THE PROMISE OF LAND
UNDOING A CENTURY OF
DISPOSSESSION IN SOUTH AFRICA

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CHAPTER 1
LAND QUESTIONS IN SOUTH AFRICA
Fred Hendricks, Lungisile Ntsebeza and Kirk Helliker

"As a nation, we neglect land reform at our peril"
- George Devenish, Business Day, 21 January 2013

A CENTURY AFTER THE 1913 NATIVES' LAND ACT, there remains a land crisis in South Africa. How are we to understand the many dimensions of this crisis so that we can realistically move beyond the current inertia? For one thing, an engaged scholarship has to seek ways out of the current impasse in both thinking and policy-making. This book is an effort to heed the timely call of George Devenish (who was involved in drafting South Africa's 1993 Interim Constitution) not to neglect this question. It does this by spatially carving South Africa's land into three categories: white commercial rural areas, former reserves and urban areas. Besides state and church land, this covers the overwhelming mass of the land surface of the country. While there are clearly discernible dynamics associated with each of the three land types, as will become clear in the individual chapters, there are also broader land-related problems that affect the country as a whole.

The approach is to highlight pertinent questions within each of the three categories and then to relate these particularities to broader problems associated with historical circumstances. Essentially, the book argues that in South Africa the 1994 transition from apartheid to democracy has not translated into a thoroughgoing process of decolonisation. In fact the very bases of colonialism and apartheid remain intact, since racialised inequalities in both access to and ownership of land persist in the present. With state-driven attempts at land reform having failed to meet even their own modest targets, a fundamental change in approach is clearly necessary.
for South Africa to move beyond the impasse that prevails between the objectives of the policy and the means for realising these. Moreover, it is necessary to question the targets set for land redistribution: will these really assist in ushering in a changed dispensation for the majority? Even if the state’s current land policy were to be implemented in full, the question remains as to whether this would satisfy calls for greater equality in access to land. As such, a major thrust of this book is that social movements have a critical role to play in charting a new course, both in respect of access to land and in influencing broader policy options. The growing agency being expressed in renewed demands for land, and the increasing legitimacy being given to such demands from all quarters including the state, suggests that something is afoot that needs to be watched and analysed. In sum, the book argues for fundamental changes in policy along with an appreciation of the possibility that further struggles from below, in the vein of those that have surfaced very recently in the Western Cape, are likely to emerge in the new circumstances. Conceptually, the book grapples with the interplay between the oppositional campaigns of various social movements and the state’s policies and responses.

There are differing understandings of the processes that do, or may, animate meaningful land and agrarian change in South Africa and elsewhere. The dominant understanding, both academically and politically, tends to have a marked state-centric thrust, envisioning the state as the critical axis for genuine agrarian transformation and directing all political efforts in this direction based on a “politics of the demand”. This fixation with the state leads to an infatuation with agrarian and land policies and programmes and to endless discussions and debates about the best policy mix. Land discussions in South Africa are a current manifestation of this. While the state certainly is a centralised locus of power in all modern societies, and invariably is of significance for agrarian change with respect to relevant policies and programmes, the global history of radical agrarian and land relations restructuring highlights the crucial importance of society-centred change and of social movements more specifically. In this sense, the recent example of Zimbabwe simply fits into the broad historical mould.

This brings us to the first real importance of social movements. The global historical lesson arises from the fact that states in large part exercise “power-over” society and exist primarily as a source of stability rather than change. For states to bring about authentic restructuring, significant forms of pressure need to be placed upon them. The role of social movements, as a form of “power-to” (or power for) change rather than “power-over”, is fundamental in this respect.

While social movements clearly engage with the state and hence involve themselves in a politics of demand, they also pursue a “politics of the act” often independently from the state. This entails mobilising and organising for the purpose of building alternative forms of production, livelihoods and social relations in the here-and-now. This more autonomous form of social-movement politics is regularly viewed with suspicion by states, but, and this is the second importance of such movements, it may pre-figure the type of democratic post-transformation society that these movements envisage (such as a society based on the food sovereignty model). This form of politics needs to be encouraged.

A third reason for highlighting social movements arises from contemporary social imaginings of the South African nation. Regularly, those who experience socio-economic marginalisation and exclusion (such as urban shack dwellers) remain politically disqualified despite their formal status as citizens. Often they have no authority to speak publically and, if they do speak, their concerns are simply listened to and then ignored, or are drowned out by holders of power, and hence are not heard in any meaningful sense. For this reason, it is critical that spaces for the voices of social movements to be heard are pried open and that these voices are privileged in the discourses around land and agrarian change. Their experiences, forms of knowledge and reasonings are fundamental to agrarian change in South Africa.

In this context, in what follows we detail contemporary land and agrarian questions pertaining to urban areas, the former bantustans and white commercial farms.

**URBAN LAND QUESTIONS**

The land question in South Africa is as much an urban affair as it is a rural issue. It is often assumed that land and rural or agrarian issues are synonymous. This book questions this assumption by providing an account of the linkages between towns and the countryside and by demonstrating how important land issues are in South Africa’s urban environments. While there are many ways in which the rural and the urban intersect, it is the migrant labour system and the search for durable livelihoods that lie at the heart of this connection.

Segregation and apartheid sought to drive a wedge between the processes of urbanisation and proletarianisation by constraining the movement to
town of Africans through pass laws and influx control and simultaneously separating the mass of the people from an independent means of subsistence. Dispossession of land was central to the latter process. In fact the notorious 1913 Natives’ Land Act demarcated only about 7 per cent of the land surface for African reserves. Thus, while the process of proletarianisation or the conversion of independent producers to wage labourers unfolded incrementally, a battery of legislative barriers were placed in the way of African urbanisation. Despite these oppressive constraints, African permanence in the cities has a long history. Similarly, the process of proletarianisation was itself problematic. It was mediated by the migrant labour system and gave rise to levels and types of employment that were invariably precarious. Urbanisation as well as proletarianisation therefore have to be understood within the context of these specific circumstances and with sensitivity to the many complexities involved when people respond in whatever way possible to the inadequate provision of housing in the cities and to the need for adequate livelihoods. Territorial segregation and the migrant labour system have imposed a particular race-determined form on the processes of urbanisation and proletarianisation in South Africa. The abiding impact of this racism is that the urban and rural remain integrally connected with each other.

The book seeks to demonstrate the significance of the land question in urban areas as an explication of the dynamics of struggle over physical spaces by some people who structurally no longer have access to an independent means of subsistence but are not in formal wage labour. People in this category generally reside in slums, euphemistically referred to as “informal settlements”, and eke out an existence through a variety of survival strategies. Their struggles are not contained by the discipline of urban labour, and the response of the state to their existence has ranged from denial to open hostility and repression. Their plight is real and we need to provide a theoretical account for the experiences of these masses of people. It is clear that this group of people forms part of a surplus working population, or an industrial reserve army of labour, yet the sheer scale of unemployment suggests that in South Africa something more profound is currently afoot. In any case slums are not the exclusive domain of the unemployed or partially employed. They also accommodate active workers who for many different reasons do not have access to state-provided housing.

Just like the generalised impasse that exists for land reform in the rural areas, the official response by contemporary authorities to the urban demand for housing has been one of inertia, neglect or intimidation. Since people have been left to fend for themselves, shack settlements have mushroomed all over the country and the question of how to deal with this unplanned urbanisation is a major issue for local governments. However, it is not that the state has done nothing at all: since 1994 many houses have in fact been built throughout the country, but the backlog nonetheless keeps growing. In the face of this indisputable housing shortage, it is particularly problematic that the state tends to assume that people’s self-built homes will somehow vanish and give way to formal housing development schemes.

South African historiography, in concert with analyses elsewhere, has been content to deal in the binaries of peasant and proletarian without accommodating the very many people who reside outside of this broad framework. It is essential to a fuller understanding of our current realities that we conceptualise the spaces and places occupied by the masses of people who exist on the margins of our society. While it is clear that they are marginalised in that their existence is precarious and in that they do not have a sense of permanence as either proletarians or peasants, we cannot reliably conceive of them as existing somehow outside the capitalist system. Instead, they are very much a part of it. The marginal poor in the cities as well as the destitute of the rural areas fall squarely under the overwhelming dominance of the capitalist system. Homelessness in the urban areas mirrors the landlessness of the rural areas and it is vitally important to capture the dynamic of both in their interrelationships. In response to their homelessness, people have set up home for themselves, almost invariably in shacks on municipal land in the cities and peri-urban areas.

Virtually every South African city has a growing population living in shacks and there has recently been a spate of urban land occupations in the country. Over time the official response to people’s demand for land has varied, from the naked repression of forced removals under apartheid to various forms of so-called “orderly urbanisation”, in other words eviction of homeless people from shacks and other dwellings that they have constructed. In Cape Town, for example, the establishment of the Anti-Land Invasion Unit gives us a glimpse of the difficulties that arise in the absence of a coherent policy or plan for housing the poor. While it is a moot point whether the activities of this unit could be likened to the viciousness of apartheid influx control, on the face of it the recent removals and evictions bear some striking resemblances. It is therefore important to examine, as this book does, the current housing crisis in Cape Town as a variation on the theme of the national housing crisis and as an example of land struggles in an urban setting.

Land Questions in South Africa 5
After a protracted struggle in the early 1970s, resistance to forced removal in Cape Town eventually paid dividends when apartheid officialdom grudgingly accepted the permanent settlement of the shack dwellers of Crossroads. The establishment by the state of a “transit camp” (squatter camp) in the mid-1970s was a tacit acceptance that Crossroads and its residents were there to stay. Despite the eventual acceptance of black people’s right to live in the city, the state made no effort to provide housing for black people in Cape Town until 1985 with the establishment of Khayelitsha, and even then what was provided fell far short of the need. These decades of denial and neglect have resulted in the huge housing backlogs we see today and the explosion of squatter settlements across the city.

In response Cape Town’s local government in 2008 established the revealingly named Anti-Land Invasion Unit. Its major task is to prevent or remove unauthorised newly erected housing structures on city or provincial land. The grim reality of forcibly removing people who have constructed some form of shelter for themselves lies awkwardly next to the posh development plans for the housing of city council officials. The City of Cape Town does not have its own policy on land invasions. To evict people or control unlawful settlement on municipal property it relies on national legislation, especially the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (Act No 19 of 1998), the so-called PIE Act. In many ways the recent forced removals represent continuities with the apartheid past, rather than a rupture in the democratic transition. As mentioned earlier, the implied assumption of the current policy is that the homes of shack dwellers will eventually give way to formal housing, however very few practical plans for realising this have been put in place.

The Anti-Land Invasion Unit is aligned with some of the strategic themes for the City of Cape Town, especially in relation to the provision of sustainable urban infrastructure and services and with respect to human settlements. Since the city did not have a complete database of all the informal settlements in its environs it was impossible to plan effectively. A survey, with all its flaws and difficulties in a fluid situation, was conducted in 2005 and found that there are 223 informal settlements. According to this survey there are about 450 000 people, or about a quarter of Cape Town’s population, living in these shacks (Hayward 2012). From the point of view of urban planning the steady in-migration of people, almost invariably from the Eastern Cape, has led to an untenable situation. With almost half a million people already living in shacks and more arriving every day, and with about 400 000 people on the various waiting lists for houses, the situation is explosive and the city does not have adequate housing plans to address it. Cape Town is not unique in this respect as it is simply a microcosm of the larger problem. While the democratic government has made some inroads into the housing backlog, much, much more needs to be done to avert the crisis. Put bluntly, the government’s building programme is very far from keeping pace with the ever-growing demand for urban housing. In this respect a comment by Engels (1887) is apt:

What is meant today by housing shortage is the peculiar intensification of the bad housing conditions of the workers as the result of the sudden rush of population to the big towns; a colossal increase in rents, a still further aggravation of overcrowding in the individual houses, and, for some, the impossibility of finding a place to live in at all.

In Cape Town there have been some attempts to provide services such as water, toilets and refuse removal, but overall the plans for dealing with the housing situation are woefully inadequate, and it appears that the reality of shacks and shanty towns will be with us for many years to come. The response of the Anti-Land Invasion Unit has been simply to remove people who have illegally constructed homes on municipal land. The situation is complicated by various racialised claims over land. This is exemplified in the case of the land invasion at Delft on the outskirts of Cape Town. Unlike the infamous Bredell invasion in Gauteng in 2001 where people were duped into “buying” vacant plots from bogus owners, in 2007 in the Cape Flats area of Delft, about 1 700 people were encouraged by Cape Town City councillor, Frank Martin, to invade a local housing development.

In many ways the conundrum in Delft and the racialised problems in the city represent older societal configurations, as epitomised in an incident witnessed by Fred Hendricks some years earlier at the Hartleyvale Stadium in Cape Town. The setting was a soccer match between the Cape Town Spurs and the Johannesburg-based Kaizer Chiefs. Support for the two teams was entirely racialised with coloureds behind Spurs and Africans supporting Chiefs. In the inevitable oppositional scuffle, one clearly inebriated coloured supporter of Spurs turned to his African counterpart supporting Kaizer Chiefs and barked, “Wie se Kaap is die?” (Whose Cape is this?). It was a poignant moment, full of the drama of racial tension. There was no comeback to the challenge because of the very basic assumption of the legitimacy of indigeneity
and the construction of otherness. Assumptions such as this are constant reminders of the abiding connection between the national question and the land question. After centuries of separation and differential treatment, the difficulties of imagining a unitary South African nation are aggravated by the ever-increasing layers of competing claims over land.

In concrete terms we cannot talk about the inequalities in land without talking about race. In many ways race remains the fault-line of South Africa's democratic order and we ignore it at our peril. While there is clearly a need for us to transcend this obsession if we are to achieve an anti-racist and eventually non-racist future, we have a major conundrum on our hands. How in our analyses are we to take into account the implications of apartheid without reference to race? When coloured residents of the Western Cape assert ownership and legitimacy on the basis of notions of indigenous claims over the land, it raises a host of questions about the South African nation and about the regional and racial dividends of apartheid, which a counter culture has not fully addressed.

In so far as blackness still coincides with poverty, it is constructed as an enduring identity of landlessness and dispossession in contrast to an identity of property and wealth held by whites. This racialised nature of South African identities remains an abiding problem in our attempts to construct a unitary notion of the nation. What's more, the differential land ownership and access patterns merely confirm that the divisions of the past are still very much with us. While constitutionally the state does not recognise ethnicity – the constitution is prefaced by the slogan, “One Law for One Nation” – there remains a large gulf between the paper reality of “the South African nation” and the very many cleavages and conflicts associated with notions of belonging. There is little doubt that racialised land inequality contributes in no small measure to these enduring divisions and that land reform is therefore imperative for the survival of democracy in this country.

The problems of housing and land in Cape Town are connected directly to the crisis of livelihoods in the former reserves of the Eastern Cape, in the same way as the overall linkages between the bantustans and the towns mark an enduring narrative of territorial segregation in South Africa. Despite a new nine-province geographic dispensation, the former reserves persist in all but name, through both a distinctive form of land tenure and a different type of local government. Understanding these linkages is vital in any attempt to address the overall problems of land and underdevelopment in the country. Therefore, the following section deals with the role of the former reserves.

**LAND QUESTIONS OF THE FORMER RESERVES**

Central to any strategy for sustainable rural development in South Africa must be a clear conception of the future of the former bantustans, in particular those rural areas that fall under the jurisdiction of chiefs of various sorts, captured in the all-encompassing term “traditional authorities/leaders”. The bantustans were the bedrock upon which the colonial and apartheid strategies of divide and rule rested. They were established for African occupation following massive and often violent eviction and dispossession of indigenous people from the areas claimed for whites only. In the Cape Colony, there were initial attempts within the areas allocated to Africans to promote a small group of African farmers and peasants (Bundy 1988). However, following the discovery of minerals and gold, in particular in the latter part of the nineteenth century, these areas were gradually reduced to being sources of cheap labour for the development of capitalism. Compared to the massive state subsidisation of white-dominated commercial agriculture, very little was invested in the development of agriculture in the bantustans. In fact, active steps were taken to discourage the rise of the class of black farmers that had been emerging in the nineteenth century. In the twentieth century bantustans served largely as labour reserves, thus creating the conditions for proletarianisation of the indigenous people. It is against this backdrop that the future of these former “labour reserves” should be considered.

With the conversion for many indigenous people from a land-based livelihood to one of wage earning, so too the focus among liberal and radical scholars in South Africa shifted from rural to urban concerns. Both liberals and radicals took as their departure point the modernisation paradigm, which foresees a tendency towards urbanisation resulting from the collapse of rural social relations and the diminishing role of land in the lives of rural residents (see Wolpe 1972, Bundy 1988, Mafeje 1988). Radical scholars such as Hendricks (1990) who focused on rural areas saw in rural residents in the former bantustans a “displaced proletariat”, while paying scant attention to the role of land in the livelihoods thereof. In the debates of the 1970s and 1980s the radical scholars were so influential that they overshadowed earlier writings by liberation movement intellectuals, such as Govan Mbeki

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1 The original term that was used during the colonial period up to the advent of apartheid in 1948 was “reserves”. During the apartheid era the name changed to “bantustans” and later “homelands”. Four of the nine former bantustans were granted “independence” by the apartheid regime.
going back even as far as the 1920s when the productive capacity of the reserve areas declined — was considered as having diminished in importance. In their view the focus of both economic and political activity shifted almost entirely to urban areas (see Walker 2008).

Debates about the role or importance of land are not peculiar to South Africa. Scholars across the globe have argued that more and more rural poor people are diversifying their means of livelihood, to the extent that in many countries land-based income-generating activities (mainly agriculture) now contribute only a minor proportion of the income of rural households: a phenomenon that has been referred to as “de-agrarianisation” (Bryceson 1999) and sometimes “depeasantisation” (Bryceson 2002).

While these discussions fall within a larger global thesis of modernisation, industrialisation, urbanisation and proletarianisation, it is high time that we scrutinised their applicability to regions and countries (including South Africa) that fall outside of the Euro-American context. Although still in its initial stages, the work done under the auspices of the National Research Foundation Research Chair in Land Reform and Democracy in South Africa at the University of Cape Town is casting doubt on the utility of an uncritical adherence to the modernisation school of thought. It shows that, in the context of South Africa, notions of peasantry and proletarianisation are not clear-cut. For example, Nkululeko Mahanda (2012) in his award-winning Masters thesis on the black middle class in Ncambedlana, which is in Mthatha in the Eastern Cape, demonstrates that the success of this group came partly from their ability to combine the meagre income they received as government clerks or teachers with land ownership. Indeed, the ability to combine income with productive use of land is the proverbial red thread that runs through the thesis.

In a similar vein, Ncapayi’s doctoral research, which was awarded in 2013, shows the continued significance of land in the lives of the descendants of quietent holders in Luphaphasi who were granted land towards the end of the nineteenth century (see Ntsebeza 2006). The descendants, though, were not immune to the rise of capitalism and the growing importance of the cash economy. They would spend their youthful lives in urban areas as migrant workers. But they would then return home to the reserves and take over from and/or assist their parents and embark on a land-based lifestyle.

is by and large this group that reacted militantly against the introduction of conservation measures. They invest(ed) their income in farming equipment and livestock in preparation for their retirement in the countryside, something that might explain the rise of the mansions one sees in the countryside of the former bantustans. For these landholders, land mattered: it was an important, although not the only source of livelihood. In many ways, land still matters for this group.

Ncapayi’s research raises doubts about popular claims that black people are no longer interested in making a living out of land. In his view such claims are based on superficial observations that claim that most land in the former bantustans is lying fallow. What Ncapayi’s research brings to the fore is that these rural areas are experiencing changes in land use from crop production to raising livestock. The overall amount of grazing land has shrunk because large portions have been converted to residential use. This in turn has meant that livestock have encroached on areas that were formerly used for crops. In addition, the fact that the state has failed to fence off grazing land, and landholders themselves (for a range of reasons) have been unable to fence their fields, has led to a situation where arable fields have become grazing land. Research on livestock in the Eastern Cape conducted in 2000 showed that livestock numbers had not declined significantly since they were first recorded in 1906 despite the fact that the extent of land for grazing had diminished.

Viewed from this perspective, the problem in these former bantustan areas can be understood simply as a shortage of land, rather than non-use or under-utilisation thereof. This is the context within which an argument could be made for a radical land redistribution programme that would facilitate the agrarian transformation of the countryside, including the rural areas of the former bantustans.

How should scholars characterise the group of residents that combines income, occupation and land utilisation? Terms such as “peasant” and “proletariat” seem inadequate. These terms derive from a European context where peasants were robbed of ownership of the means of production, including land, and left with one commodity (their labour) to use in order to survive; thus becoming a proletariat. While these concepts may apply to a significant number of South Africans, they are misleading when applied to residents of the former reserves.

The rural areas of the former bantustans remain home not only to the landholders, but also to a number of residents who are unemployed and
do not have access to land. The notion that the scrapping of influx control regulations would result in massive permanent migration to urban areas is not borne out by the conditions on the ground. According to the Statistics South Africa 1997 rural survey, about 12.7 million people (31.4 per cent) lived in the rural areas of the former bantustans (StatsSA 1999). While the repeal of the influx control laws increased migration to urban areas, evidence shows that ties with the rural have not been entirely severed (Ncapayi, 2013). This applies even to those who had residence rights in urban areas during the apartheid period and thus could stay with their families. They too have continued to maintain ties with relatives in the former reserves.

An explanation for the continued maintenance of ties with rural areas could be that our democracy inherited an economy that could not, even at its best performance, absorb all of its potential labour force. In conditions of unemployment, lack of proper housing, as well as the cash demands of urban life, rural areas provide home and security to the poor through various forms of social networks. For the middle class, the countryside seems to provide therapy for the stressful urban life, hence their investment in housing in rural areas (see the Netherlands experience in Chapter 12 in this volume). Thus, important as it is for the state to continue exploring ways in which jobs can be created, mainly in the urban sectors, it is equally important to consider land-based livelihoods. This could be achieved by identifying rural residents who have a continued interest in land and providing them with livelihood opportunities. Pronouncements by the Zuma administration since the ANC’s 2007 conference in Polokwane have identified rural development as one of government’s five top priorities. Coupled with the commitment to land redistribution this opens up opportunities for those interested in making a living out of land, including farm workers and dwellers. Missing, though, is a programme of action on the part of the ANC-dominated government.

No discussion of the former bantustans would be complete without reference to the institution of traditional leadership. Traditional authorities became an extended arm of the apartheid state, in particular in the broader scheme of indirect rule of the homelands. Part of the legacy of colonialism and apartheid is that most land in the rural areas of the former bantustans is owned by the state and the Development Trust that was set up in terms of the Natives Trust and Land Act of 1936. This was despite the fact that the residents had occupied the land for centuries and were the de facto owners of the land. In terms of administration and management, residents were by and large excluded in favour of apartheid-created Tribal Authorities made up of chiefs of various ranks who were upwardly accountable to their apartheid masters.

With the advent of democracy in 1994, the ANC-led Government of National Unity appeared to be taking active steps towards redressing the legacy of apartheid through its land reform programme. Therefore section 25(6) of the South African Constitution of 1996 prescribes that a person or community with insecure tenure arising from racial domination is entitled to secure tenure or compensation. There were also attempts to extend democracy to rural areas under the authority of chiefs through establishing municipalities made up of elected councillors in the whole of South Africa, including in rural areas under chiefs where municipalities did not exist. The 1998 White Paper on Local Government defined post-1994 local government as developmental, and involving integrated developmental planning that is meant to improve the standard of living and quality of life of previously disadvantaged communities. Additionally, developmental local government requires the active participation of citizens in developmental initiatives in their areas.

A commitment to implementing these policies and laws would indeed mark an important rupture from the apartheid past. However, despite the collaborative role of chiefs under apartheid, the new South African constitution not only recognised the institution of traditional leadership, but also failed to offer any clarity about the role of chiefs in a democratic dispensation. As will be seen in Chapter 3 by Lungisile Nsebeza, the promised democratic and developmental project is gradually being compromised by the increased powers (administrative, developmental and judicial) that are being given to unelected and unaccountable chiefs through two crucial pieces of legislation: the Traditional Leadership and Governance Framework Act of 2003 and the current Traditional Courts Bill. A third piece of similarly compromising legislation, the Communal Land Rights Act, was declared null and void in its entirety by the Constitutional Court in 2010. All three pieces of legislation are contentious, and clearly demonstrate continuities rather than a rupture with the apartheid past, especially in so far as the land question is concerned. The former bantustans remain an abiding reality, contrasting sharply with the market-driven and still predominantly white-owned commercial areas to which we now turn our attention.

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do not have access to land. The notion that the scrapping of influx control regulations would result in massive permanent migration to urban areas is not borne out by the conditions on the ground. According to the Statistics South Africa 1997 rural survey, about 12.7 million people (31.4 per cent) lived in the rural areas of the former bantustans (StatsSA 1999). While the repeal of the influx control laws increased migration to urban areas, evidence shows that ties with the rural have not been entirely severed (Ncapayi, 2013). This applies even to those who had residence rights in urban areas during the apartheid period and thus could stay with their families. They too have continued to maintain ties with relatives in the former reserves.

An explanation for the continued maintenance of ties with rural areas could be that our democracy inherited an economy that could not, even at its best performance, absorb all of its potential labour force. In conditions of unemployment, lack of proper housing, as well as the cash demands of urban life, rural areas provide a haven for the poor through various forms of social networks. For the middle class, the countryside seems to provide therapy for the stressful urban life, hence their investment in housing in rural areas (see the Netherlands experience in Chapter 12 in this volume). Thus, important as it is for the state to continue exploring ways in which jobs can be created, mainly in the urban sectors, it is equally important to consider land-based livelihoods. This could be achieved by identifying rural residents who have a continued interest in land and providing them with livelihood opportunities. Pronouncements by the Zuma administration since the ANC’s 2007 conference in Polokwane have identified rural development as one of government’s five top priorities. Coupled with the commitment to land redistribution this opens up opportunities for those interested in making a living out of land, including farm workers and dwellers. Missing, though, is a programme of action on the part of the ANC-dominated government.

No discussion of the former bantustans would be complete without reference to the institution of traditional leadership. Traditional authorities became an extended arm of the apartheid state, in particular in the broader scheme of indirect rule of the homelands. Part of the legacy of colonialism and apartheid is that most land in the rural areas of the former bantustans is owned by the state and the Development Trust that was set up in terms of the Natives Trust and Land Act of 1936. This was despite the fact that the residents had occupied the land for centuries and were the de facto owners of the land. In terms of administration and management, residents were by and large excluded in favour of apartheid-created Tribal Authorities made up of chiefs of various ranks who were upwardly accountable to their apartheid masters.

With the advent of democracy in 1994, the ANC-led Government of National Unity appeared to be taking active steps towards redressing the legacy of apartheid through its land reform programme. Therefore section 25(6) of the South African Constitution of 1996 prescribes that a person or community with insecure tenure arising from racial domination is entitled to secure tenure or compensation. There were also attempts to extend democracy to rural areas under the authority of chiefs through establishing municipalities made up of elected councillors in the whole of South Africa, including in rural areas under chiefs where municipalities did not exist. The 1998 White Paper on Local Government defined post-1994 local government as developmental, and involving integrated developmental planning that is meant to improve the standard of living and quality of life of previously disadvantaged communities. Additionally, developmental local government requires the active participation of citizens in developmental initiatives in their areas.

A commitment to implementing these policies and laws would indeed mark an important rupture from the apartheid past. However, despite the collaborative role of chiefs under apartheid, the new South African constitution not only recognised the institution of traditional leadership, but also failed to offer any clarity about the role of chiefs in a democratic dispensation. As will be seen in Chapter 3 by Lungisile Ntsebeza, the promised democratic and developmental project is gradually being compromised by the increased powers (administrative, developmental and judicial) that are being given to unelected and unaccountable chiefs through two crucial pieces of legislation: the Traditional Leadership and Governance Framework Act of 2003 and the current Traditional Courts Bill. A third piece of similarly compromising legislation, the Communal Land Rights Act, was declared null and void in its entirety by the Constitutional Court in 2010. All three pieces of legislation are contentious, and clearly demonstrate continuities rather than a rupture with the apartheid past, especially in so far as the land question is concerned. The former bantustans remain an abiding reality, contrasting sharply with the market-driven and still predominantly white-owned commercial areas to which we now turn our attention.

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12 The Promise of Land
LAND QUESTIONS IN COMMERCIAL AGRICULTURE

Questions pertaining to commercial agriculture, specifically white commercial agriculture, continue to dominate the South African rural landscape. Historically, white farmers were a crucial support base for both segregation and apartheid policies, including being defenders of the bantustans and the migrant labour system for purposes of ensuring a cheap labour supply. Their farms were effectively private spaces in which they constructed their own industrial relations based on a combination of paternalism and repression. With the end of apartheid has come both a quest for historical redress through for instance land redistribution as well as an intensification of processes of neo-liberalisation resulting in a number of challenges for this group of agricultural landowners. Nonetheless, nearly 20 years after the end of apartheid, the white commercial farming sector remains for the most part intact. We now look at some of the current features of and influences on this sector.

Increasingly the sector as a whole has become integrated into the global economy of agriculture, both in terms of imports and exports. This entails a marked subordination to an international agro-industrial complex and to global “farm-to-fork” food commodity chains. These chains are dominated by a limited number of major corporations in relation to inputs such as seeds and fertilisers and outputs (through retail giants). Global integration is in many ways part of the outward-looking macro-economic strategy of the South African state.

This macro strategy has a pronounced neo-liberal trajectory, such that it becomes difficult to see South Africa as a developmental state in relation to agriculture: this is so despite pronouncements to the contrary by state officials. Neo-liberal restructuring in commercial agriculture has involved less direct intervention (and thus less protection) by the state, for example through the undermining of state commodity boards. Simultaneously it has provided the broad conditions and framework for facilitating global integration. The impact on white agriculture has varied, with some sub-sectors blossoming and others finding the going more difficult given the more competitive and less protected environment.

In the light of the neo-liberal approach white farmers remain unthreatened by expropriation or confiscation of land by the state. A pronouncedly market-led land redistribution programme remains in effect, although at times it seems open to review by the state. This is in contrast to Zimbabwe where, in 2000, 20 years after that country’s independence, a significant radicalisation of the state occurred. The result was a more supportive and meaningful response by the state to the nationwide land occupation movement that emerged in that year. No such land movement exists in South Africa, although the likelihood of at least sporadic occupations does seem possible and, as the Zimbabwean case shows, such occurrences are often unpredictable.

While the overall power of white agrarian capital seems unchallenged, the recent strikes in the Western Cape have certainly disturbed the paternalism of the past. Despite the fact there are ongoing public spats between state leaders and commercial agricultural associations over a multiplicity of issues, a solid working relationship between state apparatuses and these associations exists, as is reflected in lobbying and consultation processes. In this respect, there seems to be a common (state-capital) understanding of the significance of economic growth per se in bringing about socio-economic development. Certainly, white farmers have convinced the state, if it needed any convincing in the first place, that commercial agriculture is central to economic stability and that any major disruption to the sector will undermine the investor confidence for which the state so readily calls.

Historically, the commercial agricultural sector has been an extreme low-wage sector with workers living, normally on the farms themselves, in conditions of grinding poverty. In this regard the working and living conditions of workers have not changed dramatically since the end of apartheid and there are clear processes of casualisation of the agricultural workforce currently taking place. Importantly, relative to other lines of operational agricultural expenditure, the cost of labour on commercial farms has decreased consistently over recent years. Despite this, farmers insist that any significant increase in labour costs will undercut the economic viability of the commercial agricultural sector and that this will have negative knock-on effects for the entire agro-industrial complex and ultimately for farm workers themselves in terms of declining employment prospects.

As a move that seems contrary to neo-liberalism, the South African state has sought to incorporate farm workers into the country’s national labour legislation and this has provided workers with levels of protection that did not exist previously. At the same time, on-the-ground realities – notably power imbalances between farm management and workers – often minimise this protection. This is particularly the case because farm workers are largely unorganised (with the trade union movement having only a limited presence in agriculture). This absence of organisation affects the day-to-day relations
of workers with farmers and it means that the capacity of farm workers to influence the state, especially in the face of powerful farmers’ associations, remains embryonic. These workers appear to be at the mercy of both capital and the state.

The prospect for any radical restructuring of the South African countryside, notably the undercutting of the dominance of white commercial agriculture, does not seem likely in the foreseeable future. Recent events on farms in the Western Cape, in late 2012 and early 2013, exemplify this. Considerable research has been undertaken on farms in the Western Cape (Mather & Greenberg 2003, Kritzinger et al. 2004), notably in relation to fruit and wine farms. While having their own local specificities (including in many cases off-farm accommodation of workers in nearby towns), these farms exemplify the power relations between farmer and worker that exist throughout South Africa – for instance the persistence of apartheid-style industrial relations and the socio-economic conditions of workers.

In August 2012 isolated strikes began on farms in the Western Cape which gathered steam in early November. The strikes started in De Doorns, 140 kilometres east of Cape Town, and engulfed the important grape-growing Hex River Valley. Highways were blockaded, vineyards and farm structures were torched, ugly confrontations took place between the striking farmers and police, hundreds of workers were arrested or detained, and at least two workers were killed. Early on, workers demanded a substantial increase in the national minimum wage for agricultural labourers, from R69 to R150 per day. In this respect, a farm worker labouring on a fruit farm in Robertson was quoted as saying in January 2013: "Our living conditions and wages are terrible. We decided to stand up as for many years we have struggled to get by. We can’t wait for the government to make its decisions as our children are suffering."

Like elsewhere in the country, farm workers in the Western Cape tend to be unorganised and the recent strike was largely self-organised or "organic". In this regard, Petrus Brink (from the rural development non-government organisation Surplus People Project) indicated: "If anything, the initial strikes were reminiscent of the first Marikana miners’ strike [earlier in 2012], in the sense that they were a product of workers being gatarol [fed up] of employers, political parties and the major labour unions" (Mail & Guardian, 16 November 2012). Certainly the agricultural affiliate (the Food and Allied Workers’ Union) of the major trade union federation the Congress of South African Trade Unions (COSATU) had only a limited presence on the farms.

Nonetheless COSATU persistently claimed to speak on behalf of the striking workers, including making calls to end the strike. Independent farm workers’ unions such as Sikhula Sonke exist (White 2010) and these, along with a few non-government organisations, played a significant role in trying to coordinate worker action, which led to the formation of a farm workers’ coalition. Besides focusing on wages, Sikhula Sonke (with about 5 000 members) called for wide-ranging changes to labour conditions on farms including an end to the "externalisation" of the labour force through banning labour broking, something that the state had constantly refused to do.

The Department of Labour promised to immediately review the sectoral determination (for the minimum national wage) for agricultural workers, which had been set for reconsideration. It arranged for public hearings in this regard, although such hearings are rarely attended by farm workers because of the alienating environment. At the same time, on-and-off local negotiations between farmers and farm workers took place from November 2012 to January 2013. Agriculture Minister Tina Joemat-Pettersson said that these farm-to-farm pay talks were a stop-gap measure to restore peace and order prior to the sectoral determination review, but many farm workers claimed that farmers were negotiating in bad faith. In addition, acrimonious talks were held at national level between, notably, COSATU and the main commercial farmers association – AgriSA. There was sporadic strike activity until January 2013 in and around the epicentre of the strike activity.

The farmers’ associations condemned outright the strike activity, often claiming that a mysterious “third force” was involved in agitating the workers. Thus the AgriSA Labour Committee chairperson Anton Rabe (The Citizen, 16 November 2012) said: “Lawlessness and criminal activities cannot be tolerated and the culprits must be held accountable via normal prosecution processes.” More importantly, the associations claimed that any significant increase in wages would not simply eat into profits but also undermine commercial agricultural ventures. Thus they spoke about some farmers venturing into less labour-intensive agricultural activities like nut farming or cattle ranching, or moving to other countries in Africa where there were, from their perspective, more favourable labour conditions. Unsurprisingly, these thoughts were echoed by the national deputy minister for Agriculture, Pieter Mulder (The Citizen, 21 November 2012), who argued: “With the increasing prices in electricity, water and fuel, farmers cannot afford the sudden increase in labour costs.” Mulder went on to say that farmers would remain with two choices: bankruptcy or staff cuts. Eventually, in February
2013, the Department of Labour announced an increase in the minimum wage for farm workers to R127.96 a month, starting in March 2013.

The full story of the farm worker strike in the Western Cape, which is an unusual event in contemporary South Africa, is still to be told and there continues to be considerable confusion about the events that transpired. But one point is clear: farm workers, as an unorganised sector of the labour force, are in a weak position to bargain with property owners on a day-to-day basis. Only when struggles move beyond the farm level are they able to meaningfully confront the power of farmers and capture the attention of the state. Although the increase in wages is of great significance and improves, even if only minimally, the socio-economic conditions of farm workers, the end result does not lead to any restructuring of industrial relations on farms and the power of the farmer relative to the farm worker remains intact. Perhaps more importantly, the strike – explicitly as a labour question – did not directly challenge the land question or the absence of land redistribution in the South African countryside. This is critical because farm workers are landless and land redistribution would presumably have implications for their rural livelihoods, as addressed in the conclusion to this book.

OUTLINE OF THE BOOK

The focus of the book is undoubtedly South Africa but there is an overarching recognition that the country does not exist in a vacuum. Instead it is inserted into a complex regional and global structure of social relationships of dominance and subordination. Prospects for resolving South Africa’s land and agrarian questions in order to facilitate rural development have to be understood within this broad context. As such Part 2 covers the theory, history and policy context and Part 3 is a comparative section that looks at land questions in Zimbabwe, India and the Netherlands.

The book commences with a concentrated examination of various dimensions of the land problem in South Africa. There are five chapters in this initial section. In the first instance Fred Hendricks (Chapter 2) provides a critical review of the post-1994 policies of land redistribution and restitution and argues that these policies are singularly inappropriate in the face of the extent of land inequality inherited from colonialism and apartheid. Informed by the ongoing resemblance between contemporary South Africa and its racist past in respect of land issues, the chapter is concerned with the incomplete process of decolonisation.

Following the theme of continuity with apartheid, the third chapter by Lungisile Ntsebeza deals with the persistent reality of the former reserves or bantustans, despite almost two decades of democratic rule. By focusing on three recent pieces of legislation, Ntsebeza discerns a political shift to the right in privileging tradition and custom, specifically via the elevation of unelected traditional authorities. In the process, the rights of citizenship have been undermined and democracy has been compromised.

In the fourth chapter Kirk Helliker provides an account of white commercial agriculture in South Africa by demonstrating the highly differentiated nature of the sector and by paying attention to the paternalism and repression of labour relations on these farms. The chapter provides a historical overview of the supportive role that white agriculture played in relation to successive apartheid regimes. It highlights the interconnectedness of the land and labour questions and shows how global neo-liberal trends are forcefully implemented in contemporary South Africa. Helliker also looks at the implications of the conversion of livestock farms to game farms and how black economic empowerment has fared in the commercial sector. Overall, he examines the efforts to change the sector in democratic South Africa and concludes, like the previous two chapters, that the power of white agricultural capital remains virtually intact through the reproduction of racially based class relations in the countryside.

In contrast to the three previous chapters, which pertain largely to rural areas, Chapter 5 by Fred Hendricks and Richard Pithouse deals with urban land questions. Using Cape Town as a case study, the chapter shows how intimately connected the urban and rural areas are, largely occasioned by the migrant labour system. The chapter shows that land questions have an urban dimension, especially as they relate to the provision of adequate housing. The geographies of apartheid have proven to be enormously durable, especially in the racialised spaces of the cities of South Africa. In Cape Town, local officialdom has made a point of preserving the status quo through the establishment of an Anti-Land Invasion Unit whose main work is to demolish shacks before they become homes.

In the final chapter of Part 1, Lungisile Ntsebeza deals with social movements. Calling into question purely statist efforts at resolving land questions, Chapter 6 is animated by the recent farm-worker struggles in the Western Cape and the prospects these hold for influencing fundamental change from below. Ntsebeza provides a detailed, almost blow-by-blow description of the farm-worker strikes and then relates them to earlier instances of rural resistance, most notably the Mpondoland revolt of 1960. The chapter
is critical of the role of non-governmental organisations, but it shows that real agency in relation to land issues is emerging amongst committed activists and intellectuals through various coalitions of organisations on the ground.

Part 2 deals with history, theory and policy as vital overarching contexts for understanding the dynamics of and prospects for change in South Africa. Beginning with Chapter 7, Bill Martin frames the debate on rural development within the broader canvas of evolving capital accumulation, dispossession and capitalist development. Anchoring his discussion in the notorious Natives' Land Act of 1913, he refers to earlier historiographical debates by questioning the linear approach of conventional wisdom, specifically the contention that primitive accumulation and its concomitant dispossession, temporally preceded capitalist development. Instead, in concert with the previous chapter by Ntsebeza, he seeks to provide an alternative conceptual framework for understanding the challenges to neo-liberalism from below. This theoretical and historiographical setting provides a fresh approach to situating South Africa within a continental and global context.

Following this, in Chapter 8, Tendai Murisa examines the prospects for small-holder agriculture in southern Africa through a specific focus on the role of policy. This chapter is unambiguously in favour of small-holder agriculture as a means to achieve food security. From this starting point, Murisa seeks ways in which policy interventions might assist small-holders in an environment dominated by large-scale commercial agriculture. He highlights some of the limitations of current policy and provides guidelines for alternatives. Pointing to the diverse experiences of Malawi and Zimbabwe, the chapter raises hopes for the future of food security through innovative land reform programmes and imaginatively bold agricultural policies. It also laments the role of land grabbing as a barrier to local rural development. There are obvious lessons for South Africa in respect of an appreciation of the regional and continental dimensions as well as in recognition of the problems in fostering food sovereignty associated with the donor community.

Praveen Jha's Chapter 9 follows Murisa's very neatly in dealing with the implications of global food regimes for food security in the global South, including South Africa. Jha argues that the agricultural and trade policies of the North clearly influence the prospects for rural development in the South. In particular he emphasises the new politics of food as a marker of continued global inequalities by focusing on the increasing power, wealth and greed of multinational corporations. The chapter paints a picture of increasing monopoly control over food and resources. The consequence is that local solutions are structurally limited by this overarching juggernaut.

Jha focuses on both the state and capital. He reveals the incongruence (and implicit injustice) of massive agricultural subsidies in the North and the virtual withdrawal of state support for agriculture in the South in line with the neo-liberalism of structural adjustment programmes.

Part 3 provides some comparative experiences from Zimbabwe, India and the Netherlands. Sam Moyo's Chapter 10 on Zimbabwe starts from the premise that the massive transfer of land through the Fast Track Land Reform process represents the only instance of a radical redistribution of land in the world since the end of the Cold War. The chapter shows how market-driven attempts at land reform met with failure or only halting success until Fast Track changed all of that in a dramatic shift that gave access to land to the majority. Moyo highlights some of the ongoing production problems and points to the relevance of social differentiation in the new circumstances, and he also highlights some direct comparative implications for the South African situation.

In Chapter 11 on India, Praveen Jha and Surinder Jodhka provide an account of the centrality of the notion of the village in Indian history, Indian imagination and Indian nationalism. They go on to analyse the colonial origins of the agrarian question and the manner in which this question was approached by successive post-independence regimes. The chapter focuses on notions of the commercialisation of agriculture and the commodification of land, and suggests that the grinding poverty of the masses resides very much with the unfinished business of land reform in the country. While guardedly applauding India's National Rural Employment Guarantee Scheme, which guarantees poor households one hundred days of employment per year, the authors lament the fact that the land and agrarian questions have slipped very far down the country's national list of priorities.

The final comparative chapter on the Netherlands is by Marja Spierenburg and Harry Wels. They trace the history of efforts to modernise agriculture in the Netherlands by highlighting the supposedly necessary trends towards land concentration and mechanisation. The chapter investigates some of the implications of this consolidation of landholdings for the prospects of rural development by focusing on a plurality of activities (including rural tourism) that could be associated with farms. They present an argument for a strategy of diversification — one that propounds farms as representative of an alternative lifestyle, featuring a link between human health and the environment.

Chapter 13 is the concluding chapter by the editors entitled, Colonial Pasts
and Democratic Futures in South Africa. On the basis of the overwhelming evidence of failure in state attempts at land reform, it calls for an entirely new approach to the problem – one that recognises an important role for struggles from below. The chapter situates the ongoing crises in land in the urban areas, commercial farms and former bantustans within a historical context of colonialism, but simultaneously highlights a vision for a democratic future.

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CHAPTER 3
THE MORE THINGS CHANGE, THE MORE THEY REMAIN THE SAME:
RURAL LAND TENURE AND DEMOCRACY IN THE FORMER BANTUSTANS

Lungisile Ntsebeza

"[T]he real import of (South Africa's) transition to non-racial rule may turn out to be the fact that it will leave intact the structure of indirect rule"

- Mahmood Mamdani, 1996: 32

This chapter assesses the performance of the ANC-led government in resolving the legacy of colonialism and apartheid with respect to the rural areas of the former “reserves,” later called “bantustans” or “homelands” during the apartheid era. This assessment is done within the broader context of reflecting about the future of these areas. The reserves were the bedrock upon which the colonial and apartheid strategies of dividing Africans into imposed “tribes” rested (Mafeje 1971, Mamdani 1996).

There are two distinct features of these areas. First, in terms of land tenure, most land in the rural areas of the former bantustans is legally owned by the state and the land rights of rural residents are restricted to rights of occupation which are not comparable with the freehold land rights held by their white counterparts in the commercial farming areas. With respect to agriculture, while massive amounts of subsidy were poured in by the state to prop up white-dominated commercial agriculture, very little was invested in the development of agriculture and rural development in the former bantustans. Indeed, active steps were taken to discourage the rise of a class of black farmers that was emerging in the nineteenth century and early part of the twentieth century (Bundy 1988, Ncapayi 2013). Efforts on the part of these aspirant African farmers to get freehold title deeds were thwarted in the run up to the establishment of the Union of South Africa in 1910 (Ntsebeza 2006). By this time, colonialists had resolved that the role of the reserves would be primarily that of a source of cheap labour to boost the development of capitalism in South Africa that was sparked by the mineral industry, particularly gold (Wolpe 1972).

At the level of governance, a system of “indirect rule” was initiated through chiefs and headmen – referred to as traditional authorities/leaders in post-1994 South Africa – who became the extended arms of the apartheid state in particular. Although the chiefs were not the owners of land in their areas of jurisdiction, colonialists and the architects of apartheid gave both chiefs and headmen enormous powers at the local level, the main powers being land administrative and judicial powers. The manner in which the allocation of land worked was such that no rural person would be issued with a “permit to occupy” by the magistrate, without the approval of the Tribal Authority. This is what made chiefs and headmen powerful and, as I argue elsewhere, made them appear to be legitimate (Ntsebeza 2006). Their judicial powers, though, were not as absolute as their land allocation powers, given that magistrates automatically reviewed their judgements and that the accused could appeal.

This is the backdrop against which the assessment of the post-1994 government will be made. There was, I argue, an expectation that dismantling the reserves/bantustans would be central to a post-apartheid South African project. At stake is the role of traditional authorities in South Africa’s democracy. The backdrop here is the constitutional recognition of the institution of traditional leadership, whose incumbents are appointed and thus not subject to the democratic process of an elected leadership. The tension between acclamining democratic principles of representative government in the constitution, while in the same constitution recognising an imposed structure, took the ANC-dominated government nine years to resolve. In this period, the ANC adopted an ambivalent position with respect to the role and powers of traditional authorities (Ntsebeza 2002). However, since 2003, the ANC emerged from its shell and promulgated two pieces of legislation: the Traditional Leadership and Governance Framework Act of 2003 and the Communal Land Rights Act of 2004. In 2008, a Traditional
Courts Bill was introduced. After being suspended, the Bill was reintroduced in February 2012 and has not yet been passed into law by parliament.

There can be no doubt that the three pieces of legislation referred to above have swung the power game in favour of traditional authorities at the expense of democracy. The main title of my book, which was published a year after the promulgation of the Communal Land Rights Act, is Democracy Compromised. It reflects my response to the promulgation of the two laws referred to above (that is the Traditional Leadership and Governance Framework Act of 2003 and the Communal Land Rights Act of 2004). At the time, these laws had not been implemented. As will be seen in this chapter, there is no reason to regret having used that title. The democratic project in the post-1994 period is not only compromised, it seems to have been dumped, particularly for those residing in the rural areas, both on farms legally owned by whites and in areas controlled by chiefs. The title of this chapter is reflective of precisely this point.

In terms of structure, the next section will provide a brief historical overview of the situation in the rural areas of the former bantustans focusing on land tenure and governance issues in the period up to the advent of democracy in 1994. This will be followed by the main business of this chapter: an account and assessment of how the ANC-led government dealt with the current legislation affecting colonial and apartheid legacy with specific reference to rural land tenure and governance. I conclude by reflecting on the implications for democracy of the current legislation affecting rural residents and, crucially, also on the extent to which it will be possible for these laws to be implemented and with what consequences. In this regard, I invoke Mamdani's notion of the failure, in his terms, of post-colonial African regimes to deal with the legacy of colonialism. However, I argue that Mamdani's hunch that in the South African transition the structures of "indirect rule" might be left "intact" should be located within the history of resistance and struggles against injustice, which continue to this day.

RURAL LAND TENURE AND GOVERNANCE UP TO 1994

Colonialism and apartheid created two systems of agriculture in South Africa: large-scale commercial agriculture dominated by whites and so-called subsistence agriculture in the rural areas of the former bantustans. As already indicated in the chapter introduction, the land holding in the white-dominated commercial agricultural sector was based on private property rights where land was held on freehold title. Capitalist relations of production were extended to this system with whites as the property owners and blacks offering the bulk of often extremely cheap labour contracted under atrocious working conditions.

The land tenure system in the rural areas of the former bantustans, although it was an integral part of the capitalist system in South Africa, was more complex than in the white-dominated sector. This complexity can best be understood within the historical context of South Africa. The history of what is now known as South Africa can be traced to the unification of two "Boer Republics", the Orange Free State and the Transvaal, and of the two British colonies of the Cape and Natal, in what became the Union of South Africa in 1910. What was common to all the four entities was that whenever the colonialists had the upper hand, they dispossessed the indigenous people and established "reserves" for occupation by the dispossessed. However, the land tenure arrangements differed both amongst the various reserves and within each of them. With regard to the Cape Colony, for example, the colonial government, with its "civilising" mission for the "Natives", envisaged a situation where in the long-term, Africans would be granted individual tenure, similar to their white counterparts (Davenport & Hunt 1974: 31, Ntsebeza 2006 for the example of Xhalanga). The first attempt to individualise land ownership amongst Africans was in the form of quitrent, initially introduced as a form of renewable lease for a fixed period of occupation. When this system was extended to Africans in some areas of the Cape, it was introduced as "perpetual quitrent", subject to payment of an annual rent. Its provisions, though, were not as strong as "freehold" title. For example, one of the provisions of the quitrent title was that the holder thereof could not alienate the land without the consent of the minister. However, in districts such as Xhalanga in the Eastern Cape, there was an understanding that after a period of 20 years, the quitrent title would be converted into freehold title, a practice that pertained to whites (Ntsebeza 2006).

Interestingly, the same British colonialists adopted a different policy in the Natal Colony. Here, as Theophilus Shepstone the secretary of Native Affairs in Natal put it, they were committed to a "protectionist" and "segregationist" policy towards Africans where land was held "communally", subject "of course, to priority of individual occupation". In his evidence to the Cape Native Laws Commission of 1883, Shepstone had strongly persuaded the commission to recommend a communal land tenure system for Africans. However, in the final analysis, the commission straddled individual and communal tenure. It saw individual landholding as the long-term objective.
Notable is that property in the Cape had the added advantage of conferring the right to vote to its holder, hence the notion “qualified franchise”. This form of land tenure was also in keeping with the colonial strategy of undermining chiefs in the Cape, as well as attempts to establish a class of black African farmers.

The situation in the Boer Republics was slightly different. In the Orange Free State, individual land tenure was, on the whole, not permitted and where it existed, as in the Thaba Nchu district, “tight restrictions were placed on alienation” (Davenport & Hunt 1974: 31). A similar situation pertained in the Transvaal, with the exception of the BaFokeng people. The latter were allowed to buy land, but could not register it in their name. The land was held in trust for them by various bodies such as the missionaries, the Transvaal Location Commission and, after the Union of South Africa, the minister of Native Affairs (Mbenga 1998).

It can be seen from the above that the Union of South Africa government inherited a complicated system of land tenure from the Boer Republics and British colonies. The Union government confirmed territorial segregation restricting black Africans to “reserves”. In legislative terms, this was in the form of the Natives’ Land Act of 1913, a law that restricted black Africans to occupational rights in the reserves, at the time making up about 7 per cent of the landscape. Outside these reserves, Africans were denied legal access to land other than as workers.

Although attempts were made after unification to introduce a uniform system to govern the “Natives”, the various forms of land tenure that were inherited in 1910 remained largely intact. This was despite the fact that the land that was defined in terms of the Land Act of 1913 was limited and could not absorb the needs of the African population. Rather than reduce the size of land of mainly the quitrent title holders, some of whom, for example Solomon Khaliapa of Luphaphasi in the Transkei had more than 250 hectares (Ncapayi 2013), the Union government decided to increase the overall size of land. Thus in 1936, various land laws were passed in parliament, one of which made provision for the increase of land for African occupation to 13 per cent of the country.

Rural residents who were in need of land were granted a “Permit to Occupy” as proof of their holding rights. Although the holder of a Permit to Occupy could reside on the land until death and could elect his successor, the holder thereof was vulnerable and could be forcibly removed by the government, the nominal owner of the land. A clear example of this is when the colonial and apartheid governments implemented the notorious conservation scheme called the Betterment Plan from the late 1930s. However, the removal of people was not arbitrarily applied.

The above land tenure arrangements remained by and large the same until the introduction of democracy in 1994. Important to note is that rural communities were throughout highly differentiated. In this regard, land is an important marker. The 1999 Statistics South Africa report shows that a huge majority of rural dwellers own residential plots of less than half a hectare (StatsSA 1999). This piece of land usually accommodates a house, a kraal (those with livestock) and a garden to grow crops and fruit, largely for home consumption. The second category is made up of those who, in addition to the residential plot mentioned above, have access to fields for ploughing and growing crops and in some cases fruit. This too is a highly differentiated group in terms of the size of land that households hold (Ncapayi 2013). Except for a very few and isolated cases where individuals have their own land for grazing, the Xhalanga district in the Eastern Cape being an example, the overwhelming majority of rural residents had and still have access to communal grazing land which individuals access by virtue of being members of the administrative area concerned.

Women’s rights to land under colonialism and apartheid were vulnerable. The Permit to Occupy certificates were registered in the name of the husbands, exposing women to loss of land access, particularly in the event of the death of their spouses. However, the rise of households led by women, largely as a result of women not marrying, urbanisation and, from the 1980s, the spread of political activism to the countryside, have all contributed to women acquiring land, initially through their male relatives and later in their own right (Claassens 2013, Ntsebeza 2006). Claassens is of the view that the change took place after the advent of democracy in 1994, but my research in the Eastern Cape shows that these changes took place from the late 1980s and early 1990s, on the eve of South Africa’s democracy.

As regards issues of governance, chiefs of various ranks (now referred to as traditional authorities) were recruited by colonialists and the architects of apartheid as junior partners in governing the majority. This transformed chiefs, once they had been defeated, from being leaders of resistance against colonialists to collaborators. As Tabata claims, control “of the subjugated Africans... occupied the minds of the rulers ever since the early stages of the military conquest” (Tabata 1974: 79). For this purpose, as a person of influence, it was important to win over the chief. Over a period of time,
chiefs were drawn into the colonial project of rule as subordinate partners. Although the process reached its peak when Tribal Authorities were introduced in the 1950s, the initial attempts to woo chiefs go back to British rule in both the Cape and Natal. However, it was during apartheid rule when Tribal Authorities were established that conditions were created for chiefs to be upwardly accountable to their masters, who paid them a stipend. The system made it difficult for chiefs, who were on the payroll, not to comply. Those who refused were often marginalised and replaced by compliant, often junior chiefs.

Tribal Authorities, which were established in terms of the Bantu Authorities Act of 1951, effectively put traditional authorities at the helm of the rural political hierarchy, but, until the 1960s, they were still under a white magistrate or native commissioner. They became the primary level of rural local governance, playing a key role in the allocation of land. It will be recalled that most land in the countryside of the former bantustans was and is still owned by the state and the Development Trust. This is despite the fact that rural residents are the de facto owners of the land that they occupy. Control over the allocation of land became the main weapon that chiefs and headmen used to oppress and exploit rural residents. Not only that, chiefs and headmen, through Tribal Authorities, also had executive and judicial powers, collecting taxes and trying minor cases. In many ways, they resembled what Mamdani referred to as a “clenched fist”, namely the concentration of power in one authority.

The establishment of Tribal Authorities in the 1950s drew angry and violent reaction from rural residents. These struggles reached their peak in 1960, with what became known as the Mpondo Revolts. However, these revolts were violently suppressed as part of a general clampdown on opposition in the early 1960s (see Kepe & Ntsebeza 2011 for a detailed account). Resistance against Tribal Authorities and their incumbents again flared up in the late 1980s and early 1990s when democratically elected structures were established during the transition to the first democratic elections in 1994.

I would like to conclude this section by reflecting on the nature of rural society. Limited access to land and population growth severely restricted the possibility of making a living out of land for a large section of the rural population. We have seen above that most had access to less than half a hectare. Land designated for grazing was gradually demarcated and allocated for residential plots. There was not enough land to be allocated for fields, as had been the case in the past. The decrease in the size of land for grazing, coupled with stiff resistance against the culling of stock inevitably resulted in overgrazing. The possibility of making a living out of land was further constrained by inadequate and poor infrastructure in the form of fencing of grazing camps and inadequate water supply for households, stock and crops. As scholars such as Bundy (1988) and Hendricks (1990) would argue, all these factors combined created fertile conditions for the conversion of what used to be crop and livestock producers to wage workers.

However, as Ncapayi (2013) has observed, land remained an important aspect of the lives of rural people, not only for the descendants of the aspirant African farmers who did not lose their land, but also for those who had limited access to land for crop production and to communal land for grazing. Moreover, the rural areas of the former bantustans remained home to a large number of Africans. This was the case even after the scrapping of the influx control regulations, which most people thought were instrumental in keeping rural residents in the countryside. The 1997 Statistics South Africa rural survey, conducted soon after the introduction of democracy in 1994, showed that close to a third (31.4 per cent) of South Africans continued to live in the rural areas of the former bantustans (StatsSA 1999). These figures would capture the situation at the dawn of our democracy.

DEALING WITH THE COLONIAL AND APARTHEID LEGACY POST-1994

In its 1994 election manifesto, the Reconstruction and Development Programme (RDP), the ANC correctly identified the effects of “forced removals and historical denial of access of land” as some of the key aspects of the colonial and apartheid legacies. For the ANC, land reform was to provide the foundation for dealing with this legacy. Section 25(6) of the South African Constitution of 1996 captures the spirit of the RDP in these words: “A person or community whose tenure is legally insecure as a result of past racial discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure that is legally secure or to comparable redress.” The above clause, as has been shown, speaks directly to the experiences of residents in the rural areas of the former bantustans.

As regards governance, the RDP and the constitution attempted to address the issue of the concentration of administrative, developmental, executive and judicial powers in the hands of Tribal Authorities. In this regard, municipalities, made up of elected councillors, were established in the whole of South Africa, including in rural areas under chiefs where municipalities...
did not exist. The 1998 White Paper on Local Government defined post-1994 local government in South Africa as developmental, involving integrated developmental planning that is meant to improve the standard of living and quality of life of previously disadvantaged communities, including rural communities under the jurisdiction of chiefs. Additionally, it makes clear that developmental local government requires the active participation of citizens in developmental initiatives in their areas.

In its first five years of rule, the ANC, as the dominant party in the Government of National Unity, attempted to dismantle the “clenched fist” of Tribal Authorities by separating land ownership, land administration and local government functions and powers. However, as will be clear below, there has subsequently been a gradual move to bolster the powers of traditional authorities while at the same time silencing the voice of rural residents. In this regard, I highlight the three pieces of legislation that were mentioned in the introductory section of this chapter: the Traditional Leadership and Governance Framework Act of 2003; the Communal Land Rights Act of 2004; and the Traditional Courts Bill, first introduced in parliament in 2008 and again in 2012. Let us consider these developments, focusing, as we did above, on rural land tenure and governance.

Land tenure reform

Following the adoption of the constitution in 1996, the then Department of Land Affairs, now the Department of Rural Development and Land Reform, introduced its White Paper on Land Policy in April 1997. The White Paper drew a distinction between “ownership” and “governance” in land matters, which had been blurred during the colonial and apartheid periods. The purpose behind drawing this distinction was to make it possible for the ownership of land to be taken away from the state and given to those residing on the land, thus resolving the tenure position of rural dwellers in the former bantustans. By 1998, the Department of Land Affairs had developed policies that would guide the legislative processes. These policies explicitly stated that land rights should be vested in individuals who hold the land and not in Tribal Authorities. Additionally, the White Paper argued that in cases where rights were confirmed to groups, the rights holders should have a choice about the system of land administration (Thomas et al. 1998: 528).

It thus seems clear that the Department of Land Affairs was, in the period up to the late 1990s, committed to a democratic transformation of land administration, something that would directly challenge the hitherto dominance of Tribal Authorities. The push towards a democratic dispensation in the 1990s was also evident in the Eastern Cape, where the province’s government promulgated the Regulation of Development in Rural Areas Act in 1997. This sought to divest traditional authorities of all their development functions and transfer these to elected councillors.

Nevertheless, no law on the security of tenure of rural residents was passed. There were attempts in the 1990s to introduce a Bill in parliament that did not succeed. As will be seen when discussing rural governance, the ANC prevaricated on the vital question of the precise role of traditional authorities in the democratic dispensation. There was a marked shift after Thabo Mbeki became president in 1999, with Jacob Zuma as his deputy president. The ANC-led government began to make concessions to traditional authorities. This period and the role Zuma played needs careful research, especially the first five years of South Africa’s democracy when Zuma was MEC of Finance, during which time he was tasked with the responsibility of resolving the bloody conflict between the ANC and the Inkatha Freedom Party.

After a great deal of ambivalence, a Communal Land Rights Bill was introduced to parliament in 2002. The Bill proposed the transfer of registrable land rights to individuals, families and communities. As far as the vexed issue of land administration was concerned, the Bill divested traditional authorities of their land administration functions in favour of democratically elected administrative structures. On this score, this was consistent with the position of the Department of Land Affairs as stated in its 1998 guiding principles cited earlier on (Thomas et al. 1998). In this arrangement, traditional authorities would be given ex officio representation of not more than 25 per cent of the members of the land administration structure. However, a last-minute cabinet amendment on 8 October 2003, at more or less the same time that the Traditional Leadership and Government Framework Bill (see below) was considered, made a radical departure from the democratic principles of the Communal Land Rights Bill and proposed that the land administration function be placed in the hands of Traditional Councils. Despite protest from civil society organisations, parliament passed the Bill into law in 2004. However, this law has, since May 2010, been declared unconstitutional in its entirety. The Constitutional Court’s decision was based on administrative grounds that the Bill was not extensively discussed at the level of provinces. The court did not deal with the substantive issues that were raised by the applicants (Claassens 2013).

What the above means is that the constitutional requirement to address
making concessions to traditional authorities became evident during the first term of the Mbeki administration, with Zuma as his deputy. In the run-up to the second local government elections in 2000, the Mbeki administration delayed announcement of the election date due to pressure from traditional authorities that they would boycott the election. In the final analysis, government made a significant concession of increasing the representation of traditional authorities in local government from 10 to 20 per cent of the representatives. Despite this, traditional authorities were not impressed and did not take up their seats in local government.

The promulgation of the Traditional Leadership and Governance Framework Act in 2003 was arguably the clearest expression of the role of traditional authorities in South Africa’s democracy. The preamble of this Act states, inter alia, that the Act seeks to transform the institution of traditional leadership in line with the constitutional imperatives in order to promote the “democratic governance and the values of an open society”. The Act establishes “traditional” councils in areas that have been recognised by the provincial premier as traditional communities. What is of interest, especially in a context that focuses on democratic transformation, is that the Act takes as its departure point the recognition of the notorious apartheid-era Tribal Authorities as the basis for establishing the Traditional Councils. These councils are meant to transform the institution of traditional leadership in line with the constitution. Not only this, the Traditional Councils also resemble the Tribal Authorities which they are meant to replace, in the sense that the majority of council members, 60 per cent thereof, are made up of unelected traditional authorities and their appointees, with only 40 per cent of the members elected by rural residents. The initial recommendation was that a mere 25 per cent of the representatives would be elected, but this was fiercely rejected by non-governmental organisations and other civil society organisations. One important provision worth noting, though, is that 30 per cent of the members should be women.

Developments in the administrative area of Tsengiwe in the former Xhlanga district of the Eastern Cape have demonstrated that there is more to the Traditional Leadership and Governance Framework Act than...
Mnisi-Weeks to correctly lament that the accused does not have the option to get a lawyer even if he or she can afford this. Also lamented is the lack of an option to go to another court, as is the case at the moment. The Bill, Mnisi-Weeks has observed, “significantly limits the bases upon which rural people can apply for appeal and review of traditional court judgements and procedures” (Mnisi-Weeks 2011: 6).

The Bill has drawn considerable controversy and discussion, not only on its provisions, but also in terms of its formulation. Civil society organisations and academics in particular have complained about the lack of wider societal consultation, particularly of those who would be affected by the law. Only traditional authorities, it seems, were consulted. According to Mnisi-Weeks, the National House of Traditional Leaders played “the prime role of consultant in the drafting of the Policy Framework and Bill” (2011: 5) and there is barely any evidence that ordinary rural residents were consulted. This raises the issue of the relationship between traditional authorities and their “subjects” particularly the extent to which it might be assumed that traditional authorities represent the interests of their subjects. This is a highly contested issue given the collaborative role of traditional authorities during the apartheid period, where they acted against the interest of the vast majority of their subjects. Indeed, rural societies are heterogeneous and no single group can claim to represent everybody.

There is also the issue of customs and the assumption that traditional authorities are the bearers of customs. Apart from the question of the meaning of custom in a constantly changing society, there is also the critical issue of the existence of many different customs within the same “traditional community”, which, amongst other reasons, has arisen out of forced removals and relocations. Which custom would be administered by a traditional authority under such circumstances? It wouldn’t be surprising if the custom of the traditional authority concerned were to be imposed on the rest of the villagers.

Chief Patekile Holomisa, president of the Congress of Traditional Leaders in South Africa for more than two decades, has criticised the Bill and suggested that it be redrafted “to ensure that the African system of justice administration encapsulates all the values and features underpinning it”. He also suggests that the jurisdiction of the court be extended to urban areas and be applicable to migrant workers. For Holomisa, the traditional/customary courts “are not just courts of law but are... courts of justice” (2011: 18). By this he means that the traditional courts’ goals are “the search for truth, reconciliation, compensation and rehabilitation” (Holomisa 2011: 18). He contrasts these values with “the inherited European system of justice administration”, which he understands as focusing on “procedural justice, retribution, incarceration, and revenge” (2011: 18). Disputes, according to Holomisa, are settled first and foremost at the level of the family and household, where the “head of the family is the person who settles disputes among members of the family and dispenses justice according to the degree of the transgression” (2011: 18). The next level involves disputes of more than one family, but from the same clan. These are handled by clan leaders or elders. Above this would be disputes involving families from different clans “or neighbourhoods”. In this regard, the sub-headman, assisted by “prominent heads of the local homesteads”, would be the arbitrator. For Holomisa: “This is the first formal level of the African judicial system” (2011: 18). To show how fair the system is, Holomisa states:

The proceedings are fair to the extent that towards their conclusion, especially when evidence appears to be heavily weighted against the accused, he would even be asked to suggest the kind of sanction or punishment be believe would be appropriate. He is, after all, a member of that same court himself.

What about women and the youth? Holomisa concedes that “traditionally and historically women play a very small, if any part in court proceedings” (2011: 19). However, he points out that this practice is “being reversed” and cites the cases of women regents, who add a sense of “compassion and understanding for the plight of both the aggrieved and the offender” (2011: 19). Holomisa contends that the system of ubukhosi (to use his term for traditional authorities) is “dynamic” and “has over time evolved to the extent that women enjoy the right to participate fully in matters of governance, and are eligible to be elected or appointed to leadership positions, excepting, of course, hereditary positions” (2011: 18). He does not address the issue of democracy, though.

Holomisa laments the fact that “customary courts or courts of traditional leaders” are not recognised in the South African constitution other than in section 16(6) of schedule 6. According to this section, legislation governing traditional courts will continue to exist until repealed and/or amended by legislation that is consistent with the constitution. According to Holomisa, “traditional leaders” regard the omission “as an insult to real and authentic African value systems”. In the final analysis, his contention is that the government “would be wise... to leave these courts as they are and to let
understand the changing conditions” (2011: 19). He acknowledges that “judicial officers” would need “paralegal training to empower them with the requisite skills and knowledge” (2011: 19).

Holomisa’s notion of traditional courts and the system of *ubukhosi* is an ideal-type and not anchored in the reality of any particular country, let alone South Africa. He needs to be reminded that there is a big difference between wishes and an ideal on one hand and concrete reality/practice on the other. The unfortunate thing is that he presents the ideal as actuality without backing up his claims with examples. He pays scant regard to facts and to substantiating his claims. He is a denialist with respect to the role traditional authorities have played since their defeat by colonialists. The institution of traditional authorities was systematically distorted under the colonial regime, and under apartheid it was irrevocably transformed, making traditional authorities mere junior partners of the state who were barely accountable to rural citizens. As has been shown, this relationship between traditional authorities, the state and rural citizens has barely changed in the years since the dawn of democracy in South Africa in 1994.

The picture that emerges is that of a democracy that is losing its way, particularly for South Africa’s rural citizens. The question that arises is how to explain the above, something I turn to in the next section.

**UNDERSTANDING THE SWING TO THE RIGHT**

No single factor can provide an adequate explanation for the creeping undemocratic practices of the ANC. A number of factors combine to provide a clearer picture. At the heart of the explanation, in my view, is the nature of the ANC, particularly its anti-apartheid strategy of accommodating and mobilising the broadest possible support against apartheid. This is captured in the notion of the ANC as a “broad church”, which made it possible to bring together under its leadership forces that were at loggerheads with each other. For example, the ANC appealed to a broad base of both urban and rural poor. At the same time, when the apartheid regime was facing its worst crisis in the 1980s, big business ingratiated itself with the ANC in a bid to save “the baby of free enterprise” from being “thrown out with the bathwater of apartheid”, as Zach de Beer, the chief executive of Anglo-American, put it to the *Financial Times* (London, 10 June 1986). Traditional authorities followed a similar route in the political negotiation phase of the early 1990s when they too sensed that their apartheid masters were the likely losers in political terms. Most traditional authorities outside of KwaZulu conveniently and opportunistically cast their lot with the ANC and negotiated their continued existence from within the movement. The ANC was able to accommodate big business and traditional authorities while at the same time appealing to radical and militant elements in the liberation movement, some of which were opposed to both capitalism and the institution of traditional leaders and its incumbents. Managing to keep this balance must surely count as one of the remarkable achievements of the ANC especially during the liberation struggle. This was possible, I would argue, simply because of a focus on defeating apartheid, pushing to the back burner an elaboration of the type of society that would replace apartheid.

However when the ANC came to power, the anti-apartheid front, which seems to have been its strength during the liberation struggle, appeared to be a burden and one that the organisation could no longer avoid dealing with. The ambivalent position that the governing party took during the first five years suggests that the ANC was still trying to accommodate forces with contending interests. For example, traditional authorities were concerned with clinging to the benefits they’d had under apartheid, while those committed to a democratic transformation of the countryside were pushing ahead for transformation of governance in the countryside. It is clear that the ANC could not sustain the balance and that since the late 1990s the pendulum began to swing towards a conservative and less democratic direction, particularly for rural residents. How can this swing be explained?

One explanation is the agency shown by traditional authorities. They rejected, from the period of the political negotiations in the early 1990s, the democratic principles that informed the constitution and emerging policies. When the Congress of Traditional Leaders in South Africa (CONTRALESA) was established, it aligned itself with the then exiled ANC. This was at a time when the Inkatha Freedom Party led by Chief Mangosuthu Buthelezi was engaged in a bloody confrontation with the United Democratic Front, widely accepted as an internal wing of the then banned ANC. However, the relationship between CONTRALESA and the Inkatha Freedom Party changed soon after the advent of democracy in 1994. The two organisations buried their differences, which in the late 1980s had been palpable. The position of traditional authorities was that they should be the only structure in areas that were under their control. In short, they wanted the old apartheid system to prevail. Since then, traditional authorities in this respect have maintained their unity.
The organisation of traditional authorities contrasted sharply with the
weakening position of rural civil society, especially from the late 1990s
wards. Rural civil society organisation came to the fore with the shift of
struggles from urban to rural areas in the late 1980s and early 1990s.
These struggles were led by NGOs, mostly organised around the National
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TOWARDS A CONCLUSION

Mamdani (1996) has argued that the colonial legacy in Africa was reproduced
after independence. He notes, however that "no nationalist government was
content to reproduce the colonial legacy uncritically". Each government, he
continues, attempted to reform the colonial state, but in doing so, reproduced
a part of that legacy, thereby creating its own variant of despotism (1996:
8). His main accusation is that the post-colonial states deracialised the
colonial state, rather than democratising it. The bifurcated state was either
reproduced or reformed. With regard to South Africa, Mamdani, having
strenuously challenged the notion that South Africa is "exceptional", warns
that "the real import of this transition to non-racial rule may turn out to
be the fact that it will leave intact the structure of indirect rule" (1996: 32).
Dismantling the "clenched fist" is seen by Mamdani as the condition for
democratic transformation in post-colonial Africa, including South Africa.

Mamdani's book was published in 1996 and would have been submitted
for publication in 1995, well before the policies and laws that form the subject
of this paper were introduced. Looking back almost 20 years after the advent
of democracy in South Africa, Mamdani's words strike one as prophetic.
This chapter has focused on legislation that has been introduced ostensibly
to address the legacy of colonialism and apartheid in South Africa. I have
specifically focused on three pieces of legislation: the Traditional Leadership
and Governance Framework Act of 2003; the Communal Land Rights Act
of 2004; and the Traditional Courts Bill of 2008, reintroduced in 2012.

The More Things Change, the More They Remain the Same 73
Assessment of all these pieces shows more continuity with the apartheid past than it does a radical departure from that past. In this respect, Mamdani's caution on how the transition in South Africa might turn out speaks volumes and it would be wise to keep this in mind. So far, democracy for South African citizens residing in the rural areas of the former bantustans remains a pipedream, at least at the legislative level.

Having said this, I would like to conclude by relating developments at the level of policies and law making to realities on the ground. Emerging evidence shows that the ANC-led government will encounter enormous problems in implementing its policies and laws affecting rural areas in the former bantustans. This chapter has identified three critical pieces of legislation. One of these, the Communal Land Rights Act has, as already shown, been declared unconstitutional. The court case was brought about by rural communities in Limpopo. The other piece, the Traditional Courts Bill, was first introduced in 2008 and withdrawn following heavy protests by civil society organisations. It was reintroduced in 2012 and met with even more concerted opposition, not only from civil society organisations, both rural and urban based, but from government officials, including Minister Cyril Ramaphosa (Claassens 2013). The prospects of this Bill being passed in parliament and subsequently implemented look very slim. The third piece, the Traditional Leadership and Governance Framework Act, is being implemented, but is already challenged by rural residents with support from civil society organisations. The case of Tsengiwe that I am currently searching is a good example. Worth noting is that these challenges are being placed within a broader context of protests and strikes, the most recent and significant being the strikes in Marikana, as well as the farm workers’ strikes in the Eastern Cape.

REFERENCES


The Promise of Land


CHAPTER 6
SOUTH AFRICA'S COUNTRYSIDE:
PROSPECTS FOR CHANGE FROM BELOW
Lungisile Ntsebeza

"Never before has there been a strike in the farming industry of this nature... The farming industry will never be the same"
- Carmen Louw, spokesperson for the Women on Farms Project, quoted in The Militant socialist newspaper, 3 December 2012

RECENT STRUGGLES IN THE RURAL AREAS of the Western Cape, specifically affecting white-owned commercial farms, have undoubtedly introduced a fresh dimension to the prospects of social and economic change in South Africa's countryside. Hitherto, debates and discussions about change in the countryside have revolved around the land reform programme and its shortcomings. The focus has been on the prospects of government policy as an instrument for socio-economic transformation, including in South Africa's rural areas. My own conclusion, which coincides with that of other contributors to this volume, is that this path has led to a dead-end. In terms of agency, non-governmental organisations, with barely any direct participation of rural people, have played a leading role in articulating the needs of rural people, particularly the poor. As noted elsewhere, non-governmental organisations on the whole have often "presented (or misrepresented) themselves as the voice of rural communities", with very little evidence of the participation of those directly affected (Hendricks & Ntsebeza 2010: 226). This lack of agency is in contrast to the pre-1960 period before the state's clampdown on opposition to apartheid, when residents in rural areas took up and led their own struggles. This was particularly the case when rural communities struggled against government imposed programmes such as the conservation policies known as "betterment", implemented between the 1940s and early 1960s. The best known of these struggles were the Mpondo Revolts of the late 1950s and early 1960s.1 There were no NGOs involved at the time and the liberation movements in South Africa, including the ANC, were largely preoccupied with urban struggles (Matoti & Ntsebeza 2005). However, things changed when resistance against apartheid re-emerged following the Soweto uprisings of 1976. While urban struggles often involved the participation of those directly affected - for example, workers with respect to wages and conditions of employment - the struggles in rural areas were largely led by non-governmental organisations. The recent struggles in the Western Cape make a radical break with the post-1976 trend that dominated organisation in the countryside. They in many ways resemble the rural struggles of the 1940s, '50s and early '60s that are mentioned above. These were characterised by the direct participation of those on the receiving side of harsh government policies.

Striking as the similarities are between what we have witnessed thus far in the Western Cape and the rural struggles against betterment, there is one major difference that makes the current struggles stand out. They are unprecedented in the sense that commercial farms have never before seen struggles of this nature and on this scale. The nature of large-scale commercial farms, where the property is held on a freehold title basis by the farmer, and where the workers generally reside on the farm, has meant that any form of labour organisation has been notoriously difficult. Anyone entering the farm without the permission of the owner is regarded as a trespasser. Despite this, in 2012, what had been considered inconceivable happened.

This chapter focuses on prospects for radical transformation in the countryside, with specific reference to the possibility of change that can be brought about through pressures from below. The backdrop to this, as already stated, is that current government policies and rural mobilisation led by non-governmental organisations with little or no involvement of rural residents themselves, have brought rural development in South Africa to an impasse.

The next section gives an overview of events in the Western Cape from the eruption of the De Doorns farm-worker strikes in November 2012 to the end of January 2013. It is only possible to give a taste of things, given that

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1 See Kepe and Ntsebeza (2011) and Ntsebeza (2011) for a detailed account of these popular revolts.
the struggles at the time of writing were ongoing. I then situate the recent developments in the Western Cape within the history of rural organisation and struggles in South Africa, focusing on the agency of the rural people. As I draw the chapter to a close, I explore the implications for rural transformation in South Africa of the current struggles in the Western Cape. My key argument is that, although these struggles are in their infancy, they have the potential to ignite latent tensions in other parts of South Africa. This applies particularly to struggles for land and water that have characterised rural life, but have not erupted into the open.

CURRENT DYNAMICS IN THE COUNTRYSIDE: EXAMPLES FROM THE WESTERN CAPE

What is commonly referred to as the farm workers’ strike in the Western Cape can be traced to developments in De Doorns in November 2012. The strike, largely self-organised, began on 5 November 2012 with farm workers demanding a minimum wage of R150 per day. Within days the strike spread to about 23 rural towns of the Western Cape. The strikers were supported by other organisations, which came together and formed a Farm Worker Strike Coalition. The key formations making up the coalition were: the De Doorns Committee; the Congress of South African Trade Unions (COSATU); the Commercial, Stevedoring, Agricultural and Allied Workers’ Union (CSAAWU), which is allied to the Democratic Left Front; the Mawubuye Land Rights Movement, which was established with support from the Trust for Community Outreach and Education (TCOE); the Surplus People Project (SPP); the Women on Farms Projects; the newly (2012) revived United Democratic Front (UDF) and the Food Sovereignty Campaign.

The strike initially involved various categories of workers: permanent, seasonal and contract workers. According to the Farm Worker Strike Coalition spokesperson, Mercia Andrews (2012), a “new generation of farm workers”, who are “young” and challenging “their parents for not standing up to decades of oppression on the farms”, was at the forefront of the strike. However, as the strike spread to other parts of rural Western Cape, other sectors of the rural community such as “small-scale farmers” joined forces with the workers, while at the same time putting their own issues on the agenda (Andrews 2012).

The reaction of the state, particularly the police, was harsh to say the least. Hundreds of farm workers were arrested and two were killed. But these actions did not dampen the spirits of the protesters. However, about two weeks into the strike, there were calls, particularly from COSATU, for the action to be suspended. In the end, COSATU announced that the strike was to be called off on 19 November 2012 until 4 December 2012, when the situation would be reassessed. The call for a suspension was rejected by some participants, including the Mawubuye Land Rights Movement and most members of the Coalition. This became clear when a meeting of the Strike Coalition was called on 27 November 2012. The meeting was held in Worcester. At this meeting, representatives from De Doorns expressed concern that negotiations were underway between the Department of Labour, AgriSA - the commercial farmers’ union – and COSATU. These Strike Coalition representatives saw this as a violation of the conditions that had been established for negotiations by the farm workers. It had been agreed in previous Coalition meetings that negotiations could proceed only if certain demands were met. These were the release of all arrested strikers, an end to the intimidation of workers by farmers and the police, and the inclusion in the negotiation processes of farm committees from the main organisations involved in the strikes. COSATU, it was pointed out, had violated these conditions, an act that undermined the legitimacy of the negotiations in question. Related to the above was a concern that farm workers were in the dark about the negotiations that were being held between the Department of Labour, AgriSA and COSATU.

In the final analysis, participants decided to invite COSATU negotiators to a meeting in Zolani, a township in Ashton, on the following day, 28 November 2012. The purpose would be to give workers an opportunity to get feedback from the negotiators and at the same time give the negotiators a proper mandate. The workers would also elect delegates from all their different areas to represent them in the negotiations.

There was also discussion at the 27 November meeting about the demands of the strikers. Notable is that, although the wage demand was popularly presented (especially in the public media) as perhaps the only demand, it is

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2 Who precisely was involved in the strike needs deeper investigation. Although the prominent issue might have been around wages, those involved were not only farm workers. See analysis later.

3 The UDF was originally established in 1983 and was widely regarded as the internal wing of the then banned ANC. It was disbanded in 1990 when political organisations were unbanned.

4 This is based on a report that was compiled by the Surplus People Project - see http://www.spp.org.za/farm-worker-strike-in-the-western-cape-2012-2013/.
clear from the list presented to this meeting that there were other demands. For example, there were land-related demands that included access to land for subsistence farming, the acceleration of the land redistribution programme and sharing of land between farm owners and farm workers. These were accompanied by demands such as free or subsidised municipal services, public transport and protective clothes. There was also a call for improved living conditions for farm workers, rent-free housing, and a moratorium on evictions, which often involve retrenched farm workers and farm dwellers.

It has not been possible for me to establish whether the proposed meeting of 28 November 2012 between the Coalition and COSATU took place. What is clear is that COSATU did not withdraw its decision to call off the strike. In the run-up to 4 December 2012, the day on which the strike suspension was due to be reconsidered, there were rallies and assemblies in many parts of the Western Cape. The demand for a R150 per-day wage was reaffirmed and decisions were taken to continue building workers' committees on every farm.

On 4 December, the day on which a decision would be taken on whether to resume the strike action, there were "mass actions" in Citrusdal, Montagu, Paarl and De Doorns. As before, the state intervened. In Citrusdal, for example, protestors were blocked by a vigilante group and 18 activists were arrested. They were later released and warned to appear in court in January 2013. In Montagu, four activists were arrested. A large number of farm workers marched to the Agri-Wes Kaap head office in Paarl and handed over a memorandum, after which they handed over a separate memorandum to the labour centre demanding the resignation of the minister of Labour. They ended the day marching through the town centre of Paarl. No state action was reported.

On the same day, in De Doorns, where the strikes had begun, Tony Ehrenreich, the COSATU secretary-general in the Western Cape, called off the strike in the Western Cape. This came as another shock, especially to members of the Coalition, given that there had been no consultation with the workers and activists. The agreement to end the strike had been made between COSATU and AgriSA. The following terms formed the basis of the agreement:

- Negotiations were to be held at plant level or on a farm-by-farm basis;
- Negotiations would deal with the demand for a R150-a-day minimum wage;
- Negotiations would include a profit-sharing scheme.

Effectively this meant that farm workers would negotiate with their bosses. The cut-off date for negotiations was 9 January 2013.

However, the call by COSATU to call off the strike was not taken seriously by all the striking workers and activists. For example, two days after the strike was called off, workers at a dairy products company, Parmalat, went on strike demanding better salaries and protection against labour brokers.

On 9 January 2013, those who had earlier heeded COSATU's call to end the strike resumed it. Quite clearly, COSATU had not achieved much by calling off the strike. This time the state's response was more vicious. On 15 January 2013, the police detained four activists, including the chairperson of the Mawubuye Land Rights Movement, Henry Michaels. The four were arrested outside the fruit depot in the Overberg town of Barrydale, for participating in the ongoing solidarity and protest actions in the struggle for a living wage for farm workers. Police claimed that the strikers had been arrested for public violence. The mood of the police towards the strikers is best depicted in the following e-mail I received from one of the activists charged in Citrusdal in December: "The state has really decided to clamp down. The local prosecutor told us that they got an instruction from their national director to oppose bail in all cases connected to the strike." 6

In as much as the state tried to deal harshly with the strikers and their supporters, the will to fight for justice did not appear to have waned. Efforts were made to coordinate defence strategies in court. In the meantime, in February 2013, the minister of Labour, Ms Oliphant made an announcement for a minimum wage of R105 per day for farm workers in the whole of South Africa. Although the minimum wage offer did not meet the workers' demand for R150 per day, striking workers and their supporters accepted that the strike could not simply go on until such time as their demand had been met. They saw the wage increase from R69 per day to R105 as a partial victory. 7 By this time, all the activists and protesters who had been arrested had been released on bail.

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5 This came up at a meeting of members of Mawubuye and CASSWU that I attended at the old Landdrost Hotel in Lansdowne, Cape Town, on 10 February 2013 where Mr Henry gave a report about his experiences.
7 This was clear in discussions at the meeting I attended in Lansdowne – see footnote 5 above. The organisers of the meeting promised to write a comprehensive report, which I have not seen. It is likely to be deposited in the website of TCOE at www.tcoc.org.za
The struggles in the Western Cape will be taken up again later in this chapter in relation to their significance in the wider rural struggles.

RURAL STRUGGLES IN HISTORICAL PERSPECTIVE

The struggles in the Western Cape must be situated in the context of the broader struggles in rural South Africa and beyond. For purposes of this chapter, I cover the period from after the political clampdown by the state in the early 1960s (in other words from the late 1960s) to the end of February 2013.

Until the very recent events in the Western Cape, a feature of the period since the late 1960s has been the “invisibility” of rural communities in struggles. This has applied to both communal areas and white-claimed commercial farms. It has been explained elsewhere why struggles in the countryside, particularly in the communal areas subsided during this period (see Ntsebeza 2007, 2011; Hendricks & Ntsebeza 2010). In a nutshell, these authors attribute this long lull in organised struggles about land-related matters to the undermining of rural life through various factors, chief of which were the consolidation of the bantustan strategy and the rapid decline of agriculture in communal areas, which contributed to greater levels of urbanisation. Manifest resistance took on a primarily urban character with the land question and rural struggles assuming secondary significance especially among liberation movements (Ntsebeza 2006). This however does not mean that there was no interest in the land question on the part of rural residents. There were always people residing in the bantustans who regarded these places as home and who had no intention of permanently settling in the urban areas. They were interested in combining their income acquired in urban areas with crop and stock production on land in the communal areas. But land in these areas was, as a consequence of the Natives’ Land Act of 1913, in short supply. This remains the case today in relation to what are now “former bantustans” (Ncapayi 2013). However there was no coherent or overt organisation associated with the demand for land in the countryside. This applied both to those residing in the communal areas and to farm workers and labour tenants. It is this organisational gap that community-based and non-governmental organisations tried to fill.

The phenomenon of rural-oriented NGOs in South Africa can be traced to the 1980s, when the apartheid regime enforced the provisions of the notorious Natives’ Land Act of 1913, which declared parts of South Africa “black spots” (the 1913 Act is discussed and referred to in Chapters 2, 3 and 5). These were enclaves inhabited by black people that fell within broader areas that the Act had set aside for white occupation. Prior to the introduction of apartheid in 1948, the provision governing “black spots” had not been implemented with diligence. However, once the National Party came to power it was enforced with vim and vigour. A research project under the auspices of the Surplus People Project was set up to investigate and report on the forced removals. This marked the emergence of non-governmental and community-based organisations that focused on rural areas. Many such organisations later operated under a network called the National Land Committee (NLC). Thus, it came to pass that land and agrarian movements were to be led by organisations that acted on behalf of the victims of segregation and apartheid. In the 1980s, most of the affiliates of the National Land Committee supported the broad liberation movement under the auspices of the United Democratic Front. In the early 1990s, during the political negotiations, the NLC became part of the land lobby identifying with the ANC. Although some land activists and their organisations were not happy with the adoption of the property clause in the 1996 constitution, they nonetheless remained loyal to the ANC, particularly in the first five years of its rule. This was despite the fact that the ANC had adopted a market-led approach to land reform. The new constitution clearly stipulated the three main pillars of the land reform programme – land redistribution, land tenure reform and land restitution. The government followed a World Bank recommendation that 30 per cent of white-controlled agricultural land should be transferred during the first five years of democracy. While this target has since been altered downwards a few times, its attainment nonetheless remains a fiction.

Some organisations, including the National Land Committee, as well as a number of individuals, supported the ANC-led government in its efforts to formulate a programme and implement a plan for land reform. Some land activists went as far as resigning from their organisations and joining the Department of Land Affairs. In becoming part of government these former activists appeared not to have been discouraged by the state's endorsement of the protection of existing property rights, the unilateral decision by the ANC leadership to adopt the extremely conservative set of macro-economic policies under the acronym of GEAR in 1996, and the entrenchment of the market-based willing-buyer-willing-seller principle as the basis for land reform. This was despite clear signs that policy decisions taken between 1996 and 1997 effectively shut off any further efforts by the National Land Committee and its affiliates to push land reform policy in a more progressive direction from within the structures of government.

By the time Thabo Mbeki came to power in 1999, the National Land...
Committee affiliates found themselves in an increasingly difficult position. On one hand they were drawn into implementing the limited, technocratic, and hopelessly under-funded land reform programme. Besides this, NGOs were under pressure from their donors to collaborate with the government. Some of these funding agencies began to channel their funding through government departments and expected NGOs to do commissioned work for the government. These factors contributed to the weakening of NGOs and, more importantly, to an almost total neglect of rural mobilisation, on both farms and in the former bantustans. This was particularly the case in the first few years of South Africa’s democracy. On the other hand, NGOs were confronted with growing pressure from below. Most significant was the escalating anger of black tenants over ongoing abuses on white-owned farms despite the Extension of Security of Tenure Act (introduced by the ANC government), which in many ways simply instructed farmers on how to go about evicting tenants. The continued inequality in access to land, the limitations of the land reform programme, the ongoing repression on white-claimed farms, as well as the “hidden struggles” around land issues both on farms and in urban areas, combined to create conditions for mobilising around the issue of landlessness.

The formation of the Landless People’s Movement (LPM) was by far the most significant event in the resurgence of resistance in South Africa’s land sector at the dawn of the 21st century. The significance of this movement, in the context of the invisibility of rural communities, lies in the fact that it had the potential not only to involve landless communities but also to push forward a movement led by landless people themselves, along the lines of the MST - the Brazilian Landless Workers’ Movement, that will be mentioned in Chapter 7. The Landless People’s Movement was launched in Johannesburg in 2001. Events in neighbouring Zimbabwe in 2000 had clearly had an impact on the fledgling organisation – President Mugabe of Zimbabwe received warm praise for his role in that country’s Fast Track Land Reform Programme (this was referred to in Chapter 2 and is more fully considered in Chapter 10). For its part, COSATU, the giant South African trade union federation, was critical of Mugabe’s undemocratic methods of implementing “fast track” land reform in Zimbabwe. Apart from developments in Zimbabwe, the formation of the Landless People’s Movement was preceded by a land occupation on a farm in Bredell, outside Johannesburg, where (as mentioned in Chapter 2) the Pan Africanist Congress parliamentary political party “sold” land to squatters. The new movement noted the extent of dispossession in the country and the lack of progress in the official land reform practice and proposed that the government urgently hold a “land summit”. It moreover committed itself to a programme of mass mobilisation around the demand for land.

The formation of the Landless People’s Movement marked a major shift in the form of organisation of the land and agrarian movement in South Africa and in the methods used to demand land. Additionally, this was the first time since the 1950s and early 1960s that a movement had emerged that had the potential of a mass base drawn from the “grassroots” of landless people themselves, and which was led by those directly affected. In this regard the movement was following the tradition of the powerful land and agrarian movements in Latin America and Asia. Above all, the formation of the Landless People’s Movement clearly showed that the land question is not only about rural areas and agriculture, but that also has importance for those in urban areas. It also highlighted the importance of urban-rural alliances in the struggle for land in South Africa.

Despite its potential, by 2003 there were clear signs that the Landless People’s Movement was in disarray. At the heart of this were tensions among the movement’s affiliates that had to do with the critical issue of the relationship between civil society organisations and the democratic state. There was also disagreement about the relationship between NGOs and “grassroots” social movements, which the Landless People’s Movement was assumed to be. The National Land Committee lacked consensus about its own involvement in the struggles of the LPM. Some National Land Committee affiliates argued that support of the Landless People’s Movement, given the increasingly confrontational nature of its struggles, would harm relations with the state. Tensions within the National Land Committee reached a peak in the period following the World Summit on Sustainable Development in 2002. The organisation never recovered from these tensions and ended up disbanding as a network, with affiliates pursuing their own independent existence.

In the midst of this, yet another actor emerged on the land scene: the South African Communist Party (SACP). In 2004 the SACP launched its Red October campaign with a focus on the land question. In a bid to win a mass base of support among rural people, the SACP established an ambiguous relationship with the Landless People’s Movement. Both organisations supported the idea of a land summit. It appears as if the SACP in particular used its influence as a member of the Tripartite Alliance (an alliance between the ANC, the SACP and COSATU) to persuade the then Department of Land Affairs to hold a Land Summit in July 2005. The SACP played a
prominent role in this summit, with the Landless People’s Movement not being as prominent. Part of the reason is that, by this time, the Landless People’s Movement was almost moribund. Further, its relationship with the SACP would have been jeopardised by their “no land, no vote” campaign. The Landless People’s Movement had taken a decision not to participate in the 2004 national and provincial election if their demands for land had not been met. More research needs to be done on these processes.

While the National Land Committee and Landless People’s Movement were riddled with tensions and in disarray, a new actor, the Trust for Community Outreach and Education (TCOE) entered into the land arena. The Trust, like the National Land Committee, represented a network of six affiliates in the Western Cape, the Eastern Cape and Limpopo. Its roots are in the Black Consciousness movement after the death of Steve Biko, and in Liberation Theology. At a time when the NLC and LPM were garnering most of the publicity and attention, the TCOE and its affiliates were involved in low profile rural organisation. Their initial programmes were in response to the education crisis following the students’ protests and boycotts against “gutter education” in the 1970s and early 1980s.

In the transition to democracy the TCOE resolved to move away from the “welfarist” moorings that characterised the 1980s, to a more “developmental” approach towards working with communities. The Trust adopted a strategy known as People’s Participatory Planning, which has its origins in Bangladesh. This approach emphasises the involvement of communities in all aspects of their own development, including planning. The Trust has over the years built locally based Community Development Committees in its areas of operation. It placed a strong focus on the “poorest of the poor”, and building capacity and local leadership that emphasised ownership of development initiatives by communities. Since 2000, the focus of the Trust has been on land, local government and basic needs. To mark its twentieth anniversary, the Trust organised a People’s Tribunal on Landlessness in the Eastern Cape city of Port Elizabeth, in December 2003.8

One of the important resolutions taken at this tribunal was a commitment to promote the establishment of “Rural People’s Organisations”, an undertaking that was in many ways similar to the National Land Committee attempt with respect to the Landless People’s Movement. As can be seen from the overview of the struggles in the Western Cape, the Trust did indeed implement this resolution and, in the context of the Western Cape, helped establish and support the Mawubuye Land Rights Movement.

The announcement by the then Department of Land Affairs of a Land Summit that would be held in Johannesburg in July 2005 galvanised activism among organisations interested in land issues. At the time, there was no nationally organised movement capable of mobilising the resources and people needed for the summit. The National Land Committee was effectively no more, and the Landless People’s Movement had been weakened by the demise of the National Land Committee, while the Trust for Community Outreach and Education was still a relatively young actor. Into this organisational vacuum, appeared the Alliance of Land and Agrarian Reform Movements (ALARM). This was a consortium of movements that included the Trust for Community Outreach and Education, the Landless People’s Movement and some organisations that had been affiliated to the National Land Committee. The stated mission of this new alliance was “for a people centred rural transformation rooted in a rapid and fundamental transfer of land to the poor and the promotion of security for those living and working on the land”.

At the July 2005 Summit, ALARM became the voice of landless people and their supporters. Far-reaching resolutions were taken at the summit. The principle of willing-buyer-willing-seller came under major attack from several quarters. Since then, ANC government officials appear to be backing away from this principle. For example, President Mbeki (in his February 2006 State of the Nation address) referred to the Land Summit resolution. His successor President Zuma has, since becoming president in 2009, called for the abandonment of the willing-seller-willing-buyer policy. Zuma’s administration has, arguably for the first time since the advent of democracy in South Africa, gone further by ranking rural development and the land question among the top five priorities of the ANC. However, despite plenty of rhetoric, the willing-seller-willing-buyer principle has yet to be officially removed. Further, despite undertakings by the then Department of Land Affairs that they would work with non-governmental organisations in implementing the resolutions of the land summit, non-governmental organisations were systematically marginalised.

Hopes that ALARM would bridge the organisational gap that led to

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8 Very little research has been done of this organisation. However the organisation writes annual reports and has been evaluated externally on a few occasions. There are also detailed recordings and reports of its People’s Tribunal, which give one a good sense of the organisation, its origins and activities.
its establishment were dashed when debates arose about the future of the initiative after the Land Summit. Former affiliates of the NLC such as the Surplus People Project argued that ALARM had come into being as a short-term response to the crisis that faced NGOs when the Land Summit was announced and that it was now redundant. Other people, mainly in the Trust for Community Outreach and Education and the Transkei Land Service Organisation (TRALSO), which had also been an affiliate of the NLC, argued for the continued existence of ALARM in order to, inter alia, take forward the resolutions of the Land Summit. These debates continued for the rest of 2005 and most of 2006. In the final analysis, the debates petered out and ALARM, as with the Landless People’s Movement, faded away. Most of the remaining organisations in the land sector continued to operate in isolation, although now and again they worked together, as the annual reports of the Surplus People Project and TCOE since 2008 suggest.

There were two key issues that confronted land-based NGOs, particularly in the period up to 2010. The first, and this applied mainly to the National Land Committee and its affiliates, was how these movements should relate to the democratic state. Indeed, this is a challenge that confronted most organisations in post-colonial/independence Africa. We have seen how in the case of South Africa, the National Land Committee and, with its demise, its affiliates, have moved backwards and forwards between collaborating with the state (mainly in the period roughly between 1994 and 1999) and adopting a more confrontational approach at times (during the Mbeki presidency and beyond). The Trust for Community Outreach and Education, given its background, had always maintained a critical stance towards the ANC-dominated government. These are of course broad generalisations, since some members of the TCOE became councillors in ANC-controlled municipalities, just as some members of the NLC and its affiliates were sceptical of the strategy of working within government.

Another source of tension among members of NGOs, which was brought to the fore by the formation of the Landless People’s Movement, was the relationship between NGOs and “grassroots” social movements. Some key questions that needed to be answered were: how to build an autonomous people-centred organisation capable of contesting the powerful forces that support global capital; who should build such an organisation; what is the relationship of the poor to those who support them; and who should determine the agenda. The sustainability of rural-based organisations in the era of globalisation was also a major consideration. The issue of sustainability applied particularly to situations where rural organisations operated on their own without positively seeking alliances with urban-based organisations that are committed to social and economic emancipation in South Africa.

The marginalisation of non-governmental organisations by the state since the Land Summit of 2005 has in many ways forced them to be critical of the state: they tend not to pin their hopes on influencing the state, either from within or through direct collaboration. Instead, organisations such as the Surplus People Project devoted significant energy into working with rural people who needed land and helping them build their own movements. The Trust for Community Outreach and Education, as already noted, made efforts to build rural people’s movements throughout South Africa. Initially this was done at the level of its affiliates and later by bringing these movements together with others sharing similar ideas to form a national organisation of rural people. Thus, the Surplus People Project and the Trust became examples of NGOs that had accepted that fundamental change in the countryside would come about when pressure was exerted from below, rather than through non-governmental organisations representing rural people.

An issue that non-governmental organisations such as the Trust for Community Outreach and Education in particular are struggling to resolve is that of the relationship between a non-governmental organisation and the people’s movements that it is promoting. While this important issue cannot be adequately dealt with in this chapter, suffice it to say that there are two broad streams in this debate. The first argues that non-governmental organisations should basically work themselves out of their job. Their task is to set up the movement and to do so in such a way that as the movement grows, the non-governmental organisation should gradually phase itself out of existence; those in the non-governmental organisation who remain interested in pursuing the objectives of the movement should offer their services to the movement and be accountable to it. The other stream to the debate holds the view that NGOs and social movements should coexist, each complementing

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9 These discussions and debates are based on interviews and conversations Lungisile Ntshebeza had with some members of the SPP, Nkuzi Development organisation in Limpopo, TCOE and CALUSA, an affiliate of TCOE.

10 Most of the information used here is drawn from the Annual Reports of these organisations. As a member of the Boards of these two organisations, I also have access to their minutes and other internal documents.
the other. These debates and discussions are still alive and have not been resolved in the TCOE and, I suspect, in many other NGOs.

**TSINTSHA AMAKHAYA:**
**A STEP IN THE RIGHT DIRECTION?**

The establishment in 2010 of a new “network” of non-governmental organisations called Tshintsha Amakhaya11 (also referred to as “TA”), heralded a significant development in the building of a mass-based movement of rural people. Tshintsha Amakhaya is an alliance of the following 10 civil society organisations: the Association of Rural Advancement in KwaZulu-Natal; the Border Rural Committee in the Eastern Cape; the Farmer Support Group; the Legal Resources Centre in the Western Cape; the Nkuzi Development Association in Limpopo; the Southern Cape Land Committee; the Surplus People Project in the Western and Northern Cape; the Transkei Land Services Organisation in the Eastern Cape; the Trust for Community Outreach and Education – through its head office in the Western Cape; and the Women on Farms Project in the Western Cape. It is worth noting that six of the 10 organisations were affiliates of the National Land Committee, thus bringing vast experience to the network. In terms of the geographical spread, Tshintsha Amakhaya is represented in five of the nine provinces of South Africa. The ones not represented are Gauteng, Free State, North West and Mpumalanga. The constituencies represented are farm workers, farm dwellers, communities claiming land restitution, and farmers and land users on municipal commonage and in the rural areas of the former bantustans.

The Tshintsha Amakhaya alliance was set up in terms of a memorandum of agreement that binds all the participating NGOs for a three-year period effective from 1 October 2010 to 30 September 2013. It was set up, as section 2.4 of the memorandum states, “with assistance of funding from the Donors.” The two donors are the Evangelischer Entwicklungsdienste (EED) and ICCO, with EED as the donor that signed the Agreement of Cooperation with the Surplus People Project, one of the participating non-governmental organisations and representing the others. The TA project is managed by a steering committee comprising a “Director or other duly elected senior representative from each of the Parties nominated by that Party” (3.1 of the Agreement). Decisions are taken by majority vote with the Surplus People Project having a casting vote in the event of a deadlock. Day-to-day operations are overseen by a project coordinator appointed by the Surplus People Project and approved by the steering committee.

The overall objective of Tshintsha Amakhaya is to secure and enhance sustainable livelihoods and rights for rural people. The network measures its progress according to the following projected outcomes:

1. **Living conditions of rural people, especially women, have improved and benefits of self-organisation are visible.**
2. **Rural people are willing and able to use the land and make a living if given the necessary support.**
3. **People are able to develop policy proposals and interventions that define the support required.**
4. **Local associations of farmers get access to services and support for improved livelihoods.**
5. **The partners have greater clarity about their tasks and roles in the context of agrarian transformation.**
6. **A platform is established to articulate the interest of the rural poor.**

There can be no doubt that the establishment of Tshintsha Amakhaya marks an important advance, particularly in its vision of addressing the two issues highlighted above with respect to non-governmental organisations: indecision about how to deal with the post-1994 ANC-dominated government, and the relationship of non-governmental organisations to the constituencies they represent. With 60 per cent of its members having been affiliates of the National Land Committee, significant lessons can be drawn from its experiences. At the same time, the Trust for Community Outreach and Education brings with it enormous experience, with some of its members boasting years of activism. The researcher of Tshintsha Amakhaya, Stephen Greenberg, is himself a long-standing activist intellectual with a PhD degree, who worked for the National Land Committee at the time of its demise. Here is what the Tshintsha Amakhaya alliance says of itself:

The different backgrounds and histories of the ten civil society organisations that form the Tshintsha Amakhaya alliance make for an interesting mix of development practitioners, who are passionate about their work, and with an openness to engage with each other and create synergies to make a difference in society. Some partners have a track record in sustainable smallholder agriculture and rural livelihoods. Yet, the majority of partners are grounded
in land and labour struggles of the rural and urban poor. It is this merging of agendas of agricultural and land CSOs (civil society organisations), who have largely occupied separate spaces, that brings added value. 12

A Tshintsha Amakhaya brochure, issued at the end of its first year in September 2011, describes the organisation in these terms:

An action learning platform of civil society organisations that supports local community struggles in land and agrarian reform. Through action research, campaigns, and building active citizenry, Tshintsha Amakhaya seeks to enhance rural people's capacity to secure and realise their livelihoods and rights, and to promote alternative models of land tenure and agricultural production for household food security and national food sovereignty. 13

Tshintsha Amakhaya does not see itself as a network, but as "foremost a strategy to strengthen civil society and to accelerate agrarian and land reform" (emphasis in the original).

In terms of policy direction, the brochure suggests a marked departure from the National Land Committee's inexplicable assumption (outlined earlier) that radical land reform was possible under the neo-liberal policies, however nuanced, which were pursued by the ANC-led government. The document makes it clear that the partners in Tshintsha Amakhaya "share" their "frustration with the lack of effective and appropriate Government services for smallholder farmers/natural resource users, and an alternative vision for agrarian and land reform that will bring a lasting improvement to people's livelihoods" (emphasis in the original). The emphasis on an "alternative vision" suggests that this group does not regard current policies as capable of dealing with the grinding poverty and stark inequalities that characterise post-1994 South Africa.

What about the thorny relationship between NGOs and their constituencies? This question becomes important especially given that the majority of Tshintsha Amakhaya's member organisations were affiliates of the National Land Committee and that one of its member organisations, the

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12 Annual Tshintsha Amakhaya project update to ICCO: 1 October 2010 – 30 September 2011: "Key results reached in 2011."

13 All references to this network are drawn from its website: https://sites.google.com/site/tshintshainternet/home accessed 17 October 2012.

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14 See under "Key results reached in 2011."
Common to multiple stakeholder initiatives, the partners hold different views on what TA is, what its aims are, and what its modus operandi should be. For some, TA is a platform for sharing and learning among partners and their constituencies, while others put emphasis on building social movements, or lobbying for policy change. A point of tension is that some partners feel that TA should be the CSO voice, while others reel at the thought of "a new National Land Committee" (Tshintsha Amakhaya Annual Report, 1 October 2010 to 30 September 2011, under "What are the key lessons learned in 2011?").

The above quotation highlights a high level of reflection within Tshintsha Amakhaya and the manner in which history and experience are marshalled to inform current strategies. The alliance appears to be held together by "a vision of agrarian and land reform that will bring a lasting improvement to people's livelihoods" as well as the partners' shared "frustration with Government services" (Tshintsha Amakhaya Annual Report, 1 October 2010 to 30 September 2011, under "What are the key lessons learned in 2011?").

Tshintsha Amakhaya also engaged with the Green Paper of the Department of Rural Development and Land Reform. In a 25 October 2011 invitation sent to various stakeholders to attend a workshop entitled "Land and agrarian reform now", Tshintsha Amakhaya gives a sense of its alternative vision:

The new Green Paper must promote an alternative economic model that stimulates smallholder farming for household food security and national food sovereignty, rather than large-scale industrial agriculture that perpetuates the widening gap between the well-fed and the malnourished in society.

The invitation goes on: "We will mobilise our constituencies so that their voices will be heard and engage with civil society stakeholders to exert pressure on the Minister and Cabinet until our concerns have been addressed."

In June 2012, Tshintsha Amakhaya issued a pamphlet on the Land Act of 1913 entitled "99 years without our land. Mayibuye i'Africa". The pamphlet begins by summarising the results of research done by Tshintsha Amakhaya to set the platform for its programmes. Here is the summary:

Our research in 12 rural sites in the Eastern Cape, KwaZulu-Natal, Limpopo, and the Western Cape shows that land and agrarian transformation is an illusion for the majority of rural South Africans. Skewed land ownership patterns remain entrenched. Levels of rural poverty remain high. Many rural people live with insecure tenure, and 1 in 4 households experience periodic hunger. The commodification of food from seed to table and the monopoly of large agri-business keep micro- and small-scale farmers out of business (Tshintsha Amakhaya, June 2012).

The pamphlet condemns land reform in South Africa as having "failed" and warns that "the patience of South Africa's landless people is fast running out". It makes a clarion call for the "launch of a year-long campaign to reverse land dispossession, and to advocate for radical land and agrarian reform". The following "community actions" were, in terms of the pamphlet, "expected across the country":

- Night vigils on the evening of 25 June [2012] to commemorate the 26 June 1913 Land Act
- Consciousness building on the history of land dispossession
- Protest marches for access to land and to reopen land restitution claims
- Defending community land claims at the Land Claims Court
- Land occupation where land claims are still not settled
- Exposure of human rights abuses in nature conservation areas.

The following were presented as "the most pressing demands":
1. Protect the rights of family rights holders on private farms (farm dwellers)
2. Reopen the restitution claims process
3. Secure equitable rights to land and other resources
4. Defend the rights of women and children
5. Democratic structures for land ownership and management
6. Effective support to micro-/smallholder farming
7. We need RADICAL land reform.

The pamphlet ends thus: "We call for a People's Land Summit in 2013 and a Charter of Rural Rights to deepen rural democracy."

It is not possible to establish how the radical positions taken by Tshintsha Amakhaya might translate into action. While it is made up of organisations and people with many years of experience, TA itself is still young, having existed for just over two years. Its dependence on external funding exposes it to the same pressures that most non-governmental organisations labour under. In-depth research about the initiative would be needed to make a more conclusive statement about its prospects.
Having said this, the events in the Western Cape, as pointed out in the chapter introduction, provide a new dimension to rural struggles and it is in this context that I would like to discuss the Tshintsha Amakhaya initiative and the wider struggles for transformation in the countryside.

STRUGGLES FROM BELOW (AFTER EVENTS IN THE WESTERN CAPE)
Resistance and struggles in the countryside will never be same after the recent developments in the Western Cape. Hitherto, major rural struggles, including the historic Mpondo Revolt, revolved around land. This remains the case, as seen above, with the emerging Tshintsha Amakhaya initiative: all seven of the “most pressing” demands in the June 2012 pamphlet are land related. Not a single one of the demands focuses on labour issues, or more specifically on wages paid to farm workers. Although the issue of poor wages and poor working conditions for farm workers has been researched by scholars (Du Toit 2004, for example), it has never been taken up as a serious demand by non-governmental organisations in the sector. Attention in post-1994 South Africa has largely been on security of tenure for farm workers and dwellers, as well as evictions of farm workers and dwellers (Hall 2007). Recent and current events in the Western Cape have forced the issue of labour, in particular that of wages, almost irrevocably onto the agenda of demands for rural transformation.

The fact that the Western Cape struggles were sparked by an issue that does not feature in the demands of Tshintsha Amakhaya, coupled with the fact that the strikes started in De Doorns, an area where only one of the TA partners, Women on Farms, operates, is intriguing and poses questions about the possible effectiveness of the TA strategy. It is widely accepted that the strike was initiated by seasonal workers in the grapevines of De Doorns and there is yet no evidence of the involvement of an organised, duly constituted structure, such as a trade union, political organisation, non-governmental organisation or social movement (Andrews 2012). It must be recalled that five of Tshintsha Amakhaya’s members, which is half the membership, are based in the Western and Southern Cape and would have been influential in deciding the direction of TA, including the demands outlined in the June pamphlet. More research needs to be done to throw light on why the members based in the Western Cape would not have raised the labour issue, which was to shake the Western Cape less than six months after the June pamphlet.

However, it is notable that while the origins and leadership of the strike cannot be denied, the strike in De Doorns turned out to be the proverbial spark that started the prairie fire. As already noted, it spread to other farms, with three of the Tshintsha Amakhaya affiliates – the Surplus People Project, the Trust for Community Outreach and Education, and Women on Farms – in the thick of things. Conversations and interviews with members of the Surplus People Project, the Trust for Community Outreach and Education and Mawubuye activists show that these Tshintsha Amakhaya partners played an important role in the establishment of the coalition of those who supported the demands of farm workers. The fact that members of these three organisations were among those arrested and charged attests to the level of their engagement in the struggles. By the end of February 2013, these three TA partners were still centrally involved in the events unfolding in the Western Cape and were participating actively in discussions about how the struggle in the Western Cape could be taken forward.16

Another point worth highlighting is the character of the struggles in the Western Cape. I am advisedly using the term “struggles” and avoiding use of the popular term “strikes”. As already indicated, no person following events in the Western Cape can deny the fact that the current struggle manifested itself as a demand for wages. However, with the struggle spreading to other parts of the Western Cape, the demands on the ground became more nuanced. The list of demands emanating from the meeting of 27 November 2012 (referred to above in the section on dynamics in the Western Cape) clearly shows that the struggle involved more than just a demand for wages. The demand for land is notable and in many ways shows the influence of these particular Tshintsha Amakhaya partners. Their activists and those from such movements as the Mawubuye Land Rights Movement are noticeable in the list of activists who come from areas outside De Doorns and who were arrested and at the time of writing were facing trial.17 The Mawubuye Land Rights

15 As suggested in Andrews (2012), some go so far as to suggest that the move was spontaneous: a term I would use with caution in the absence of prior research about what the circumstances were that led to the strike and who the forces behind it were.

16 I am basing this on e-mail correspondence and the minutes of meetings in my possession. As indicated earlier, I am member of the Board of two of the TA partners, the SPP and TCOE.

17 I have a list of these activists that has been compiled by the SPP and TCOE.
Movement’s activists regard themselves as small-scale farmers and although they support the strike for better wages, they also use the opportunity to push forward their demands for land and services such as water, which they have been campaigning for in the last couple of years. In a sense, the creeping demand for land and services has the potential to change the nature of the struggle in the Western Cape from a focus only on wages to a consideration of broader land-related matters.

In examining the context of the strikes, the relationship between organised formations (like non-governmental organisations and labour unions such as COSATU) and rural residents, in this case farm workers, is important. What does this mean for the agency of those involved in the strike? Once again, it would be precipitous to make bold claims about what is happening on the ground without in-depth research. In the public domain, a matter of concern has been the position of COSATU and the Food and Allied Workers’ Union (FAWU) – the COSATU affiliate responsible for organising farm workers.

COSATU, which was initially a member of the coalition that was established soon after the outbreak of the strike, took positions and issued statements that were at variance with the other members of the coalition. On many occasions, as has been shown earlier, COSATU came out in support of terminating the strike without any clarity as to where it got its mandate to do so. Further, it is doubtful that the striking workers are members of FAWU. The Sunday Times (13 January 2013) reported the following statement by Tony Ehrenreich, the secretary-general of COSATU in the Western Cape, which suggests that COSATU had no control over the striking workers:

> It is not Cosatu who called the strike, so Cosatu can’t call the strike off. We played a role in the past to try to encourage workers to suspend the strike on the basis that the farmers would engage. Now we have nothing to show the workers. We have no political legitimacy to again call on them to suspend the strike. They won’t listen to us. We haven’t delivered anything (Sunday Times, 13 January 2013).

For inexplicable reasons, Ehrenreich issued statements calling off the strike without any evidence that he had consulted the striking workers.

I would like to conclude this section by reflecting on the implications for the country as a whole of the struggles in the Western Cape. More specifically, what are the prospects, if any, of the struggles in the Western Cape contributing to attempts to transform the countryside of South Africa along the lines proposed by Tshintsha Amakhaya? In the first instance, the eruption of struggles in the Western Cape took many organised formations by surprise. While Tshintsha Amakhaya’s Western Cape partners were quick to seize the moment and engage actively in the struggles, the same cannot be said about the structure as a whole, or about any of the other partners. At the time of writing, I was not aware of any statement that had been issued by Tshintsha Amakhaya in support of the struggles in the Western Cape. The same holds for the Trust for Community Outreach and Education, where three of its six affiliates – Cala University Students Association, Zingisa and Khanyisa – issued messages of support. I would not want to be speculative about the reasons for this. It is a matter that must form part of the necessary research on the Western Cape strikes and their implications.

Having said this, the fact that by late February 2013 the struggles in the Western Cape had been sustained for almost three months without any sign that they would fade away, means that rural and land-based organisations can hardly fail to take notice of the developments in the Western Cape and of how these are likely to affect similar struggles elsewhere. For example, there are calls within the Trust for Community Outreach and Education for the matter to be discussed within its network. The same calls will most probably be made with respect to Tshintsha Amakhaya.

CONCLUSION

The key question addressed in this chapter concerns the possibility of rural transformation occurring as a result of pressure from below. This question became urgent for me when the struggles in the Western Cape erupted in November 2012. Before these developments, I shared the view that social movements focusing on the countryside in South Africa were weak and did not stand a chance of influencing change in the rural areas (Hendricks & Ntsebeza 2010). Although the establishment of Tshintsha Amakhaya made me rethink my position about the weakness of social movements, I still thought that rural-based social movements would remain weak as least

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18 See the Annual Reports of the SPP and TCOE of the last five years.

19 Mercia Andrews has pointed out to me in an e-mail message dated 14 March 2013 that some partners sent messages of support.

20 The Centre for African Studies, which I direct at the University of Cape Town, and the SPP are conducting research on precisely these issues.
for some time. I based this on the fact that, despite Tshintsha Amakhaya's rhetoric, there was little to show in terms of how their vision was to be realised. Besides this, they remain heavily dependent on external funding in a climate that is not favourable for NGOs. However, developments in the Western Cape since November 2012 have been of such a nature that they cannot be dismissed with the wave of a hand.

The key question, though, is about the sustainability of rural struggles in general, including the Western Cape struggles. Rural struggles in colonial and apartheid South Africa have been described as spontaneous and/or parochial by some scholars (Lodge 1983: 290, Bundy 1987: 255, drawing from Rude 1980). Implicit in this description is that rural struggles are unsustainable. Could this be said of the rural struggles in South Africa especially in the Western Cape? I am cautious to make bold claims, for the simple reason that it is too soon. It is more useful at this stage to pose questions for further research. For example, there is an urgent need to get to know De Doorns more deeply in order to understand why the strike started there and why this area has been the epicentre of rural struggles in the Western Cape over the past five years or so. There is also a need to understand transformations in the agricultural sector: for example, the sector's reactions to deregulation and labour laws post-1994, leading to evictions of farm workers and dwellers and the establishment of informal settlements such as in De Doorns and Grabouw. There are other pertinent questions that need to be addressed. What do the Western Cape strikes signify? What are the chances of their spreading to other parts of the country? Lastly, what are the prospects of rural-urban alliances? The latter question is important, given past observations about the isolated nature of rural struggles, including the famous Mpondo Revolt of 1960 (Lodge 1983, Bundy 1987).

This chapter has shown there is an unresolved debate about the relationship between non-governmental organisations and social movements. On the strength of developments in the Western Cape it appears, from preliminary evidence, that the argument for the coexistence of non-governmental organisations and social movements is more applicable than the one that favours the gradual phasing out of non-governmental organisations. It seems clear from the case of the struggles in the Western Cape that social movements on the ground needed the support of non-governmental organisations such as the Surplus People Project and the Trust for Community Outreach and Education. It has largely been NGOs that put in the effort to get legal support for the detained farm workers and those on trial. The issue that calls for discussion is who should lead the struggles. The criticism against the National Land Committee, for example, has been that the organisation acted for and on behalf of rural people. In the case of recent events in the Western Cape, there is evidence that non-governmental organisations were more sensitive and did not simply assume leadership, but were prepared to play a support role. This does not mean that they did not engage with and also have an influence on farm workers. However, it was accepted that final decisions would be taken by the protesters. The one exception, highlighted in this chapter, was COSATU, which, as reported, took decisions to call off the strike without any evidence of having consulted the farm workers.

This chapter has not been conclusive on the question of the sustainability of current struggles and the possibility of these struggles sparking further struggles elsewhere, which could in turn lead to the establishment of national campaigns for transformation in the countryside. What can be said, though, is that rural transformation cannot be isolated from social change that is geared towards the political and socio-economic emancipation of the whole of South Africa.

REFERENCES
"Our struggle has reached a decisive moment. We call on our people to seize this moment so that the process towards democracy is rapid and uninterrupted. We have waited too long for our freedom. We can no longer wait. Now is the time to intensify the struggle on all fronts. To relax our efforts now would be a mistake which generations to come will not be able to forgive. The sight of freedom looming on the horizon should encourage us to redouble our efforts."

— Nelson Mandela Speech in Cape Town on his release from prison, February 1990

The land question in South Africa will not be resolved by monetary compensation to beneficiaries as restitution for land rights lost through the application of apartheid laws. It will not be addressed by the piecemeal transfer of poor-quality land from whites to blacks as part of the redistribution programme. It will also not be settled by the formalisation of procedures for the eviction of farm workers as land tenure reform has prescribed. Furthermore, it will not be resolved by the upgrading of shacks in urban slums or worse the eviction of so-called illegal squatters from the towns. In short all the efforts of state policy in the two decades since the demise of apartheid are either inappropriate or inadequate in the face of the mounting challenges facing the country in respect of land. An entirely different approach is required if democracy is to survive in South Africa.
The role of social movements in defining different options and in constructing different democratic futures is absolutely critical. Of course these struggles from below are indeterminate, uncertain and unpredictable, but they hold the promise of affording ordinary people the chance to participate in the making of their own futures. Just as popular struggle from below brought formal apartheid to its knees, the ongoing and widespread protests in the country are a powerful portent of what the continuing crises of poverty and highly uneven social reproduction might bring about. The issues underlying these protests need to be addressed with urgency and commitment. In relation to land questions specifically, purely statist and technocratic solutions that don't take account of the indeterminancy of struggles from below will simply not be able to deal with these abiding problems. For South Africa, there is no magic solution, nor is there any predetermined path to follow. The problems are multifarious and therefore require multiple solutions. One thing is clear though, the solutions have to address the extreme racially based inequality in land. This is the common thread that runs through the entire book. Something needs to be done urgently. There is no use in posturing about non-essentialisms, when the problems are so stark and the situation so untenable within current policy frameworks.

As a start, we look to learn from the materialist broadside in South African historiography, which questions the liberal notion that apartheid somehow contradicted capitalism. In the liberal scenario all that was needed to eclipse the apartheid juggernaut was for the rational (and even naturalised) process of industrialisation to usher in a system based on merit rather than race. However, as Bill Martin mentions in Chapter 7, there is a certain functionalist teleology to this argument. He points to the importance of South Africa's position within a regional system of capital accumulation in which it uses neighbouring states as labour reservoirs. Similarly, we need to appreciate the economic and political complexity of the international food supply chain. This involves the global dominance of multinational corporations as well as the ongoing policies of countries and economic blocs in the global north, especially as they relate to agricultural subsidies and trade policies, which are clearly deleterious to development in the south. Praveen Jha tackles this in his chapter. Finally, we cannot ignore the agricultural policies of southern Africa and how these inhibit or promote possibilities for small-holder agriculture (see Chapter 8 by Tendai Murisa). This is not to say that this book is solely in favour of small-holder agriculture as a means to rural development, but it does point us to one of the options worth pursuing, which currently is not being done in any systematic manner in the South African case.

The comparative case studies covered in this volume (namely, Zimbabwe, India and the Netherlands) speak to common themes in terms of agrarian and land processes under the hegemonic global agricultural and food regime, but they also highlight the diversity of nation-based restructuring and the historical and spatial specificities of this restructuring. While lessons can be learnt from these and other national agrarian experiences, there is no agrarian template that charts the way forward for the South African countryside.

Of the three case studies, Zimbabwe – because of its similar settler-colonial history in the southern African region – most clearly details the challenges currently facing South Africa. Moyo, in his chapter on Zimbabwe, discusses the radical land reform programme that has occurred from the year 2000 onwards, as well as the many problems (notably with regard to insufficient agrarian restructuring) that have occurred along the way. Like Zimbabwe in the year 1999, South Africa is marked by the presence of powerful white rural landowners and stands on the brink of 20 years of post-colonial change. In the case of South Africa, as Moyo highlights, the social forces responsible for and capable of bringing about land and agrarian restructuring beyond the reformist measures of the post-apartheid state "remain blurred." Jha and Jodhka, in their comprehensive historical overview of India's agrarian questions, discuss a range of land reforms in post-independence India (such as ceilings on land holdings along with tenancy reforms) as well as the agrarian-focused Green Revolution, all of which went some way in addressing rural poverty. But they conclude that the "ever-present land question is no longer seen as critical" in national politics in India. It may not be as pronounced as in South Africa, but the concentration of land in a few hands and "the large-scale acquisition of land by private corporations" are prevalent in India. This has deepened the marginalisation of landless and land-short rural villagers which is similar to the marginalisation that exists in the former bantustans of South Africa. The case of the Netherlands, as outlined by Spierenburg and Wels, paints the picture of an advanced capitalist nation that has pursued the path of highly capitalised "industrial forms of production" in agriculture over a period of decades, resulting in a host of rural development challenges, including threats to smaller family farms and decreasing agricultural employment. This has led to the restructuring of the agrarian landscape, recently in the form of diversification away from agriculture and the emergence of non-agricultural land uses such as nature conservation and eco-tourism. In post-apartheid
South Africa an industrial model of agriculture has been pursued and, if the examples of the Netherlands and other European examples are anything to go by, this model needs to be seriously challenged.

VISIONS FOR THE FUTURE

Backlogs in the urban areas, ongoing crises in the former reserves and the appalling conditions for workers on commercial farms are all closely tied to the land question in South Africa. There are many questions about land, but the fundamental land problem remains the unequal division of land between blacks and whites. Emphasising diversity is important, but it holds the risk of losing sight of the overall problem. Since the land question is ultimately also a political question, it is concerned with who has control over the country. As long as black agriculture is confined to the former reserves and white agriculture continues to dominate the commercial farming landscape, the major challenge facing the country is how to integrate these two segregated territories into a unitary geographic, political, social and economic order.

Post-1994 plans to deal with the palpable inequality have been spectacularly unsuccessful. The official vision of South Africa's future development is articulated in the National Development Plan (NDP) released at the end of 2011 by the National Planning Commission headed by former minister of Finance, Trevor Manuel. The Plan was subsequently revised in the light of many submissions and tabled at a joint sitting of parliament towards the end of 2012. It was adopted in its entirety at the ANC's Policy Conference in Mangaung in December 2012. It is interesting to note that at the same conference the deputy chairperson of the National Planning Commission, Cyril Ramaphosa, who is a prominent businessman and former general secretary of both the National Union of Mineworkers and the ANC, was elected as deputy president of the ANC.

The National Development Plan's vision is that by 2030, "most South Africans will have affordable access to services and quality environments" (NDP 2012: 234). Yet the NDP also promotes the regularisation and upgrading of informal settlements (2012: 244). The main problem with the plan is that it does not take account of colonial dispossession and the legacy of apartheid. While it outlines a vision for the future, there is very little detail on how it ought to be reached. This is its fatal flaw in attempting to develop "sustainable rural communities".

This concluding chapter reveals some of the visions we have for a different South Africa and for a different world in respect of its social relations in rural and urban areas. While the focus is on rural areas, the links with urban areas are constantly borne in mind. Apartheid geographies have determined that the movement of people from the countryside to the cities was not a one-dimensional or unidirectional shift. Instead, there remains today a constant migration of people struggling to make a living and to ensure some remnants of meaning to their lives. Territorial segregation sought, through a battery of repressive pieces of legislation including the pass laws, to block the permanent settlement of blacks in cities. The assumption that blacks were temporarily in the towns to "minister to the needs of whites" meant that very few services were made available for the burgeoning urban black population. Hence all South African cities, without exception, are characterised by severe racialised spatial inequalities. The leafy environs of white suburbia, often in gated security complexes, stand in stark contrast to the slums, shanty towns and townships.

Land and housing are at the very top of the list of grievances cited by protesters. In respect of housing, the urban development plans of the RDP have effectively been shelved. There is a great deal of rhetoric about changing the spatial divides of the cities, but the housing backlogs are so huge and the institutional environment so overpoweringly resistant that there is little hope of achieving this in the current circumstances. At its fifty-second Congress held at Polokwane, the ANC resolved to eradicate "informal settlements" by 2014. Yet about 11 million people remain without adequate housing in the country. The situation is exacerbated by the steady movement of people to the cities following the repeal of influx control regulations.

Inasmuch as the cities continue to represent colonial and apartheid divides, the country as a whole remains spatially divided between the white-claimed commercial agricultural areas and the bantustans. The contrasts are unmistakeable in travelling from privately owned farming areas to communally owned former bantustans. The apartheid and colonial past continues to cast a long shadow on democratic South Africa and the resultant inequalities are our major challenges. The contention of this book is that a liberated South Africa ought to look very different to what we currently have. The problems are of such a magnitude that a piecemeal approach that does not offer a decisive break with the past will not provide any lasting solutions. In essence, we are dealing with a colonial situation and nothing short of thoroughgoing decolonisation will open up the possibilities for a durable solution. Precisely how this ought to happen and how social movements on one hand and the state on the other should contribute are inescapable questions for any emancipatory project.
Whither the reserves?

It is well known that the homelands served the role of labour reservoirs providing a subsidy in the shape of social overhead costs and thereby depressing wage levels. This overarching role and the context of the bantustans severely circumscribed the possibilities for agricultural production in these areas. Despite the well-known agricultural potential of these areas, they produce only 30 per cent of their agricultural requirements. Indeed, the legacy of territorial segregation has left deep imprints on the manner in which people make their living in contemporary South African reserves. It is clear that the vast majority of the population derive their livelihoods by means other than agriculture. The question that remains is whether agricultural production can be revived to increase the number of households making a living out of farming and whether agriculture can contribute a greater proportion to the income of households in the former reserves.

While it is important to focus on the former homelands, it is also necessary to ensure that these areas are not treated as isolated islands quite apart from the rest of the country. They remain differentiated by a distinctive form of land tenure and by the continued role of traditional authorities in local government, but they still form an integral part of the body politic. Moreover, the economic linkages with neighbouring areas through labour and commodity exchanges, suggest that an inclusive approach is necessary to understand how to transcend the geographies of apartheid.

There is undoubtedly a very high potential for agricultural development in the former reserves of South Africa and there are sufficient natural resources to cater for the needs of the people, yet there is a food crisis. It is imperative that any plan for the regeneration of agriculture in the country should start from an understanding of this paradox.

One of the challenges that any democratic regime faces in South Africa is how to mesh the bantustans with the rest of South Africa and create a unitary approach in respect of land tenure and citizenship across the country. The enduring dualism between white commercial agriculture on freehold land and black small scale poorly resourced farming in the communal areas, continues to hamper progress. One of the major challenges is how to break down this dualism in order to integrate the two areas into a coherent agricultural sector. In drawing new municipal boundaries the Demarcation Board has moved in the right direction, but the de facto differentiation persists. Only a thoroughgoing transformation of the land tenure and local government systems will allow for these areas to realise their under-utilised economic potential.
cases fruit. This too is a highly differentiated group in terms of the size of the landholding. For example, in the case of Luphaphasi, a village in the Eastern Cape Province, landholding ranges from 2 to 218 hectares — see Ncapayi (2013). The immense majority of rural residents had and still have access to communal grazing, which individuals access by virtue of being members of the administrative area concerned. There are however a few isolated cases where individuals have their own land for grazing, the Xhalanga district in the Eastern Cape being an example.

At the level of rural politics, we have seen that unelected and unaccountable chiefs of various ranks had, particularly during the apartheid period, exclusive control over the allocation of land at the local administrative and Tribal Authority level. In general chiefs were “despotic”, resembling their apartheid masters, although they were not as “decentralised” as Mamdani (1996) suggests.

By and large, the above depicts conditions in the rural areas of the former bantustans at the dawn of South Africa’s democracy in 1994. Not much has changed since then, either at the level of land tenure or of governance. In its land reform programme the performance of the ANC-led government has been dismal, which means that overcrowding and congestion in the communal areas are far from being addressed. The recognition of the institution of traditional leadership and the laws that have been promulgated since 1994, which give unprecedented powers to chiefs, illustrate that very little, if anything at all, has changed at the governance level. In many ways, as with the case of headmanship and the Traditional Courts Bill, conditions are worsening. Finally, notwithstanding efforts to establish independent movements by those directly affected in the countryside, the prospects of change as a response to pressures from below remain relatively poor.

The starting point must be an acknowledgment and recognition that the former bantustans were established as part of a divide-and-rule strategy to control the indigenous majority and to advance a racialised form of capitalist development. It is hard to imagine an emancipatory project in South Africa that would not make the dismantlement of the former bantustans its priority. This book has shown that for the ANC-led government, dismantling the former bantustans is not a priority. On the contrary, there is a perpetuation of this system at both the level of land tenure and governance. In what follows, we attempt to provide guidelines for doing away with the legacy of the former bantustans.

The resolution of the land question by means of radical land redistribution is a sine qua non for dismantling the former bantustans. The challenging question is how this can be done, particularly given the continued dominance, despite the recent financial crisis, of neo-liberal capitalism at a global level. At the country level, the property clause in the South African Constitution imposes, as we argue in the book, severe constraints to radical land reform. Be that as it may, we argue that there is room for manoeuvre. In the short term, expropriation, with compensation, of historically and currently white-claimed agricultural land, which is provided for in section 25 of the South African Constitution, is an option around which a civil society-led campaign can be organised alongside a campaign for the amendment of the property clause in the constitution. A concern that is often raised whenever the land question in South Africa comes up is that the productive capacity of agriculture will be endangered. But this concern does not take into account the reality that not all of the agricultural land is under production. In this regard, the initial drive would be to target and expropriate un- and under-utilised farms, as well as farms that are in debt (Ntsebeza 2004, 2010). Under these circumstances, expropriation may well lead to an increase in production. With regard to the thorny issue of compensation, there would, in the first instance, be no need to compensate farmers that are in debt. As far as those farms that are under-utilised are concerned, they would be bought, with reconciliation as the guiding principle rather than the dictates of the “market”, including holding back unused land for speculation.

Expropriated land would be used to address land hunger primarily in the former bantustans and for the benefit of farm workers and farm dwellers. With regard to the former bantustans, priority should be given to those who have demonstrated commitment to a land-based lifestyle and are growing crops and fruit in the gardens of their residential plots and keeping stock. Crucially, these individuals should be organised into producer co-operatives in order to avoid monopoly of land by a few individuals — (see the case of Delindlala in Ncapayi’s 2013 doctoral thesis). In keeping with the principle of discouraging land monopoly, those who are in possession of fields for cultivation should not be prioritised. They should be given a choice of either holding to their land, or, if they want new land, of “trading” their fields and become members of co-operatives in the redistributed land.

With less congestion especially in terms of livestock, conditions will be created for the state to promote small-holders inside the former bantustans. The small-scale producers would comprise those who have a residential plot and field for cultivation. These producers should be supported by the state
to embark on agricultural production. With growing numbers of stock taken away to new land, grazing land should be decongested, which should make it possible for the quality of the livestock of the small-scale producers to improve. The most critical support would be the improvement of infrastructure, for example, fencing, water and roads, and encouraging reversion to multi-growing, inter-cropping and organic farming. This would herald agrarian transformation in the former bantustans, where production for the home market and the building of the local economy would be a priority. This would be a bottom-up approach to development where production for export would be lowest on the agenda.

As noted in the introduction and in Chapter 3 by Nisebeza, the migration to urban areas is not unilinear. There is a tendency on the part of rural residents to oscillate between the rural and urban. This is the case too with respect to the beneficiaries of the existing land reform programme, who retain their land and links in the communal areas. There are good reasons why people do not want to abandon their homesteads in the communal area. In the case of Luphaphasi, for example, beneficiaries argue that the residential land holding in the communal area is a family home, where social services, such as schools and clinics, are available and where cultural activities, rituals and burials take place. However, for professionals and migrant workers, the former bantustans, as noted in the introduction and in Chapter 3, are becoming places to build holiday and retirement homes.

The most challenging issue in a discussion of the future of the bantustans is what becomes of those who are unemployed and have no interest in making a living out of land. Most of these people cannot in any serious manner be regarded as an industrial reserve army, but as a surplus population that neoliberal capitalism is not interested in absorbing. It is hard to think of how to deal with this category of rural residents in the short term. But there are possibilities. One such possibility is that some of them will, as has happened in Brazil and Zimbabwe, be drawn into pursuing land-based activities and join producer co-operatives, especially if the latter become successful. Activities on the newly acquired farms and on the land of small-scale producers might generate job opportunities, even if only on a seasonal basis. Migrant workers and professionals who build houses in the countryside also create domestic type job opportunities. Finally, a successful agrarian transformation is most likely to lead to the development of non-agricultural activities to support the farming communities. These could be in the form of electrical, mechanical and plumbing activities and processing, requiring levels of retraining and reskilling.

What about governance, and chiefs in particular? Democratic governance and development structures should be promoted so as to do away with unelected and unaccountable individuals such as chiefs and, in some provinces, headmen. The latter should be replaced by democratically elected and accountable leaders both in development and in political initiatives. Justice should be brought closer to the people, but not through tribal courts where it is assumed that chiefs will preside. The selection criteria should be based on merit.

The focus on urban areas, which has characterised South African scholarship since the 1970s, has created a lacuna in our scholarship that needs immediate attention. The assumption that the importance of the countryside will gradually diminish is clearly inaccurate. Scholars know very little about the everyday lives of people living in the countryside, either on farms or in the former bantustans. Detailed, in-depth research on the countryside thus becomes a precondition for an overhaul of the former bantustans. Linked to this is research on the state of agriculture in South Africa, the main purpose of which would be to identify un- and under-utilised farms, as well as those that are in debt. As indicated above, it is these farms that should be targeted for expropriation so as to put them into production.

On the question of agency, our well-considered view is that the proposals we are making cannot be achieved within current policies and driven from above. To ensure that proposals such as the ones we are making are taken seriously and implemented will take pressures and mobilisation from below, with those directly affected at the heart of the struggles. Given the power of global capital and a state that acts in its interests, organised social movements become a necessity – see Chapter 6 on social movements in this volume and the section on social movements below.

The future of commercial farms

This book has highlighted the weight of history on the South African countryside in respect of the ongoing predominance of white farmers in the commercial agricultural sector. Largely because it has been market driven, the land redistribution programme, pursued since 1994, has had very little impact on the racialised balance in this sector. Broader neo-liberal restructuring and export-driven economic policies further concentrated land ownership and centralised agriculturally based businesses. This picture is similar to that of South Africa's northern neighbour Zimbabwe during the mid- to late 1990s.

Radical land reform in Zimbabwe was only made possible by a nationwide
land occupation movement and a radicalising state that was sympathetic to a resolution of the land question through uncivil means. No such land occupation movement or state exists currently in South Africa, and none is visible on the immediate horizon. Yet, undoubtedly, the prevailing situation in the countryside is not sustainable: from the perspective of addressing the past injustices of apartheid (notably land dispossession); in contributing to economic growth by means of a meaningful process of wealth distribution; and in ensuring some form and degree of social stability in the medium- to long-term. The ongoing predominance of white commercial farms demands a resolution, but the state continues to adopt a reformist land reform programme and simultaneously fails to address the marginalised and vulnerable status of hundreds of thousands of farm workers and dwellers.

The Zimbabwean solution, although not without its faults and drawbacks, may provide a possible provisional answer to how the South African countryside (at least within former white South Africa) could be re-imagined and restructured. In the case of Zimbabwe, commercial farms were either divided up into small plots for peasant-type production (on A1 farms) or were taken over in their entirety or only minimally divided to ensure ongoing commercial production (on A2 farms). This led to important changes to the agrarian structure in Zimbabwe, notably a significant increase in the number of small-scale farmers (no longer restricted to long-established customary areas like the former bantustans of South Africa). This twinned approach seems to be a viable option for South Africa, with some agricultural sub-sectors (such as maize production) more suitable for subdivision into smaller-scale farms and other sub-sectors (such as wine farms) more conducive to retaining a commercial edge and trajectory.

With regard to Zimbabwe, most A1 farmers had significant levels of agricultural knowledge and skills. In the main, they came from customary areas where agriculture is still practised annually, or from urban areas where residents had strong links to their kumusha (or rural home) and often practised urban agriculture. Only an insignificant number of farm workers on former white commercial farms in Zimbabwe gained access to plots on A1 farms. In South Africa, this is more problematic as, in general, minimal agricultural activities are pursued in the former bantustans and there appears to have been a loss of critical agricultural knowledge and skills over past generations. But there is a large group of rural residents in South Africa, namely farm workers, who have the knowledge and skills (but not the right) to work the land. They should be seen as prime candidates for any white commercial farms in South Africa which are subdivided to allow for small-scale agriculture.

A politics of genuine redistribution is critical for this, that is, a politics that prioritises redistribution over short-term economic growth for the sake of sustainable livelihoods for a greater number of people. This would require overcoming the type of problems pertaining to A1 farms in Zimbabwe where plot holders tend to work individually on both the input and output side and in the production process itself. Farm workers on small plots would need to act in an integrated and cooperative fashion, including the bulk purchase of agricultural supplies, the communal use of agricultural equipment and the combined marketing of produce – in order to gain any advantages that arise from economies of scale in agriculture. Unlike in Zimbabwe, the South African state would need to be more active and proactive in offering support to restructured former white commercial farms.

In the case of farms or agricultural enterprises that are unsuitable for pronounced land subdivision and which need to be retained as commercial enterprises, again farm workers are likely candidates insofar as such enterprises were to be managed on the basis of workers’ control. This would entail a dramatic end to the type of industrial relations on farms characteristic of both apartheid and post-apartheid white agriculture, where owners and managers exploit a vulnerable labour force for the sheer purpose of maximising profit. It would also go contrary to the situation of A2 farms in Zimbabwe, where often black elites connected to the ruling party took over these farms and employed farm workers on the same basis as the previous white owners. To claim that farm workers are unable or incapable of operating commercial agricultural ventures in this way is to fly in the face of experiences elsewhere in the world where workers have taken over business ventures, including often when they are no longer viable concerns. In the specific case of South Africa, this type of change of social relations on commercial farms would require a politics of recognition that clearly de-links (discursively and in practice) commercial agriculture from “white” and “capital” and privileges “black” and “labour” as the basis for the commercial agricultural future.

Such changes to the South African countryside clearly involve radical agrarian restructuring and might be seen as based on some kind of utopian thinking. But unless such visionary thinking is pursued, the countryside will remain in the hands of white agricultural capital (with all the negative consequences that go with this). The scenario outlined above leaves unanswered critical questions about the character of the agrarian economy (and linkages nationally and globally). These would need to be addressed as
political economy questions rather than in a narrow technicist sense as the post-apartheid state so often does.

In this respect, the National Development Plan unveiled by the South African state in 2012 fails to offer any significant restructuring of the agrarian economy. It speaks about a mix of small-scale and commercial farming and an "emphasis on smallholder farmers where possible", but the plan is heavily weighted towards commercial farming and ongoing integration into the global economy. The de-racialisation of commercial agriculture may increase at a faster pace through various incentives given to white commercial farmers, but "white" remains equated with commercial efficiency (with whites as mentors and blacks as mentees through for instance apprenticeship programmes). Further, based on the notion of the developmental state, it is clear that any agrarian restructuring would be largely state-driven and any disruptions to this process from below would be unacceptable. Hence any transfer of agricultural land to blacks must occur "without distorting land markets or business confidence in the agricultural sector". Perhaps most disturbing is the National Development Plan's failure to address industrial relations on commercial farms. At the very end of the chapter on the rural economy there is a short section on labour relations on farms that seems to have been added as an afterthought. This section takes the farmer-farm worker relationship as given and simply suggests that the relationship "needs to be better". Overall the plan provides a managed transition which, if implemented completely, would only serve to reproduce relationships of social domination in the countryside albeit in altered forms.

WHAT ROLE FOR SOCIAL MOVEMENTS?
It is not surprising therefore that the country has witnessed such a dramatic escalation of popular protest. What may be surprising though is that in democratic South Africa, state repression has increased markedly in response to these protests. In recent years the police have killed mine workers, farm workers, peaceful protestors and students. Towards the end of his life, Neville Alexander (2010) virtually predicted the events that have recently unfolded: the killing of mine worker Andries Tatane, the Marikana massacre and the killing of striking farm workers. Speaking at the fourth Strini Moodley Annual Memorial Lecture, held at the University of KwaZulu-Natal on 13 May 2010, Alexander said:

"The final disillusionment will come, of course, when the repressive apparatuses of the state, instead of supporting the exploited classes and other oppressed strata, turn their weapons on the masses to protect the interests of the capitalist class.

More and more people are reaching a point of disillusionment. As solutions to their plight are not forthcoming within the current environment, the protests are becoming broader based, aimed at the overall system rather than being confined to a specific issue. They are often violent, according to a recent report of the Multi-Level Government Initiative (2012). Another indication of people's disillusionment in democratic processes is that fewer and fewer people are bothering to go the polls to vote in local, provincial and national elections.

The strikes by farm workers in Western Cape in the last quarter of 2012 have animated an imagining of alternatives. The sense of possibility of taking control over their own lives has evoked a buzz of excitement amongst these farm workers. The necessity of struggle and the day-to-day battles with the repressive state apparatus and agricultural capital have awoken these workers from a midnight slumber and allowed them to exude a sense of confidence in their own ability to change their circumstances. Far from their daily routine of following orders from the farmer, being in charge of the strike and making choices on a day-to-day basis on the actions to embark upon in response to the enormous challenges they faced (and continue to face) has had a profound impact on their consciousness.

There was a great deal of ingenuity in the strikes. From the Bonnievale workers who used corrugated-iron sheets as shields to fend off the police rubber bullets and then to attack them as soon as it was clear that they had run out of ammunition, to the Robertson workers, where the children stood on roofs to provide valuable reconnaissance on the location of the police, the workers were very aware of how the police and the farmers acted in cahoots with each other in their efforts to repress the strike. There can be little doubt that there has been a seismic shift in the consciousness of these workers, some of whom have been thrust into positions of leadership they never before imagined was possible. The strike has thrown up a new cadre of committed young leaders who are prepared to take risks in their battles. It is undoubtedly a formative period in their lives and many of them are aware of the countless challenges that lie ahead, but it seems that they are inspired rather than demoralised by these. Besides their engagement with the
farmer, there are also many social problems in the communities that they now represent with pride. Amongst these, alcoholism, drug abuse, rape, and other violence against women are particularly prominent scourges, and they have pledged to deal with these with renewed energy and the audacity that only comes with youth. Farmers almost invariably refused point blank to negotiate with workers demanding a wage of R150 per day. This was expressive of their paternalistic labour relations and their dismissive opinion of their own workers' rights. The statutory minimum wage for the agricultural sector was a R69 per day. As a direct result of the strike, the government, through the Department of Labour, has increased this minimum to R105 per day, an unprecedented hike of 52 per cent. By any standards, this is a victory for the workers.

The dominant refrain at a joint debriefing meeting of CSAAAWU and Mawubuye held in Cape Town on 9 and 10 February in the aftermath of the strike was, "genoeg is genoeg" or "enough is enough" as worker after worker spoke about the extent of their hardship, the brutality of the farmers and police, and their acquiescence to exploitation. Simply put, the workers had had enough and the precipitating spark of De Doorns ignited a rebellion that swept across the rural areas of the Western Cape. While the issue of wages was at the forefront of their demands, the connections with the wider questions of land are increasingly being made. As people look for ways to earn a respectable livelihood, the legitimacy of colonially defined property rights is being questioned. There is an urgency and vitality in their approach, but, it is too early to tell whether this mood and the momentum of their action will be sustained, or whether this strike is destined to go down as yet another isolated incident of rural collective protest. It has certainly shaken the establishment out of its inertia and has had a profound influence on the way in which farm workers view themselves and are viewed by their employers. In the main, the power relations have not changed as the farmer is still in charge, but the paternalism that gave farmers total control over the farm and the farm workers has been disturbed. The farmers are now more hesitant in their dealings with workers. At the same time, they have launched a concerted counter attack by dismissing scores of workers and instituting disciplinary cases against others.

This spate of protest in the Western Cape is inspirational in the sense that it gives rise to an imagining of a vastly different country. Democratic South Africa currently bears a striking resemblance to its colonial and apartheid pasts. A new future beckons and these farm workers are increasingly realising that they have the power to contribute to its making. This is not to exaggerate

the impact of the strike, but to take account of these incidents in the unfolding of the broader history of the country. It is also important to place the strikes within the context of the explosion of popular protest across the country since 1994.

In seeking to realise the more radical vision, as outlined above, perhaps most problematic is the road to this future agrarian economy. As noted earlier, neither a land movement nor a radicalising state presently exists in South Africa. Historical and global evidence, including the example of Zimbabwe, strongly suggest that massive rural mobilisation is required in order to push through any meaningful rural change. This mobilisation though is not necessarily channelled through clearly identifiable organisational forms, and mobilisation does not always involve a slow and steady build up of mass action which eventually reaches a critical mass and a revolutionary condition for radical change. Mobilisation often arises almost unexpectedly and has unintended consequences far beyond any expected outcomes. Zimbabwe exemplifies this. But, in part, so does the strike action which took place on farms in the Western Cape in late 2012 and early 2013 (although, in the latter case, the strike action remained localised and failed to bring about any immediate changes beyond wage levels). Strike action that incorporates more of the South African countryside may in fact have much deeper ramifications. This however depends in large part on the South African state and the character of the ruling party. As it stands, any widespread rural strike action by agricultural labourers would most likely be repressed, co-opted or subdued by the ruling party and state. Any radicalising of the state seems unlikely from within the ruling party and hence a radicalisation of the political party scene may be a major precondition for arriving at the agrarian vision depicted above.

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