availability

The discussion has explored strategies of farmers who have succeeded in staying on the land. Many have not. Figures provided by the Land Bank, which has been the main although not the only source of loan capital for white farmers, suggest that the drought of 1982/3 was one trigger of indebtedness and financial failure. High interest rates, especially after the collapse of the Rand in 1984/5, were another. Interest charged on long-term Land Bank loans increased from 11 per cent in 1982/84 to 14 per cent in 1984/86 and to an all time high of 17 per cent from late 1989 to 1992. In the early 1990s, drought returned with a vengeance. And throughout this period there has been a steady deterioration in the terms of trade for many types of farming commodities. Costs and inputs have gone up compared to the value of agricultural commodities.

Taking the OFS as a whole, 18 per cent of long-term Land Bank loan accounts were in arrears in 1983, 28 per cent in 1987 and 33 per cent in 1992 (1993 figures look a little better). The amount in arrears was 2.6 per cent of the total capital owed in 1983; 7.6 in 1987 and 9.1 in 1992. Arrears for the OFS in 1992 were therefore about two-thirds of the total amount of interest due. In other words, the 3,859 farmers, who had 5,762 loans with the Bank, could afford to pay about one third of the interest due on those loans. There are about 10,000 farmers in all.

In Excelsior (including Tweespruit), the position was worse. The number of accounts in arrears increased from 17 per cent in 1983 to 41 per cent in 1992 and the proportion of capital owed from 2.3 to 13.4 per cent in 1993. Farmers in grain districts have been more deeply affected because the costs of production, especially machinery, have escalated so rapidly. The 1991 survey in Excelsior found average debts of nearly R500 per ha and calculated that a third of landowners were in an unsafe financial position—at least in respect of their farming operations (Coetzee and Heckroodt). In Dewetsdorp, the number of accounts in arrears was above average for the OFS, but total arrears by 1993 were only 5.9 per cent of the capital owing. The debt profile of Wepener, hit particularly hard by recent political uncertainties, was similar to Excelsior despite the fact that it is largely a stock district.

In public debates during 1993, exaggerated figures were mentioned for the number of ‘Land Bank farms’. In fact, the number is small: farms ‘bought in’ by the Land Bank increased from none in 1983 to 69 in 1991 and 59 in 1992. Legislation shaping Bank policy specifies rapid resale subject to the requirement for a reasonable price. Nevertheless the difficulty of finding buyers has meant that whereas the Bank had no OFS farms on hand in 1983 and 9 in 1987, it held 102 in 1993, more than half the total for the country as a whole. Although this is only about one per cent of OFS farms, it is a significant area of land for any initial steps towards land reform in the OFS. It was certainly enough to spark right-wing concerns that the Bank was deliberately increasing foreclosures and hanging onto land and refusing to accept low bids from whites with a view to redistribution.
This rumour is unlikely to have foundation. Indeed it could be argued that the Bank has been far too kind to its debtors – keeping them on farms for too long – stories abound of the political connections behind this policy. Bank officials, however, note that a higher rate of foreclosure could saddle the institution with high administrative expenses and a large property portfolio which brought in little income. Commercial banks could also lose a good deal if too many farmers are bankrupted while owing more than the market value of their farms. It could be added that farm workers are in greater danger of eviction if the Bank forecloses; the Bank often has to lease out land which it takes over and lessees are usually reluctant to employ the existing workforce.

Land reform in South Africa is likely to take a variety of forms including restitution of land to communities subjected to forced removals and some highly subsidised redistribution to trusts or communal owners. However, the process should surely also include provision for access to farming land by black freeholders with some capital. Overall, the position in the OFS suggests that whatever other strategies are followed, a considerable amount of land could become available for redistribution to aspirant black farmers through the land market, suitably nudged. First, a significant number of farms – especially smaller areas of land averaging under 300 ha – is put up for sale annually. Second, estimates suggest that up to 25 per cent of land is rented out in some districts. Third, tighter financial controls by the Land Bank could bring in more farms, as long as the state is prepared to meet Bank losses and protect farm workers. The price of land has dropped since the late 1980s and efforts to bring more land onto the market might accentuate the fall. Conversely, land reform measures which might increase the price of farm land should be examined carefully because they could counteract this tendency.

Taxation of large landowners, or a fixed limit on farm size, has been suggested as a technique of making more land available. An alternative might be to withdraw the tax benefits which large stockowners receive. Such measures may be difficult to implement, but they are unlikely to affect production overall. Evidence from the zone of research suggests that the largest landowners usually concentrate on stock and do not necessarily develop their lands intensively. There appears to be more diversity and often greater intensity on medium-sized farms.

However, once a farming unit in this area becomes too small, farmers will find it difficult to reach economies of scale especially in the use of machinery. Smaller farms, perhaps as small as 200 ha, run on an individual basis might be possible, especially as an initial stepping stone, as long as adequate water is available. But such farmers will be highly vulnerable and may be pushed to spread risks not only by diversifying but also – as in the case of many white farmers – by finding off-farm income. Farmers working mixed farms on this scale for any length of time would probably find it difficult to produce sufficient to meet the costs of machinery. More labour intensive operations would certainly make some contribution to re-peopling the farm lands, but problems of efficiency, adequate wage levels and the pressure on management capacity and family labour should not be underestimated.

The most critical issue in bringing black farmers onto the land, at least in the shorter term, may not be land availability but capital and sufficient quantities to weather the hard early years. And it is arguably important that those who do come onto the land have the capacity to maintain production. While some suggest that South Africa can afford to become a food importing nation because local production costs are comparatively high, there are dangers in any long-term dependence on imports in
view of the weakness of industrial production and the potential weakness of the currency. Food security, even exports, should remain a priority.

Summary
Research in the OFS districts around Thaba Nchu reveals a differentiated white landowning community. Very large landowners with over 5,000 ha are usually committed to expanding stock and there is a strong economic logic operating in their favour. Smaller and average farms of 800 to 1,500 ha tend to be more diverse and sometimes more intensive. Smaller units will not necessarily inhibit production, although farmers will be insecure if units worked by individual owner-occupiers become too small. Considerable turnover of private land and relatively low land prices, together with widespread indebtedness and the availability of land for hire suggest that in addition to other mechanisms the market in land, suitably nudged, might provide scope for redistribution.

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Endnotes
1. It is difficult to analyse changing patterns of farm ownership without very time consuming and detailed work in the Deeds Office. However, the Deeds Office records are now computerised and it is possible to get print-outs which, although lacking information about past transactions, provide a snapshot of the present. Most of our historical information has been drawn from interviews.

2. The term 'farm' is often used to indicate three rather different entities: an original surveyed block of land for which one title deed was issued; a block of surveyed land, often a subdivision of the original block, with a name and a farmhouse which has for some time in the past been farmed as a unit; or pieces of land, often with more than one farmhouse and sometimes physically separated from one another, which are now being farmed as a unit by a single owner. It is this latter farming unit, by no means always stable, which is the focus of discussion here.

Bibliographic Note
The recent transition to democracy in South Africa has raised expectations about land redistribution. Although much will be done in this regard over the next few years, there will be many claims for the return of land of which people were dispossessed that fall outside the practical guide-lines laid down by the new state. Since many of these claims will not be frivolous or opportunistic, there is a serious question about how they should be handled. It is not easy to make generalisations; rather, it will be necessary to deal with specific instances on their relative merits. One cannot arrive at a series of ad hoc solutions without regard to their wider implications and the precedents they may set.

This article examines one instance of a claim for the return of lost land. It looks at the land claims advanced by people in Komaggas, one of six communal reserves inhabited by coloured people in the Namaqualand district of the Northern Cape province. One aim is to show that people in Komaggas have a long-standing, and entirely reasonable, claim to land beyond the current boundary of their reserve; another aim is to illustrate how, and why, people in Komaggas have struggled, and struggle still, to present their claim in a form to which there can readily be a positive response.

Changing Land Claims in Komaggas
Komaggas reserve comprises about 70,000 hectares of land to the south of the Buffels River in Namaqualand. People in Komaggas have long believed that they have a right to all of the large area between the Buffels, the Swartlentjies River in the south, the Kamiesberg in the east and the Atlantic coast in the west. The precise manner in which they justified their claim to this land varied but the arguments that have been articulated in the past share a common thread. This was that their rights derived from colonial grant in the first half of the nineteenth century and that they were cheated, in the second half of the nineteenth century, out of much of the land that Queen Victoria gave their forebears.

According to colonial records, Komaggas reserve was established by ‘Ticket of Occupation’ in 1843, nearly 50 years after the boundary of the colony in the north-west was fixed at the Buffels River (C2/1888). The issuing of the ‘Ticket of Occupation’ stemmed from a memorial submitted by the London Missionary Society (LMS) to the Colonial Governor in 1829, in which it was claimed that ‘a number of Bastard Hottentots who have for many years occupied a place called Kamaggas (sic) and..."
adjacent lands near the Kousie River' (i.e. the Buffels) had asked for a missionary to reside among them, and for the LMS to intercede with the government to secure their land (CO.362/1829). A land surveyor was sent to Komaggas in 1831, and he produced a diagram of the area which, he said, the people had pointed out to him (CA 1/WOC 12/23). This diagram, which indicated an area 'more or less of 69,173 morgen', was attached to the 'Ticket' that was drawn up twelve years later.

The official version of subsequent events is that the area demarcated by land-surveyor Wentzel in 1831 was preserved (although the 'Ticket of Occupation' was cancelled and replaced by a Union Proclamation in 1913), and that two additional farms were actually added to the reserve to enlarge its area. The details of these additions are of no concern here.

People in Komaggas do not, and have never, accepted this official version. It is not difficult to understand why they should long have rejected it. The first quitrent titles to land between the Swartlentjies and the Buffels were given out in 1843, within months of the proclamation of the reserve. But for many years titles were requested only in the vicinity of the two rivers themselves, and the waterless coastal plains between the rivers, and between Komaggas and the sea, were left as open Crown land. There was, of course, no fence around Komaggas until well into the twentieth century, and the inhabitants of the reserve had unrestricted access to land all the way down to the coast. Komaggas was completely encircled by colonists' farms only in 1915, but even so the people appear to have had access to coastal grazing for many years after that date (partly because many of these farms were not permanently occupied).

But they had no formal title to this land; their fate was sealed in 1925 when diamonds were discovered on the 'Kleinziee' farm at the mouth of the Buffels. By the end of the 1920s De Beers Consolidated Mines had purchased a very large block of land around Kleinziee, and another around Koingnas, at the mouth of the Swartlentjies. Many of the former landowners remained on for years as tenants, but De Beers moved to create a tight security zone, from which people in Komaggas were definitively excluded. De Beers has long been aware of the argument by Komaggas people that they have prior rights to the land in question, but the company has never given any indication that it is willing to take this claim seriously. De Beers' lack of regard in this matter is, indeed, not altogether surprising, given the ways that most people in Komaggas formulated their land claim in the past.

Some people were willing to accept Wentzel's map of 1831 as the basis for defining the reserve, but argued that this map demarcated a much larger area than the current reserve. Others argued that Wentzel's survey was preceded by an earlier grant, of a much larger area, that was personally signed and sealed by Queen Victoria. In one version this earlier grant was for 369,173 morgen (and it was argued that Wentzel lopped the first number off this total); in another it was to the whole area between the Swartlentjies and the Buffels. In both of these versions people argued that Wentzel's survey was intended to set aside a portion of land within the larger grant, for 'church and school purposes' – that is, simply to accommodate the mission station.

The difficulty with the first argument is that it is wrong. As noted above, the archival record shows that Wentzel measured only 69,173 morgen (the area of the current reserve less the two incorporated farms); moreover, he remarked at the time that he had been extremely generous in fixing the boundaries and that the area surveyed was verschrijlik groot (frighteningly large). The problem with the second contention is that it cannot be substantiated, even if one deletes the references to Queen Victoria as...
embellishment, and simply looks for an agreement of any kind regarding land between the British authorities and the people who were in the area before 1843. There is nothing in the colonial records to suggest that the government was even aware that there was a group of people at the Kousie River before 1829. In addition, the argument that Wentzel surveyed land only for mission purposes appears to be factually incorrect, even though it is useful evidence of the fact that Komaggas people have always put a different construction on the ‘Ticket of Occupation’ than that held by the state.

People in Komaggas have, over the years, requested researchers working amongst them to find an earlier and better map than Wentzel’s, and to produce the elusive deed-of-grant bearing Queen Victoria’s signature. A few years ago some of them briefed a lawyer to make similar inquiries. Most people in the reserve have dismissed the reports of failure as evidence that outsiders have not been diligent enough in searching through the archives because they do not have the interests of local people sufficiently at heart. Such bitterness was understandable. The stories of Wentzel’s larger map and Queen Victoria’s grant had been passed, together with a palpable sense of dispossession, from one generation to the next in Komaggas. Outsiders who questioned the truth of these stories were seen to display a gross lack of respect for the wisdom and honesty of purpose of the people’s forebears (Sharp 1977:60).

For a long time people in Komaggas had no reason to reconsider the beliefs they had cherished. For at least the last 70 years the inhabitants of Komaggas have faced an impenetrable wall of indifference to their land claim. De Beers held the title deeds to the land and had no reason at all to listen to the people’s case. During the apartheid era, moreover, the area between Komaggas and the coast was absolutely beyond their reach, in that it was regarded as an area for exclusive white ownership.

Recently two aspects of this situation have changed. The repeal, in 1991, of discriminatory legislation regarding access to land ownership kindled new hope in Komaggas as well as in other Namaqualand reserves that have also been pressing a variety of land claims with renewed urgency. In addition, and of specific relevance in the case of Komaggas, Eskom, the giant electricity utility, arrived on the scene in 1993 as the potential purchaser of two tracts of land on the coast between the Swartlentjies and Buffels Rivers. Eskom’s interest in this area stemmed from its desire to acquire sites along the South African coast that were suitable for the future construction of additional nuclear power stations. One of the tracts in which Eskom expressed interest is currently owned by De Beers, and the other by the state.

Early in 1993 Eskom held a series of public meetings in Namaqualand to announce its plans and gauge public reaction. At the meeting in Komaggas, some inhabitants expressed vigorous opposition to the prospect of a nuclear facility near the reserve, and many asserted that Eskom could not, or at least should not, purchase the two farms because the community of Komaggas had prior rights to them.

The details of Eskom’s response to these arguments are a matter for speculation, but it is not unreasonable to suppose that the last thing it wanted was to confront an alliance between South African and international, anti-nuclear pressure groups and the proponents of a local land claim. Eskom was unsure of its ground because it was not aware of the details of the history of land allocation in the area. Thus it sponsored a detailed inquiry into this history by external ‘experts’ and held further meetings at which the latters’ finding were discussed with Komaggas people. The report that Eskom commissioned reiterated the point that the colonial record provided no
backing for the people's claims in the form in which they made them (Roos and Sharp 1993).

The whole episode led to a great deal of discussion in the reserve, and the few Komaggas people who had always warned that it was foolish to place too much faith in the notion of Queen Victoria's grant, or of Wentzel's original map, argued that their scepticism about colonial largesse had been vindicated. Other people began to listen to them, because the situation they were now in seemed to hold out a real prospect of breaking the log-jam that had blocked their claims for so long. Although people in Komaggas had limited interest in asserting a right to the farms that Eskom was considering in isolation (these farms are 40 to 50 kilometres distant from the western boundary of the reserve), they realised that the situation opened up further possibilities. They knew that De Beers was on the point of selling much more of the land it owned around Kleinzee and Koingnas (because these mines are likely to close within ten years), and they asked themselves if the two farms could serve, at a critical moment of transition, as a key to opening access to more of the De Beers land. Could pressure be put on De Beers, or on other prospective purchasers of De Beers' land, to recognise the rights of Komaggas people?

With such a question in mind, Komaggas people were stimulated to think seriously about the necessity of discarding the arguments that they and had put forward for many years. Many people argued that they were no longer prepared to concede that the source of their land rights was the colonial state, and they began to insist that, far from having guaranteed their rights to land, the 'Ticket of Occupation' had itself been the instrument of their dispossession. Before the colonial era, they said, they had owned all the land between the Swartlentjies and the Buffels. After 1843, however, they had owned none of it, and had merely been given a communal right to occupy a small portion of it.

One sees in Komaggas a remarkable about-face, in what appears to be a very short period of time, on the question of how the land claims that people make should be formulated. People who had expressed their faith in 'Queen Victoria' and her government for generations are now arguing their land claim on a basis that is very close to the notion of aboriginal title. Not everyone in the reserve has embraced the idea of aboriginal rights with equal enthusiasm, and many people believe that any such argument should be pursued with caution (for reasons to be explained below). But the concept of aboriginal rights is a very powerful and appealing one, and it is certainly the talking point of the moment.

**Changing Identity in Komaggas**

The rapidity with which many people in Komaggas appear to have changed their minds about how to assert their land claim raises several questions. Why did they cling to their old arguments for so long? A key reason is that the logic of this kind of claim was closely bound up with the issue of identity – with how people in Komaggas defined who they were, and defined their relationship to others. The postulated grant from Queen Victoria had two functions in the past.

First, it served to elevate the people of Komaggas (and of the other Namaqualand reserves where the same conviction was in evidence) to a special status, based on an allegedly unique relationship with the British monarch. The belief in this relationship was very widely held in the British colonial world. Many native Canadian groups, for instance, regarded themselves as the 'Queen's people', and one may speculate that
this belief arose under specific, and parallel, conditions of colonial intrusion (for example, Carstens 1991). The absence of direct conquest, the experience of subjugation by 'treaty' (as in New Zealand as well as Canada), and a powerful missionary presence at the start of the colonial era are all factors that seem to have played a part in the genesis of this notion in different parts of the world. Perhaps it was also important that the people concerned should rapidly have become a minority in their own areas, and that, largely because of their minority status, there should have been a near-universal and thoroughgoing adoption of 'school' ways.

This last point relates to the second reason for Queen Victoria's importance in Komaggas. This belief allowed people in Komaggas, and other Namaqualand reserves, to skirt round the question of their historical links with the indigenous people of the Namaqualand region. The first colonial communication concerning Komaggas people (the 1829 memorial from the LMS, cited above) referred to them as 'Bastard Hottentots', and the 'Ticket of Occupation' of 1843 identified the beneficiaries of the land grant as 'Aborigines and Bastards of Aboriginal descent'. In other words, early colonial observers deemed it a matter of significance that (at least some of) the inhabitants were of so-called 'mixed' racial origin. Indeed the missionaries were prominent in making this significant, since their writings of the period show that they were convinced that their introduction of 'civilisation' to the north-west Cape would take root more readily amongst the 'half-castes' (i.e. those who were seen to be part-European) than amongst the 'primitive' Namaqua Hottentots.

The term 'bastard' had become a term of colonial abuse in frontier districts in the course of the eighteenth century (Penn, n.d.); but the missionaries in several Namaqualand reserves rehabilitated the term as one of positive self-description in the nineteenth. People who were identified as 'bastards' ('Basters') were favoured within the reserves, and indeed, in both the colonial and, subsequently, the segregation eras, outside the reserves as well. Government officials, and employers of reserve people, gave preference to 'Basters' on the grounds that they were, ostensibly, a better breed of people.

The boundary between 'Baster' and 'Hottentot' was by no means fixed, since physical appearance and cultural attributes did not vary together. 'Baster' identity was the subject of continual negotiation, and in this context it is not surprising that there was widespread popular endorsement of the view that the community's rights to land originated in their special relationship with the British monarch rather than their Nama connection. The latter view was not wholly incorrect, and nor was it inopportune during the long period in which people in the reserve had no prospect whatever of making their long-standing demand for additional land heard.

In the first half of the twentieth century the label of self-identification that the missionaries had inspired began to be contested within the Namaqualand reserves. As local people were exposed to political influences from beyond the region, the negative connotations of the parochial term 'Baster' became more obvious, and they began to accept that they had much in common with the large category of 'coloured' people in the Cape Province. Thus their formal classification as Cape Coloured under the Population Registration Act occasioned little overt protest, although the people of the reserves clearly insisted on their specific identity within this category. They were people who had particular rights to reserve land, to which other coloured people had no entitlement; their rights in the reserves stemmed, moreover, from their descent from the founders of these communities.
But who were these founders? In Komaggas and other Namaqualand reserves, people have long emphasised the fact that their founders, whom they call ‘pioneers’, were men, and of Dutch, or part-Dutch, descent. In each case these pioneers are held to have entered Namaqualand in advance of general colonial settlement, to have had dealings with the indigenous inhabitants which resulted in them establishing themselves permanently in the area, and to have dealt with the missionaries and the colonial state (‘the Queen’) to secure reserve lands for themselves and their descendants.

Oral tradition has it that the founder of Komaggas was one Jasper Cloete, the son of a Dutch farmer in the Kamiesberg who married a Nama woman after the death of his first wife. When the father died near the end of eighteenth century, Jasper was pushed out by his half-siblings, and he trekked north to the Buffels River, where he encountered the Nama chief Kurib and his followers. They lived together for some years, and Jasper took one of Kurib’s followers as his wife; when the Nama chief decided to leave the area and cross the Orange River, Jasper remained behind; it was he and his seven children who petitioned the LMS for a missionary, and Queen Victoria’s land grant was made to them. There is every indication that this account of Jasper Cloete has been common knowledge in Komaggas for generations. One of the last Rhenish missionaries in the reserve, Gustav Meyer (1926), produced a written version of this tradition in the 1920s and many versions of this story were in existence in Komaggas in the mid-1970s. In Meyer’s transcription, Jasper Cloete is held to have acquired land at Komaggas by purchase from the Nama. It is claimed that he offered cattle to Kurib’s followers while the chief was away; on his return the chief was exceedingly angry, but could do nothing other than accept the transaction and leave the area.

One cannot, of course, tell whether this was the only version of the story that was being told in Komaggas in the 1920s, or whether Meyer simply selected one version – the one he believed most important – for transcription. In the 1970s, however, there were multiple versions in existence (Sharp 1977:54-92). The main version was still the one in which Jasper Cloete was taken to have purchased the land from the Nama: this was clearly identified by Komaggas people as the one that was told by the Cloetes – the patrilineal descendants of the reserve’s founder – who numbered over half of the total population. It was widely understood that the Cloetes would, logically, favour this version of the story, because it provided a basis for their claim to collective pre-eminence within the reserve. Their forebear had purchased the land, and the right of ownership had devolved to his lineal heirs; the inhabitants of the reserve who were not Cloetes owed their rights to the Cloetes’ largesse.

In the 1970s the Cloetes used this story to support the notion that their interests, as individuals or as collectivity, should prevail in any instance where there was a clash between Cloetes and others. A Cloete had a prior right to inherit an arable field or a garden in a case of disputed transmission; they had a right, and duty, to take the lead in political issues affecting the corporate patrimony. Many Cloetes regarded people whose forebears had entered the reserve subsequent to its establishment as politically unreliable, since their identification with Komaggas was not inscribed in the fact of patrilineal descent from the founder.

This interpretation was not uncontested by the others, many of whose forebears had arrived in the reserve several generations before. Some of them had, indeed, been in the area before the ‘Ticket of Occupation’ was granted in the 1840s, having been brought in, as ex-slaves, by the missionaries, who intended to use them to teach the Cloetes how to cultivate the soil. The descendants of these people produced versions
of the founding of Komaggas that ran counter to the Cloetes' orthodoxy. In their accounts they stressed that there was no evidence whatever that Jasper Cloete had purchased the land from the Nama, and that it was much more likely that he and, perhaps more accurately, his children, had been given the land by the Nama chief because he had married the chief's daughter.

The point being stressed here was that the Cloetes are in a position, in relation to the first owner of the land, that does not differ in any way from the non-Cloetes' standing in respect of the Cloetes. The Cloetes admitted men of good character who had married their daughters to full membership of the reserve. It was therefore true, in a sense, that the Cloetes gave these men both wives and land but they needed to be reminded of the fact that their own forebear was given a wife and land by a prior owner, and that the motive in both instances was the same: the Nama chief gave land ter wille van sy dogter (for the sake of his daughter), just as the Cloetes had done in subsequent years. There was, in other words, disjuncture between the Cloetes' rhetoric and their practice. In practice, patrilineal descent from Jasper Cloete did not confer pre-eminence; all the inhabitants of the reserve were the founder's descendants through males and females, and they were all equal.

In the 1970s, the Cloetes' interpretation of Jasper's story was the main version of the founding of Komaggas, not merely because they were the majority of the reserve's inhabitants, but also because their account fitted logically with the widespread conviction that the principal source of the inhabitants' land rights lay in a grant from Queen Victoria. Since Jasper Cloete bought the land from the Nama, he was not indebted to them in any way; his purchase of the land had closed the book on the precolonial era in Namaqualand and had made him an autonomous proprietor. As people admitted, the difficulty was that this transaction had occurred before the missionaries introduced book learning and there was, thus, no written proof that it had taken place. It was for this reason that Jasper had been forced to turn to the Queen to have his proprietorial rights established by the colonial state.

The counter-version of the story, in which Jasper received the land as a gift, was subversive not only of the Cloetes' claim to prominence in Komaggas but also, potentially, of the whole notion that contemporary inhabitants were not indebted to, and indeed were closely related to, the autochthonous inhabitants of the region. In the 1970s many people who supported the first implication of this version still fought shy of the second. In this respect they were always at a disadvantage in relation to those Cloetes who continued to endorse 'their' version whole-hearted. These Cloetes had consistency on their side, whereas their opponents struggled to reconcile two contradictory beliefs: one insisting they were not indebted to the Nama, and the other implying that they were.

On the other hand, even 20 years ago there were residents who were receptive to the implication that Komaggas people were closely related, op moederskant (on the mother's side), to the Nama, and that the real moral strength of their claim to land lay in this fact. There were other versions of the founding of Komaggas that supported this. One insisted that the Jasper Cloete who had trekked into Komaggas had been Dutch, a 'Boer' (that is, the father of Jasper Cloete in the other versions). This Cloete had married Kurib's daughter, but the chief had expressly given the land to her children rather than to Jasper Cloete himself. People who told this version often provided the exegesis that no Boer could have a rightful claim to land, and that the land which the Boers (i.e. present-day Afrikaners) now held in the region had simply been taken by force.
This story also served to shift the unambiguous boundary of Komaggas people’s identity from the Nama side to the Boer side: whereas other versions insisted that they were part-Dutch and therefore different from the Nama, this account made them unambiguously part-Nama and therefore different from the Dutch. There was no way of telling whether this was an old story or not, but it certainly made sense to speculate that it might well have been a response to the harshness of the apartheid era, and an expression of a growing antipathy towards whites.

A no less pointed version was the one told by many women. In their account, Jasper Cloete (already part-Nama) and the Nama chief Kurib had both acted in bad faith towards each other: Jasper had sought to purchase the land for cattle, but he had given Kurib’s followers too few animals; Kurib had crept back stealthily to Komaggas with the intention of murdering Cloete and taking the land back. Fortunately, however, the first woman – daughter to one adversary, wife to the other – had been forewarned of this plan, and had begged her father to spare her husband for the sake of the grandchildren (ter wille van die kinders); she also told her husband to make more generous payment, which he did, and her father then left the area and never returned.

This version neatly casts Jasper’s wife, the mother of Komaggas, into the role that contemporary women say they still play – that of mediator between categories of men, the Cloetes and the others, who stand in a relationship that is fraught with conflict. And it also makes another point, which women are today still reluctant, as they were in the 1970s, to make in public rather than in private: this story raises a question about the identity of the real ‘founder’ of Komaggas. Was the founder simply Jasper Cloete, as most men accept unthinkingly? Or was the act of founding shared by his wife who (like all wives and mothers in Komaggas) had the capacity to bring together men of diverse origins, and quarrelsome dispositions, and endow their heirs with a new unity? And, as even Cloete women emphasised, Jasper Cloete’s wife was, unquestionably, a Nama.

Identity & Land Claims in Komaggas: the Invention of Tradition?

Some people in Komaggas reason that, since they have to take on powerful corporate interests in their fight for more land, they need more than a weak, moral claim to this resource. They argue that they need a claim which can, at least potentially, be argued in court, and say that their only option in this regard is to base their claim on the doctrine of aboriginal title.

The difficulty with this is that there is understandable concern, in influential circles in South Africa, about people making claims to land on the basis of aboriginal rights (see, for example, Bennett 1993). It has been argued that this is simply impractical in a country in which more than 80 per cent of the population can claim the status of being aboriginal people. Allowing this huge number of people to make land claims on the basis of aboriginal rights could well lead to situations of multiple and overlapping claims to the same pieces of land, leading to discord and chaos rather than a just system of redistribution. There is also the fear that assertions of aboriginal rights would involve the invocation of exclusive ethnic identities in a manner deleterious to the goal of nation-building.

These are certainly weighty concerns, but one can also see how damaging they could be to the interests of people such as those in Komaggas. There is clearly a need to think these issues through very carefully in situations such as this. In the first place, it would be grossly unfair to dismiss the Komaggas people’s new claim to land on the
grounds that they were opportunistically 'inventing' an ethnic, or aboriginal, identity that had never occurred to them before Eskom arrived on the scene. As the discussion above showed, Komaggas people have been engaged in a debate about the terms of their connection with the area's autochthonous inhabitants for at least 20 years and, in all likelihood, for very much longer. The issue of the Nama connection has, hitherto, been implicated in local discourse concerning the political significance of direct descent from the founder of the community, as well as concerning the cultural representation of gender relationships, and both of these issues have direct bearing on the question of people's rights to land.

The argument about 'inventing tradition' is often used by those who attempt to discredit land claims by aboriginal people in other parts of the world. Recent debate about whether or not to permit mining at Coronation Hill, in Australia's Northern Territory, is a good illustration of this point. Pro-mining lobbyists fiercely tackled those who were against mining for testifying to the significance of Coronation Hill as a 'sacred site', part of a 'sickness zone' associated with a traditional religious cult of the Jawoyn people. Drawing on evidence that the area associated with the Bula cult had apparently increased dramatically in the last ten years, those who were for mining contended that outside experts who were sympathetic to the Aborigine cause failed to point this out, and colluded with the Jawoyn to invent tradition (see Brunton 1992).

The response from the anthropologists who supported the Aborigines' opposition to the proposed mining is apposite to the Komaggas case (Merlan 1991; Keen 1992). Merlan pointed out that the pro-mining lobby's professed respect for Aborigines' adaptability – embodied in the proposition that they are modern people, just like other Australians – actually rests on exactly the radical distinction between 'tradition' and 'modernity' that lies at the heart of conventional views of the Aborigines. Conventional logic is that the Aborigines once had a traditional culture, but that they have now lost most of it; they are entitled to make political claims based on tradition only when the tradition concerned has, in fact, not been changed in the course of the colonial and post-colonial periods; and since they have lost most of their tradition, and have adapted to modern Australian society, the majority of their present-day claims to traditional rights are bogus.

The point that Merlan stresses is that for the last 100 years the Bula cult has existed in the context of confrontation between Northern Territory settlers and the Jawoyn. The characteristics of the present-day cult have been shaped by the fact that it has been a response by Aborigines to settler intrusion; the pre-colonial form of the cult, assuming that it actually existed in that period, is unknown, even to the Jawoyn themselves. The cult is, nonetheless, 'traditional' in the sense that the Jawoyn construct it by applying a body of assumptions which they mark as 'Aboriginal' (as opposed to 'European' or 'Australian') in an attempt to render their experience of incorporation and dispossession meaningful. As their experience of colonial and post-colonial Australia has changed over time, so also have the characteristics of the Bula cult. Given that the cult is one way in which Jawoyn attempt to impose meaning and order on their changing experiences, one would expect significant adaptations to various aspects of the cult – including the area covered by its associated sickness zone – in the 1980s, during which there was protracted public and academic interest in the whole issue.

When mining took place at Coronation Hill, without noticeable Jawoyn protest, in the 1960s, there were simply no avenues by which the Aborigines could bring their
concerns of that time to a wider audience; in the 1980s they received external support, for the first time, in stating their beliefs. Merlan insists that the fact that the sickness country, in which mining should not take place, has grown in the last ten years does not entitle an observer to conclude that the Jawoyn have invented a tradition out of nothing.

Indeed there is growing dissatisfaction in the literature over the superficial and misleading quality of much of the argument about the 'invention of tradition' (Jackson 1989; Linneken 1992). Part of the blame for the lack of clarity in the 'pro-invention' position lies with Hobsbawm (1983), whose influential paper on the topic was confusing, precisely because it relied on a radical distinction between two different states, or kinds, of society - those ruled by custom ('traditional societies') and those in which tradition was deployed for ideological purposes ('modern societies'). It is only by seeking to undo that dichotomy that one can hope to make any progress in understanding the processes by which people argue for traditional rights in the modern world.

The people of Komaggas reserve are indeed, like the Jawoyn of the Northern Territory, part of the modern world. They have been mineworkers, not nomadic pastoralists, for generations. They do not live according to the norms and practices of pre-colonial Nama culture, about which they know very little, and they have no intention whatever of trying to reconstruct this culture in a bid to establish the authenticity of a Nama identity. They are not making any exaggerated claims about their fundamental cultural difference from other South Africans. With far greater accuracy than many South Africans, they draw a radical distinction between their culture - which has been shaped by their long experience of living in a mission reserve, of working as migrants on the Namaqualand mines, of joining the National Union of Mineworkers - and their identity, which is a political statement of who they are that can shift according to context. One aspect of their identity is that they are, unquestionably, descendants of the pre-colonial inhabitants of Namaqualand. Although they were encouraged by missionaries to draw a veil over their Nama connection, they have discussed the significance of this connection amongst themselves for a long time. The fact that they were faced, in the past, with a context in which it was not opportune to assert this connection publicly, should not mean that, in a different context, they have no right to emphasise it now (Sharp and Boonzaier 1994).

The Politics of the Komaggas Land Claim

This is particularly so when one realises that people in Komaggas are by no means uniformly committed to the notion of making a claim to aboriginal title in court. Many people realise that such a claim would be problematic in the national context, and they are aware that they, and the inhabitants of the other Namaqualand reserves who are also exploring the notion of aboriginal title to land, are few in number and are never going to wield great political influence on the national stage. They know that if they did take an aboriginal rights action to court, they might never live down the opprobrium which resulted from the setting of a precedent that proved difficult to control. And many people in Komaggas warn that if they jump the gun with an aboriginal rights claim, they might hinder their chances of appealing to the new government for a grant of additional land on other grounds.

Some of their number believe that they should concentrate on the fact that much of the land to the west of the reserve was open Crown land until 1915, and that their
forebears had the use of this land until at least the 1930s. The difficulty with this line of reasoning is that it looks, on the surface, as if it is a weak argument. People are aware that they have not been able to use this land for a long time, and that they were never the exclusive users of it since many poor-white trekboers (migrant farmers) also used the area until well into the twentieth century. Moreover this argument suggests that people should try to claim rights on the basis of having been 'squatters' which is a very sensitive issue for people who have never had proper rights of land ownership since the start of the colonial era. The idea of claiming aboriginal rights is attractive precisely because it is based on a notion of ownership.

Those people in Komaggas who believe that the claim to additional land should be based on aboriginal title have other powerful arguments on their side. They point out that the argument for aboriginal title has never been tested in a South African court, and that the courts have therefore never had occasion to reject the doctrine. In addition, since they are following international debate about the notion of aboriginal title very closely, they point out that in the light of the majority judgment in the recent Australian High Court case, Mabo vs Queensland, it would be exceedingly difficult for a defendant to invoke the principle that land was rendered terra nullius by virtue of the absence of the requisite level of civilisation amongst the people whose land rights were at issue (in this case the people – chief Kurib, his followers, and Jasper Cloete – who were in the area between the Swartlentjies and Buffels Rivers in 1798, when the boundary of the colony was moved to the Buffels). They suggest that, given the Mabo decision, any such defence should be dismissed, particularly in the new South Africa, as racism. These arguments are by no means ill-informed, and, political considerations aside, they form a reasonable basis which would not be an embarrassment to Komaggas people if they did decide to go to court.

If it is necessary to forestall such a development, as some local people believe is the case, then it is incumbent on the state to take the people in Komaggas, and in the other Namaqualand reserves, seriously. To deny them any prospect of access to vast tracts of land that are currently owned by a multinational corporation and the state simply because the guidelines for the national programme of land redistribution have a cut-off date of 1913, and therefore do not make provision for aboriginal rights claims, would be unfair, and would actually encourage people to take precisely the step of going to court, which many of them realise is highly problematic.

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Bibliographic Note

Cato Manor:
Cruel Past, Pivotal Future

Iain Edwards

Sophiatown in Johannesburg, District Six in Cape Town, and Cato Manor in Durban have become political metaphors for urban dispossession and resistance. Cato Manor has the most complex and violently contested history of land ownership and occupation of any area in Durban. In the early 1960s, the Durban Corporation began to expropriate the land from Indian owners and cleared the area of African shack dwellers and of most Indian residents. Despite the development of some Indian housing during the mid-1980s, the land still remains largely vacant. Africans are re-establishing themselves in shack settlements in the area.

The future of Cato Manor is now a major political controversy. The entrenched segregation of South Africa cities makes it extremely difficult to redress the legacy of past policies: all require massive investment in urban infrastructural amenities and low-income housing. Cato Manor and District Six are the only two large areas of urban land available for planned development of new housing within any South African city. Planning for the best use of Cato Manor is highly complex and has to take account of competing and contradictory claims to the land. The current state of negotiations over the future of the land is hardly a promising beginning. Cato Manor remains a highly contested urban space.

Durban originated as an imperial port, serving Natal and the Witwatersrand. It quickly developed into one of the most segregated of South African cities. By the early twentieth century, the Durban Corporation was an innovative proponent of racial residential segregation. Policies developed and applied in Durban were to become models for many other southern African towns and cities and to be cornerstones of the Union Government's national policy of urban segregation. Through numerous by-laws restricting Indian land occupation and ownership and the equally notorious 'Durban System' which aimed to prevent African land ownership and restrict Africans to municipal barracks and hostel accommodation, the Durban Corporation endeavoured to control the pace and shape the nature of urbanisation. The apartheid state's urban policies followed existing principles of urban segregation and applied them in a more systematic and wide ranging fashion (Swanson 1976 & Maylam 1989).

Cato Manor Farm is a huge area of land located within five miles of the centre of Durban. Cato Manor has the most complex history of settlement, in terms of its class and racial composition, patterns of legal and illegal ownership, residence and occupation of any area in the city. It has been fiercely and often violently contested. Until the 1960s, Cato Manor Farm was home to many thousands of Indians,
Coloureds and Africans, the latter within shackland sprawls eventually numbering approximately 120,000 people. White settlement in Durban centred around the Bay and its immediate coastal surrounds and extended along the main routes which linked Durban to its hinterland (King 1990). Cato Manor Farm straddles the route to Pietermaritzburg and the Rand. Apartheid legislation identified Cato Manor for white occupation in 1958. By 1964 all African landowners and residents in the area had been removed. Similarly the state expropriated Indian-owned land in the area until the early 1980s and removed most of the Indian residents. Yet white settlement never occurred and for over twenty years the land remained largely vacant. As a result Cato Manor and the neighbouring African township of Chesterville are now surrounded by the still largely white suburbs of Bellair, Manor Gardens, Sherwood and Westville. Since 1958, white ratepayer groups have been vociferous in their opposition to any forms of black housing in Cato Manor. And yet throughout this period, African and Indian residents of the greater Durban area have refused to forget either their past lives in Cato Manor or to surrender claims to this land.

During the mid-1980s the state began to develop Indian housing schemes on some of the land at Cato Manor, despite massive protests. As the shacklands on Durban's periphery became more crowded and more violent, Africans once again began to erect shacks in parts of Cato Manor Farm. Political parties became drawn into a quest for a new structure plan for the whole of the area. These attempts have proved largely unsuccessful, causing increased tensions. The future of Cato Manor is again the source of huge controversy. For many urban residents, the way in which the new state develops Cato Manor will provide a crucial perspective on its broader intentions. The state will have to adjudicate between competing claims to the land and meet the needs of different groups for housing and access to urban land.

Cato Manor and the City to 1949

In 1843 Britain declared Natal a colony. A year later George Christopher Cato took the five and a half thousand acres which henceforth became known as Cato Manor Farm as compensation for land owned by him on the shores of Durban Bay which had been expropriated by the new colonial government for military purposes. Cato, a leading trader, customs official, local representative of, among others, the United States and Norwegian governments and in 1854 Durban's first Mayor, acquired full legal ownership of the land. 'King' Cato sold much of his land and on his death the remainder of the estate was sold off both to whites and to 'passenger' class Indians who acquired it for residence, capital investment and speculation. While some large white-owned mansions were erected in the area, by the early 1930s most of Cato Manor Farm was Indian-owned.

A complex and culturally rich Indian community developed in the area. Landowners came from both a growing middle class professional and trading stratum and from the Indian working class which had quickly understood the value of immovable property. Much of the land was also subdivided into long narrow strips rented out to market gardeners. Cato Manor Farm quickly became one of Durban's main sources of fresh fruit and vegetables. Recollections from both white and Indian residents during this time all give the images of lines of carefully tended vegetable patches, groves of sweetly smelling avocado, mango and pawpaw plantations and the daily early morning clatter of donkey carts carrying produce to the city market. It is impossible to find memories that do not evoke images of a nirvana of happiness, hard work and dreams of the future.
Within this community the vast majority of people were poor or very poor tenants. Whilst some market gardeners managed to purchase property, the majority did not. Likewise most Indian residents did not own their own land. Notions of community and identity were grounded on reciprocities based around moral conscience, awareness of and respect for material and social difference, and leadership through the power of loyal patrons. Wealth lay in the hands of the few: lawyers, traders, teachers, priests – categories which often overlapped with substantial land ownership. Cato Manor Farm, still beyond the city boundary, was of crucial importance within the local Indian community. They erected places or worship, founded schools and cultural and sporting institutions. With a local leadership, a wide politics from conservative to progressive came into being upon a bedrock concern for the preservation and development of Cato Manor as Indian. From the late nineteenth century through the early decades of the twentieth, racial restrictions over urban residence in Natal were more often directed against Indians than Africans.

Africans continued to live in the area, not only as labourers. After the 1906 Bhambatha uprising, the Durban Corporation developed the ‘Durban System’ to restrict African residence to officially approved locations. For many Africans, access to land on the periphery of the city was crucial. By the 1930s Africans, mainly from the kholwa, Christian, educated elite had purchased freehold title to property in the Chateau and Good Hope Estates which bordered on Cato Manor Farm. Up until the 1940s these areas retained a largely peri-urban character.

From the late 1930s and early 1940s three processes had a vital impact on life in Cato Manor Farm. First, in 1937 Cato Manor Farm became one of the ‘Added Areas’ incorporated into Durban. The municipality developed both an economic and sub-economic housing scheme for Indians in the area, but refused to provide any substantial urban infrastructure. Second, during the same period white anti-Indian agitation led to renewed legislation curbing Indian land ownership and commercial activity in the centre of Durban. For Indians, Cato Manor became something of a safe haven. Third, war-time economic expansion drew thousands of African male workers to the city. They came individually, with families or in large groups and some settled in Cato Manor. Some simply occupied land, then came to agreements with Indian landowners and built their own shacks. In other cases, landowners were also shacklords. However most Africans chose to live on state-owned land closer to the main areas of employment around the harbour. During the mid-1940s the municipality and central government harassed and evicted them from these shack areas and many moved into Cato Manor Farm.

In the highly charged political climate of the late 1940s, Cato Manor Farm became a volatile space. The Durban Corporation was intent upon developing large scale plans to both control and restrict African and Indian urban residence and economic activity and re-assert municipal authority, these attempts were resisted. The Natal Indian Congress had become rejuvenated and radicalised by support from trade unions and urban social movements in Indian residential areas actively struggling for increased urban amenities and rights. Its leadership sought closer links with African National Congress leaders. The ANC was badly organised with a pitiful membership in Durban. A. W. G. Champion, its Natal leader, treated the organisation as his private fiefdom, was anti-Indian and espoused a belligerent and conservative form of Zulu populism.

Power within African working class politics lay not in formal political movements but among localised community groups, squatter associations, consumer and co-
operative societies, women's associations, church groups and cultural and sporting bodies. Political leaders, including activists in the Congress Youth League, competed for influence. Mass meetings in hostels, townships and shacklands rang with speeches attacking the municipality and claims for full economic and political power in Durban. Specific demands emerged: state provision of schools and freehold urban housing, proper residential amenities and commercial trading licenses. A groundswell of political activity not only challenged African political leadership but also white municipal power, the Corporation's own African trading and beer hall operations, existing private commercial activities and the nature of property ownership in the city. These demands for urban citizenship also acquired a strong nationalist and racist dimension.

The developing shackland society in Cato Manor was drawn into these politics within which it became a leading force. The main African shacklands in Cato Manor Farm were located in the vast Mkhumbane and Wiggins areas. By 1948 few market gardeners remained in these areas. Indian land owners now rented sites out to Africans. As the authority of African shacklords and illegal traders grew, so the de facto authority of Indian owners grew less effective. Likewise, as the municipality became increasingly reluctant to enter the area, so Mkhumbane quickly became a vibrant area, home to a widening range of cultural and illegal commercial activities. Mkhumbane became a symbol of victory, or at least of the imminence of victory for African urban settlement over established urban interests and a lesson in the virtues of assertive struggle. In addition to conflicts between African tenants and shacklords, among the competing African shackshop traders and licensed Indian shop owners and between shacklords, Indian and African, the central issue was whether Cato Manor was Indian or African.

At the end of January 1949 a minor fracas involving an African youth and an Indian trader in an Indian trading locale in Durban quickly led to gangs of Africans attacking Indians and looting Indian shops. Violence soon spread to Cato Manor, where looting and assault turned into a pogrom. Instigated and led by African entrepreneurs, shack mobs and male migrant workers, Cato Manor Farm became a killing ground. African shacklands became consolidated in the Mkhumbane area and Africans proclaimed victory; Mkhumbane had been 'liberated from outsiders'. Mkhumbane was 'now ours by right of conquest'; Mkhumbane was 'home'. Each year, on the anniversary of the riots, shack residents commemorated the deaths of Africans who had died in the riots because 'it was through their sacrifice that we are where we are today'. These celebrations were organised by the Zulu Hlanganani, a leading cooperative association for shackshop traders and shacklords. Vigilante groups formed to protect the newly seized territory from unwanted outside interference. Mkhumbane's leaders, the self-styled 'Mayors', a significantly modern and non-chiefly term, called for the Durban City Council to recognise Africans' desire for full urban rights in Mkhumbane (Edwards and Nuttall 1990). These were claims which pitted African shack dwellers directly against both the City Council and Indian landowners and raised substantial problems for Durban's African political leadership.

Cato Manor and Apartheid Urban Planning
The outcome of the riots in Cato Manor settled nothing. Under the National Party government, the South African state was to move decisively to restructure black urban life. By the late 1950s the essential elements for a new African urban labour and housing policy and new residential zoning plans for the whole of Durban had been
developed. Local and central state officials recognised that the success of these plans lay largely in their ability to clear Cato Manor Farm. This would depend upon coercive powers to back a vast array of statutory legislative enactments often dating back many decades.

Central to these plans was a desire to increase the capitalisation of inner city land by clearing it of blacks and allowing white ownership and residence (Mabin 1992). In terms of the Durban City Council Group Areas proclamations, the whole of Cato Manor Farm was zoned for exclusive white residential occupation and ownership. All Indian residents would be removed to Merebank or the new township of Chatsworth. African residents would either be evicted from Durban or resettled to two new townships: to the north the municipal township of KwaMashu, or to Umlazi, the Union Government scheme to the south. Landowners and residents in Chateau and Good Hope would also be removed as, eventually, all residents of Chesterville. KwaMashu and Umlazi would both include single male hostel accommodation and family housing. Some housing could be purchased but no freehold title would be granted. Chatsworth, KwaMashu and Umlazi would be planned according to British New Town planning principles. Cato Manor was to be the subject of a massive programme of social engineering.

These plans provoked resistance. Congress Youth Leaguers were impressed by the political militancy of the Mkhumbane shack residents. By 1952, having taken over the provincial ANC, now under the presidency of their candidate, Chief Albert Luthuli, they developed a two-pronged strategy for Mkhumbane. First, they focused on grassroots issues in order to acquire active support from shack dwellers. The main demand of the Mkhumbane shack dwellers was for permanent residential rights in Mkhumbane. Second, they aimed to structure and discipline that militant support base in ways which would provide the shacklands with the degree of proper leadership whose absence, it was widely believed, had led to the riots of 1949.

At the very time when the ANC and the N.I.C. embarked on the Defiance Campaign against discriminatory legislation like curfews, pass laws and urban segregation, neither organisation was able to embrace fully the demands of Mkhumbane shack dwellers. To accept them meant advocating taking land away from existing Indian owners. The issue produced tensions within and between the respective leadership of the N.I.C. and ANC and between such leaders and grassroots constituents in Cato Manor. During this exact period further attacks on Indian property in Cato Manor occurred. The political problems for both the ANC and N.I.C. did not go unnoticed by municipal officials who endeavoured to use these indications of political weakness to gain the initiative in the shacklands. In 1953-54, the municipality gained state approval for the development of the Cato Manor Emergency Camp as a temporary measure to exert control over the shacklands prior to their final destruction. The power of the Indian landowner and African shacklord was to be broken and shack life brought closer to the desired ideal of single nuclear family residence. In terms of the Slums Act, the municipality began to expropriate land occupied by shacks in the Mkhumbane area of Cato Manor. As the municipality acquired full ownership, the land would be re-allocated for individual shack sites. The existing housing warrens were to be destroyed, existing shacks re-built according to official standards or sites provided with municipally-built shacks using confiscated shack materials. Sub-tenancy was to be strictly curtailed. African tenants across the whole of Cato Manor Farm were to be relocated within the confines of the Emergency Camp. All those resettled would pay rent to the municipality.
As landowner the municipality was legally obliged to provide water and sanitation, roadworks and civic amenities: a beer hall, sports grounds and trading facilities for approved African traders. The costs of all these services were borne either by site rentals or subsidised from the Native Revenue Account. The services provided were totally inadequate to the number of people the municipality attempted to settle into the Mkhumbane area. Residents were to elect representatives to a Cato Manor Welfare and Development Board. This body would be the only officially recognised channel of communication between the local state and shack residents. In dividing the shacklands up into electoral wards, the municipality used the already existing differently named community areas within Mkhumbane. Because of the temporary nature of the scheme this body would not have even the highly limited powers given to Advisory Boards in legally constituted townships and hostels. In these ways control, decency and urban progress would come to Mkhumbane.

This never really happened. A host of legal problems and consequent delays surrounded attempts to expropriate land. Politically active lawyers jammed courtrooms with legally nuanced arguments against land expropriation (SPP 1983). Such moves supplemented the abilities of shacklords and illegal traders to maintain real power on the ground. The shacklords and traders gained near complete and uncontested election to the Cato Manor Welfare and Development Board (CMWDB) as ward members of areas they had long controlled. After some of their grouping had temporarily sought political affiliation in various conservative, racist and sometimes National Party-funded organisations, most shack leaders drew closer to the ANC. By 1958, when the ANC was to apply the ‘M’ Plan structures to Mkhumbane, the organisation took over the same community areas and electoral ward divisions devised by the municipality and used to great effect by the existing shack leadership. Up until the late 1950s, when the state began removing people from the shacklands, there was very little overt political activity within Mkhumbane. ANC branches were few and badly organised. Co-operatives, women’s associations, church groups, trading societies and a range of community activities from creches to vigilante policing gangs continued. As some areas acquired improved facilities so community representatives demanded further improvements while other areas made strong demands for their own resources. Power relations between police, local state and shack leaders in Mkhumbane seemed to have been resolved into a maybe uneasy but mutually acceptable equilibrium.

This uneasy balance was quickly broken. The municipality forced more and more people into the Emergency Camp. Health conditions deteriorated and, by 1957, a typhoid epidemic swept through the shacklands. At the same time the municipality issued pass books, influx control raids and, in early 1959, shack demolition and mass removals. The Congress Alliance planned massive opposition to the state’s policies. The first signs of increased tensions in Mkhumbane came from within the CMWDB. Faced with the offer of improved residential housing in KwaMashu and Umlazi, the CMWDB became rent with infighting and continually split, reformed and degenerated into fractious splinters; the structures of community power in Mkhumbane were being shattered.

Only men could be legal tenants or purchasers of formal residential housing. If they qualified for the privileges of urban residence in terms of ‘Section 10’ of the 1952 Amendments to the Natives (Urban Areas) Act of 1945, they could choose whether to live in hostel or family housing. If the latter, then they could choose their spouse. Such urban facilities would only be available to those who could afford the rentals or monthly purchasing payments.
The social divisions among Africans in Cato Manor were cruel. Some wanted and could afford to pay for both housing and freehold land; others wanted and could afford to rent state-provided housing while others could not afford to either purchase or rent housing without being able to sub-let or engage in commercial activities which would be restricted in any township development. However, the long standing key demand for such facilities to be allowed or created in Mkhumbane was clearly not on offer. Others faced more personal dilemmas: although cohabiting with women in Mkhumbane, they desired to bring their country wives into township housing; or to move singly into male hostel accommodation. Many were illegally in the city and could never afford nor be eligible for any formal housing. Others, such as shacklords, illegal traders and other entrepreneurs had absolutely no vested material interest or desire to see the essential structure of shackland society disturbed. Under this pressure, shackland society collapsed. Those very requirements for urban life which shacklands residents, and particularly women, had demanded during the 1940s were being granted, but under almost unendurable conditions. Outbreaks of violence increased dramatically.

The ANC seemed in no position to offer any immediate solution. Aside from some well organised and active workers’ clubs comprising the South African Congress of Trade Union-affiliated trade union members, contacts between ANC leaders and Mkhumbane were most often via shacklords who supported the ANC. It was only the ANC Women’s League (ANCWL) who had managed to sustain some considerable power in Mkhumbane. When in June 1959, Mkhumbane shebeen queens stormed the Cato Manor beer hall, the ANCWL was well placed to organise a massive beer hall boycott and raiding campaign through the whole of the city. Events quickly gathered pace as strikes, marches and meetings made the period from 1959 through 1962 the most sustained period of urban conflict Durban had yet experienced. The ANC-led campaigns in Durban during this period acquired very substantial support from people in Mkhumbane. However this support was often conditional upon ANC assistance in resolving their own dilemmas. Beneath the public displays of loyalty were clear signs of competing and conflicting interests. By this stage however, shack society in Mkhumbane was beyond saving and with the State of Emergency in March 1960, shack removals to KwaMashu and then later to Umlazi continued unabated (Edwards 1989). Developed as part of Durban, in April 1977, KwaMashu joined Umlazi as part of KwaZulu. Legally the African residents of Mkhumbane were now no longer part of the city of Durban.

Municipal policy against Indian landowners and residents was much less complicated than its plans to resettle Africans and certainly aroused a very different political response. The removal of Indians from Cato Manor Farm created deep opposition and resentment within the Indian community in the area and became an issue within the broader struggles of the later 1950s and early 1960s. The established community line was against any state interference in residential life in Cato Manor Farm. The prices paid for expropriation of Indian-owned property bordered on legalised theft (SPP 1983). Yet, the majority of Indian residents of Cato Manor Farm were tenants who were ultimately willing and eager to accept state developed freehold or rented accommodation. Some 40,000 Indians were removed from Cato Manor.

By the mid-1960s, the state had cleared away all vestiges of the African shacklands and many of the Indian residents. However, the state was never able fully to achieve its aims. As with the legacy of conflict in and over Cato Manor Farm, the reasons for this failure are significant. These provide important lessons for relations between the state and existing or prospective new residents of Cato Manor Farm.
For a while there were rumours about white insider deals of land purchase for speculation. Some parts of Mkhumbane were provided with essential water, drainage and electrical mains connections suitable for eventual white suburban residence. The capital costs of some of these developments were borne by the Native Revenue Account. Yet the state was never able to develop the land for whites. Cato Manor’s lack of any clear white future effectively negated any substantial white property market interest in investment. This was the result of three negative forces, which in themselves reveal how much the failures of apartheid legislative and political capacity have often had as much impact as their numerous and brutal interventions. At the very moment when the state cleared Indian ownership and residence, the state created a distinct Indian ‘race’ group and sought to gain some legitimacy amongst Indians through establishing a co-optive body to represent Indian opinion. All the leading Indian politicians prepared to stand for this body made their continued loyalty almost totally conditional upon Cato Manor being eventually developed for Indian housing or, as Mr J. N. Reddy announced at the time, ‘returned to the Indian community’. Yet the state was never able to accede to such requests. Political benefits which may have accrued from allowing this were continually counterbalanced by implacable opposition from neighbouring white ratepayer and local authority bodies. Finally, because of the continued shortage of African formal housing, the state was never able to clear Chesterville, which was to remain a ‘black spot’.

By the late 1970s the state, who now owned most of the land in Cato Manor, was unable to develop a white future for the area. Whites did not want Indians in Cato Manor and yet, because of a lack of clear policy there always seemed to be more satisfactory areas for privately-owned white suburban residence. Cato Manor was thus never completely cleared of Indian residents. In November 1979 approximately one fifth of Cato Manor Farm was deproclaimed white and in May 1980 was gazetted for Indian residential ownership and occupation. At the heart of this area were around five hundred Indian families who had never been removed. The state, supported by certain Indian political and business interests believed that Indian housing in this area could only proceed through the eviction of these Indian residents and land-owners. The Cato Manor Residents Association (CMRA) was formed. The CMRA accepted an Indian future for Cato Manor, called for the suspension of all evictions, no public auction of sites, housing for all Indian income groups and for priority to be given to ex-Indian residents of Cato Manor. Amidst massive public campaigns and deadlocked meetings involving the Durban Corporation, the South African Indian Council and various central state departments, the CMRA and other progressive political bodies called for the state to subsidise the cost of low-income Indian housing. In the mid-1980s, the Indian House of Delegates began developing an Indian housing estate around this historically resilient core. It was through the impending development of this core area that the contemporary politically charged debate about the future of Cato Manor Farm developed.

Present Problems
During the mid- to late 1980s the House of Delegates received state permission to open a small area of the ‘Umkumbaan’ region of Cato Manor Farm to private Indian land purchase. The House of Delegates also gained authority to develop an Indian housing estate in the Bonella and Cato Crest areas of Cato Manor Farm in order to alleviate the very real shortage of Indian middle income housing in Durban. At the same time the central state was engaged in planning a middle income black residential freehold housing scheme in the old areas of Chateau and Good Hope
Estates. Development of the African housing scheme, which was never publicly announced, has barely begun. The private Indian scheme has proved a failure. Although some very substantial houses have been built, the scheme never seemed viable, faltering partly amidst public allegations of bribery and political patronage but mainly because of the lack of a private property market in Cato Manor Farm. Cato Manor still lacked a secure Indian future. Such a future was dependent upon state development of the planned Indian housing estate. It was this very scheme that attracted the most criticism. Even after the repeal of the Group Areas Acts, the House of Delegates still attempted to use the shortage of Indian housing as a means to political patronage, maintaining an Indian-specific housing waiting list and allocating housing in a corrupt fashion. Political organisations, including the ANC and the NIC warned that development of the scheme was very dangerous and called for a politically acceptable structure plan for the whole of Cato Manor Farm. Neither party was prepared to publicly commit themselves to specific details. The House of Delegates development continued.

At the same time a private housing company put forward plans for a relatively elite non-freehold high density town house scheme in the Cato Crest area of Cato Manor Farm. This private market scheme would be open to any who could afford it. It attracted huge controversy and successful opposition from groupings across the political spectrum from neighbouring white ratepayer associations, town planners and progressive political and community groups like the CMRA.

In the early 1990s, the Built Environment Support Group (BESG) at the University of Natal formulated a dramatically new policy and structure plan for low-cost and middle-income housing to be developed in most of Cato Manor Farm. The scheme would be non-racial, but would ultimately cater largely for Africans. There would be no individual freehold land or housing ownership; rather the whole settlement would be run by a trust controlled directly by the residents. Intimately involved with low-cost housing schemes elsewhere in the Durban Functional Region, and working closely with various civic and community organisations, BESG endeavoured to gain approval from the various branches of the state. They failed, a victim of state infighting, cynical indifference to an innovative approach to urban housing and state unwillingness to consult with community groups. Yet a black residential future for Cato Manor Farm looked increasingly likely. The neighbouring white Westville municipality and other local white politicians suggested that vast areas of Cato Manor Farm should be left vacant and developed as a nature conservation area. In such ways ‘green’ issues often enter the politics of the new South Africa.

By 1987, with violence and shack overcrowding of the outskirts of the Durban Functional Region, Africans began to occupy and build shacks in Cato Manor, particularly in the Wiggins and Cato Crest area. Plot sizes differed; some houses were of brick and iron, others ramshackle. Some new residents justified their stake by claiming past history, either familial or a vaguer form of collective occupation. This was exactly the area intended for the elite private scheme. Instead of an upwardly mobile non-racial property scheme, came shacklands. Squatters often came in organised groups, often with encouragement from both the ANC and the Inkatha Freedom Party (IFP). Political organisations sought to control shack development, acquire support and provide housing and were growing impatient with the slow pace of decision-making over Cato Manor Farm.

By the early 1990s the pace of shack development quickened. What makes the land of Cato Manor Farm so attractive to shackland development is not simply that the area is
temporarily less violent than alternatives, close to the city or served by relatively efficient transport services. This land is socially unencumbered. The land has not yet acquired the welter of confusing claims of power, obligation, reciprocity and simple and brutal oppression that characterise life in more established but unstable shacklands. Because of its locality, Cato Manor Farm has no controlling chieftain that can influence ways in which settlements develop and power is sustained. Spatially and socially vacant land creates an opportunity for freedom and social mobility furthering the process of shackland development.

Although many shack residents are unemployed, others are fully employed in the formal sector or active within informal sectors. Civic and community groups have developed ranging from women's clubs, traders' and self-help associations to vigilante groups and criminal gangs to local branches of the main political parties. The activities and functions of these inter-related groups encompass a spectrum running from development and residential planning, community policing, religious association to grassroots political mobilisation and control. Leadership is diverse and complex: from political activists to local strongmen to shacklords to criminals.

Increasing shack development and the faltering and controversial House of Delegates scheme made it apparent that the state not only lacked a broad structure plan for Cato Manor but was unable to address the scandalous shortage of housing in the Durban area. Yet again, the future of Cato Manor was inextricably inter-linked with the whole city. The Cato Manor Development Association (CMDA), incorporating representatives from state authorities, town planners and some political parties, including the ANC and IFP was formed. However, the CMDA was too divided to provide a clear overall policy, and became a focus of political conflict with shackland civic groupings claiming increased power within the CMDA.

Towards the end of 1993 the whole Cato Manor question acquired a new complexity. African residents from the overcrowded nearby Chesterville township and others from further afield took occupation of some four hundred houses which were completed and allocated but unoccupied in the House of Delegates' Bonella scheme. There was little actual violence and the police refused to intervene during the occupation. It soon became clear that the occupation had been organised. Street committees quickly appeared. They endeavoured to maintain control over the process of occupation and provided a public show of orderliness. Leaders emerged, refuting any notion of impending anarchy. Some of the leaders were identified as local gang leaders. Some claimed affiliation to the ANC. The ANC denied this but there were clear links between local ANC structures and some leaders of the occupation. Many of the new residents, when interviewed by the local press, complained of housing shortages, stressed their desire for non-racial housing allocations, tried to assure Indian residents that they would prevent any criminal activity and expressed a willingness to pay for their houses. On investigation it quickly became clear that entrepreneurs were often occupying more than one house, some were being sub-let, others taken by parties of youths and some by nuclear and extended nuclear families. Many occupants simply could never afford to pay the actual prices for the houses. The new occupants called for the state to provide these houses at prices which the new residents could afford.

Cato Manor Farm is now a major political issue, long beyond the capabilities of local planners and groups like the CMDA to control. It will not be easy to solve. Statements about Cato Manor being 'Indian' have become more muted as the dangers of racially exclusive housing schemes became clear. Yet Cato Manor's future still produces
tensions between major political parties and within neighbouring ratepayer groups with some white residents now rejecting any carte blanche resistance to low-cost black housing in the area. In November 1993 Nelson Mandela made the first of two visits to the Durban area and called for the illegal occupation of Indian houses in Cato Manor to end. A similar occupation of houses allocated to coloureds had also occurred at the same time in Cape Town. An outcry gathered into a national electoral issue. A week later Mandela re-visited Durban for a Peoples’ Forum meeting and to visit the shacklands and housing schemes in Cato Manor; the African residents of Cato Manor Farm declined to meet with him and that part of an otherwise hugely successful campaigning tour was cancelled.

**Perspectives on Current Problems**

The history of Cato Manor Farm does yield important lessons. Cato Manor Farm’s history is too complex to yield up exclusive ethnic rights of occupation, either in terms of colonial and subsequent legal rights of land ownership or rights of legal or illegal residence. Such claims are historically partial and politically dangerous. The iniquities perpetrated against Indians under the Group Areas Acts should not take precedence over the statutory provisions of the Native Urban Areas Acts which prohibited Africans from owning any city land. A policy which seeks to restore land or offer material recompense to expropriated landowners is naive, highly selective, will prove unworkable and may well not be in the best interests of an effective long-term policy to provide housing for people without adequate housing.

In shantytowns, local community associations and the activities of political parties are highly intertwined and often assume the functions of a local state. Shacklands are not simply home to the most marginal within urbanising society. Patronage networks produce the ‘self-made man’, the shacklord and the political boss, often highly reliant on the coercive powers of loyal gang-type groupings. This is not the social order of middle class urban life, but nor is shack society anarchic (Cooper 1982). Shack society can be extremely volatile, and shack dwellers can often display considerable and even violent antipathy towards neighbouring formal housing suburbs. But shack residents are not urban political radicals (Portes 1972). Shack residents most often tend only to unite and become a political force during periods of initial settlement and in confrontation to any impending threat to their existence (Castells 1983). However, when faced with state attempts to improve housing facilities and thereby restructure shack life, shacklands can become highly turbulent places. Residents have very different material resources and urban aspirations. Shack leaders need not necessarily have any stake in the provision of formal housing.

The most typical relations between the state, political parties and shackland society are those of repression, clientilism and the co-optation of shack leaders. Clientilism has been most effective in both Latin America and sub-Saharan Africa. Even when promised for state improvements in urban infrastructure fail to materialise, clientilism seems to continue with political activity within shacklands being significantly low (Gay 1990). The incorporation of shack leaders within wider political and state structures gives political parties an important measure of grassroots control, encourages loyalty amongst shack leaders who may then compete for access to state developmental resources for their shackland. Whilst this might secure political peace it can easily arise through and result in violent competition between political parties and suppression within the shacklands. Furthermore, this process legitimates and strengthens existing, male dominated and oppressive
shackland power relations (Eskstein 1990), a status quo which has been recognised as developmentally counter-productive (Simon 1992).

Conclusion

The structure of South African cities no longer has any basis in segregationist law. The Group Areas Acts have gone as have influx control, pass law statutes and the Natives Urban Areas Acts. A private freehold property market has come, as yet incompletely, to many of South African's black formal townships. Shacklands, for long both banished to and viewed as a problem of the urban periphery, now exist in the centre of all South African cities. The very notion of a city is being challenged, with vast socio-demographic changes giving rise to huge urban and urbanising settlements in and around the city core. The post-apartheid future of these urban and urbanising Functional Regions is far from clear.

The Durban area is now the fourth largest urban area in sub-Saharan Africa, with approximately 3.8 million inhabitants. The vast majority of African residents of this area live in shacklands; urban amenities in these areas are paltry. Residents in these areas are key political constituents within those urban and peri-urban areas of Natal where the vast majority of the region's citizens live. Questions of social, economic and political transformation cut deepest when the issue of land policy is involved. People need land if they are to provide, often through desperate struggle, the basic means of shelter and thereby gain some control over their daily lives. The reconstructing of South African cities requires massive investment in urban infrastructural amenities and low income housing. Whilst a new state formulates and applies such developmental policies it is highly likely that the class, although not the racial character of the old colonial core residential single site housing areas in cities like Durban will remain largely unaffected.

Cato Manor Farm sits right in the expanded core of the old white city – an historical legacy and contemporary problem. Because of its history, locality and uniquely contested emptiness, the land of Cato Manor Farm has given much to political debate on transition and reconstruction within a city where a white community imposed innovative, brutal and sustaining racial segregation. There is the very real possibility of a major state initiated residential development project to transform the nature of cities. The recent history of attempts to develop a structure plan for Cato Manor Farm is hardly promising. If this situation does not change very soon, the land will become occupied, any long term planning will become almost impossible and an enormous opportunity would have been lost forever. If unplanned shacklands or planned low-cost black housing does develop in the area, relationships between civil society, political parties, the local state, legal rights and obligations of ownership and occupation in Cato Manor, the relationship between residents and capitalist formal waged labour routines and the operation of the property market will be of a vastly more complex and different character to any yet seen as permanently part of the old colonial core area of Durban.

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Bi bibliographic Note

Mozambique: An Unsustainable Democracy
Graham Harrison

This debate aims to assess the possibilities of democracy succeeding in Mozambique, that is, reproducing itself within Mozambican society in a sustainable manner through processes rooted in the social formations of Mozambique. This involves two principal considerations: first, the political and economic context in which democratisation is operating; second, the processes and institutions which are evolving within Mozambique to support and sustain democratisation. It will be argued here that the political and economic context for democratisation is unfavourable, especially the anti-democratic way in which economic liberalisation (codified in structural adjustment programmes or SAPs) is carried out by the IMF and World Bank (Endnote 1). Economic liberalisation percolates through and interacts with transformations in Mozambican society, which is undergoing various changes as a result of democratisation. Of course, in a period of transition such as this, it is impossible to make hard and fast assertions, but the evidence presented here strongly suggests that the processes and institutions evolving in Mozambican society do not have the capacity to deal with the contradictions of structural adjustment either by co-opting the main tenets of SAP into a popular programme within Mozambique or setting out a counter-hegemonic alternative.

To summarise the contention: the changes within Mozambique which result from democratisation do not have the capacity to deal with the contradictions embedded within structural adjustment, making it difficult to see how structural adjustment and democracy can proceed together in a sustainable manner.

Before these issues are elaborated, a brief definition of democratisation must be given. Democratisation in this context refers to the institutional changes which Mozambique has undergone since the writing of a new constitution by Frelimo in 1990 which abolished the single party state and set out the principal liberal rights associated with western democracies: freedom of the press, association, expression, mobility, and the institutional separation of executive, judiciary, and legislature.

The first section looks at the anti-democratic nature of SAPs, and the contradictions this creates for democracy in Mozambique. The second section outlines the main repercussions of democratisation in Mozambique within the context of structural adjustment. This will give colour to the rather “dry” definition of democratisation given above. This will also provide background to the important changes taking place as Mozambique approaches its first ever multi-party elections.

The Anti-democratic Nature of Structural Adjustment

At a general level structural adjustment has had a recessionary effect in Mozambique which makes it difficult to describe Mozambique as an exemplar for Africa's development. The World Bank itself seems a little confused on the issue: in a press release to fanfare its latest defence of structural adjustment in Africa, Approaches to Development, the World Bank noted that the recessionary effects have been “moderate,” and that “the pace of adjustment has slowed...”

The question is: can Mozambique survive the passage of SAPs? It is argued here that because of the way in which SAPs have been carried out by the IMF and World Bank, they are anti-democratic. The IMF and World Bank, in their press releases, refer to the need to “safeguard macroeconomic and fiscal discipline,” and that “budgetary discipline is essential to the success of SAPs.”

However, if Mozambique were to follow the IMF and World Bank’s advice and “safeguard macroeconomic and fiscal discipline,” it would fail to meet the needs of the population, and this would mean that the social formations could not evolve in a sustainable manner. For example, if Mozambique were to follow the IMF and World Bank’s advice and “safeguard macroeconomic and fiscal discipline,” it would mean that there would be no money to pay for social services.

Therefore, it is argued here that Mozambique cannot survive the passage of SAPs. This is because the IMF and World Bank have been carrying out SAPs in a way that is anti-democratic.

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ment in Africa: Reforms, Results, and the Road Ahead (1994), it states that Mozambique has been a poor adjuster, and as a result is in a group of 'nine countries [with an] ... improved per capita GDP growth, but to a lesser extent’ than those which the Bank considers good adjusters (World Bank 1994:2). However, in the actual report, the World Bank’s own figures rank Mozambique first in terms of GDP growth! (United Nations 1993a:17).

It is in fact a testament to the fragility of Mozambique’s recovery that it should attain the honour of a place at the top of a World Bank ranking table by virtue of the amount of western aid it has received since the signing of a structural adjustment programme, introduced in 1987.

In the longer term there is good reason to be sceptical. In a situation where infrastructure is practically non-existent, and where those who have capital seem to be predominantly concerned with circulation and speculation rather than production (Roesch 1994:18; Hermele 1992:175), it is difficult to see how the scourge of market forces is going to result in increased production or prosperity for the vast majority of Mozambique. This has important implications for Mozambique’s democratisation.

In urban areas, SAPs has imposed massive hardship on wage earners and non-wage earners alike. This is a result of a number of policies which are standard to SAPs and repeat themselves with depressing regularity in Africa. As part of the drive to reduce state expenditure, subsidies on food prices were removed in 1988, making it impossible for most families to receive enough food because wages for workers and incomes from the various informal activities that most urban residents undertake have not kept pace with price rises (Hermele 1990:21-23; Marshall 1992:18-23). This has been accompanied by cutbacks in social expenditure making access to health and education more restricted (Marshall 1992; Hermele 1990). Furthermore, the Organização de Trabalhadores Moçambicanos (OTM), Mozambique’s national union organisation, estimates that 35,000 workers have been laid off since the start of structural adjustment (Mozambiquefile, June 1994:18).

In rural areas, the situation for the majority of peasants has not significantly improved. The linchpin of structural adjustment for peasant producers is that the rolling back of the state will move internal terms of trade in favour of rural producers by excluding the state from exploitative marketing practices, thus reducing rural-urban disparities. This has not happened; in fact peasant producer terms of trade have fallen (Tickner 1992:35; Marshall 1992:25; Roesch 1994:16). This is a result of the fact that the goods that peasants wish to buy (consumer and producer goods) are imported, and are therefore subject to the inflationary effects of the massive devaluation of the metical (from 40MT:1$ in 1986, the year before SAPs, to 4,100MT:1$ in 1993!). Additionally, manufacturing in Mozambique has declined rapidly under SAPs, making the domestic production of goods an increasingly remote possibility.

What is also noticeable is the lack of support by western donors in two vital areas: reconstructing rural markets and aid geared to the rehabilitation of production. The reconstruction of markets in a way which would facilitate the recovery of the majority of peasants would involve the state, not as the absolute power within markets, but as a strategic actor, influencing other agents. This idea, of ‘recognising that the market had a dynamic of its own, and using the market power of the state ... to identify market interventions which would restrict private accumulation and direct the surplus to social accumulation’ has been usefully developed by Mackintosh (1987: 261; see also with Wuyts 1988). However, the austerity of structural adjustment and the proliferation of western NGOs which bypass the state and replace it at the local level means that the Mozambican state
has never been in a weaker condition to carry out this task. The rollback of the state (Tickner 1992; Hanlon 1991) makes the co-ordinated rehabilitation of rural markets an impossibility. The symptoms of this are already apparent: surpluses in some areas cannot be used to relieve hunger in nearby areas because the deficit areas do not have the income to purchase the crops (AIM Reports, 15 November 1993, 20 December 1993, 14 January 1994, 25 March 1994).

There is also donor unwillingness to fund rehabilitation projects (in the first place, seeds and tools), aimed at long term increases in production and self-sufficiency (Hanlon 1991:77). For example, 'some UN staff said that more than enough food was being distributed, at the expense of items like seeds and tools, needed to secure good crops in the future' (AWEPA, March 1993:3). This was backed up later by a Médecins Sans Frontières nutrition bulletin which stated that the provision of seeds and tools was 'not sufficient' despite them being a priority requirement (AWEPA, October 1993:6).

An FAO consultancy recommended a $62.5m rehabilitation package, which the FAO ignored, sticking purely to 'emergency' aid (G. Littlejohn, personal communication). Overall, the coordinator of all aid in Mozambique, the UN Humanitarian Assistance Committee, found funds for agriculture to be $50m short of targets, the largest shortfall of any aid sector (AWEPA, October 1993:6).

This criticism may appear a little harsh. After all, the UN Office for Humanitarian Coordination in Mozambique (UNOHA) is undertaking the largest repatriation scheme in sub-Saharan Africa, involving over $600m in 1993 (AIM Reports, 3 December 1993). However, one must judge these efforts against the requirements of the situation. The crisis of the peasantry, 900,000 of which have recently returned from outside the country, is so pressing that the capacity of peasants to rehabilitate themselves is minimal and a massive rehabilitation programme is essential. Furthermore, rural society is 'profoundly de-structured' (Cahen 1993:58) and includes a large number of men (formerly with Renamo and Frelimo) who have no stake in society. The potential for banditry, in the absence of a concerted programme to re-integrate these groups, remains great (Nilsson 1993:41); in fact some roads are still insecure because of banditry (AIM Reports, 9 September 1993) and the concern of ex-combatants about the conditions to which they will return in civilian life, manifest in their demands for demobilisation pay and back pay, has been an underlying factor in the recent unrest in the assembly points (AIM Reports, 1 August 1994, The Guardian, 1 August 1994).

Not everyone stands to lose under structural adjustment as Mozambicans well know. There is plenty of evidence to show how traders, kulak farmers, and those with close links to the state, have seized the opportunity of PRES (Programme of Social and Economic Reform, Mozambique's acronym for structural adjustment) to advance their own accumulation (Tickner 1992, Hermele 1990 and 1992). Bowen has conceptualised this differentiation in terms of a triple alliance which involves western capital, Frelimo members who are 'born again private sector entrepreneurs' (1992:270), and a 'tiny stratum of ... "progressive" farmers' (1992:265), both of which are often involved in trade and transport. It is this which had lead cynics and many ordinary people to interpret PRE as a Programme for the 'Rehabilitation of Exploiters' (Tickner 1992:233). The nature of internal class support for SAP will be returned to.

To briefly summarise, the main facets of structural adjustment (the rolling back of the state and the freeing up of the market) have created large constituencies, rooted in the peasantry and working class, with a potential - as yet unrealised - to resist structural adjustment. If SAPs is creating
the conditions for its own unpopularity, the World Bank and IMF are doing little to alleviate these conditions: the World Bank admits as much by declaring that it will provide a 'safety net' for the poorest 10% of the population (Bowen 1992:266), whilst acknowledging that 'more than 50%' (Endnote 2) (World Bank 1992:14) of Mozambique's population is in absolute poverty!

It is the World Bank and the IMF who are the main forces behind structural adjustment, and their power over the state in this regard is easily discernible. For example, the government is free to dispose of only 15% of its foreign exchange earnings – the rest being subject to some form of donor conditionality (Hermele 1990:18); Hanlon highlights the actual atrophy in state capacity since western institutions have drawn personnel away to more lucrative jobs (1991:222) and Bowen describes how the state has become internally uncoordinated and undermined by NGOs (1992:268-270). Marshall summarises the overall trend and the way in which the effects of NGOs relate to the power of the World Bank and the IMF:

Control has shifted out of Mozambican hands in an alarming fashion. Economic policy has come to rest very much with the IMF/World Bank, with bilateral donors lining up behind it (1992:50).

The World Bank and IMF are not accountable to the people upon which their policies impact. The differentiation, class formation, and poverty that is related to structural adjustment create the material conditions for popular resistance to structural adjustment though this cannot be directed at the main 'culprits'. The Mozambican state is therefore the main target of resistance to structural adjustment, despite its inability to respond to this resistance, because the real power resides in Washington. This leads to a further consideration: to what extent can the anti-democratic nature of SAPs be internalised and co-opted into Mozambian society and/or to what extent have institutions evolved to articulate popular discontent to structural adjustment?

Democratisation in Mozambique

Democratisation, as defined above, has allowed various groupings to evolve, many of which express the political identity of a social group or class. Democratisation has also, in tandem with the cease-fire and the build-up to the elections, allowed Renamo to transform itself from essentially a military organisation into something resembling a political party. Frelimo has also changed as it has interacted with these influences though its close relationship to the state has also meant that economic liberalisation has been a strong influence on its political trajectory. A consideration of these areas will allow an assessment of the degree to which structural adjustment can be 'formatively' dealt with within Mozambican society.

Frelimo: If there has been any area of Mozambican studies which evokes as much contention as the degree to which Renamo has roots in Mozambique, it is the question of the degree to which Frelimo was ever socialist or even 'popular'. Irrespective of the intricacies of the debate, the present reality is that Frelimo is a neo-liberal party with authoritarian tendencies.

Cahen has highlighted the continuity within Frelimo's political trajectory towards its present neo-liberalism, reaching the conclusion that '[e]xternal factors have ... served to accelerate the process, not to generate it' (1993:58). Certainly, specific case studies of rural development reveal a process of bureaucratic fiat, partial anti-capitalism, and most importantly, little attempt to empower the peasantry to develop both democratically and in a way which would garner their support for a long period of social-
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The crucial issue for democratisation, particularly the elections, is that Mozambique has a 'party-state' (de Brito 1994:62; Cahen 1993). Frelimo's control over the state has allowed most of the high-ranking party members to make the best of economic liberalisation by using graft to 'springboard' themselves into the private sector, as Hanlon terms it (1991:227). One can see this process in the way many privatisations of state property have taken place.

Privatisation opens up the possibility of using a political position to gain privileged access to divested capital. Africa Confidential reports western diplomats' concerns (perhaps out of a naive belief in 'level playing fields') that 'too many well-connected officials secure interests in plum enterprises' (16 April 1992). These were referred to by the Mozambique Attorney-General in a report on corruption, as 'silent privatisations' (Facts and Reports, 26 March 1992), one example of which was the handing over of the Maputo Driving School to one of its state directors (Mozambiquefile, April 1992). In fact, recently there has been a case in which state property has been illegally privatised: the public National Cinema Institute (ICN) 'hired out illegally' cinema property to private business interests, including those of Carlos Klint, a Frelimo Central Committee member and prominent media capitalist (Mozambiquefile, January 1992:23-24). When this was discovered, the Ministry of Information's response was to set up the apparatus to legalise the privatisation of the ICN.

These kinds of incidents have been publicised by an increasingly critical press and, during a period of extreme hardship for many, it has led to the steady decline in the percentages that Frelimo receives in the opinion polls. A delegate at the People's Assembly in 1990 declared that if the austerity measures required any more belt-tightening then they would 'split in two' (Mozambiquefile, October 1990). For ordinary Mozambicans, the 'belt adjustment of increasing concern; however, is the belt-loosening at the top' (Marshall 1991:4).

The notion of the Frelimo state raises other urgent questions about the build-up to the elections. It would be naïve to expect, given the extent of graft, Frelimo not to be using the state to its own advantage in the build-up to the electoral period. Furthermore, with the two (still!) 'armed parties' about neck-and-neck in the opinion polls and pressure for a 'government of national unity' coming from all quarters there is a strong possibility that the low number of formally-trained Renamo cadres will be absorbed into the state, especially if one considers the degree of convergence between Frelimo and the Renamo leadership in many policy areas.

Renamo. The fundamental question which has risen to the surface each time that the peace process has lurched and stumbled is: Will Dhlakama follow Savimbi? Consequently, many have sought parallels between Angola and Mozambique in their preparations for the elections. There are worrying similarities between the two, particularly the UN's attitude which assumes that the conflict between Frelimo and Renamo can be settled by negotiations and mutual concessions, and that violations of agreements are not cause for concern.

Renamo still does not allow full access to its areas; Renamo held 25% of Mozambique's territory in July 1994 (AWEPA, July 1994; The Guardian, 3 August 1994) and reports of Renamo storing guns, troops, land mines, and food are widespread. It is now almost certain that the
new integrated army will not be fully functional by the elections (AWEPA, July 1994:4-5). But ONUMOZ seems little concerned: Aldo Ajello, the UN special representative to Mozambique, recently said this about disarmament:

*I know very well that they give us old and obsolete material, and they will have here and there something hidden. I don’t care. What I do is create the political situation in which the use of those guns is not the question* (AWEPA, February 1994, emphasis added).

In Angola UNAVEM didn’t care; it created the conditions for peace (in that the elections were free and fair) and yet UNITA went back to war.

However, there are also striking contrasts which, perhaps outweigh the similarities. In the first place, the UN has learned some lessons from Angola: there are ten times the number of peace-keeping troops in Mozambique than there were in Angola (The Guardian, 10 June 1993). All aspects of the peace process are overseen by a commission which allows Frelimo and Renamo to bring any violations to light and forces the UN to investigate them. By doing so, Frelimo has managed to make Renamo troops retreat from areas taken after the cease-fire, and Renamo has managed to stop Mozambican emigrants from voting in overseas embassies.

Conditions in Mozambique are also different from Angola. First, there are logistics: Mozambique has none of the ‘plunder’ resources which Savimbi is using to pay for arms. There is ivory, but in terms of value and bulk, this hardly compares with the diamonds that Savimbi uses to fund UNITA’s military. Second, Renamo has no rearbase that it can rely on: there is no Caprivi Strip or Zaïre with established runways built for the CIA and, with the ANC occupying a majority in the transitional government in South Africa, rearbase support from within the South African state is far less feasible.

The general political context since the Peace Agreement also militates against a return to war. Dhlakama has privately accepted that Renamo would not win the elections after the Rome Accords (AWEPA, January 1993:3, 8; Vines 1993) and seemed, until recently, resigned to a purely material gain from the peace process. The idea of a government of national unity, either before or after the elections is being trumpeted increasingly loudly by the west, in which Dhlakama would have a stake regardless of the election results. The Italians and Americans have already urged a coalition government (AWEPA, August 1993; AIM Reports, 24 June 1993). Consider the following words from George Moose (US Undersecretary of State for African Affairs):

*Where there’s no tradition of a “loyal opposition”, it’s crucial to ensure the losers have a continuing stake in the democratic process, or else they will lose faith and start a new form of tyranny* (AWEPA, August 1993).

In fact, the pressure from western diplomats and politicians to co-opt Renamo into the peace process represents an important change in Renamo: the locus of external influence over Renamo has shifted significantly away from South Africa and towards the west, particularly the US, Italy and Portugal. For example, the US played the role of ‘trouble shooter’ during the period of indirect talks in 1989 and 1990: Edward Fugit (the Chargé d'affaires in the US Embassy in Zimbabwe) and Jeffrey Davidow (Deputy Assistant Secretary for African Affairs) met Dhlakama in order ‘to try to stop Renamo’s foot dragging in the peace process’ (Davidow, in Human Rights Watch 1992:196). During this period, Renamo also had diplomatic meetings with Italy, West Germany, Portugal, and France. It is interesting to note, with hindsight, that in 1990 Dhlakama was received ‘informally’ by the Italian government (Vines 1991:130). Dhlakama’s allegations since, that Italy hasn’t paid Renamo the money it said it would in
secret deals struck in Rome in 1992 have since proved to be true (AIM Reports, 15 April 1993; Africa Confidential, May 1993; Vines 1994:32). Italy was not the only country Dhlakama accused of not paying up which raises the question of whether other western governments also made secret handshakes with Dhlakama.

In any case, speculation aside, it is clear that the West 'is now focused on bringing Renamo fully into the mainstream' (Vines 1993:2; 1994). Until recently, western support for Renamo has been equivocal (mainly some PR training for Dhlakama and $5.8m 'officially' from Italy), but this does not necessarily mean western indifference: at this stage, Renamo is extremely vulnerable, having far less support from South Africa, dependent mainly on food aid, and unlikely to re-start the war without losing much of the support that it does have. Furthermore, ONUMOZ has steadily increased Renamo's commitment to negotiations, albeit slowly.

In a UN Security Council meeting on Mozambique (23 February 1994) Boutros Ghali urged members to support the UN trust fund to transform Renamo into a political party (to which the French are committed). Further evidence of a step up in support for Renamo can be seen in Richard Edis' (British ambassador to Mozambique) plan to channel money to Renamo through the government of Mozambique. Under the 'Edis plan', Britain has committed £2m, Germany DM1m, and the Netherlands and Sweden have collectively contributed $700,000 to the original UN trust fund for Renamo (Africa Confidential, 18 March 1994). Most recently, Italy, the European Union and Britain have donated money to Renamo (through the two trust funds) to the tune of $7.32m (AIM Reports, 8 April 1994).

If Renamo does not return to war, and is likely to form part of a government of national unity (Frelimo only rule out this eventuality before the elections, rather than after which may relate to its control of the state and the possibilities this provides for influencing the elections), how easily will the two former combatants sit next to each other within the new government? There is good reason to suppose that there will be far less friction than their bellicose statements against each other in the run-up to the elections suggest. Their manifestos and policy statements are practically identical on macro-economic and social issues, to the extent that Dhlakama refused to publicise Renamo's manifesto because he thought that Frelimo would plagiarise it (Mozambiquefile, January 1994). The similarities between the two are a result of the role that Renamo has played in 'pushing' Frelimo towards neo-liberalism (Nilsson 1993).

The 'Unarmed Opposition': There were 20 parties in Mozambique in August 1993, excluding Renamo and Frelimo (AWEPA, October 1993) of which 14 had registered as opposition parties contending the elections by April 1994 (AWEPA, April 1994). The leaders of these parties all come from the same class background of small businessmen and highly-educated professionals (AWEPA, January 1993), particularly lawyers. Many of the parties are bankrupt and/or corrupt; many of the leaders of the new parties have spent long periods in exile in Portugal, South Africa and elsewhere; some use racist ideologies; many have splintered around disagreements between individuals. But what is more important than all the intrigue and back-stabbing which seems to characterise the new parties in Mozambique is the lack of any real manifesto or programme for Mozambique beyond the castigation of Frelimo and/or Renamo, and vague social-democratic and federalist assertions.

There are three parties other than Frelimo and Renamo which have proved to be at least minimally stable, and who may pick up a percentage of the vote which will justify their existence after the elections.
(over the 5% minimum to get a seat in parliament). These are FUMO (Mozambique United Front), MONAMO (Mozambique Nationalist Movement), and the PCN (National Convention Party). All three have roots in the anti-colonial struggle, either as disillusioned Frelimo members/sympathisers or as anti-Frelimo leaders under Portuguese patronage all of which became marginalised during independence. In this sense, they fit in with Cahen’s analysis which sees democratisation as creating the opening for ‘local elites to express themselves’ using regionalism and a call for federalism to ‘consolidate their social base’ (1992: 8-9, own translation): having been excluded from power by Frelimo since independence, they are using the new multi-party environment to create a support base which will give them access to the state.

There have been numerous entreaties to form a ‘united opposition’ (e.g. Mozambiquefile, July 1992), but this had not until recently gone beyond rhetoric because of the thorny issue of who to choose as presidential candidate. As the elections draw nearer, the need for some opposition parties to unite will become greater, however, and there is already evidence of some of three of the more stable parties working together in day-to-day operations (Mozambiquefile, December 1993:22). When making the final revisions to this article, three of the smaller opposition parties (Panade, Palmo, and Panamo) had just formed the Democratic Union, a coalition putting forward one presidential candidate (BBC Summary of World Broadcasts, 8 August). Renamo has also encouraged opposition parties to join it in order to oust Frelimo, but so far without success.

There is also strong suggestive evidence that some of the opposition parties contain Frelimo agents; for example, one party’s hotly-tipped president-to-be suddenly left the party amidst rumours that he was a Frelimo agent. It transpired that he had been a Frelimo member until about two months earlier (Mozambiquefile, June 1991). Another party also saw a prominent member leave amidst allegations of Frelimo patronage, which turned out to be true: the politician in question later admitted to having his house bought for him by Frelimo (Mozambiquefile, December 1991). In another case, a party was set up in which its coordinator and main spokesman was a member of Frelimo; in fact it appears that he attended a Frelimo national meeting during the same month as the party was being set up (Mozambiquefile, August 1991).

The brief outline given above of both the two main parties and the numerous unarmed parties reveals the parochial and elitist nature of multi-partyism in Mozambique. The fact behind the acrimonious exchanges between all involved is that there is practically no difference between the parties involved in terms of policies. None is proposing a challenge to the strictures of structural adjustment which, as has already been argued, is creating the conditions for popular political resistance to it. However, there are other forces within Mozambican society which are at least beginning to articulate the concerns of different classes with regard to structural adjustment, and these can be found within non-party civilian organisations.

Civilian Organisations: If the state and the formal parties contesting (and therefore legitimating) its power are unable to deal with popular resistance to structural adjustment, then one can look at civil society in order to evaluate the scope for a challenge to structural adjustment. However, one must also be careful to keep considerations of class at the forefront of an analysis of civil society, because it is the class nature of civilian organisations which will strongly condition the nature and extent of their resistance to SAPs.

Business associations, still very much in embryo (and therefore reflecting the state of the class they represent), have been
challenging SAPs only from a nationalistic-capitalist standpoint. The limits of this resistance are aptly summarised by Antonio Matos of the National Association of Mozambique Industries: 'In general, we support the economic reforms that have taken place. We are not asking for protectionism but for a period of time to adjust to the new economic environment' (Facts and Reports, 9 October 1992).

The most active resistance has come from the labour unions in the cities as a result of changes from above and below. In the former case, the decision in 1990 to separate mass organisations from the state gave the unions their autonomy. In the latter case, the shop floor resistance to the changes imposed or accelerated by structural adjustment put pressure on the OTM to become more active and representative of its constituency. The first real 'push' from below came during a wave of riots in late 1990 involving practically every sector of the 'formal' economy, private and public (Marshall 1991:4-5). The protests were concerned with class accumulation on a national level (against corruption, delays in pay, low pay rates) and at a global level (against retrenchment, low pay and high staple food prices) (News Review, 172, 1990).

In fact, this wave of strikes proved to be a watershed, marking the beginning of a period in which workers struck and protested to defend their rights at a constant low intensity level. For example, workers have been active in trying to increase real incomes: postal workers won a pay rise after a four-day strike (AIM Reports, 9 September 1993) and the union of port and railway workers consulted with state management and gained real wage rate increases above the minimum real wage (Mozambiquefile, February 1994). With respect to failure to pay wages, workers in a privately-owned shoe company struck and won back-pay that management had refused to pay (AIM Reports, 24 September 1993). The grading of wage rates against the lowest paid has also been a target of labour action with dock workers (Mozambiquefile, November 1993) and port and rail workers (Mozambiquefile, February 1994). The OTM has become increasingly critical of SAPs, particularly its impact on workers' real incomes (AIM Reports, 22 October 1993), threatening strike action if wage rates were not pegged to the rate of inflation (AIM Reports, 20 December 1993). As a result of these protests, trade unions, state, and capital now confer to regulate basic food prices (AIM Reports, 29 April 1994), suggesting a danger of creeping corporatism in the future. Clearly, the workers themselves are well aware of this danger: around 3,000 walked out of a recent OTM rally in frustration with the slow and conciliatory methods of the OTM leadership (AIM Reports, 6 June 1994). The unions are still weak, and it remains to be seen to what extent they will be able to influence the political process after the elections. These examples do show, however, that an important 'learning process' in which the unions are learning how to use their autonomy, is under way.

There has been far less direct agitation against structural adjustment in rural areas. The energies of most are taken up with farming and rehabilitation, especially as so many are re-establishing their plots after extended periods outside the country or in refugee camps within Mozambique. There has also been a notable capacity of rural villages to cope with the reconciliation required to reintegrate communities after the war (Wilson 1994; Vines and Wilson 1993). Peasants are also reorganising along co-operative lines both in rural areas proper (Roesch 1994:19) and in the peri-urban green zones which have themselves become an arena of concentrated class struggle (Marshall and Roesch 1993).

Banditry, however, remains one of the greatest threats to the state at present. The prospects of its proliferation depend on the efficacy of the demobilisation process
and the attempts made to reintegrate troops into rural society. Donors have accepted that there is a need to assist ex-combatants in their reintegration to society, but the extremely arduous conditions of peasant production during a general agricultural crisis (the lack of infrastructure and of long term help mentioned earlier) will push men back into banditry, made all the more ominous by the desocialising process of the war and the large number of AK47s in the countryside. To the extent that this creates a threat to the hegemony of the state which does not even now have a monopoly on the means of coercion, one could conceive of banditry as an indirect threat to SAP and the neo-colonial state representing it at the national level.

There has been little research on the impact of structural adjustment and political liberalisation on women in particular, apart from work on the green zone co-ops, the membership of which consists predominantly women. However, taking the arguments of Diane Elson and specific case studies such as Kanji and Jazdowska (1993), one would expect women's burdens to have increased disproportionately. There are a number of particular issues in Mozambique which deserve research now: the situation of women headed households returning to the land, the consequences of families 'reuniting' after a prolonged period of male absence as a result of conscription and/or abduction into Renamo or the Frelimo army (in a different context Pankhurst (1988) has shown how returning men can constrict the previous autonomy that women had gained during male absence), and the likely prospects for women under the newly emerging power structures in rural areas, revolving around chiefs, headmen and the 'family farm'.

To conclude this section, one can see that at present, and for the foreseeable future, the processes and institutions which define the political relief of Mozambican politics show little capacity to either 'internalise' structural adjustment and make it part of a hegemonic political discourse, or to articulate a counter-hegemonic programme giving direction to social discontent. However the potential exists for some organisations, still embryonic, to articulate a challenge to structural adjustment.

Conclusion
A poll was taken in Maputo in December 1993 which revealed that out of a sample of 500, 65% considered themselves worse off as a result of structural adjustment (Mozambiquefile, December 1993). A week later, riots exploded on the streets of the capital in response to bus fare increases which left 2 dead and 83 injured. The riots were a response to a number of recent changes, all related to SAPs: government imposed fuel price increases as part of a cost-recovery exercise, real wage decreases, and the private accumulation of those with capital and state connections within this generally oppressive environment. It has been the thrust of this debate to show that antagonisms such as those which created the riots cannot be resolved in the foreseeable future. This brief conclusion will outline some possible consequences of this for Mozambique.

The creation of a coalition government including Renamo and Frelimo (and some smaller parties) is now almost a certainty, with pressure on Frelimo from many sources, including the UN (Facts and Reports, 28 May 1994; see also The Guardian, 6 August 1994), and Dhlakama explicitly condoning such an action on a regular basis (e.g. Facts and Reports, 21 April 1994). This would in a sense be a logical conclusion to the peace process which has always involved debates over the partition of power between the two combatants and would represent an undemocratic kind of 'elite pacting' with little to do with democratisation. In this event, one would expect to see the stabilisation of a neo-liberal authoritarian
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state which is already embedded in Frelimo and is thoroughly in keeping with Renamo's ideology. The stability of this state will depend on the same kinds of factors which have been highlighted in discussions of the post-colonial state in the 1960s and 1970s: the effectiveness of patronage, the use of violence, the degree of western financial and military support, the creation of societal divisions to offset resistance to the state and the use of icons and ideologies which obscure class and democratic interests.

The collapse of the state and an upsurge in warlordism. Mozambique will never pay its debt which stood at well over four times the country's total annual GNP in 1991 (UN 1993b). Terms of trade keep falling for Mozambique's exports (Hanlon 1991:264) in a country where three primary exports account for over 75% of export earnings (Barratt-Brown and Tiffen 1992:22). The response of both western and South African capital to the peace process has been lukewarm, and will in any case merely strengthen the ties of dependency by concentrating on plantation agriculture, tourism, energy and mining (Hermele 1990). For a state which is quite literally materially reproduced through western aid (Plank 1993), this international environment is hardly encouraging. There are already regional groupings based on some kind of factional or sectarian identity which could well consolidate a local monopoly of power through force in the event that the state becomes so crisis-ridden that it is unable to establish an effective presence throughout the country. Frelimo has recently acknowledged the existence of an armed group called Rombezia in the north (AIM Reports, 21 April 1994), an area into which a large number of Young Pioneers recently disappeared. There have been similar, smaller levels of military activity on the Zimbabwe border, perhaps involving groups of Renamo troops acting without Dhlakama's instruction (AIM Reports, 1 April 1993). The prospects for warlordism will depend on the degree to which the state decentralises power, a trend which is already evident, but by no means complete.

Mozambique's future, as it challenges the two possibilities outlined above, will lie in the relative strength of the progressive but embryonic organisations mentioned earlier: the unions, co-operative associations, peasant associations, local religious institutions which enjoy the support of the community, and those within the intelligentsia who are concerned to make democracy actually mean something to the broad population by creating human rights groups, groups promoting an awareness of rights etc. In addition to real wage declines, land theft, corruption, retrenchment, and a growing (but mainly speculative) capitalist class these groups will not be short of issues to mobilise around.

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Endnotes

1. I use a more active adjective 'anti democratic' in preference to 'undemocratic' in order to reflect the awareness of the World Bank and the IMF that their policies are deeply unpopular, and to reflect their efforts to keep negotiations concerning structural adjustment secret and at the highest political level.

2. This is the World Bank's euphemism for the now universally accepted figure of 60%, first calculated by Reginald Green.

Bibliographic Note


Community Land Conference
Sue Wixley

We the marginalised people of South Africa, who are landless and land hungry, declare our needs for all the world to know. We are the people who have borne the brunt of apartheid, of forced removals from our homes, of poverty in the rural areas, of oppression on the farms and of starvation in the bantustans...We have seen our children stunted because of little food, no water and no sanitation. We have seen our land dry up and blow away in the wind, because we have been forced into smaller and smaller places.

The opening statement of the Land Charter - a document drawn up by hundreds of rural communities - best sums up the hopes and expectations of rural South Africans. The charter was drafted at the Community Land Conference, which took place in mid-February 1994 in Bloemfontein, Orange Free State, and was the largest and most representative gathering of rural and landless people that has ever taken place.

The conference was convened by the National Land Committee (NLC), an independent network of service organisations which work directly with rural communities. The NLC, together with organisations such as trade unions, churches and civic structures, spread the word about the conference and facilitated community and regional meetings. At the conference, however, these bodies only had observer status.

The conference, followed by a public rally, succeeded in putting rural demands on the agenda of political parties for the first time. It may have laid the basis for the building of a social movement of rural people across the country.

Drawing together over 700 representatives from 357 rural and landless communities, the conference included a range of participants, from farm workers and labour tenants to farmers and land owners, from communities that were forcibly removed to people from informal settlements. Each community was asked to ensure that different interest groups from their communities were represented - not only the traditional decision-makers who tend to be older male land owners but also tenants, farm workers, youth and women.

There was a year-long process of consultation that preceded the event. Community meetings and regional workshops were held to prepare for the conference, where communities came up with their land demands. These were then fed into the national conference where delegates drew up a land charter containing their national demands. According to one of the conference organisers, NLC Land Rights and Advocacy Officer Brendan Pearce, ‘We wanted to make sure that it was a community-driven process. Rural people are tired of having others speak for them’.

The charter, an eleven-page document, is a comprehensive list of communities’ demands which could form a foundation for more detailed policy proposals on issues such as land claims and development programmes. The conference demands differ in substance and in style from other land reform proposals, including the World Bank’s, in their em-
phasis on consultation with communities.

Making their Demands Heard

The main thrust of the Land Charter is the call for land. According to its first section, 'We need land ... to live on, for grazing, farming and community facilities. Land must be shared between blacks and whites. We say: “one farmer, one farm!” Land must be made available for redistribution and it must be distributed in a democratic way.' Communities believe that the government must look at a range of options for land redistribution, including:

- State land, especially the vast tracts of land owned by the national army;
- Land owned by absentee landlords;
- Land, such as areas owned by forestry companies, which is not being used productively.

A large section of the conference was made up of victims of forced removals who demanded that ‘the land that was stolen from [them] must be returned’. They called for the establishment of a land claims court to hear their claims and for compensation for damages and losses suffered due to forced removals.

The plight of tenants and farm workers was also highlighted at the conference, where they demanded ‘access to land and security of tenure and that the laws which victimise us must be scrapped’. One of the biggest concerns for labour tenants at present is that farm evictions are on the increase and many are being left without jobs and homes and also stand to lose their farming or grazing land at the same time. Evictions are becoming an increasing problem as farmers use preemptive actions to prevent tenants from benefiting from a land reform programme in the future.

This was echoed by the Reverend David Russell, who addressed the public rally which followed the conference. He said that urgent attention should be given to scrapping legislation which was used to evict people, such as the Prevention of Illegal Squatting Act and the Trespass Act.

By far the most fiery debates at the conference were brought about after the women's commission gave their report. Two demands – for an end to polygamy and an end to the system of a women 'inheriting' her brother-in-law when her husband dies – were turned down by a vocal male presence at the conference. However, some radical demands, which could mean the de facto demise of these traditions, were agreed to. These included:

- That women should inherit land whether they are married or unmarried;
- That women should have equal representation on local government; and
- That women should be targeted for development projects and training programmes.

Although not all their demands were passed, the debate provided an inspiration for women's organisations. For the first time rural women were able to issue their demands and argue them at a national level, a remarkable achievement, especially in view of the many factors which restricted their participation. Other conference demands included:

- That rural people should be represented on local government structures;
- That there should be affordable housing for all;
- That basic services, such as running water and roads, should be supplied;
- That aspirant farmers should have access to credit schemes and training.

However, all these demands are not just being directed at a new government. Communities recognised their own role in fulfilling their demands. Under a section of the Land Charter, entitled...
"Organise or Starve", communities outlined the importance of building unity to strengthen their hand in negotiations. Local, regional and national structures are in the pipeline, as are campaigns around the conference demands. And if their demands are not met, communities have vowed to 'occupy vacant land and state land and to return to our land'.

**World Bank**

Several conference demands were more radical than some of the land reform proposals currently under debate. While the ANC’s Reconstruction and Development Programme and the World Bank's proposals favour a market-assisted approach to land redistribution and have pegged 1913 as a cut-off date for land restitution claims, the conference demanded that the cut-off date be 1652. The conference also called for the scrapping of the property rights and restitution clauses in the interim constitution. Community representatives discussed these two issues with Nelson Mandela, then president of the ANC. Communities were particularly concerned by the ANC's public statements that only state land would be used for redistribution.

Pearce (of the NLC) said his impression was that, when the ANC and Mandela referred to redistribution of state land, they included farms mortgaged to the state through the Land Bank. The ANC also promised to make Land Bank financing more accessible to aspirant black farmers. Mandela spoke of the importance of striking a balance between food production and land redistribution. But what he didn’t really deal with was the fact that only about 20 per cent of white farmers contribute to 80 per cent of this country’s food production. He was vague about exactly what the ANC would do:

It seems that they are trying to walk the delicate tightrope between allaying the fears of white farmers and dealing with the aspirations of the land-hungry.

Mandela gave an undertaking that the ANC would consult rural communities on policy. But Pearce believes that the property rights and restitution clauses in the constitution would make it difficult to carry out a broad-based land reform programme. Further, 'after the elections there will be a greater reluctance to rock the boat'.

One of the most detailed land reform proposals on the table at present is that of the World Bank. The Bank proposes a basic grant of R5,000 for a residential plot in the rural areas. Those who have more money and want to farm can get another grant if they match that amount with their own money. A major problem with the proposal, according to a researcher for the NLC-affiliated Surplus People Project, Lala Steyn, is that 'the demand for land for grazing and farming will not be realisable for poor people - even if they are capable farmers - because they will not be able to match the grant'.

According to Steyn, 'the Bank estimates that if 30 per cent of the land is redistributed it will cost R17.5 billion over five years. This money will have to be loaned by a new government and the World Bank is willing to make this loan'.

Because the Bank proposes paying market value compensation to land owners whose land is expropriated by the state, 'the whole country will carry the burden of compensating a small sector which benefited from years of apartheid policies. The new government will have to address the issues of the level of compensation if a land reform programme is to be viable'.

The ANC's Reconstruction and Development Programme also looks at land reform and identifies job creation and an increase in rural incomes as central. How - and whether - these plans will see the light of day is another matter. It will be up to communities to ensure that their needs are met. And the Community Land Conference gave the participants the platform...
to begin pushing for their demands. 'The conference gave communities hope because they were able to express themselves in a very united and vocal way', said Pearce.

A Movement

'In general rural people have been very silent and they have been isolated from political processes. There have been no resources and no attention given to rural communities by political groupings or trade unions in the past', said Pearce. But Pearce believes that the conference has created a momentum which will make an impact in the long-term. 'Networks and links were formed at the conference. These can be strengthened and may form a basis of rural people coming together to confront common problems.' One of the obstacles in the way of a social movement is a lack of resources, however, and this is compounded by the huge distances and geographical isolation of rural communities.

Pearce points to the role of service organisations such as the NLC in supporting emerging rural organisations. This is crucial, he says, since 'political parties, advice centres and unions offices don’t exist in these areas'. Service organisations can provide assistance through publicity work and campaigns, and by helping communities to engage with political organisations and to build their capacity to raise issues themselves. 'The organisation of rural communities is crucial if people are going to be able to own and direct their own development', added Pearce.

A special issue will be the organising of rural women who usually play a minimal role in traditional community meetings, or local committees. Their participation is limited either by formal prohibitions or by sheer male domination. Their excessive work burden – including collecting firewood and water, childcare and ‘men’s work’, such as tending livestock – seldom leaves women with any time to attend workshops or meetings.

'Although women serve on various development committees [in the eastern Cape], there is no guarantee that development planning will take the gender-specific needs of women into account. Thus women’s needs tend to be placed on the agenda ... only as far as they affect the

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The National Land Committee

The National Land Committee is an independent umbrella body with nine affiliate organisations which deal with land and development issues. The NLC is non-profit making and is strictly non-aligned to any political party. Through its work, the NLC aims to:

- Ensure that land rights and development resources are extended to landless communities;
- Assist in building community organisations and networks to push for and defend land rights; and
- Lobby to ensure the drafting of a just land reform policy.

The NLC grew out of the National Committee Against Forced Removals, which was formed in the 1980s. Since then the network has tripled in size and is now a truly national network with affiliates in the Transvaal, Natal, the Cape Province, the Orange Free State and the Transkei.
whole community', said Pam Yako, who works for the NLC's affiliate organisation in the Eastern Cape. 'For example, a clinic may be prioritised. However, no mention will be made of the need for antenatal service for women to be attached to the clinic', she pointed out. In addition to women's representations, she added, 'there is a need for strong women's organisation that will act as a support base and will also champion women's issues and concerns'.

But the one issue which unites all sectors within communities is the threat that rural issues generally might not be taken up at all. 'The new government will face pressures from all areas, farmers, the World Bank, big business, urban communities, as well as rural communities. They will also have financial limitations as far as land reform is concerned', said Pearce. 'What brings communities together is that they are all from the rural areas and they have been neglected and they are under threat if they don’t organise themselves.’

The closing words of the preamble of the Land Charter show communities' commitment to making sure that something is done about their problems. ‘We look forward to the birth of a new South Africa. But for us there will be nothing new until there is land and services and growth. We will not sit back and watch as the wealth builds up in the cities, while on the edges of these cities, in the small towns and in the countryside, we continue to starve.’

Sue Wixley is Publicity Officer for the National Land Committee.

**Bibliographic Note**

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Land Reform Strategy: New Methods of Control
Harald Winkler

From the 1930s onwards, the South African government sought to introduce schemes of 'betterment' to 'improve' the lives of rural black people. In the apartheid years, this policy had the effect of moving people from dispersed homesteads into concentrated villages, neatly lined up in rows, and encouraging 'commercial' agriculture on the rest of the land. The ideology of betterment was based on the conviction that poverty in the African reserves was primarily due to 'bad farming' on the part of peasant farmers. It was associated with rigid official planning of land use and with the compulsory culling of livestock.

In 1991 the South African government proposed a land reform strategy which continues a long tradition of control. It allows only a small number of black farmers to establish themselves as small-scale or 'beginner' farmers - smaller versions of the standard model of white commercial agriculture. This strategy was to be implemented through the Department of Regional and Land Affairs subsidy scheme (in terms of Act 126 of 1993) and the Department of Agriculture's Farmer Settlement Schemes, with the assistance of the Agricultural Credit Board.

The basis of land reform is to be the 'willing buyer/willing seller' principle. This seeks to entrench free market principles, which at this point will simply continue to dispossess black people. Very limited provision is made for the restoration of land to victims of forced removals, in cases where that land is still state-owned and has no major developments (e.g. buildings or plantations). This restricted version of land reform will fail to meet the needs of most black South Africans. It does not address the issue of
private land that the government forcibly took from black land-owners and then sold to white farmers. It does not even begin to address the need for land on the part of landless people in the homelands and on white farms, who have been denied access to land by apartheid.

What all of these methods of land reform have in common is the fundamental assumption that white officials in Pretoria have the right to determine how rural black communities should live. This is no longer done through blatantly racist measures, but by attaching conditions to the return of land and access to land. Some of the mechanisms used are described below.

**Conditions for Return of Land**

*The Goedgevonden community:* The Commission on Land Allocation (CLA), a body set up to consider claims for restoration of land, has made detailed proposals on the division of land and its use by black communities in some of its recommendations. The case of the Goedgevonden community is a good example.

The Goedgevonden community was removed in 1978 from Trust land they had occupied for 34 years. They re-occupied their land near Ventersdorp (western Transvaal) in April 1991, sparking first an attack by local white farmers, and then a series of court cases, and then negotiations, during which it became clear that the government had a specific plan for Goedgevonden. This plan provided 'that Goedgevonden be made available to a limited number of bona fide farmers – approximately 20 to 25 – together with their labourers' (Minutes, Goedgevonden, 1991). The implication of this division of the community was that, of the 300 families removed in 1978, 20 families would be selected as ‘bona fide farmers’, another 60 would become labourers, and the other 220 would be left to their own devices in Bophuthatswana or in urban areas. This kind of division also allowed the government to tempt an elite in the community to accept the deal, hoping that they would be the 20 favoured farmers.

The plan proposed by the government negotiators was resisted by the community, which made alternative proposals. Their own proposals were based on life as it had been before the removal, and on the premise that all those who had been removed from Goedgevonden had the right to return. The negotiations foundered at this point, with the government team unable to concede that anything other than a reduced version of white commercial agriculture was possible. This was perhaps not surprising, since the government team was led by Gillis van de Wall, a former Director of the Department of Development Aid, which was responsible not only for betterment schemes but also for forced removals. He was clearly incapable of the thought that an African farming system might be a viable alternative.

After the failure of the negotiations, the case was taken to the CLA, which decided in October 1993 that the land was to be given back to the Goedgevonden people. However, it did not restrict itself to the question of restoration, but ordered that the farm should be divided into 21 agricultural units – a precise repetition of the original government position rejected by the community two years earlier.

*The Bakubung ba Monnakgotla – pressure from the white establishment:* The pressure on communities to conform to white standards of agriculture and settlement does not derive from central government institutions alone. In some cases, where central government has decided to restore the land to its rightful owners, the local farmers, police and officials still seek to determine how things should happen. One case in point is that of the Bakubung ba Monnakgotla, who have recently returned to the Boons area in the
western Transvaal, approximately 30km west of Magaliesberg.

The white establishment in the rural areas embraces a wide informal alliance of provincial government, local government, the magistrate, the police and the white farmers. In the case of the Bakubung, their land was restored by the CLA without detailed conditions. However, an alliance of white farmers, the Transvaal Provincial Administration (TPA) and the police in the area again brought pressure to bear on the community to adopt certain farming and settlement practices.

The farmers first delayed the resettlement of the community for three months by claiming they needed that time to remove their cattle. Even after that time, they still tried to restrict the return of more than 20 families. The TPA also demanded undertakings that people should not return before development had been planned, yet they were unable to say exactly what they would deliver, or when and how. The Department of Agriculture tried to lecture the community about the carrying capacity of the farm, the veld types, the most suitable areas for ploughing—all without a single question as to what the community knew about the land from their decades of working it.

The community’s response was that they were settling people on a temporary site until development services could be provided at the original settlement. As far as agriculture was concerned, the community members felt they knew both cattle and crop farming from their own experience.

One example of this local knowledge relates to soil types. The Bakubung allocated four separate portions of land for each family to plough—four portions with different soil types. They had experienced that different soils’ reaction to rainfall affected cultivation. Some of the soil on the 4,412 hectares of land has better water retention qualities than others. Therefore, in time of low rainfall, no farmer would be disadvantaged because of his land allocation. The Department of Agriculture’s planners could not understand this complex system of resource allocation.

**Conditions of Access to Land**

The same pressure that is brought to bear on communities seeking restoration is exerted on those black people seeking additional land, or wanting access to land for the first time. In these cases, the conditions attached by white officials to making land available are formalised.

The **Provision of Certain Land for Settlement Act** (No. 126 of 1993) makes available a 80% subsidy and a 15% loan for communities seeking access to land (see Briefing on 1993 Land Legislation in this issue). The remaining 5% is paid by the community as a deposit, and the 15% loan is repaid over five years. At first glance, this is a most generous subsidy system, paying four-fifths of the market price of the land. It may be said that the present government is willing to pay to establish the ‘willing buyer/willing seller’ principle, knowing full well that a new government will be unable to replicate the scheme for the entire rural population.

It is the conditions attached to receiving the subsidy that are most revealing. First, the value of the land is to be its market price. This establishes the basis of the transaction. Second, the land is evaluated in terms of its ‘carrying capacity’, which refers to the potential of the land to support a specific number of families and small and/or large livestock units. This concept of carrying capacity is contentious, both in itself and in its effect. Its effect has been to prevent whole communities from returning to their land. When people were removed in the 1950s and 1960s, the government did not ask what the carrying capacity of the resettlement camp might be. Now, this is a big issue.
The way in which the white establishment defines carrying capacity is based on its particular model of 'good farming' — a high-input, highly mechanised farming system, which has been built up with the help of massive government subsidies. It assumes that one family owns the farm, and employs wage labour. Given all the external inputs invested, a number of livestock units per hectare is arrived at. The Department of Agriculture's planners treat such figures as indisputable facts. However, given a different farming system, such as traditional African ones, carrying capacity may be substantially different. Given less external input, and more reliance on local resources, a farm may be able to sustain more 'units' than in the white commercial sector.

Whatever the merits of the technical argument, the major problem is the fundamental assumption that black farmers do not know how to take care of their land. Members of the Department of Agriculture seem incapable of recognising that the Bakubung are skilled farmers who know the particular farms extremely well. Their experience need not be used, since 'scientific investigation', which makes no reference to their previous practice of land allocation, will yield all the answers. The belief in the 'bad farming' by black people which gave rise to betterment still persists.

The subsidy scheme also places conditions on the development of settlements. In the community of Driefontein, near Piet Retief in the south-eastern Transvaal, this has become clear through the involvement of the TPA. The Administrator of the TPA has been given the power to designate the land as qualifying for the subsidy scheme. This gives the TPA the power to demand that the community settle in a particular settlement pattern, designed by its planners. Otherwise it can refuse to designate the land.

Why a provincial administration, designed to deliver services to the population, should have so much say in land reform is unclear. The TPA's disproportionate role seems to be part of political moves by this provincial authority to make sure that no land reform takes place without its intervention.

One important lesson is that neither central nor regional government should try to impose, or indeed can effectively impose, forms of agriculture and of settlement that rural communities have resisted for decades.

Harald Winkler is with the Transvaal Rural Action Committee.

New Agricultural Labour Relations Legislation

Centre for Rural Legal Studies

On 17 January 1994 the principles of the Labour Relations Act (LRA), with a few amendments, were made applicable to South Africa's 1.2 million farm workers through the Agricultural Labour Act.

The implementation of this legislation is an important step towards achieving full citizenship rights for farm workers and their estimated 6 million dependents living on farms. Farm workers now have similar rights to other workers, although some of the special farm worker provisions could still be seen as inferior. For the first time requirements for fair labour practices will apply to the farm. With the franchise it represents a major advance in the position of farm workers and rural people generally.

Many farm workers still bear strong resentment due to past practices, while many farmers feel threatened by all the expected changes. Labour legislation can-
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Many farm workers still bear strong resentment due to past practices, while many farmers feel threatened by all the expected changes. Labour legislation can-
not deal with all aspects of this difficult terrain. However, by changing some rules of life in farming areas (especially commercial, if effectively implemented and if adequate support services are provided, it can make a meaningful contribution.

The Past in the Present
Until 1993 farm workers were excluded from all central labour laws. Farm workers' employment rights were governed almost exclusively by common law. It reinforced the inherent inequalities between employers and employees at the time of contracting and in the subsequent employment relationship. The common law further allowed the dismissal of employees for any reason at all.

The farmer's unrestricted right to dismiss, and to evict the whole family with very little notice, was a powerful weapon. Because farm workers joined farm worker unions at their and their families' peril, unions remained few and weak. There was effectively no freedom of association and organisation. In some rural areas civil liberties such as freedom of movement and speech, were non-existent. Even where farm workers were nominally protected against common law crimes such as assault, rural police were often unco-operative in prosecuting offenders.

Provisions of the New Legislation

Key Provisions
The LRA (as applied to agriculture by the Agricultural Labour Act) will promote growth in 'agricultural democracy' if effectively enforced.

- Unfair labour practices by farmers (and unions) can be challenged in the newly created agricultural labour courts;
- Worker and employer organisations can be formed more easily, and workers are protected against victimisation for trade union activities. Collective bargaining is also promoted. Farmers have to consult their workers or their representatives on decisions affecting their employment. There will be more pressure on farmers to recognise farm worker unions and committees and to negotiate in good faith with them. In appropriate circumstances the courts may compel farmers to grant union organisers reasonable access to workers outside working hours;
- Effective dispute resolution mechanisms are available, including provisions on mediation, the agricultural labour court and the industrial court, and compulsory arbitration of certain disputes.
- Strikes and lockouts in agriculture are prohibited, and many technically illegal strikes can be expected. Farmers and farm workers may, however, enter into a written agreement that the compulsory arbitration provisions shall not apply to them. Then legal strikes (or lockouts by employers) may be possible once the prescribed steps have been followed.

Dispute Resolution
Labour disputes in agriculture have often been covert and invisible, although they have contributed to very low productivity in the sector. Through the regulation and formalisation of disputes, more authentic and lasting labour peace is now likely to develop. However, if the parties see the new labour law as something to fight rather than to use (and adapt, where necessary) to the benefit of the sector, consequences for all are likely to be negative. In any case, some disputes will persist, and these will become more visible. In such cases the parties should first attempt direct negotiation. The law does not look kindly on the blanket refusal to discuss clear areas of dispute within the employment relationship.

It will be best, however, for the parties to agree beforehand on mechanisms for resolving disputes, which can be limited
to one farm or involve several farms or even a whole farming sector. Where farmers and farm workers have not agreed to private mechanisms for resolving disputes, or where the parties have finally failed to resolve an impasse, the law provides for the following:

- Farmers and farm workers and their organisations can refer disputes on alleged unfair labour practices to the new agricultural labour court;
- Alternatively the more laborious route of referring them to the industrial court can be followed, but this is discouraged by the Act.
- Other disputes (e.g. demands for higher wages) can be referred for compulsory arbitration.

Compulsory Arbitration

Strikes by farm workers are prohibited. The legislation provides that all disputes (except disputes about unfair labour practices) can be referred for compulsory arbitration, usually conducted by the industrial court. This will include certain disputes on issues such as wages, housing and demands for improved working conditions. If a matter is referred to compulsory arbitration the dispute will be decided by:

- A person jointly agreed upon by the parties
- Or, if such a person is not appointed within the allotted time, the industrial court.

Other Labour Laws

Additional labour laws that apply to the farm include the Basic Conditions of Employment Act (which lays down minimum basic employment conditions for farm workers) and the Unemployment Insurance Act. The Wage Act is the last remaining general labour act from which farm workers remain excluded. Farmers' organisations, fearing legislated minimum wages, strongly oppose extension, while trade unions demand immediate extension. This act does not set minimum wages. This is only done once the Minister of Manpower directs the wage board to investigate a sector and propose minimum wage rates. There are various checks to ensure that unrealistically high wages are not set.

Some Constraints and Problems

Implementation

The most critical problem in the development of this new labour relations dispensation in agriculture is implementation. This legislation is a major step forward, but it may not make much of a difference in the short to medium- and possibly even in the long-term in most of rural South Africa. The following steps are essential:

- Organisations and institutions involved in rural work will have to inform their various constituencies effectively regarding the provisions of the new law;
- The Department of Manpower must dedicate many more resources for education, enforcement and dispute resolution to the rural areas;
- Farm workers and farmers must be encouraged to join organisations of their choosing;
- In the first few years these newly formed organisations will face the great obstacles of long distances and isolation, lack of skills and funds, and there definition of rural relations. A new democratic state must consider how to assist them to deal with these challenges in a constructive way.

Separate Legislation for Agriculture

Due to substantial political pressure from farmers, the law allows for the development of a totally separate legal regime for agriculture. It does this by applying the Labour Relations Act in an amended form to agriculture, while freezing the law in its September 1993 form. Farmers
and farm worker organisations may find
this holds significant disadvantages:

- Until all aspects of this new legislation
  have been interpreted by the courts, it
  will be unclear how the law will be
  applied to agriculture. This may lead
to an extended period of uncertainty.
- More importantly, agriculture may be
  stuck with complicated and partially
  outdated labour law. The Labour Rela-
tions Act (as it applies outside agricul-
ture) will be redrafted in the next year
or two to simplify and streamline it,
and to bring it into compliance with
international standards. This will ap-
ply to agriculture only after further
(potentially lengthy discussions and
negotiations.

Editor's Note: The Centre for Rural Legal Studies
is a Stellenbosch-based independent research
organisation, and has been closely involved in
the study of appropriate agricultural labour
legislation. It publishes guides to agricultural
labour law and provides training and
educational programmes for farm workers,
farmers and other institutions. Their address is
Box 1169, Stellenbosch 7599, South Africa.

South Africa: Some Facts & Figures

- There are 320 000 hectares of avail-
able, arable state land, according to
the World Bank;
- More than 20 per cent of the total
South African population lives on the
farms;
- 75 per cent of all African women live
in the rural areas;
- The government has conservatively
estimated illiteracy rates in the rural
areas at about 55 per cent;
- At least 17 million people live below
the poverty level in South Africa, and
11 million of these are in the rural
areas, according to the ANC’s
Reconstruction and Development
Programme (RDP) document;
- Less than half the rural population
has safe and accessible water supplies
and only one in seven have access to
adequate sanitation, according to the
RDP.
and farm worker organisations may find this holds significant disadvantages:

• Until all aspects of this new legislation have been interpreted by the courts, it will be unclear how the law will be applied to agriculture. This may lead to an extended period of uncertainty.

• More importantly, agriculture may be stuck with complicated and partially outdated labour law. The Labour Relations Act (as it applies outside agriculture) will be redrafted in the next year or two to simplify and streamline it, and to bring it into compliance with international standards. This will apply to agriculture only after further (potentially lengthy discussions and negotiations.

**Editor's Note:** The Centre for Rural Legal Studies is a Stellenbosch-based independent research organisation, and has been closely involved in the study of appropriate agricultural labour legislation. It publishes guides to agricultural labour law and provides training and educational programmes for farm workers, farmers and other institutions. Their address is Box 1169, Stellenbosch 7599, South Africa.

South Africa: Some Facts & Figures

- There are 320 000 hectares of available, arable state land, according to the World Bank;
- More than 20 per cent of the total South African population lives on the farms;
- 75 per cent of all African women live in the rural areas;
- The government has conservatively estimated illiteracy rates in the rural areas at about 55 per cent;
- At least 17 million people live below the poverty level in South Africa, and 11 million of these are in the rural areas, according to the ANC’s Reconstruction and Development Programme (RDP) document;
- Less than half the rural population has safe and accessible water supplies and only one in seven have access to adequate sanitation, according to the RDP.

1993 Land Legislation: its Implications and Implementation

*Lala Steyn*

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**Closing the Door**

In the final stages of the last apartheid parliament in July 1993, eleven regional and land affairs statutes - which together promote privatisation, provide for the transfer of state and trust land and entrench discredited bureaucratic procedures for land allocation - were quietly passed. Seen as a whole, these statutes create the legal framework for the implementation of a pre-emptive and unilateral land restructuring process in South Africa. The NLC rejects this style of unilateral restructuring and condemns the government for acting without informing, consulting or listening to affected communities who have already been made beggars in the land of their birth by the apartheid government. The cry of these communities is:

- We need land;
- We need land for our cattle;
- We need land to plough;
- We need land for our children to live on;
- We need land to build houses, affordable houses;
- We need land for our gardens and for the tenants living with us;
- We need water for the land;
- We need land close to town and places of work;
- We need land that is part of one South Africa.
The land legislation package deals with land allocation, settlement, tenure, title and administration. There are three main themes running through the legislation, which must be seen as the continuation of government policy first articulated in the 1991 White Paper on Land Reform. Landless rural communities’ response to the White Paper at the time was, ‘Let the whites keep their paper. It’s just apartheid’. The same will, we are sure, be said about the new land legislation.

The first theme running through the legislation is the privatisation of communal, trust and state land. The Upgrading Land Tenure Rights Act 112 of 1991 has been amended to include aspects of the discredited 1991 Rural Development Bill. It also confirms an approach to the planning of rural black residential areas that is tantamount to the much hated betterment schemes.

The privatisation ideology assumes that there is a hierarchy of land rights, with freehold title at the top. Proponents of this view argue that the solution of the land question lies in the introduction of private tenure throughout the country. In so doing they ignore the rich diversity of tenure forms that already exist in South Africa that many communities have waged courageous battles to retain. They also ignore countless international studies that have shown that land privatisation has no inherent advantage in terms of agricultural productivity.

The second theme running through the acts relates to various provisions for the joint administration of state and trust land by the South African government and discredited Bantustan governments, and the transfer of control over trust land in the former ‘coloured reserves’ to tricameral local government structures. It has been publicly announced that 500,000 hectares of land have already been transferred to joint administration with the KwaZulu government. In the Cape Province, the intended transfer of trust land to Management Boards in the ‘coloured reserves’ has been rejected by communities concerned. The government’s decision to go ahead with these transfers flies in the face of long-standing and widely supported call for a moratorium on the sale and/or transfer of control over state land. It therefore constitutes a clear attempt on the part of the government to win allies and potential supporters in the negotiating process and the forthcoming election.

The third theme running through the acts is the entrenchment of bureaucratic procedures for land allocation from which communities are divested of any real control. In the past, the enforcement of similar policies ignoring communities’ concerns was greeted with fierce resistance; this will be repeated in the future. The State President is given powers to amend, supplement and even repeal acts of parliament. This is extraordinary at a time when the government is asserting the need for limited powers of government in a democratic South Africa.

Two acts that do not fit neatly into these themes deserve special mention. The first is the Abolition of Racially Based Land Measures Amendment Act 110 of 1993 that upgrades the status and powers of the Advisory Commission on Land Allocation (ACLA), giving it the right to investigate and make decisions and/or recommendations with regard to various categories of state land. The amendment constitutes a transparent attempt on the part of the government to bolster ACLA – now known as the Commission on Land Allocation (CLA) – in the light of the Commission’s failure to deal effectively with the claims communities have thus far submitted. CLA’s future is on the line as communities become increasingly frustrated both by the Commission’s inability to deliver and its constant shifting of the goal posts.

The second act that deserves special mention is the Provision of Certain Land
for Settlement Act 126 of 1993 that deals with the redistribution of land and indicates the parameters of the governments’ current land policy. The Act is ostensibly in keeping with the government’s commitment, in the 1991 White Paper on Land Reform, to go beyond the mere repeal of apartheid land legislation by promoting ‘the accessibility of land to all members of the population’. The mechanisms it provides are, however, very much limited by financial constraints and the Act might set unfortunate precedents that could pre-empt whatever land reform legislation a new government eventually decides to enact. The Act does not recognise past injustices in respect of land allocation in this country, preferring to work from the false premise that the historical slate is clean.

All the laws were passed with unseeming haste – for each act the entire process, from the introduction of the relevant bill to final enactment, took less than two weeks. This left no time for public debate, for evidence to be presented to parliamentary select committees reviewing the bills or for organisations to ensure that their objections were heard and recognised. Affected communities did not even know that such radical legislation was being proposed until they were informed of the promulgation thereof.

The National Land Committee (NLC) believes that if this legislation is implemented it will be used to: alienate large tracts of state and trust land in favour of Bantustans and tricameral authorities in the next few months; entrench a process of land privatisation resulting in the loss of a key redistributive asset; force an ill-considered policy of privatising communal land onto communities without proper debate about a wider and more creative range of options for building security of tenure; entrench complex and bureaucratic processes of managing land allocations in situations where communities acquire land (in most cases, these processes are better handled at local level by communities and without undue bureaucratic intervention); pre-empt land reform and redistribution under a future democratic government.

The NLC thus calls for: a moratorium on any future alienation of state and trust land; the complete review of all existing land legislation and the scrapping of all Acts that limit substantial land reform; the immediate passing of a Restoration Act that will replace existing legislation under which the CLA was established and set up a just land claims commission and court; the policies of privatising communal land and entrenching bureaucratic processes of managing land to be replaced by local community control.

Brief Overview of the Legislation

The following is a list of the legislation and a brief summary of each act’s purpose, concentrating on the key aspects. The eleven acts can be divided into four broad categories: those that deal with land restitution; those that deal with land allocation, settlement and title to land; those that deal with the powers of the self-governing territories (i.e. the non-independent Bantustans); and those that deal with miscellaneous matters.

Land Restitution

The Abolition of Racially Based Land Measures Amendment Act 110 of 1993: This act upgrades the status and powers of the Advisory Commission on Land Allocation and gives it the right to investigate and make decisions and/or recommendations with regard to various categories of state land. It also allows for a partial moratorium on the sale of certain categories of state land for as long as ACLA is investigating claims to such land. This provision is, however, limited by its very nature and also by the fact that ACLA does not have the power to enforce the legislation or the ability to carry out a proper audit of the affected land.
Communities who have submitted claims to ACLA in the past year have experienced numerous problems: unacceptable delays, poor response on the progress of their cases and constant changes to procedures amounting to the shifting of goal posts. In meetings between the affected communities, the NLC and the centre for Applied Legal Studies, and ACLA, these issues were raised but not satisfactorily resolved.

It may be said that the changes to ACLA are probably an attempt to defuse the political explosiveness of land claims by channelling them through the Commission's expanded terms of reference. This strategy is unlikely to succeed unless ACLA substantially changes its mode of operation and many more communities than is presently the case are awarded land through this process.

The Distribution and Transfer of Certain Land Act 119 of 1993: This Act sets up procedures for the transfer and distribution of state land to private ownership. Although at first glance this Act would seem to deal with land allocation rather than restitution it is placed here because it appears that it will be used wherever land is to be allocated to a community or tribe as a result of a recommendation made by ACLA.

Land Allocation, Settlement and Titling

The General Law Second Amendment Act 108 of 1993: This is a wide-ranging Act which amends a diverse collection of statutes on the advice of the Advisory Committee on Non-racial Area Measures (established in terms of the Abolition of Racially Based Land Measures Act 108 of 1991). Most of the amendments are of a technical nature. In between these technical amendments, however, the Act makes far-reaching changes to land tenure arrangements in the rural areas. Indeed it attempts to reintroduce aspects of the failed 1991 Rural Development Bill in another guise by providing for the privatisation of communal land through the declaration of so-called 'rural settlements'.

Although reference is made to co-operation and consultation with those affected, the process of land allocation in these areas, once declared, is effectively placed outside the control of the community. Through its reliance on 'tribal resolutions' the Act has the effect of bolstering the position of discredited rural local government structures. The following pieces of land legislation are amended:

- The Upgrading of Land Tenure Rights Act 112 of 1991 by the insertion of a new Chapter 2A providing for the declaration of rural settlements and the consequent conversion of communal tenure arrangements to private ownership (above);
- The conversion of Certain Rights of Leasehold Act 81 of 1988 to allow for the conversion of occupational rights in the former 'development areas' (i.e. urban black townships) to ownership;
- The Abolition of Racially Based Land Measures Act 108 of 1991 giving the State President power to transfer former South African Development Trust (SADT) to homeland governments; and
- The State Land Disposal Act 48 of 1961 authorising the State President to assign certain powers and duties conferred upon him by the Act with retrospective effect.

The Act also gives the State President the power to repeal the Rural Areas Act (House of Representatives) 9 of 1987 which governs the former ‘Coloured reserves’. Although the Act does not specify what provisions are to replace the current arrangements, it is apparent that the government has the Upgrading of Land Tenure Rights Act in mind as the provisions of Chapter 2A of the Act are expressly made applicable to the upgrading of the rights of registered occupiers in the ‘Coloured reserves’.
According to Eric Buiten, Chief Director Land Reform of the Department of Regional and Land Affairs, his department is not actively implementing the Act, but will activate it as the need arises. By contrast, provincial authorities, who have been given wide-ranging powers in the Act, appear to be keen to implement the upgrading legislation and apply it to as many communities as possible. The upgrading of tenure in the urban context is less contentious and might even be widely supported on the ground. In the rural areas, however, any attempt at upgrading in such a way as to benefit a minority of people at the expense of the majority is likely to be met with fierce resistance.

The Provision of Certain Land for Settlement Act 126 of 1993: This Act provides the main mechanism through which the government envisages redistributing land. It is ostensibly in keeping with the government's commitment, in the 1991 White Paper on Land Reform, to go beyond the mere repeal of apartheid laws by promoting 'the accessibility of land to all members of the population'. The mechanisms provided for in the Act are, however, very limited by financial constraints. In addition, the implementation of the Act might set unfortunate precedents which could pre-empt whatever land reform legislation a new government would want to pass. The Act does not recognise past injustices, but works from the false premise that the historical slate is clean.

In essence, the Act provides for the settlement of persons on land made available for this purpose by the Minister of Regional and Land Affairs, a provisional administrator or a private landowner.

On the surface the Act seems only to provide for private tenure. According to legal opinion from Odette Geldenhuys (LRC, Johannesburg), however, the word 'person' in the Act can apply both to individuals and groups. She also argues that the word 'settlement', as defined in the Act, does not necessarily have the strictly practical meaning of moving onto a piece of land and therefore that it can include the settlement of a group of persons.

According to Eric Buiten and Nico van Rensburg of the Department of Regional and Land Affairs, the government agrees with this interpretation and, to quote Odette Geldenhuys, it 'actually prefers that the purchase can be made by a community legal structure, such as a trust, voluntary association or section 21 company'. This is confirmed in the Department's information document on the 'Background and application of the Provision of Certain Land for Settlement Act' (November 1993). This document will be discussed in more detail below.

Another important feature of the Act is that it provides for financial aid in acquiring land (s.11). In terms of current departmental policy, 80% of the cost of the land purchase is to be paid by the state, 5% by the person/s acquiring the land in cash, with the remaining 15% repayable over 5 years. The difficulty, however, is that the funds available to meet the grant and loan components of this scheme are extremely limited. According to Eric Buiten, the government has made R25 million available in the 1993/94 fiscal year for this purpose. Of this only R20 million is left – a mere drop in the ocean. When asked how the Department decided what to pay farmers, Mr Buiten said that the Department of Public Works conducts a land evaluation whereafter farmers are paid out, apparently at market rates. This system therefore creates a precedent which, if followed, will make major land redistribution impossible for any future government.

The Association for Rural Advancement (AFRA) is involved with two communities, Cornfields and Thembalethle, who are using this Act as a way to gain access to additional land, especially for grazing purposes. Other organisations assisting
communities to gain access to land using this Act are the Legal Resources Centres (in various parts of the country), the Transvaal Rural Action Committee and the Border Rural Committee. It is important to learn from these examples about how the Act is implemented.

The Land Titles Adjustment Act 111 of 1993:
The object of the Act is to regulate the allocation or devolution of certain land in respect of which one or more persons claim ownership without title deeds. The Act repeals the land Titles Adjustment Act 68 of 1979 and s.8 of the Black Administration Act 38 of 1927, substituting them with a single system to be applied to all land designated by the Minister of Regional and Land Affairs.

The Rural Areas Amendment Act (House of Representatives) 112 of 1993: This Act allows for land held in trust by the relevant Minister in the House of Representatives on behalf of the inhabitants of the former 'Coloured reserves' to be transferred to the existing local government structures in those areas, the Management Boards. The transfer of this land, which these communities see as their birthright and which is farmed communally, does not have to be discussed with the community but can be arranged between the Management Board and the Minister. Similar schemes have been widely rejected by most Namaqualand and Southern Cape Reserve communities as they feel that the Boards are corrupt and illegitimate and should resign.

Changes to the Powers of the Self-governing Territories
Three of the new Acts give the State President sweeping powers to amend, repeal and create new laws regarding the self-governing territories. They allow for the transfer of responsibilities to South African departments and for joint administration with the self-governing territories. They do not specify where responsibility and authority will lie. As time proceeds we will see whether these Acts allow for the devolution of administrative powers to provincial government level, something which could have major implications.

The Regulation of Joint Executive Action Regarding Certain Land Act 109 of 1993: This Act allows for joint regulation and action over the development and administration of land outside self-governing territories by the government of the Republic and the self governing territory's administration. The Act contradicts the government's assertion in the 1991 White Paper on Land Reform: there would be no further incorporation of land into the Bantustans. The Act authorises effective incorporation by giving Bantustans governments powers over land outside their borders, albeit without actually redrawing homeland boundaries. This must be seen as a clever ploy by the government to attempt to avoid the political and legal challenges which met its past attempt at incorporation.

On 23 August 1993 it was announced that 500,000 ha of state land had been transferred to joint administration with the KwaZulu government despite a widely supported and long-standing call for a moratorium on the sale and transfer of state land. According to Eric Buiten this transfer will not be implemented. The transfer of 360,000 ha of land to Lebowa is pending, if it has not already gone through.

The Revocation and Assignment of Powers of Self Governing Territories Act 107 of 1993: This Act allows for the legislative and executive powers of the self-governing territories to be revoked by the State President, subject to the consent of the government concerned. Since these powers will thereafter vest in the State President, to be assigned to any body he chooses, the Act gives him immense authority.
Negotiated Elections' in South Africa, 1994
Morris Szeftel

The process of reconstituting the South African state on a democratic basis achieved a definitive step with the general elections of April 1994. The first democratic elections in the country's history successfully completed the transition from the racist apartheid state to one based on universal human rights and common political citizenship. Despite numerous irregularities and organisational problems, the elections were relatively peaceful and their result was decisive. Voters turned out in huge numbers and recorded a collective verdict which left no room for doubt about their support for democratisation and their overwhelming rejection of calls to resist, and efforts to destabilise, change. The ANC's landslide victory was a triumphant culmination of its long struggle for democracy and gave it a conclusive mandate to govern. The elections successfully legitimated the democratic transition.

That they were held at all was itself remarkable. The strength and pervasiveness of the apartheid legacy shaped the political negotiations, affected their constitutional outcome and influenced the election results. The bitterness produced by apartheid, the incompatibility and obstinacy of contending interests, and the terrible violence (and threat of further violence) unleashed by the decision to negotiate an end to the apartheid state, all made a resolution as difficult as it was imperative. It made the peacefulness and friendliness exhibited by voters at the polls seem miraculous. But the miracle was only possible because the protagonists ultimately compromised. In particular, the ANC-Cosatu-SACP alliance (generally called the ANC, below) made fundamental policy concessions in order to reassure opponents, end deadlock and
The Joint Administration of Certain Matters Act 99 of 1993: This Act allows for the administration of certain matters by departments that were formerly separate to be administered by one department. The Act gives no indication of how these departments will be constituted, what their level of authority will be or how they will be politically accountable.

Miscellaneous Matters

The Regional and Land General Affairs Amendment Act 89 of 1993: This uncontentious act has three main purposes:

- To provide for the phasing out of the South African Development Trust Corporation LTD (STK);
- To amend various Acts by substituting the Minister of Regional and Land Affairs for the previously responsible minister, and by making various other housekeeping amendments; and
- To remove the power of the Survey Regulation Board to prescribe fees to be charged by surveyors (part of the general policy of de-regulation).

The Shortened Registration Procedures of Land Amendment Act (House of Representatives) 76 of 1993: The Housing and Development Acts of the House of Representatives are amended to provide for a shortened and cheaper transfer of land in respect of which the so-called 'capital discount' is applicable.

Editor's Note: National Land Committee, P. O. Box 30944, Braamfontein, 2017 and Surplus People Project, P. O. Box 468, Athlone, 7760. Legal Analysis/Memoranda that formed the basis of the document were provided by: Theunis Roux (Institute for Development Law, UCT), Henk Smith (LRC, Cape Town), Geoff Budlender (LRC Head Office and Odette Geldenhuys (LRC Johannesburg).

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permit a transfer of power. And where serious voting irregularities threatened both the vote count and legitimacy of the elections, they negotiated a resolution and accepted a questionable outcome in the interest of peace and progress. Fundamental questions of social justice and political power were left unresolved in order to permit democratic progress; the elections were interesting as much for what they did not settle as what they did.

Negotiation and Violence
The 1994 elections came after four years of bitter conflict. During that time the two main protagonists, the National Party (NP) government and state apparatus, on the one side, and the ANC, on the other, progressively shifted their efforts from negotiating about policy goals to finding 'technical', constitutional arrangements which permitted a transfer of power and an early election. The shift was difficult for both sides. The NP initially sought to defend white privilege, private property and communal interests by diluting the state almost to the point of abolition (Southall, quoted in Adam & Moodley: 34). The ANC wanted a far-reaching structural reform to redress some of the legacy of racial inequality. In the end, however, they settled for a rapid political transition in which the NP gave up its control of government and the ANC postponed social transformation. Endemic political violence and continuing economic contraction made it difficult to prolong the coexistence of 'a state with power but no authority and an opposition with authority but no power'.

These changes of strategy came in three (often overlapping) phases. The first, dominated by 'talks about talks' and 'wars of manoeuvre' occupied most of the 18 months following the release of Nelson Mandela in February 1990. At this stage, the ANC linked the question of democracy to the issue of social justice, while the government adamantly insisted that reform should include 'group' as well as individual rights, 'power-sharing' instead of majority rule, and local rather than central power. The government sought to consolidate a 'reactionary' alliance of whites, 'Coloureds', Indians and conservative black interests (in particular looking to an alliance with Inkatha to provide a powerful block of votes capable of challenging the ANC). To this end political pressure was used against the ANC to press it to abandon radical allies and policies and violence was employed against its supporters. The aim was to restructure the ANC before negotiations began to restructure the state (Szeftel 1991; Callinicos). The strategy was undermined by revelations in June 1991 of government dirty tricks, death squads, slush funds to support Inkatha in its conflict with the ANC in Natal and on the Rand, and the training of Inkatha members by members of the defence forces (SADF) in mid-1991 (Szeftel 1991).

Such revelations helped produce constitutional negotiations: the Convention for a Democratic South Africa (Codesa), convened in December 1991, opened a second phase during which it proved impossible to sustain negotiations and violence simultaneously (Meredith 43-49; Friedman). The failure of Codesa to make progress, and the continuation of state coercion, provoked ANC 'mass action' campaigns. These intensified its conflict with various homeland functionaries (especially with Inkatha in KwaZulu and on the Rand, and with the 'governments' of the Ciskei and Bophutatswana) culminating in massacres at Boipateng in June 1992 and Bisho in the Ciskei in September 1992. Once again, reports implicated not only the homeland organisations but also the state security apparatus in the massacres. Boipateng resulted in the ANC withdrawing from Codesa in protest at the state's orchestration of violence, thus bringing the talks to an end.

The crisis which followed alarmed both the ANC and the NP. From the government's perspective, coercion had not
undermined the ANC-led alliance, producing instead increasing militancy from ANC and PAC cadres and, in the Eastern Cape, APLA attacks on whites. The NP’s own supporters were increasingly insecure about the turmoil in the country and were defecting in droves to the far right and to Inkatha. Capital was leaving the country and the economy contracting. The government’s homeland clients were
now clearly not a viable alternative force to challenge the ANC; even Inkatha was forced progressively to abandon pretensions of being a national alternative to the ANC and to fall back on its KwaZulu redoubt and appeals to Zulu ethnic identity (Szeftel 1994). The state's tactic of combining coercion with negotiation had proved a two-edged sword.

For their part, ANC leaders were faced with a mounting death toll among their supporters, disillusionment among many about the lack of change, mass demands that armed struggle be resumed, and growing problems of controlling MK militants and 'self-defence units'. Many of these problems became even more severe after the assassination of Chris Hani in April 1993. Key elements of the leadership became convinced that a transfer of power had to be effected quickly to avoid further turmoil and possible loss of control of the process of change. In November 1992, an ANC document (Negotiations: A Strategic Perspective) argued for compromises which would overcome government delaying tactics, including the possibility of a government of national unity. The observation was repeatedly made in interviews that, during 1992, branch discussions gradually shifted from issues of transformation to questions about organising for elections and winning power. There were complaints that negotiators were 'selling out' in order to gain office. For those involved in negotiations, however, the choice was less between structural reform and 'sell-out' than between a transfer of power and continuing violence, even 'civil war'. The concern about civil war was certainly prevalent in 1993, especially after Hani's death. At an ANC consultative meeting, in Johannesburg in June 1993, at which ANC leaders briefed civic organisations about elections and the interim constitution, the point was made that change had to be 'sustainable'; it was better to contend with an imperfect outcome than with 'civil war' (meeting, Johannesburg, 26 June 1993).

The crisis thus inaugurated the third phase of the transition, convincing both sides that a political settlement was the priority. In April 1993 the Multi-Party Negotiating Forum (MPNF) met to negotiate a new constitution and not even Hani's assassination stalled the talks. Despite difficulties and arguments, progress was rapid; the skills and determination of the ANC and SACP representatives were now reciprocated by an NP negotiator interested in negotiation rather than obstruction. Figure 1 illustrates this process. Between April and November 1993, the conference agreed on: (i) 27 April 1994 as the date for the election of a Legislative Assembly and 9 Provincial Assemblies; (ii) 'neutral' (non-apartheid) structures to oversee the transition, most notably the Transitional Executive Council (TEC) to share executive authority with the government, and the Independent Electoral Commission (IEC) to run the elections; (iii) an interim constitution, including key principles binding on the Constituent Assembly which would frame the final constitution; (iv) an interim Bill of Rights, including fundamental rights to be included in the final Bill; and (v) a timetable for the agreement of a final constitution and the holding of further general elections.

The shape of the constitution, the interests it defended and empowered, all were the product of the need to put political transition before social transformation. Government and ANC negotiators thrashed out compromises and then 'sold' them to the other delegates. Both sides made important concessions. The NP agreed to a state with strong executive authority and dropped its demands for institutionalised 'group rights'. It abandoned permanent 'power sharing', accepting instead a five year transitional 'government of national unity' to be followed by majority rule. The ANC made even more fundamental concessions. It proposed the 'sunset clause' setting up a transitional 'government of national unity'
(postponing majority rule and freedom to restructure for five years). It acted to conciliate the bureaucracy by guaranteeing their jobs and pensions (including civil servants and police in the homelands who, presumably, will be a dead weight on regional government and provincial budgets for years to come) and by agreeing to amnesty for military and police personnel up to December 1993 (senior police officers were implicated in organised violence as late as the eve of elections). It made concessions to regional interests by accepting federalism and to minorities by proposing proportional representation. It also agreed an interim Bill of Rights which, while enshrining the principle of non-racism, nevertheless was framed broadly enough to protect many vested interests (the guarantee of private property was not matched by rights of access to property, downgrading the commitment to redistribution contained in the Freedom Charter).

It is important to stress just how much was achieved by the negotiators at the MPNF. The apartheid state, armed to the teeth and able, in the previous decade, to use terror and violence against Africans throughout the southern subcontinent, was wound up by mutual agreement at the negotiating table. It was replaced by a constitution extending full and equal citizenship to all - regardless of race, gender or status - and limiting state power in law. The price of this remarkable achievement, however, was a transition which left the distribution of wealth and the repressive apparatus of the state largely intact.

The Threat to the Elections

Seven of the 26 organisations at the MPNF opposed both the fixing of an election date and the agreement on an interim constitution. These parties, representing the white far-right and black beneficiaries of apartheid, felt marginalised by the agreement and resented the speed with which ANC and NP negotiators had pushed it through. They had earlier entered into a tactical association called the Concerned South Africans Group (Cosag) and subsequently allied under the name of the Freedom Alliance, a motley collection of racists, nationalists and homeland leaders. Two of them, the Conservative Party (CP) and Inkatha (IFP) withdrew from the MPNF in protest against the setting of the election date.

The far right had four main elements. Outside the talks, a collection of neo-fascist groups, of which the AWB was the largest, threatened insurrection if the democratisation process went ahead. The CP, one of whose leaders was convicted of Hani's murder, defended apartheid and was the main opposition in the outgoing white parliament. It was defeated, however, in a 1992 referendum when the white electorate backed De Klerk's call for 'limited' reform. The Afrikaner Volksunie wanted a separate Afrikaner volkstaat. This was also supported by the Afrikaner Volksfront (AVF) led by General Viljoen and a group of retired generals who sought to unite the white farmers and workers, many of them heavily armed ex-soldiers and territorials, to oppose constitutional change. Many farmers prevented voter education drives reaching black workers on their farms. A spate of bombs at several ANC offices, culminating in a bombing campaign and numerous deaths in the Transvaal in the last fortnight of the election campaign, underlined the nature of the threat. There were grounds for concern about the relationship between the far right and the police and army (Viljoen had heroic status in the eyes of many serving officers). Such fears were increased by the failure of the police to arrest those responsible for terror against
the liberation movements and by their partisanship during conflict in the townships. Nor were they helped when the AWB invaded the MPNF negotiations on 25 June 1993 and the police on duty made no move to stop them (the invaders were finally withdrawn by their leaders). There was concern that large sections of the police and military might join an insurrection or fail to defend the new government against it.

Most black homeland leaders either sheltered within the NP or made their peace with the ANC. Three did not. The Bophutatswana and Ciskei 'governments' announced their determination to resist 'reincorporation' into South Africa. The Bop leadership also banned election campaigning and voting. Both regimes were deeply unpopular and extremely brutal; in addition, the Ciskei regime was notoriously corrupt. Both feared reprisals for repressive policies and the loss of homeland patronage (as one Bop 'minister' put it, there would be 3 million civil servants chasing 500,000 jobs under an ANC government). An even more serious challenge was posed by Inkatha in its KwaZulu homeland. In contrast to the other homeland parties, the IFP had a genuine mass base, had been heavily armed by the state and was able to use the structures of KwaZulu to maintain control over the local population. It had been embroiled in a bitter war (with tens of thousands of casualties) against the liberation movement since the early eighties. Its KwaZulu Police and armed cadres gave it the capacity to resist change by force.

In 1990, Inkatha had shared with the NP a desire for strong local autonomy, in its case to defend its control over KwaZulu. While the NP later changed its perception of what could be realised, the IFP did not and bitterly resented what it saw as government betrayal. The IFP was part of a Freedom Alliance delegation in December 1993 which demanded greater regional autonomy and 'the right of self-determination' as the price of participation in (suitably postponed) elections. Although the ANC made numerous attempts at compromise, it was not prepared to concede the degree of local autonomy demanded or the right of secession. In January 1994, Buthelezi insisted that KwaZulu 'is a region where we dominate. No foreign forces will come into it to rule.' He portrayed the IFP as defending the traditional authority of the Zulu king against outsiders.

IFP leaders chose to depict the TEC as ANC government under another name (even though all parties were represented equally on all TEC bodies). More ominously, they determined not to permit voting in KwaZulu and denounced the IEC as an ANC proxy; in the week before polling, a number of young IEC agents, on a voter education drive, were murdered in KwaZulu. The violence throughout 1993 and early 1994 was unrelenting and the prospects for elections in Natal were poor. Less than three weeks before the elections, the failure of talks on the status of the monarchy and the collapse of international mediation efforts (the ANC refused to discuss a change of election date; the IFP refused to discuss anything else) raised tensions further.

The Breakthrough
A series of late concessions made it possible for the elections to take place on schedule. In the run-up to the polling, the 'governments' of Ciskei and Bop collapsed when their civil servants became worried that they would lose salaries and pensions after the elections when central funding ended. Despite government obstruction, the TEC was able to send in forces to restore order and ensure their reincorporation and the holding of elections. The AWB's abortive invasion of Bop (to defend the Mangope regime against the TEC) resulted in General Viljoen leaving the AVF to form the Freedom Front; subsequently, the FF entered the elections in the hope of
Figure 2: Before and After ...

Samples of the national ballot paper, issued by the IEC for voter education purposes: on the left, the form printed while Inkatha insisted that it would boycott the election; on the right, amended to include Inkatha by the addition of a hastily printed sticker attached to the bottom of the ballot.

The National Party considered that it has made an important sacrifice by giving up its position at the bottom of the form. Inkatha was to protest about ballots issued to voters without its sticker added.
The system by which the membership of government structures is calculated based on the percentage of votes of a party is called Proportional representation. What this means is that the percentage of members from your party within the structure is based on the percentage of the vote your party won.

WHAT HAPPENS TO YOUR VOTE IN THE APRIL ELECTIONS

After you have voted, your vote will be counted in two ways - NATIONALLY and REGIONALLY.

Your national vote will be used to calculate the percentage (*) of national members your party will have in the NATIONAL ASSEMBLY.

The percentage (*) of regional members your party will have in your provincial government - the PROVINCIAL ASSEMBLY.

The percentage (*) of regional members your party will have in the NATIONAL ASSEMBLY.

Regional assemblies will be formed based on your regional vote. The number of members in each assembly will be based on the number of votes in the region divided by 50000.

Your regional vote will be used in two ways...

The percentage (*) of regional members your party will have in the NATIONAL ASSEMBLY.

Your national vote will be used to calculate the percentage (*) of national members your party will have in the NATIONAL ASSEMBLY.

Figure 3: Elections Under The Transitional Constitution
(from one of many voter-education leaflets)

for a vollstaat, thus marginalising the other segregationist parties.

The possibility of insurrection (Mandela called the far right the main threat to peaceful change) nevertheless made the ANC concerned to ensure the loyalty of existing state structures. In 1992, Joe Slovo expressed concern about 'the capacity of the white civil service, army and police to destabilise a newly born democracy' and suggested the 'sunset clause' to
'Negotiated Elections' in South Africa, 1994

racy' and suggested the 'sunset clause' to 'provide for compulsory power sharing for a fixed number of years' in order to commit the state apparatus to the transition (Meredith: 57). Throughout the election campaign, Mandela called on ANC supporters to support the SADF and police. The tactic worked well enough: the army commanders are said to have warned the right that they would not permit a rebellion against a legal government and (after a major explosion at Jan Smuts Airport) 31 AWB members were arrested in the run-up to the elections, bringing the bombing campaign to a halt.

Finally, and most importantly, Inkatha abandoned its election boycott a week before polling. On 15 April, Archbishop Tutu and a group of senior clergy persuaded the King in Ulundi to urge all Zulus to stop fighting; that weekend saw the lowest death toll in Natal for almost two years. The weekend also brought overtures from the IFP to join the electoral process in return for constitutional guarantees for the monarchy (which had, in fact, never been threatened). The IEC agreed that stickers could be attached to the bottom of ballot papers to accommodate the IFP (see illustration) and arrangements were made for its list of candidates to be entered in nomination. As a result of Inkatha's change of mind, violence almost completely abated during the elections - an eloquent comment on where responsibility lay.

Inkatha portrayed itself as having set aside its objections to 'save South Africa' from war. The conciliation services of a Kenyan friend, Professor Okumu, were also praised. In fact, the reasons for its entry extended beyond altruism and persuasion. After the elections, KwaZulu would cease to exist as a political entity, salaries to a vast legion of IFP and KwaZulu personnel would end and the patronage base on which the party's power rested would disappear. By entering the political process, the IFP could hope to preserve this base to some extent. Furthermore, had it not rejoined the process, Natal would have been ruled by an ANC regional government and the IFP would have faced oblivion or the need to resort to armed insurrection.

Equally important was the hostility which Inkatha's dissenting position incurred from the business interests it had always courted. The IFP had always presented itself as the friend of capitalism and opponent of ANC 'communism'. It had been heavily supported by outside imperialist interests for doing so. Capital, progressively eager to end apartheid from the early 1970s, became insistent on change after the crises of the 1980s. It invested heavily in a constitutional settlement in the hope that this would end economic decline. Yet in the 1990s it came to prefer accommodation with an ANC government to alliance with an IFP opposition. Although they disliked ANC plans for redistribution, businessmen wanted the stability that only a settlement could bring. In the 1980s top executives visited the ANC in exile for talks; in 1988 they began a series of regular conferences attended by business, Cosatu and the UDF. There were even meetings with ANC exiles in the international section of Jan Smuts airport. Business provided the secretariat for Codesa and for the MPNF, contributed heavily to voter education and the IEC and put its planes and offices at the disposal of efforts to resolve the ANC-Inkatha dispute. When Inkatha threatened the 1994 elections, capital was furious; the editorials of Business Day and much of the English press condemned it bitterly and even urged repressive action against it. In contrast,

There has long been a relationship between the political Left and business ... not far short of a partnership. One of the common aims has been to bring democracy to SA. If there had not been this relationship, the election would almost certainly not have taken place (Financial Mail, 29 April 1994, pp.20-21)
The Elections
As Figure 3 indicates, the elections required voters to cast two ballots to elect a National Assembly (reflecting both national and regional voting strength) and nine provincial assemblies. Seats were allocated by proportional representation. The provincial assemblies would in turn elect a Senate. The National Assembly and Senate sitting together would constitute a Constituent Assembly to finalise the constitution. The seats available in each body are shown in Table 1. The government of national unity would be headed by a President drawn from the largest party in the National Assembly and up to two Deputy Presidents drawn from the two largest parties with more than 20 per cent of the vote each (80 seats). Up to 27 Cabinet positions would be distributed on the basis of one portfolio for every 5% of seats.

Candidates were elected from party lists on the basis of proportional representation. Because this meant that they lacked a constituency structure, the election campaign focused on the meetings and rallies of national leaders and appeals made through the press and posters. Since there was no voters roll, the IEC could only estimate numbers expected in each area and allocate ballot papers to voting stations accordingly. Fears about state interference or political intimidation resulted in the recruitment, nationally and internationally, of large numbers of volunteers to monitor and observe the elections. The threat of violence raised concern for the safety of voters and officials. The training of monitors and observers included procedures to avoid conflict where possible. All voting stations were to have a (thinly spread) police and military guard. To protect voters against possible reprisals, the IEC decided to use ultra-violet ink, visible only under a special light, instead of the ink dye used elsewhere to prevent double voting.

Voting was peaceful and the turnout – over 19.5 million people – far greater than expected. Voters also turned out in unexpected numbers in some areas, a result of huge population movements in the early nineties. This resulted in serious organisational difficulties as many voting stations did not have enough ballot papers or boxes while others had too many. In the end, the IEC had to extend the elections for two more days and to hurriedly print more ballot papers. There

<table>
<thead>
<tr>
<th>Seats</th>
<th>Eastern Cape</th>
<th>Western Cape</th>
<th>Northern Cape</th>
<th>KwaZulu Natal</th>
<th>OFS</th>
<th>North West</th>
<th>Eastern Cape</th>
<th>Tvaal</th>
<th>PWV</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parliament</td>
<td>28</td>
<td>21</td>
<td>4</td>
<td>40</td>
<td>15</td>
<td>15</td>
<td>14</td>
<td>20</td>
<td>43</td>
<td>200</td>
</tr>
<tr>
<td>Prov Assm</td>
<td>56</td>
<td>42</td>
<td>30</td>
<td>81</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>40</td>
<td>86</td>
<td>200</td>
</tr>
<tr>
<td>Senate</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>90</td>
</tr>
</tbody>
</table>

Notes:
1. 400 National Assembly MPs and members of the nine Provincial Assemblies elected by proportional representation. Each party allocated seats in proportion to its share of the vote.
2. 200 of the 400 MPs elected from national party lists according to each party’s share of the national vote (e.g. 50% of national vote wins 100 seats).
3. The other 200 MPs elected from regional/provincial party lists according to each party’s share of the vote in each province (e.g. 50% of vote in Eastern Cape wins 14 seats).
4. All members of the nine Provincial Assemblies elected from provincial assembly party lists according to each party’s share of the provincial (second) ballot (e.g. 50% of the provincial vote in Eastern Cape wins 28 seats).
5. 10 Senators from each province, elected by the members of each provincial assembly in proportion to the seats held by each party in the provincial assembly (e.g. 50% of the vote/seats in any province entitles a party to 5 senate seats).
Table 2. 1994 Election Results: National Assembly

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
<th>% Vote</th>
<th>Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>African National Congress</td>
<td>12,237,655</td>
<td>62.6</td>
<td>252</td>
</tr>
<tr>
<td>National Party</td>
<td>3,983,690</td>
<td>20.4</td>
<td>82</td>
</tr>
<tr>
<td>Inkatha Freedom Party</td>
<td>2,058,294</td>
<td>10.5</td>
<td>43</td>
</tr>
<tr>
<td>Freedom Front</td>
<td>424,555</td>
<td>2.2</td>
<td>9</td>
</tr>
<tr>
<td>Democratic Party</td>
<td>338,426</td>
<td>1.7</td>
<td>7</td>
</tr>
<tr>
<td>Pan Africanist Congress</td>
<td>243,478</td>
<td>1.2</td>
<td>5</td>
</tr>
<tr>
<td>African Christian Democratic Party</td>
<td>88,104</td>
<td>0.5</td>
<td>2</td>
</tr>
<tr>
<td>Other Parties</td>
<td>159,296</td>
<td>0.9</td>
<td>0</td>
</tr>
<tr>
<td>Total Seats</td>
<td>400</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
1. Votes refer to 'final' figures released by IEC in May 1994, % votes to percentage of total valid votes announced and seats to total seats achieved by each party under the national and regional proportional votes allocated.
2. Other parties contesting the national list (each unable to win the roughly 45,000 votes needed for a seat): Soccer Party; Keep It Straight and Simple Party; Women's Rights Peace Party; Workers'_List Party; Kimoko Progressive Party; African Muslim Party; African Democratic Movement; African Moderates Congress Party; Dikwankwetla Party; Federal Party; Luso-South African Party; Minority Front Party.

were also difficulties about identity documents and some evidence that different presiding officers interpreted the rules about what was a valid ID in different ways. There were also attempts at sabotage: the IEC's main computer began to give inaccurate results during the counting (reducing the ANC vote) but this was corrected through the two backup computer systems; and there were reports that officials seconded from the government had withheld ballot books in warehouses, preventing voters from voting on the first two days. And there were cases of ballot forms being issued without the addition of the IFP sticker. There were also more than 500 allegations of electoral irregularities and vote rigging, the majority being settled by negotiation between the IEC and the political parties. Nevertheless, despite much inefficiency, most people managed to vote and to vote for the party of their choice.

The Outcome

The election produced huge ANC majorities nationally (62.6% of the vote, see Table 2) and in most regions (see Table 3). The concerns of the white right were starkly demonstrated as what had been regarded as the 'Afrikaner heartland' now became the ANC heartland, with more than 75% of the vote in the Eastern Cape, Orange Free State, North West, and Eastern and Northern Transvaal. Only in KwaZulu/Natal and the Western Cape did the ANC lose the provincial elections. The NP came second, as expected, though with barely the 20% vote needed to make De Klerk a Deputy President, and won Western Cape. Inkatha won 50% of the vote in KwaZulu/Natal but performed poorly elsewhere, emerging as a regional force only. Others had disappointing returns. The Freedom Front obtained less than 10% of the vote, far lower than it had wanted in order to press its case for a volkstaat. The Democratic Party performed even more poorly. White voters preferred NP market conservatism to DP market liberalism, while its anti-ANC message had little appeal for black voters and may have infuriated many for its lack of sensitivity to black needs and grievances.

The most surprising casualty was the PAC, with a mere 1.2% of the national seats and only 2% of the vote even in its Eastern Cape base. It is difficult to explain this poor showing, despite a number of adverse circumstances: the party lacked campaign funds; many of its younger APLA cadres rejected the decision to contest the elections and refused to campaign; its main slogan, calling for
land redistribution, said little to the urban working class and, it has been suggested, may even have been inadequate in some rural areas; and its leadership was divided. Even in the Western Cape, however, where its leadership was particularly dynamic, it did poorly. Whether it can recover from this disaster will be one of the interesting political questions of the next decade.

White voters generally divided traditionally between liberalism (DP) white separatism (FF) and conservatism (NP), though some would seem to have voted IFP in Natal. Among black voters, the choice was overwhelmingly for the ANC, testimony to the party’s stature and widespread appeal to all classes and ethnic groups and to the status of Mandela as a symbol of integrity and national unity. Not even the proliferation of homeland parties and spoilers (one even took the initials AMC) was able to confuse the issue and reduce ANC support.

In the end, the election confronted voters with a choice between the apartheid past and the liberation movement. Seven parties directly represented homeland or communal interests. Two more (NP and FF) were reconstructions of the white power structure that had ruled since 1948. A tenth, Inkatha, straddled the divide, appealing both to ethnic identity and whites opposed to the ANC. In the event, whites clung to the past while blacks voted for liberation. The NP attracted strong ‘Coloured’ and Indian support but almost none among blacks – not surprisingly, given its readiness to play on racist fears in the Western Cape.

The pattern was markedly different in two regions, however. In the Western Cape, the NP won 53% of the vote and the regional government, despite numerous efforts by the ANC to reassure ‘Coloured’ voters. The result was a direct legacy of apartheid policies which had excluded blacks from the region, restricting social provision and jobs for whites and ‘Coloureds’. Black migration back into the area was often concentrated in slum townships with high levels of political and criminal violence. Democratisation thus threatened this hierarchy of privilege and frightened those most immediately affected by competition for resources. Recent polls indicate that De Klerk is now as popular among ‘Coloured’ voters as among whites. In any event, the legacy of apartheid delivered the region to the NP.

In KwaZulu/Natal, the IFP obtained 50.3% of the vote against only 32.2% for the ANC, a result which surprised many observers. It had been expected that the IFP would totally dominate KwaZulu but that the ANC would obtain a majority through its support in Durban and southern Natal. Impressionistic reports emanating from the Durban counting centre indicated that the ANC had obtained a huge vote there. Yet the IEC stopped announcing votes for almost two days and refused to indicate votes by district or even region. Allegations of massive rigging surfaced. In general the reports centre on four types of alleged fraud: the existence of ‘non gazetted’ (illegal) polling stations; widespread under-age voting with forged identity documents; pressure on voters by homeland officials in polling stations; and stuffed ballot boxes (containing at least 250,000 votes by one estimate). None of these allegations was admitted or proved. Instead, the IEC met with party leaders and ‘negotiated a result’ as one IEC official put it.

The difficulty for the ANC was that, in an election without a voters roll, where voters could move around the country, it was impossible to set aside results in one area without doing so everywhere else. It was necessary to have a complete national result or none at all. Inkatha, for its part, insisted that it would reject the election results in their entirety if the disputed ballots were not counted. In the end, the KwaZulu/Natal result became
Table 3. 1994 Elections: Regional Assemblies — Seats/(% Votes)

<table>
<thead>
<tr>
<th>Party</th>
<th>Eastern Cape</th>
<th>Western Cape</th>
<th>North'n Cape</th>
<th>Orange Free S.</th>
<th>North West</th>
<th>Eastern Tvaal</th>
<th>North'n Tvaal</th>
<th>PWV</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANC</td>
<td>48 (84.4)</td>
<td>14 (33)</td>
<td>15 (49.7)</td>
<td>26 (32.2)</td>
<td>24 (76.6)</td>
<td>26 (83.3)</td>
<td>25 (80.7)</td>
<td>38 (91.6)</td>
</tr>
<tr>
<td>National Party</td>
<td>6 (9.8)</td>
<td>23 (53.2)</td>
<td>12 (40.5)</td>
<td>9 (11.2)</td>
<td>4 (12)</td>
<td>3 (8.8)</td>
<td>3 (9.0)</td>
<td>1 (3.39)</td>
</tr>
<tr>
<td>Inkatha</td>
<td>0 (0.2)</td>
<td>0 (0.3)</td>
<td>0 (0.4)</td>
<td>41 (50.3)</td>
<td>0 (0.5)</td>
<td>0 (0.4)</td>
<td>0 (1.5)</td>
<td>0 (0.1)</td>
</tr>
<tr>
<td>Freedom Front</td>
<td>1 (0.8)</td>
<td>2 (2.1)</td>
<td>0 (6.0)</td>
<td>0 (0.5)</td>
<td>2 (6.0)</td>
<td>1 (4.6)</td>
<td>2 (5.7)</td>
<td>1 (2.1)</td>
</tr>
<tr>
<td>Democratic Party</td>
<td>1 (2.1)</td>
<td>3 (6.6)</td>
<td>1 (1.9)</td>
<td>2 (2.2)</td>
<td>0 (0.6)</td>
<td>0 (0.5)</td>
<td>0 (0.2)</td>
<td>5 (5.3)</td>
</tr>
<tr>
<td>PAC</td>
<td>1 (2.0)</td>
<td>0 (1.1)</td>
<td>0 (0.9)</td>
<td>0 (0.7)</td>
<td>0 (1.8)</td>
<td>0 (1.7)</td>
<td>0 (1.6)</td>
<td>0 (1.3)</td>
</tr>
<tr>
<td>ACDP</td>
<td>0 (0.5)</td>
<td>1 (1.2)</td>
<td>0 (0.4)</td>
<td>0 (0.7)</td>
<td>1 (0.4)</td>
<td>0 (0.4)</td>
<td>0 (0.5)</td>
<td>1 (0.6)</td>
</tr>
<tr>
<td>Others</td>
<td>0 (0.2)</td>
<td>0 (2.5)</td>
<td>0 (0.2)</td>
<td>1* (2.2)</td>
<td>0 (1.5)</td>
<td>0 (0.3)</td>
<td>0 (0.4)</td>
<td>0 (1.0)</td>
</tr>
<tr>
<td>Seat totals</td>
<td>56</td>
<td>42</td>
<td>30</td>
<td>81</td>
<td>30</td>
<td>30</td>
<td>30</td>
<td>40</td>
</tr>
</tbody>
</table>

Note: * Seat won by Minority Front with 1.3% of vote.

one additional concession by the ANC. Despite the protests (which continue to date) of their local leaders, the national executive decided to accept the 'negotiated count' in the interests of achieving an election result that was generally accepted and that permitted a transfer of power. The decision was seen as a means of avoiding violence (Buthelezi was given the Home Affairs portfolio in the government of national unity) and allowing the ANC to continue to win over the King and royal family. Ultimately, the decision was taken seemingly that an IFP dominated government in KwaZulu/Natal was an acceptable price to pay for a legitimate election outcome. And despite its misgivings, the NP accepted the negotiated result, perhaps because the outcome gave it the 20% vote needed for a deputy president.

The IEC declared the election result to be a generally accurate picture of the wishes of the electorate and the Commonwealth Observer group hailed it as generally free and fair. The alternative would have been to hold another election, probably producing even higher levels of violence than before. In any case, despite the problems, there is little doubt that the national result accurately reflected the electorate's wishes. The outcome permitted widespread reconciliation and an acceptable transfer of power. If the result slightly over-represented whites (the ANC lists included many while the NP did not have black MPs) it nevertheless produced a parliament of all communities. If women were under-represented as usual, there were nevertheless more women in parliament than ever before (not least because the ANC ensured that a third of its lists were female).

For the future, however, a daunting agenda remains to be confronted. Economic and social justice remain the fundamental imperatives if the crimes of the past are to be redressed and the basis of a sustainable democracy to be laid. It remains to be seen how much of a start can be made under a government of national unity constructed on the premise of
compromise. It remains also to be seen how far it will be possible to transform the institutions and personnel of the state in a way that is congruent with democratic mass politics. Finally, it will be necessary to develop electoral procedures and political institutions that can withstand the organised irregularities and threats of violence of 1994. As Tom Lodge observed, on the eve of voting,

quite soon this country must develop the political institutions that can contain the passions and fears that inspire this sort of politics. Such institutions are unlikely to evolve from the formulaic prescriptions of liberal constitution-making.

Bibliographic Note


The UN in Western Sahara: Running into the Sand?
David Seddon

In mid-April 1994, the Moroccan government hosted the official signing of the Uruguay Round of negotiations of the GATT. For Morocco the occasion was a golden opportunity to try to improve its image in the west (strongly coloured by its human rights abuses, its illegal occupation of the Western Sahara, and its implementation) by a judicious mixture of public relations exercise and pomp and circumstance. The international press, for the most part, focused on the implications of the GATT agreements and failed to draw attention to the uglier activities of their host.

In fact, there has been little progress on human rights abuses, despite continuing pressure from international agencies, including Amnesty International, apart from a few cosmetic measures; and the United Nations 1991 Referendum Plan to bring an end to the conflict in the Western Sahara appears to be on the brink of total failure as a result of Moroccan intransigence and procrastination.

On 10 March the UN Secretary-General, Boutros Boutros Ghali, presented another quarterly report on the stalled UN Referendum Plan for the Western Sahara. It gave the Security Council three options:

Option A: proceed to hold a referendum by December 1994 on the Secretary-General’s so-called ‘compromise’ voter registration plan, regardless of continuing disagreements between the parties.

Option B: the identification commission continues its work as the UN seeks agreement on a real compromise.

Option C: Give up. Cut costs of $3.3mn a month by withdrawing the bulk of the 350-strong MINURSO force.
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Option C: Give up. Cut costs of $3.3mn a month by withdrawing the bulk of the 350-strong MINURSO force.
Towards the end of March, the UN Security Council adopted option B as the basis for its Resolution 907, and expressed deep concern about the continuing difficulties and delays in the work of the identification commission. But the most recent Resolution 907 is the sixth so far on the Plan, and even those members of the Security Council formally devoted to 'the peace process' are clearly wobbling as far as real commitment to finding a peaceful and just solution to the conflict and implementing the UN Plan are concerned.

The British public position was made clear in mid-April, when British Foreign Office minister Douglas Hogg stated that a solution in Western Sahara would enhance stability in the region, ease human suffering and offer international trade opportunities.

He added that all parties regard MINURSO as instrumental to this solution. Yet despite its investment of almost $7mn in the Plan, Britain withdrew its troops from MINURSO in October 1993. In mid-May 1994, the United States permanent representative on the Security Council indicated that the US may follow suit. The provision for the winding down of MINURSO (Option C in the Secretary-General's Report of March 1994) in effect prepared the way for the demise of the Plan.

The Secretary-General will report again in mid-July and the UN Security Council will again consider the fate of MINURSO. If no agreement is reached the UN will either forge ahead with the referendum regardless – on a timetable very similar to the original six month plan of 1991 – or it will abandon it entirely.

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Documents: Rwanda, Mozambique and Kenya

The following three Briefings are taken from reports published in October 1994 by African Rights (UK), the Africa Policy Information Center (US) and Mwakenya.

Rwanda: Death, Despair and Defiance

When crimes begin to pile up they become invisible. When sufferings become unendurable the cries are no longer heard – Bertolt Brecht

Rwanda: Death, Despair and Defiance by Rakiya Omaar and Alex de Waal examines the genocide and murder of political opponents in Rwanda in its political context. It names the principle killers, analyses why they embarked upon their 'final solution', reveals their preparations for the apocalypse, details the strategies used to compel mass participation in the slaughter and shows how many ordinary Rwandese, both Hutu and Tutsi, resisted them.

The report looks at the policies and structures that were put in place in the years 1990-1994 which would lead to genocide in April 1994, including extensive transcripts from the infamous Radio Mille Collines. It analyses the phenomenon of Hutu extremism, a bland name for a political philosophy that is positively genocidal. It shows how extremist ideology developed at the heart of government shaped and driven by members of President Juvenal Habyarimana's own entourage. The massacres, the hunting of survivors, the attacks on schools, hospitals and churches, the rape and abduction of women and girls and violence against children are all described in dozens of first-hand testimonies through which Rwandese speak, in moving and compelling detail, about the nightmarish experiences they have undergone. The report also details the international response to the crime, including an analysis of the
Towards the end of March, the UN Security Council adopted option B as the basis for its Resolution 907, and expressed deep concern about the continuing difficulties and delays in the work of the identification commission. But the most recent Resolution 907 is the sixth so far on the Plan, and even those members of the Security Council formally devoted to ‘the peace process’ are clearly wobbling as far as real commitment to finding a peaceful and just solution to the conflict and implementing the UN Plan are concerned.

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role of the media, and finishes with a demand for justice.

The first targets of the killings were opposition politicians, independent journalists, human rights activists, lawyers and senior civil servants. The survivors explain why extremists saw independent institutions as a threat, talk of the death of their colleagues and of their own perilous journeys to safety. The largest number of killings were carried out in huge massacres across the country, primarily in churches, but also in hospitals, schools, in open ground or river banks. Many of the massacres were well-planned military operations. Tens of thousands died instantaneously, blown apart by fragmentation grenades or gunshot; thousands of others were wounded and were finished off by the militia and villagers with machetes, spears and clubs studded with nails. Others bled to death.

Apart from the massacres, hundreds of thousands of Tutsis were killed individually in a genocidal frenzy. They were hunted down in their houses, chased from hill to hill, or stopped and slaughtered at roadblocks. The callousness with which Tutsis were hunted, hunted and killed defies credibility. People were thrown, dead or alive, into pit latrines. Many were burned alive. Psychological disintegration was as important as physical elimination. To this end, people were compelled to kill their close relatives. The first target was Tutsi men and boys. Many families saw all their menfolk killed. Educated Tutsi men and women were particularly at risk. The survivors ran for swamps and hills. Here too they were hunted, and suffered the extremes of human degradation.

African Rights' report contains detailed testimonies from Tutsi girls and women who were forcibly abducted and raped, the first detailed evidence for this crime. Soldiers and militiamen raided homes, hospitals, churches and camps for the displaced looking for Tutsi women to rape. Girls as young as five have been raped. Some women and girls were macheted and then raped immediately afterwards while others were gang-raped, sometimes in public places. Some were acquired as a concubine or a second 'wife'. Fearful of death, many young women saw surrender as the only way to survive.

The extraordinary cruelty of the killers is shown by the extent of the violence against children. Many Tutsi children have been killed. Some mothers have been forced to kill their baby sons. Thousands of children, both boys and girls, have been killed in massacres, murdered in their homes, hospitals or schools, drowned, burned alive, buried alive in graves or thrown down toilets while wounded. A substantial portion of children who have survived massacres have suffered horrific wounds. Their small hands or arms have been struck off by machetes, their Achilles' tendons severed, their throats slashed, their heads and faces cut, their teeth smashed in and their bones broken.

Bloodied, desecrated and comprehensively looted, it is the churches and parishes of Rwanda that speak most eloquently of the recent horrors. Mass graves, rotting corpses, latrines with dead bodies, blood-stained altars, bullet-ridden doors and shattered windows bear testimony to the killers' determination to kill - and to kill the belief of the Rwandese people that the church can protect the innocent. Priests and nuns, of all denominations, have been murdered. Rwandans have been fortunate in the courage and compassion shown by rank and file priests and nuns. But for the most part, the leadership of both the Catholic and Protestant churches have supported, directly and indirectly, the genocide and the killings.

Determined to destroy Rwanda's moral order, the killers carried out massacres in hospitals and maternity clinics. Patients,
including psychiatric patients, were murdered, or forced out of the hospital and killed. The report examines the military offensive of the Rwandese Patriotic Front (RPF). The RPF was a party to the conflict with the government. It was not a party to the genocide. There have been reprisal killings by individual RPF soldiers; there is no credible proof for RPF policies aimed at systematically killing civilians.

The report is sharply critical of the role played by the international community which had created high expectations of its ability to act in Rwanda. A UNAMIR force of 2,500 went to Rwanda in December 1993 to guarantee the transition to peace and democracy. In April 1994 it betrayed all those hopes. It also examines the manner in which Operation Turquoise was launched and assesses its impact. It names many of the principal killers and examines the predicaments that face the international community when killers become refugees.

Death, Despair and Defiance ends by echoing the demand of most Rwandese that justice must be done. The truth must be told and the killers brought to book. Bringing the principal architects to trial will help to contain the impulse towards indiscriminate revenge.

This 780 page book can be ordered from African Rights, 11 Marshalsea Road, London SE1 1EP; £14.95 or $24 plus postage: £3.80 (UK), £4.92 (airmail Europe), £10.01 (Africa/US), £4.32 (all countries outside Europe).

Editor's postscript: At the time of going to press, reports in the UK press (Observer, 16 October 1994) suggested [according to the Tribunal spokesman] that the 'organisers of the genocide in Rwanda are almost certain to be tried in Africa rather than the Hague after the International War Crimes Tribunal for the former Yugoslavia is extended to include Rwanda. Human rights groups have been pressing the UN to allow the trials of those mainly responsible for the genocide of up to 1 million Tutsis to take place in Africa. Apart from making it easier to call witnesses, the decision will make the trials more accessible to Rwandans who view trials as vital to national reconciliation, but are angered by the lack of progress in bringing the murderers to justice.

According to the spokesman, Christian Chartier, 'the tribunals for the former Yugoslavia and Rwanda will share a prosecutor and an appeal chamber, but the judges for the Rwanda trials will be sitting in Africa'. He would not say in which country they would sit, but did not deny that it might be Rwanda itself. Most of the alleged killers (some 30,000 Rwandans according to government claims) are now living as refugees in Zaire and Tanzania. Meanwhile, the government led by the Rwandan Patriotic Front is being deprived of foreign aid to investigate or capture those it wishes to see tried. Zaire's Prime Minister Kengo Wa Dondo, himself half Tutsi, said in Brussels (on 13 October 1994) that Zaire would extradite the organisers of the genocide now living in Zaire.'

Invisible Crimes: US Private Intervention in the War in Mozambique


This timely report raises questions of historical accountability which we think will be relevant both before and after the projected elections in Mozambique at the end of October 1994. Chapters include a summary (below), 1) the African Holocaust 2) the US connection with sections on Rhodesian origins and South Africa and other Renamo patrons 3) US Government knowledge and responsibility 4) Conclusions and Policy Implications 5) Legal Appendix: What US laws hold
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private actors accountable for taking part in foreign civil wars?

The war in Mozambique between 1975 and 1992 claimed more than 700,000 victims, overwhelmingly civilian, from a population of 16 million. The trauma imposed on this impoverished country was comparable to that imposed on Europe by World War II. Although the Mozambique conflict had elements of a civil war, foreign actors decisively influenced both its origin and course. The conflict was part of the endgame struggle to retain white minority rule in Africa, and it was among the prime examples of 'freedom-fighter' insurgencies celebrated by the international right wing during the last decade of the cold war, a test case for practitioners of 'low-intensity conflict'. This case study examines the responsibility of US actors for systematic human rights abuses during the war. It goes on to suggest possible mechanisms for assessing such accountability in future conflicts.

After Mozambique achieved independence from Portugal in 1975 under the leadership of the Mozambique Liberation Front (Frelimo), it granted refuge to Zimbabwean guerillas fighting for majority rule in Rhodesia. The white Rhodesian army supplemented raids into Mozambique against those guerillas by sponsoring the Mozambican National Resistance, know first as MNR and later as Renamo. When Zimbabwe achieved independence in 1980, the South African government took over Renamo sponsorship and dramatically augmented Renamo's military capacity. Despite a 1984 non-aggression pact signed between Mozambique and South Africa, covert support continued and Renamo operations escalated. Intermittent peace talks between the Mozambican government and Renamo, beginning in 1990, finally led to a cease-fire in October 1992. As this case study is written, a much-delayed peace process is scheduled to culminate in elections in October 1994.

Within Mozambique, the current priorities are clearly reconciliation and compromise. Peace must come first, even if it means accommodating war criminals in the hope they will accept the shift to peaceful political competition. Yet amnesty and reconciliation should not beget amnesia. A political actor's credibility in the post-war period should have some relationship to that actor's record during the years of conflict, whether or not this is recognised in formal agreements or tribunals.

Human rights advocates are rightfully concerned that comparative judgments of behavior may be used to exonerate less offensive parties from their responsibility for human rights abuses. In some cases, however, the severity of the violations, coupled with the systematic and deliberate scale of abuses, demands distinct treatment - comprehensive evaluation at a minimum, if not formal investigative tribunals or war crime trials. The war by Renamo and Renamo's sponsors in Mozambique is surely such a case.

External actors who fomented the war in Mozambique should be held accountable. Unlike Mozambicans caught up on all sides of the conflict, foreign officials and private individuals whose actions had decisive effects on the war do not have to live in the resulting environment. At the height of the war in Mozambique, US government officials accused Renamo of responsibility for 'one of the most brutal holocausts against ordinary human beings since World War II'. Simultaneously, however, a small group of US citizens was actively engaged not only in propagandizing but in providing military support to the perpetrators of that holocaust.

Editor's Note: The full report is available from APIC, 110 Maryland Ave., Suite 112, Washington, DC 20002, USA. Price, $5.50 plus 15% postage and packing (all orders must be pre-paid).
Democratisation in Kenya: Should the Left Participate or Not?

Mwakenya is a radical political organisation formed in 1979 in opposition to the Kenya regime of President Daniel Arap Moi. It operated underground and in exile. Unlike other opponents of the ruling party, the Kenya African National Union (KANU), it declined to operate openly and participate in the electoral process in 1992. It issued the following statement in May 1994 to explain its position. We invite responses by Kenyans who have chosen to participate in open party politics.

Stop Genocide & Disintegration: Away with Moism & Kanuism

It is better to die on our feet than to live on our knees

When in 1992 Mwakenya its statement, *Mwakenya’s Stand on the Current Political Situation in Kenya*, it declared that the movement will not seek registration under the Moi-KANU regime because doing so will be giving legitimacy to an illegal government which imposed itself on Kenyans by rigging the 1988 queuing-up elections. We also warned our fellow Kenyans that no meaningful changes would take place as long as Moism and Kanuism – with or without Moi and KANU – are still in existence. Mwakenya has always believed that the Moi-KANU government could not be trusted in overseeing the democratization of our society. For Moi and KANU are themselves the problem. They both must go!

Two years earlier, in 1990, when most of those who are now in the registered opposition parties were working hand in glove with this repressive regime – and at a time when no apparent signs were in sight that Moi and KANU would be forced to accept multi-partyism – *Mwakenya* published its Kenya Democracy Plank. In it *Mwakenya* set out ten demands and urged Kenyans to press for their implementation before rushing to seek registration for the political parties, let alone contest the last sham elections. These demands were:

- Moi and KANU must go.
- The present Parliament must be dissolved.
- A national conference must be called to discuss the future of our country.
- Care-taker government or administration be set-up whose duty is to draw guidelines and arrange elections for a Constituent Assembly.
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- There must be a new constitution.
- There must be checks and balances on the presidency.
- Free multi-party elections must be held.
- All acts that discriminate against any Kenyan Nationalities must go.
- Any interim government or administration and even the government of the Second Republic must address themselves to Part (vii) of Mwakenya’s Draft Minimum Programme which outlines the immediate political demands of most Kenyans.
- All the political prisoners must be free immediately.

*Mwakenya* pointed out the dangers of going into elections while Moi and KANU remained in power to manipulate them. How right we were! In spite of all assurances that the elections would be free and fair we saw once again how Moi and KANU rigged themselves back to power in December 1992. This was partly the consequence of opportunism displayed by the opposition parties, who rushed and contested the elections before the basic changes were made. We saw how Moi and KANU employed both old and new tricks. They amended the electoral laws to suit them. They appointed
and refused to dissolve the Electoral Commission that was biased towards them. They gave a short period for the registration of voters; as a result, millions of Kenyans were not registered. They cut off the opposition from many areas of Rift Valley by declaring them 'KANU zones', and made it impossible for the opposition to propagate its policies by denying them permits to hold public meetings. Opposition candidates were kidnapped by KANU thugs to prevent them from presenting their nomination papers in time. Finally, on the election day many documented cases of irregularities were perpetrated by KANU through its agents. The result of such an election cannot be said to reflect the will of Kenyans. It was a rigged election pure and simple. It must be rejected by all patriotic Kenyans. Our stand remains that the Moi-KANU regime has no more legitimacy to rule now than it had before the 1992 elections. In fact the majority of Kenyans voted against Moi and KANU.

Moi and KANU have plunged Kenya into the worst crisis since Independence, threatening the very integrity of our dear country. Faced with the increasing resistance from the masses, Moi and KANU have intensified the massacres and genocide which they started way back in 1980 (Garissa) and 1984 (Wajir) where thousands of our fellow Kenyans of Somali nationality were mercilessly killed. We have warned before that Moi and KANU still do have the capacity to instigate a civil war. They would rather see Kenya disintegrate than give up power. They must be stopped before it is too late!

The Moi-KANU regime, through its agents Biwott, Kamotho, Nassir, Ntimama, Lotodo, Kones and others, has unleashed genocide against defenceless Kenyans resident in Molo, Londiani, Burnt Forest, Enoosupkia, Laikipia, Kapenguria, Mombasa, Kwale and Bungoma. There has been massive loss of life, destruction of property, forced evictions, rapes and maimings. These criminal acts have been committed by murderous gangs trained, armed and mobilized by the Moi-KANU government. As a result, tens of thousands of people fled their homes and sought refuge in churches, schools and even open fields. Not content with that, Moi's terror gangs pursue the victims even in refugee camps.

For example, in Enoosupkia, those who took refuge in a local church were raped, maimed and brutally murdered inside the church. In Molo, Moi and KANU have declared 'security zones', which, in reality, are terror zones. Not only is the declaration of the so-called security zones illegal, but it has also denied Kenyans of their right to free movement. The media and international observers have not been able to document and expose the atrocities committed by Moi's terror gangs. Kenyans should not be deceived by official propaganda that these are 'tribal clashes'. Different nationalities in Kenya have lived peacefully together for many generations. Why, then, this sudden outbreak of wars against nationalities? The answer is that the Moi-KANU government has instigated these clashes by putting into practice the old colonial policy of divide and rule to further its own interests. Kenyans must refuse to be set against each other.

Let us not be deceived that just because the opposition parties have their members in parliament that they will be in a position to effect any fundamental changes. Because, in order to ensure that the representatives Kenyans elected do not achieve their objectives, the Moi-KANU government has manipulated the Parliament. Even when Ntimama makes inflammatory and inciting statements, KANU's control of the House ensures that he is not censured. Moi even uses Parliament to defend such unpopular laws as detention without trial. Outside Parliament, Moi's treatment of the challenges from the opposition is no better. He has refused to register the Islamic Party of Kenya (IPK), the...
University Academic Staff Union (UASU), the Student Organization of Nairobi University (SONU '92) and several others. In addition, the Moi-KANU regime has continuously denied some opposition parties' permits so that they cannot freely assemble. The overall effect has been to deny these organizations their fundamental human rights of association and assembly.

What all the above proves is that Moi and KANU are still opposed to true democracy. In fact Moi is on record saying that pluralism was forced upon him by Western powers and financial institutions like the International Monetary Fund (IMF) and the World Bank.

During the Saba-Saba Uprising (7 July 1990), the Kenyan people rose against Moi and KANU. In order to pre-empt the real changes which the Kenyan populace are struggling for, the imperialist forces instructed him to introduce multipartyism as a way of controlling the people's demand for a genuine change.

The reality of the Moi-KANU rule is that it is leading the country to a total social, economic, political and cultural collapse. Health services to the majority of Kenyans have ground to a halt. Educational standards are deteriorating fast while it is becoming more and more expensive for parents to educate their children. Prices of essential commodities are beyond the reach of the ordinary Mwananchi. The economy is on the slippery slope. Moi and his small clique surrounding him are still extracting wealth from the economy which has not yet recovered from the massive printing of notes to facilitate the Moi-KANU 'election victory'. Wananchi are now paying the price of this gross mismanagement of the economy. Once a self-sufficient country, Kenya is now faced with hunger and starvation.

What all this boils down to is that no solution to the crisis facing Kenya today is possible while Moi and KANU remain in power. Every pressure should be exerted to dislodge them. We should not wait till the next elections, for they will behave just the same. Mwakenya considers it its patriotic duty to call upon its members and all democratic, progressive and patriotic Kenyans to do the following for the time being:

- Defy the Moi-KANU regime by all means necessary. Defy all repressive laws which deny us Kenyans our fundamental rights.
- Organize and fight for our rights without seeking permission from the regime. Students, teachers, workers, peasants, professional groups, women and religious organizations and groups should form whatever unions or associations that they consider necessary to promote their respective interest. Mwakenya salutes all those who have already taken defiant actions by calling for strikes etc., like the Islamic Party of Kenya (IPK), matatu operators, teachers, university lecturers and students, workers and peasants.
- Refuse to co-operate with the Moi-KANU regime as it is an illegitimate one.
- Refuse to be manipulated by the Moi-KANU regime to butcher or cause harm to our fellow Kenyans.
- Reject the call for Majimbo as this is a device used to further divide Kenyans. Those calling for Majimboism are the very ones responsible for many of the problems now facing our country (Biwott, Ntimama, Shariff Nassir, Lotodo etc.). And after all what they have done against Kenyans, they were awarded during the 30th Anniversary of Independence.
- Unite so as to effectively wage a campaign to remove Moi and KANU from power.

Mwakenya once again reiterates the call it first made in 1990 that the best forum for charting out the peaceful, prosperous and democratic Kenya is through a National Convention. Once again Mwakenya urges
all democratic, progressive and patriotic Kenyans to form a principled and united front and hold the Convention in spite of Moi's recent rejection of it. Meanwhile, all organizations and associations should start discussing this issue and come up with suggestions on how best to go about it. Nobody else, neither the foreign countries nor their ambassadors are going to liberate us, except ourselves.

Finally, Mwakenya calls upon the police and other armed forces to desist from harassing and harming Kenyans struggling for their rights and justice. Mwakenya is reminding these forces that the Moi-KANU government is not going to be there forever. They should, therefore, be on the side of the people before it is too late.
Ghana's Structural Adjustment Programme (SAP) has been hailed as a resounding 'success' by the international donor community. Likewise, Jerry Rawling's Provisional National Defence Council (PNDC) has proven to be the most resilient regime in post-colonial Ghana and one of the longest surviving in sub-Saharan Africa. These twin feats have resulted in a plethora of books analysing the circumstances peculiar to the country (for example, Frimpong-Ansah, 1991; Rimmer, 1992). These two books add to this debate in a number of ways. The edited collection is produced by Ghanaian academics and aims to provide a carefully considered analysis of the PNDC, but in doing so necessarily focuses on the SAP. Herbst's book uses Ghana as a test case in order to devise a political 'model' to accompany what he sees as the adequately theorised neoclassical model which underpins adjustment programmes.

There are a number of common themes running through the two books. First, both see the state as fundamental to the developmental fortunes of Ghana. In Herbst's opening chapter he is correct to highlight the lack of attention given to the 'institutional change' (p. 3) that accompanies adjustment. In the Codesria collection all chapters refer to the state and deal with a wide array of its effects including Manuh's analysis of women, Ayee's study of decentralisation and Oquaye's discussion of legal reforms. This privileging of the state not only chimes with contemporary reality (see Bayart 1993) but is refreshing when much of the current literature on global restructuring consigns the state to the back shelf.

Second, the two books examine in detail the transition in economic and political strategies that took place within two years of the PNDC coming to power. Immediately after the coup in 1981 the PNDC espoused a mixture of populism and weak radicalism which translated into a series of anti-corruption policies. However, by 1983, negotiations with the IMF and World Bank came to head with the announcement of a SAP during the budget. In the Codesria collection the chapters by Ninsin, Folsom, Boafo-Arthur and Anyimadu make this reversal in development paths explicit. Herbst's analysis of the ad hoc decision-making that took place in the 'radical populist' period shows the shrewdness of Rawlings' politicking as he responded to multiple crises. The period of adjustment is marked by more formal political arrangements which clash with the ideologies of the earlier phase. The problems of reconciling these ideological tensions are brought out well by Ayee in the Codesria collection who sees decentralisation as a means of placating popular discontentment through managed local government elections.

The third theme to emerge is that in the process of adjustment the state became more centralised and more repressive. In the edited collection Anyimadu's and Yefi Fosu's chapters deal with the agricultural policy. Anyimadu's chapter highlights the conflicts that accompanied the rather weak rural development programmes which Herbst also addresses...
in his book. Both books also deal with the 'Culture of Silence' which developed in Ghana whereby people became afraid to speak out against the PNDC or its policies. It becomes clear that this silence must be broken if forces within 'civil society' are to place positive pressure upon the state.

The differences in the two books are most clear in their assessment of the SAP. Herbst sees the adjustment programme as necessary and successful, but feels that a more coherent political model should accompany the process. However, he ignores a number of important social factors such as class composition, the origins of capital and the differential gender impacts. By doing this Herbst's so-called political analysis is limited to discussing the strength of regime associated with different phases of adjustment. Even on this he remains ambivalent which gives the impression of condoning the PNDC's rather authoritarian political behaviour in the early period of adjustment.

The Codesria collection provides a more complete analysis of the social conditions prevailing in Ghana with a useful chapter on labour by Gyimah-Boadi and Essuman-Johnson. The general tone of the volume is much more reticent towards the SAP with valid suggestions that the economic base should be broadened if the same crises are not to be repeated. This is a more empirically-based book which suffers from overlap between chapters and needed a thematic conclusion to draw the various strands together. However, it is clear that academics based in a country are best placed to discuss the changes that have occurred there. Both books make valuable contributions to the debate surrounding Ghana and raise interesting questions about the state and development in Africa.

Giles Mohan is at the Department of Environmental Management, University of Central Lancashire, Preston, UK.

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Bass, Hans H., The Human-Rights Dimension of Germany's Development Aid -
in his book. Both books also deal with the 'Culture of Silence' which developed in Ghana whereby people became afraid to speak out against the PNDC or its policies. It becomes clear that this silence must be broken if forces within 'civil society' are to place positive pressure upon the state.

The differences in the two books are most clear in their assessment of the SAP. Herbst sees the adjustment programme as necessary and successful, but feels that a more coherent political model should accompany the process. However, he ignores a number of important social factors such as class composition, the origins of capital and the differential gender impacts. By doing this Herbst's so-called political analysis is limited to discussing the strength of regime associated with different phases of adjustment. Even on this he remains ambivalent which gives the impression of condoning the PNDC's rather authoritarian political behaviour in the early period of adjustment.

The Codesria collection provides a more complete analysis of the social conditions prevailing in Ghana with a useful chapter on labour by Gyimah-Boadi and Essuman-Johnson. The general tone of the volume is much more reticent towards the SAP with valid suggestions that the economic base should be broadened if the same crises are not to be repeated. This is a more empirically-based book which suffers from overlap between chapters and needed a thematic conclusion to draw the various strands together. However, it is clear that academics based in a country are best placed to discuss the changes that have occurred there. Both books make valuable contributions to the debate surrounding Ghana and raise interesting questions about the state and development in Africa.

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