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LAND REDISTRIBUTION IN POST-APARTHEID SOUTH AFRICA: A HISTORICAL EVALUATION OF THE DEPARTMENT OF LAND AFFAIRS' REDISTRIBUTION DIVISION

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A Project Report submitted in partial fulfilment of the requirements for the degree of Master of Arts (MA) in Organizational and Institutional Studies: School of Social Sciences, Faculty of Humanities, University of the Witwatersrand

INSTRUCTOR: DR. FEDERICA DUCA

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DATE: APRIL 2021



DECLARATION:

I declare that *Land Redistribution in Post-Apartheid South Africa: A Historical Evaluation of the Department of Land Affairs Redistribution Division* is my own work, that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

Full name: Paul Maluke Nkofo **April 2021**

Signed.....  **.....**

2399527

ACKNOWLEDGEMENTS:

I Thank God as denoted by the oneness and interconnectedness of All That Is in the energy matrix that connects everything, and yet individuates itself into various individuations that it may know ITSELF. This is the field in which all knowledge from the infinite past, through the infinite present to the infinite future exists. The same God has made this work possible!

President Nelson Mandela Said: "It always seems impossible until it is done" (https://quoteinvestigator.com/2016/01/05/done).

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DEDICATION:

This work is dedicated to my spiritual mentors, His Grace Ntate Archbishop Dr. Paul Thabang Matsoso and Her Grace ‘M’e Lady Archbishop Beatrice ‘Malimakatso Matsoso. May you forever be guiding institutions in my life, and the lives of those who may come to realise such as pertinent in theirs.

ABSTRACT:

Land redistribution is an issue that has concerned nations for centuries. On democracy's eve, South Africa broadly conceded that the massive unequal distribution of land resulting from colonialism and apartheid was to be addressed. The democratic government adopted land reform (restitution, redistribution, tenure security) as enshrined in section 25 of the South African Constitution of 1996. The Department of Land Affairs was established to fulfil the redistribution mandate. Land redistribution has dismally fallen out of the 30% target of redistributing white owned agricultural land by 2015, merely achieving 5.46% by 2015?. The aim of this study is to investigate through an institutional lens how South Africa ended up with the current land redistribution outcome. I achieve this by reviewing the evolution of the Department of Land Affairs from 1999 to 2015, and evaluating various phases of land redistribution, and institutional mechanisms that were enforced to implement the program. By specifically reviewing three policies (SLAG, LRAD and PLAS), I present major factors resulting in the present land redistribution outcome (policy inadequacies, cumbersome bureaucracy, weak political commitment, marked-led redistribution and opposing cultures). The study concludes by presenting further research questions: How can land redistribution in South Africa be efficiently and effectively executed to sustainably address inequality? What should be the new role of markets and government in land redistribution? How can institutions fit for purpose regarding land redistribution be developed, implemented and evaluated? Who should participate in land redistribution? And how should resources for land redistribution be made available?

KEY WORRDS:

Land redistribution; Settlement Land Acquisition Grant; Agricultural development; Proactive land acquisition; Policy Ambiguities; Market-led redistribution; Cumbersome bureaucracy; Opposing cultures.

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ACRONYMS:

AgriSA	Agri South Africa
ANC	African National Congress
CASP	Comprehensive Agricultural Support Program
CD	Chief Directorate
COSATU	Confederation of South African Trade Unions
COVID-19	Coronavirus Disease
CPAs	Communal Property Associations
CRLR	Commission on Restitution of Land Rights
CS	Corporate Services
DAFF	Department of Agriculture, Forestry and Fisheries
DALRRD	Department of Agriculture, Land Reform and Rural Development
DDG	Deputy Director General
DG	Director General
DLA:	Department of Land Affairs
DLROs	District Land Reform Offices
DOA	Department of Agriculture
DOH	Department of Housing
DRDLR	Department of Rural Development and Land Reform
DRLA	Department of Rural Land Affairs
GATT	General Agreement on Trade and Tariffs
GEAR	Growth, Employment and Redistribution Strategy
IMF	International Monetary Fund
ISRDP	Integrated Sustainable Rural Development Program
LPL	Land Planning and Information
LRAD	Land Redistribution for Agricultural Development

LRIMC	Land Reform Implementation and Management Commission
LRSSS	Land Reform Systems and Support Services
LTR	Land and Tenure Reform
M&E	Monitoring and Evaluation
MA	Master of Arts
MAFISA	Micro Agricultural Financial Institutions of South Africa
NDP	National Development Plan
NGO	Non-Governmental Organization
PCDs	Provincial Chief Directors
PGCs	Provincial Grants Committees
PLAS	Proactive Land Acquisition Strategy
PLROs	Provincial Land Reform Offices
PSLDC	Provincial State Land Disposal Committee
RDP	Reconstruction and Development Program
RDPP	Recapitalization and Development Policy Program
RECAP	Recapitalization and Development Program
SA	South Africa
SACP	South African Communist Party
SAHO	South African History Online
SALGA	South African Local Government Association
SLAG	Settlement Land Acquisition Grant
SLDP	State Land Disposal Policy/Sustainable Land Development Program
SONA	State of the Nation Address
SPLAG	Settlement/Production Land Acquisition Grant
SPP	Surplus People Project
UN	United Nations
URP	Urban Renewal Program

WSWB	Willing Seller Willing Buyer

1. INTRODUCTION

1.1 South African Land History Context

The indigenous people of South Africa (SA) were displaced from their land by European colonists (mainly Dutch and British settlers) to a greater degree than any other country in Africa, also persisting over a remarkably long period of time (Lahiff and Li, 2014:27-28 in Byamugisha eds). European settlement began around the middle of the seventeenth century with the arrival of Jan van Riebeeck's crew on a mandate of the Dutch East India Company in the Cape of Good Hope (South African History Online: https://www.sahistory.org.za). It then proceeded northward and eastward over a period of 300 years (Lahiff and Li, 2014:27-28 in Byamugisha eds.). By the early 20th century, most of the country, including most of the best agricultural land, was reserved for the minority white population. The African majority was restricted to the Native Reserves which were later established as African Homelands or Bantustans. The Bantustans comprised just 13 per cent of the country (id., Diagnostic Report on Land Reform in South Africa, 2016:8; Links, 2011:36; The Historical Development of the South African Land Issue, 2013:5).

The South African land struggle which commenced with the early settlers stirred wars resulting in destruction of the indigenous African social structures and deprivation of land and livestock which formed foundation for the African way of life. The confiscated land under white control was either given to white settlers or ascribed to state property. This process was initiated under the British colonies, and continued under the Union of SA which was established in 1910 (Links, 2011: p.36). The majority of Africans were displaced from their land, either into what were designated native reserves; or to sojourn in novice gold and

diamond mines; some retained some land in their homelands, others were concentrated in 'black' townships while a few lived in 'white' urban areas. Those who retained their land were stripped of rights and made tillers for the white land owners (ibid.; Mafeje, 1986:105-106).

Most Africans adapted to the situation through engagement in sharecropping while others remained in areas designated for black settlement (Bundy, 1983:14). This was preferable to wage labour since it would facilitate some access to land for personal tillage. When independent African peasants started to thrive and buy more land from their profit, the state became unsettled. This posed a threat across the overall white land monopoly. The mine industry got worried as it began to view farming as an alternative means of livelihood for the black people. Therefore it would drastically reduce the reserve army of labour willing to present themselves for domination and exploitation in the mines and urban areas (id.). The 1913 Natives Land Act sought to reinstate and impress the power of the white farmer by prohibiting Africans from owning or purchasing any land except in the reserves (Thwala, 2003:2; Kloppers and Pienaar, 2014:684). Following 1913, more cruel instruments such as the Group Areas Act 41 of 1950 were promulgated by the apartheid government to alienate blacks from land ownership in designated white areas (Kloppers and Pienaar, 2014:684; Links, 2011:36-37; SA Parliament Committee Brief, 2014:4; The Historical Development of the South African Land Issue, 2013:5; Diagnostic Report on Land Reform in South Africa, 2016:5).

1.2 Land Redistribution Context

A fourth of the population in developing countries (1.3 billion) lived on marginal lands around 2003 (World Development Report, 2003:60). These areas present substantial limits for intensive agriculture and where the communities' links to the land are critical for their sustainable livelihoods with reference to pastures, forests, and other natural resources. It is common cause that all natural resources are linked to land, making land a very important element of human life (id). In view of the centrality of land to human life, Thomas Jefferson in 1785 stated:

> Whenever there is in any country, uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate a natural right. The earth is given as common stock for man to labour and live on. If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not, the fundamental right to labour the earth returns to the unemployed.

Jefferson was one of the earliest and most articulate pioneers for wide land redistribution to smallholders, with a belief that it would provide the necessary foundations for egalitarianism. Although many countries have attempted land redistributions in the past approximately 250 years, there is still existence of important inequities in land ownership, especially in Southern Africa and Latin America (Binswanger-Mkhize, Bourguignon and van den Brink, 2009:3 in Binswanger-Mkhize, Bourguignon and van den Brink. eds.).

Land redistribution is an issue that has concerned nations for centuries, beginning with the politics of the Roman Empire and the Chinese dynasties (ibid:5). Land redistribution was frequently characterised by inequality and unfairness due to the fact that it was undertaken during a period in time when force and coercion were applied to extract rents from the peasantry. Over centuries, these inequalities would give rise to a myriad of constant peasant conflicts, wars, and revolutions. Despite the challenges, the distribution of land property rights remained highly unequal all around the world by the end of the 18th century (ibid:6).

The modern epoch of land redistribution originated in Prussia and with the French Revolution. Although implemented slowly and characterised by hiccups, these reforms are said to have led to redistribution of land to the actual tillers (id.). The final land redistribution program in Europe was completed in Italy following World War II, while the Mexican, Russian and Chinese revolutions mark the most significant countrywide land redistributions outside Europe.

Following the Cold War, many governments reintroduced land redistributions as an attempt to bridge persistent inequalities regarding access to land (id.). A major difference between past and current land redistribution attempts is that in the past governments were inimical to land redistribution. This resulted in redistributions being extra-legal exercises or following significant political changes. Such redistributions invariably maintained after wars or revolutions. Most of today's egalitarian governments tend to be less hostile to land redistribution, and are therefore exploring ways to redistribute land at scale, peacefully and lawfully (ibid:7).

Due to the reality that land is a non-expanding resource, and that agriculture is potentially an important source of income for many people, societies often maintain a strong feeling regarding ownership and use of land. When it comes to land, communities tend to feel that it should be equitably distributed to cover the majority of people. The fact that unresolved land redistribution frequently leads to violence, civil unrest, or even war demonstrates how seriously society considers the issue of land ownership. In approximately the past six decades, countries such as Algeria, Brazil, Colombia, El Salvador, Guatemala, Honduras, the Philippines and many others have been beleaguered by land-related conflicts. In Africa, the establishment of the settler colonies in Kenya, Namibia, South Africa, and Zimbabwe was accompanied by fierce resistance from the indigenous populations with the result that tensions and conflicts continue to date. White settlers occupied the best pieces of land, while turning the indigenous black peasants into tenants or wage labourers, or simply expelling them (ibid:7-8; Mafeje, 1986:108-109).

1.3 Legal and Policy Framework Context

The role of the state is vital in land redistribution (Barraclough, 1999:1). The state comprises the institutionalized political organization of society, which enunciates and implements public policy while adjudicating conflicts. In theory, the state has monopoly over legitimate use of coercive force within its jurisdiction, together with the obligation to enable provision of public goods such as land for all its citizens. Land redistribution without participation of the state is a contradiction of terms (id.). Out of the foregoing, important questions arise: how does the state participate, and to what purpose? To whose advantage or detriment does the state become involved? What roles should other social actors fulfil? These are some of

the crucial questions which faced the novice democratic South African government from democracy's eve to the present.

In the early 1990s the South African society was deeply divided and marked by appalling poverty covering the majority of its people; high levels of inequity in relation to race, gender and class; social disorder; pervasive violence and severe political tensions (Diagnostic Report on Land Reform in South Africa, 2016:3). On democracy's eve, it was broadly conceded that one key legacy of the past was the massively unequal distribution of land that resulted from three and a half centuries of deprivation (id.). Therefore land reform was recognized as a key program to be adopted by the incoming democratic government.

Soon following the first democratic election of 1994, an ambitious policy of land reform began to be piloted. This comprised a land redistribution program, aimed at broadening access to land among the country's black majority. The South African constitution, with its emphasis on socio-economic rights (Bill of Rights), obliges the state to redress the inequalities of the past. Section 25 of the constitution is frequently quoted whenever land issues are discussed. While affirming rights of existing property owners, provision is also made for reparation of victims of racially-based land dispossessions. Land redistribution in particular derives from section 25 (5) which states that "the state must take reasonable legislative, and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis" (SA Parliament Committee Brief, 2014:6; The Historical Development of the South African Land Issue, 2013:13; Kloppers and Pienaar, 2014:677).

The Abolition of Racially Based Land Measures Act 108 of 1991 was promulgated to repeal a series of colonial and apartheid laws that ensured non-ownership of land by black South Africans (Kloppers and Pienaar, 2014). For the first time in 80 years black South Africans were allowed to own land. In 1994, the Reconstruction and Development Program (RDP) was gazetted as an overarching socio-economic framework meant to redress the ills of apartheid. The program identified various aspects that needed to be dealt with in order to address poverty and extreme deprivation. These included land redistribution and housing, as well as safe water and sanitation. According to the RDP, land represented the most basic need. To address inequalities and landlessness, the RDP highlighted a need to establish a national land reform program. The provisions of the RDP were later echoed in the 1997 White Paper on Land Policy (Kloppers and Pienaar, 2014:692-693).

1.4 Institutional Context

Following South Africa's unprecedented democratic election of 1994, the new Department of Land Affairs (DLA) was established. It was created through a series of restructuring processes involving the bureaucracy existing at that time. The initial staff was drawn from a number of different tributaries of the old government (Adams, 2000:4). The DLA has changed over the past years, first to the Department of Rural Development and Land Reform (DRDLR) in 2009, and to Department of Agriculture, Land Reform and Rural Development (DALRRD) in 2019.

1.5 Socio-economic Context

It is widely accepted that the historical dispossessions and segregation in SA contributed to a serious denigration of human rights and dignity while resulting in severe inequalities, and differentiation of social strata within the country (Thwala, 2001:6). Apart from redressing past injustices, there is potential in land redistribution in SA to contribute to employment creation and rural incomes, although this potential has not yet been realized (Van den Brink, Thomas and Binswanger-Mkhize, 2009:201 in Binswanger-Mkhize, Bourguignon and van den Brink. eds.).

The alarming statistics in rural incomes and agricultural employment in SA since the 1994 political transition revealed that 46 per cent of South Africa's population of 40.6 million people lived in rural areas in 1996 which are the areas where 70 per cent of the country's poor people lived. Despite the drastic political, economic, and social reforms that had taken place, rural areas seemed to have benefited less than urban areas from policy changes introduced after 1994. Examination of changes in household expenditure, poverty, and inequality between 1995 and 2000, revealed slow consumption growth (less than 1 per cent per capita annually); no change in the overall poverty headcount; and increases in the poverty gap, severity of poverty and overall inequality (ibid:202). However, this statistics did not explicitly depict and relate poverty to land ownership.

African constructions of social identity and organisation of spiritual life and culture bare a strong connection to land (id.). For many, land represents an asset of enormous multiple value. It is a source and element of wealth, and a significant natural resource enabling production and reproduction for economic growth (id.).

In democratic SA, land redistribution represents many things (Diagnostic Report on Land Reform in South Africa, 2016:9). It is viewed as therapy for historical wounds, a bridge to societal and gender-based inequality, and an essential capital asset for multiple interventions geared towards reduction of rural poverty. Upon land redistribution, many hopes of South Africans are premised – making it a highly emotive issue (id.). In this context, land redistribution seems to have always been a priority objective of the liberation struggle and the democratic government. The African National Congress (ANC) government committed to land redistribution to redress injustices of the past, and for agrarian transformation. However, progress in land redistribution has been very slow (id.; SA Government, Towards a 25 Year Review, 2019:255; Kloppers and Pienaar, 2014:696; Presidential Advisory Panel on Land Reform and Agriculture, 2019:33). A reality is that the targeted land reform has not to date been realized (Presidential Advisory Panel on Land Reform and Agriculture, 2019:33) and some argue that the mandate has shifted (Diagnostic Report on Land Reform in South Africa, 2016:9; Kepe and Hall, 2018:1).

1.6 Political Context

With the transition to democracy, high expectations were placed on the state to effect a necessary property rights transformation that would address the history of dispossession and provide a foundation for social and economic development of rural SA (Lahif, 2003:36). The all-inclusive property relations reform was enshrined in the Constitution, within a liberal democratic structure that upholds the rights of all property holders (id.). Nonetheless, a decade *and even quarter century into democracy* (my emphasis in italics), landlessness and tenure insecurity remain looming (id.). In line with its neo-liberal macroeconomic policy, the

approach of the ANC-led government to land redistribution has been based on free market mechanisms, stringent public spending and minimal state intervention in the economy (id.).

There is a narrative that corruption has burgeoned since 1994, with the ANC transforming into an instrument of a corrupt few instead of a vehicle for improving the lives of all South Africans (Southall, 2018:30). This has led to a widely accepted assumption that the so called state capture as a post-apartheid occurrence (id.). There has been an argument that state capture provided cover for and served the interests of the white monopoly capital meant to frustrate efforts by the ANC and its business allies to transform the country's inhumane wealth distribution (id.). On the other hand there is argument that state capture existed even during the apartheid era (id.). However, most interesting would be the investigation on whether the ANC was infiltrated, captured and subverted in the process towards democracy, for if this has been the case, addressing inequality and past iniquity through land redistribution was always going to be difficult as this could have affected framing of the constitution and subsidiary institutions as McKenzie alludes to in a video (doi. v=vvndJm3K3_0&t=176s).

Interesting as the narrative around ANC politics and state capture may be, that necessitates a separate empirical study, and may not be dealt with here, notwithstanding that state capture might have also contributed to the sluggish land redistribution outcome. For the purposes of focus this study deals with the institutional review of the Department responsible for land redistribution. The politics of land reform including redistribution are dealt with by Levin and Weiner (2008).

1.7 Rationale

There are inadequacies in institutional arrangements for land and agrarian reform in SA (Presidential Advisory Panel on Land Reform and Agriculture Report, 2019:63-64). The report recommends rationalization of these arrangements by relocating the responsibility for rural development from the then DRDLR (ibid:92). There has not been any serious study focussed on the Department responsible for land redistribution in SA in an attempt to interpret the present manifestation and outcome of the reform program with reference to redistribution mechanisms and their implementation. The international context on redistributive land reform in countries such as Brazil, Philippines, Zimbabwe, Honduras, Guatemala, India, Bangladesh, Indonesia and East Timor, specifies the need to specifically focus and mobilise the rural poor and landless. This need calls for policy adequacy and institutional reforms (SA Government, Towards a 25 Year Review, 2019:255).

This study reviews the evolution of the DLA from 1999 to 2015, by analysing the various phases of land redistribution, and the institutional mechanisms that were enforced to implement the program. It was felt that a chronological assessment of the land redistribution component of the Department is necessary to bring forth any shortfalls that may have hampered delivery of targeted land redistribution. The time period was strategically chosen to cover the Mbeki and Zuma presidencies. Although the period of the government of national unity and the period after 2015 are not covered in detail for reasons of focus, the study covers some developments in these periods.

1.8 Research Questions

Based on the foregoing narrative, the following question and sub-questions are investigated in the study:

What are the institutional factors and implementation mechanisms that have resulted in present day land redistribution outcome in SA?

- How did the DLA institutional mandate of land redistribution change from 1999 to 2015?
- What are the various phases of land redistribution, and the institutional mechanisms that were enforced to implement the program?
- What institutional challenges acted as impediments towards delivery of land redistribution from 1999 to 2015?
- Is the land redistribution outcome seen today linked to institutional performance?
- What approach may be recommended towards sustainable land redistribution in SA?

1.9 Explanation of Research Questions

The overarching (main) research question seeks to investigate institutional factors that may have presented impediments towards land redistribution in SA. Specifically focusing on the Settlement Land Acquisition Grant (SLAG), Land Redistribution for Agricultural Development (LRAD), and the Proactive Land Acquisition Strategy (PLAS) and their implementation modalities, the study aims to draw conclusions on the performance of the DLA/DRDLR with regard to land redistribution.

The first sub-question tracks shifts in the land redistribution focus of the DLA, and how these changes may have influenced the land redistribution outcome. The second sub-question requires that the actual phases of land redistribution pertaining to strategies mentioned in the overarching research question be traced. By tracking institutional changes and strategies that were used in land redistribution, reasons for the present land redistribution outcome emerge. Then a conclusion is reached regarding the fitness of the Department charged with land redistribution in executing the redistribution mandate. Unfortunately, an in-depth investigation through interviews with the past and present officials of the Department and other stakeholders in order to bring to the fore some issues that may not be found in documents was not possible due to the desk-top nature of the study imposed by COVID-19 restrictions (see section 2.11).

1.10 Aim

The aim of the study is to reveal how SA has ended up with the land redistribution outcome that can be observed today through an institutional lens.

1.10.1 Objectives

- To investigate the change in the DLA institutional mandate of land redistribution from 1999 to 2015;
- To investigate the various phases of land redistribution, and the institutional mechanisms that were enforced to implement the program;

- To identify challenges associated with mechanisms of implementing land redistribution in the period under study;
- To relate institutional performance with the land redistribution outcome; and
- To investigate an approach that may be recommended towards sustainable land redistribution in SA.

1.10.2 Significance of the Study

The importance of land redistribution in SA can never be overemphasised. The 25 years' experience of slow land redistribution has revealed that reconciliation efforts in an environment pervaded by inequality, poverty and unemployment may hardly bear fruits (Presidential Advisory Panel Report on Land Reform and Agriculture, 2019:v). The Panel recommended clarity of vision and outcomes and a future where land ownership must approximate the demographics of the country while critically being informed by coherent, co-ordinated good governance, and capable and well-resourced institutions supported by skilled and capable officials who are focused and determined to implement policies for the benefit of the people (id.). Therefore this study is an important contribution towards resolving the challenge of land redistribution in SA by elucidating impediments to land redistribution and what needs to happen in order to resolve them.

1.11 Outline of the Study

The study comprises six (6) chapters. Chapter 1 is an introduction which gives contextual background, rationale, research questions, the aim of the study and objectives including the

significance of the study. The next chapter (chapter 2), situates the study within paradigms of social sciences and gives detailed methods on how the study was conducted. Chapter 2 finally presents limitations of the study and ethical issues.

In chapter 3, a critical scholarship review is presented. The main focus of the study and institutional and organizational conceptual framework are also addressed. Chapter 4 covers data presentation based on the three redistribution strategies discussed in section 1.8. An overall redistribution outcome and challenges to the land redistribution program are presented. Chapter 5 covers analysis and discussion of the data presented in chapter 4 using an institutional lens. Finally, chapter 6 presents conclusions, contribution of this study, further research questions and recent developments towards land redistribution in SA.

2. METHODOLOGY

This chapter commences with a brief contextual background. It then situates the study within the relevant research designs in the field of Social Sciences research while explaining why these designs are relevant to the study. The methods of data collection and analysis are discussed. Finally, ethics and limitations to the study are addressed while also paying attention to reflexivity.

2.1 Context

In SA, the current constitutionally endorsed land redistribution program came as a result of regime change from apartheid to democracy in 1994. Nonetheless, the history of the problem goes beyond democracy's eve since landlessness was central to the freedom struggle as indicated in the Freedom Charter (see Freedom Charter, 1955). Promulgation of new laws under the democratic government necessitated repeal of four major apartheid discriminatory land laws: the Natives Land Act 27 of 1913; the Native Trust and Land Act 18 of 1936; the Group Areas Act 41 of 1950; and the Group Areas Act 36 of 1966 (Kloppers and Pienaar, 2014:680-686, Katcher, 2018). The acts were rescinded in order to attain a more equal distribution of land ownership.

SA's land redistribution program is meant to provide the landless with residential and agricultural land in order to address inequalities (Kloppers and Pienaar, 2014:690; Links, 2011:33; Diagnostic Report on Land Reform in South Africa, 2016:3). For purposes of time, manageability and COVID-19 restrictions, this study primarily focuses on investigating how

SA has ended up with the land redistribution outcome that is observable today. To achieve the objective of the study, an institutional lens is applied with focus on SLAG, LRAD and PLAS. Through assessment of these policies, performance of the DLA/DRDLR with respect to land redistribution from 1999 to 2015 is tracked.

Several studies on land reform in SA focus on evaluation of the success of the program (Links, 2011; Diagnostic Report on Land Reform in South Africa, 2016; Presidential Advisory Panel on Land Reform and Agriculture, 2019), institutional arrangements (Kloppers and Pienaar, 2014), theories of land reform and their impact on the program (Hull, Babalola and Whittal, 2019; Obeng-Odoom, 2011). The MA thesis by Links evaluating delivery of land reform from 1994 to 2010 in SA is closely related to the current study. The May 2010 report by the Commission for Gender Equality gives a gendered analysis of land reform policy by reviewing the DRDLR and the Department of Agriculture, Forestry and Fisheries (DAFF). Although the study applies a gender lens, some of the indicators in that study are applicable here.

2.2 Study Design

The main theoretical perspective in which this study is situated is the interpretive or constructivism in organizational and institutional studies (Corbetta, 2003:9; see also O'Leary, 2017). Constructivism and relativism define multiple realities (Corbetta, 2003:24). The centrality of the cultural cognitive element of institutions states the shared conceptions that constitute the nature of social reality and create frames through which meanings are made (Scott, 2013:67). All human activity is subject to habitualization (Berger and Luckmann, 1966:70). Any frequently repeated action is created into an effective and efficient

reproducible pattern. The action in question may be similarly repeated in the future with similar economic effort. The foregoing holds true for both social and non-social activities (ibid:70-71).

Hence, the knowable world is dependent on the meanings attributed by individuals. The constructivist position virtually excludes the existence of an objective world. It posits that knowable reality does not exist outside individual constructions (Corbetta, 2003:24). Perhaps it may be important to note at this juncture, that the individuations through organism and culture result in individuals occupying a different position in space and time. Hence, it is difficult for two individuals to completely see eye to eye.

The meanings or mental constructions assigned to reality vary amongst individuals; and even when they are shared by individuals within a group, they vary among cultures. Therefore, universal social reality validity for all persons is illusionary. There are various realities due to the fact that people perceive and interpret social facts from various perspectives (id.). It is based on the foregoing arguments that this study is situated in the interpretive paradigm since the implementation and outcome of land redistribution in post-apartheid SA may be viewed from different angles.

2.3 Qualitative Approach

Although this study presents numeric data to illustrate the redistribution outcome, it is highly reliant on qualitative data (words, images, experiences and observations that are not

quantified) (O'Leary, 2017). The qualitative tradition therefore calls on inductive as well as deductive logic; appreciates subjectivities; accepts multiple perspectives and realities; recognizes the influence of research over both the researcher and the researched. It also strongly emphasizes the value of depth over quantity and works at delving into social intricacies for true exploration and understanding of interactions, processes, lived experiences and belief systems that are a part of individuals, institutions and cultural groups (O'Leary, 2017). In this regard this study falls within the qualitative design tradition.

Exploring qualitative methodologies denotes working in a world that accepts and even values the search for all-inclusive meaning, research conducted in natural settings, emergent methodological designs, small numbers, non-random sampling strategies, rich qualitative data, inductive analysis, idiographic interpretation and even the possibility of negotiated results that recognize the need for the researched to be party to a researcher's constructed meanings (O'Leary, 2017). The goal is to gain an intimate understanding of people, places, cultures and situations through rich engagement and even immersion in the reality being studied (id. See also Merriam and Grenier, 2019).

Qualitative research is a methodology aimed at collecting interpretations given by organizational actors to characteristics and events of organizational life, emphasizing the nuances that emanate from them (Strati, 2000). Qualitative research often requires the combined use of participant observation, in-depth interviews and information from archival materials. The sole use of interviews is occasional, with the use of observation alone being rare (id.). Given the prevailing COVID-19 pandemic with ever increasing statistics, this study was confined to the use of documents such as strategic plans, annual reports, audit

reports, departmental minutes, and secondary data from similar studies, reports made to South African Parliament, and departmental archives obtained through the internet.

2.4 Case Study

From the research question, the research is a case study focussing on how institutional evolution and implementation mechanisms of the Department charged with land redistribution responsibilities in SA have affected the redistribution outcome spanning 16 years. Case study research focuses on various aspects of a single organizational context, or on a smaller number of organizational settings such as a department, a whole organization or an inter-organizational network (Strati, 2000).

Case study research is the study of elements of the social through comprehensive description and analysis of a single situation or case (O'Leary, 2017). In this study the DLA/DRDLR is studied through its land redistribution mechanisms. The research focuses on how the institutional mandate of the DLA has changed with regard to land redistribution from 1999 to 2015. The capacity in human resources, fiscal and other necessary resources is tracked in the period under study, linking these with the capacity to deliver land redistribution. The case has aspects of quantitative data as far as quantities of redistributed land and number of beneficiaries and projects are concerned, while relying largely on qualitative data as explained above.

2.5 Evaluative Research

Evaluative studies essentially try to determine whether an intervention should be continued in its present form, modified, expanded or discontinued. They do this by asking two types of questions (O'Leary, 2017). The first is related to outcomes, asking whether a particular initiative met its objectives, while the second is related to process, asking how successful a particular initiative's implementation has been including how it might be improved (id.).

The need for evaluative research is ever increasing since a well-conducted evaluation is considered a key strategy for supplying decision-makers with needed data for rational, informed, evidence-based decision-making. It is true that proposals for change intervention increasingly require evaluative components so that assessment is embedded into the management of change from conception (O'Leary, 2017). The current study is evaluative in that it seeks to establish what institutionally went wrong regarding land redistribution implementation in order to inform sustainable redistributive change.

Rather than be defined by any particular methods, an evaluative study is distinguished by its evaluative goals. It is these goals that dictate the type of approach to be taken in the study. In summative evaluation, the main goal is to find out if an intervention worked, put simply, whether it met its objectives. Evaluations can be done either from the provider's perspective (DLA in this case) or service receiver's perspective (beneficiaries of land redistribution).

When designing methods, there are two common ways to find out if providers believe an initiative is a success. The first is to ask through interviews and focus groups allowing one to talk to those responsible for design, delivery and implementation, as well as those with a higher level of organizational responsibility. The second method is to look at documentary evidence. The latter is particularly relevant for questions that focus on cost-effectiveness, or anywhere that evidence of success or failure is likely to be in records (id.).

2.6 Access to the field:

A necessary feature to be built into an empirical research design is the period of time which may elapse while negotiating access to organizational context (Strati, 2000). This is a difficult but important phase because it may even result with a substantial change to the research design (id.). Due to COVID-19 there was no need to negotiate access to field in this study. Nonetheless, I took an initiative to contact relevant offices of the Department in Pretoria. I was sent from office to another, but finally I was not able to talk to any land redistribution official.

2.7 Data collection:

The use of institutional documents was central to this study (see Corbetta 2003: 296). Documents used consist mostly of published and unpublished texts, bureaucratic documents, and YouTube videos. Departmental annual reports, minutes of meetings, audit reports, documentaries, evaluation studies, past thesis, reports to parliament and television interviews were important sources of data. The internet was a primary tool used to search and download some of the reports, publications and documentaries.

"The most obvious advantages of using documents for purposes of social research can be summarized under three headings: (a) non-reactivity; (b) the possibility of diachronic analysis; and (c) lower costs" (Corbetta, 2003). The use of documents does not include the cost of producing the information as applicable in the case of an interview, in that the material has already been produced. Since institutions/organizations produce many documents, which when accessible are often found in specific locations, the additional cost of recording each single document is reduced, which means that various samples can be constructed at low cost (see also O'Leary, 2019). However, the decision to use documents in this study rather came as an imperative due to the COVID-19 restrictions and lockdowns that did not only have a bearing on how data was collected, but also caused serious time delays. Otherwise interviews could have been used backed by document analysis as triangulation to ensure accuracy and richness of the data (see Bowen, 2009:28).

Most of the time answers to research questions are held in documents, perhaps letters, journals, policy documents and reports (Bowen, 2009:27). The method used for analysing such documents is properly named document analysis. Nevertheless, researchers might also be interested in forms of communication such as videos, TV shows, radio broadcasts, even websites. Under such circumstances, rather than refer to these as documents, a slightly more generic term 'texts' is used and researchers engage in textual analysis (O'Leary, 2019). However, the logic for both these approaches is quite similar. They both entail exploring various forms of texts as a source of research data such as it was done in the current study (id.).

Almost every paper that every organization, government agency, NGO, researcher, etc. produces can be found online (O'Leary, 2019). However, in some countries like SA there are serious problems with developing and maintaining online archives (Archival Platform 2014:4). Digital photographs, records, databases and government (depending on the efficiency of government to post and maintain websites) files are generally readily available. Besides accumulating the vast sum of all human knowledge, the internet is also an archive in and of itself. The internet is also more than a library; it is also a valuable source of data. Primary data collection is such an entrenched part of research processes that is sometimes forgotten that the data sought may have already been collected (id.).

2.8 Document/Textual Analysis

As a research method, document analysis is particularly applied to qualitative case studies (intensive studies producing rich descriptions of a single phenomenon, event, organisation or program) (Bowen, 2009:29). Once the credibility of texts was located, acquired and assessed, data was extracted while paying close attention to research questions. The first step was to develop a data collection and analysis framework that is presented as Annex 1. For every document questions about the text were asked related to the author/creator, audience, circumstances of production, type, whether it was a typical or exceptional example, the style, tone, agenda, political purpose, whether it contained facts, opinions or both; basically any background information related to the document (see O'Leary, 2019).

The next step involved exploration of the content within the documents by using an 'interview technique' asking the questions in Annex 1. In interviewing the documents, in a

sense, each document was treated as a respondent who could provide information relevant to the inquiry. The questions asked were dependent on the nature of the main research questions and on document type. As with an interview, what needed to be known was predetermined, and whether the document under consideration could provide the answers. Each question was asked, and the passages in the document that provided the answer (or approximate answer) were highlighted. Organizing responses was done by using a colour-coded highlighting system as well as extracting the passages into the Microsoft Excel template in Annex 1.

Content analysis is the process of organising information into categories related to the central questions of the research (see Bowen, 2009:32). Content analysis is a widely used technique in qualitative research. Current applications of content analysis display three different approaches: conventional, directed, or summative. All three approaches are used to interpret meaning from the content of text data (Hsieh and Shannon, 2005:1). Coding schemes provide the major differences among the approaches (id.). In conventional content analysis, coding categories are directly derived from the text data, while summative content analysis involves counting and comparisons of keywords or content, followed by the interpretation of the underlying context (id.). A combination of content and summative analysis was followed in the current study.

2.9 Sampling

The process of data collection is intricately related to sampling and is best viewed as complementary to it (Lopez and Whitehead, 2013:127). Since sampling in qualitative

research is non-probability sampling, only specific document population was selected to specifically investigate specific topics in land redistribution. Of the four main types of non-probability sampling often used in qualitative research, purposive sampling and snowball sampling were found relevant in this study.

Purposive sampling was used because participants (documents in this case) were recruited according to pre-selected criteria relevant to research questions. Sometimes referred to as 'judgment sampling', purposive sampling is designed to provide information-rich cases for an in-depth study (Lopez and Whitehead, 2013:125). This is because participants are those who have the required status or experience, or are known to possess special knowledge to provide the required information (id.). In this study documents were selected on the basis that they provided the required information, and that they were relevant to the period covered by the research.

Also known as 'chain referral' or 'networking' sampling, snowball sampling is used for gathering information from one or a few participants and then relying on them to get in touch with others who may be friends, relatives, colleagues or other significant contacts (id.). However, in the case of document analysis, the technique was used to gather other related documents using the reference list.

2.10 Data Analysis

Thematic analysis is a form of pattern recognition within the data, with emerging themes becoming the categories for analysis. The process involves a careful and more focused re-reading and reviews of the data (Bowen, 2009:32; Mouton, 2001:108).

Data analysis started with sorting all the materials by topic into different folders. Following data presentation, careful reading over the data presentation and literature review chapters was done with iterative rearrangements where necessary. The next stage of analysis was to undertake a line-by-line examination of the data presented. Using the insert comment tab in Microsoft Word, categories were created as comments. Then the various comments were grouped into themes. The idea was to reduce data and sort it into various themes. The frequency of quotes was also noted. A separate copy of the results chapter was made for the purposes of highlighting and coding. You Tube videos were replayed to extract relevant notes. Finally, the themes were further grouped under major topics while keeping in mind their relevance to the research question and institutional lens. Irrelevant material was discarded (see O'Leary, 2019 on Qualitative data analysis). A write up was produced with reference to both the research questions and the institutional theoretical framework.

2.11 Limitations of the Study

Document analysis is not always advantageous. A number of limitations inherent in documents include:

- Insufficient detail:

Since documents are produced for some purpose other than research, they are not created with a specific research agenda. As a result documents may not provide sufficient detail to answer a research question.

- Low retrievability:

Documentation is sometimes difficult to retrieve. Access to documents may be deliberately blocked.

- Biased selectivity:

An incomplete collection of documents suggests biased selectivity. In an organisational context, the available documents may be aligned with or biased towards corporate policies and procedures and conform to the agenda of the organisation's principals. They may also reflect the emphasis of the particular organisational unit that handles record-keeping. However, these are potential flaws rather than major disadvantages. Given its efficiency and cost-effectiveness, document analysis still presents advantages that outweigh the limitations (see Corbetta, 2003; and Bowen, 2009:31-32).

Further limitations were imposed by the COVID-19 restrictions which restricted movement and had a bearing on time due to closure of services such as printing. Further, restrictions due to the pandemic meant that interviews with relevant individuals (for example staff from the Department, previous Ministers, a selection of beneficiaries and other stakeholders) could not be undertaken in order to corroborate the documentary evidence.

The undertaking of interviews could contribute to the present data by revealing information such as staff procurement procedures that were followed by the Department; adequacies or shortages of staff including their level of qualifications; absenteeism rates and control measures; and resource allocations including execution modalities. Non-verbal behaviour that is often observed in interviews could yield thicker descriptions and interpretations compared to the sole use of verbal data (or documents in this case) (Denham and Onwuegbuzie, 2013:1). To validate the findings, the study has used various texts including video clips from You Tube.

2.12 Reflexivity:

The researcher was previously trained in natural sciences and labour law. This might have an effect towards reasoning and analysis. Further, the researcher's over ten years' experience working in environmental projects – particularly in natural resources management may also have an influence as land is an important component of natural resource management. Hence, the analysis, conclusions and recommendations might have traces of arguments imported from natural resource management.

2.13 Ethics:

There were no serious ethics issues in this study due to the absence of participants. The only ethical issues could concern the fairness in criticizing other scholarly writings during scholarship review which sometimes easily results in vituperative polemics. However, no such instances arise in the document since the author is not a perfervid of invective.

3. LITERATURE REVIEW

3.1 General Overview

In spite of efforts to liberalize political space, the struggle for land and natural resources remains at the helm of factors influencing instability in Africa (Framework and guidelines on Land Policy in Africa, 2010:7). In the former settler colonies such as Kenya, Zimbabwe and South Africa, vacillation regarding resolution of historical claims arising from colonial expropriations compounded by unequal redistribution of land subsequent to independence, remains a principal source of conflict (id.). In SA, it may be a contributing factor behind the heinous and prevalent farm crimes exemplified in the Senekal (in the Free State) event that made headlines in October 2020 (Times live, https://www.timeslive.co.za/news/south-africa/2021-02-18-fewer-farm-attacks-but-more-murders-on-sas-farms-in-2020/; doi.v=LRqlPDdFxR0).

Hence, apart from redressing historical injustices and attainment of social equity, land policy development and redistribution must deal with conflict prevention and restoration of peace and security (Framework and guidelines on Land Policy in Africa, 2010:7). There have been several attempts to remedy the inequities in land ownership and management in post-apartheid SA (Obeng-Odoom, 2012:165) albeit with very slow pace (Links, 2011:51,85,92; Sibanda, 2001:5; Lahiff, 2009:195 in Binswanger-Mkhize, Bourguignon and van den Brink. eds.).

3.2 Area of Focus and Other Studies

This study is based on historical evaluation of the Department charged with land redistribution in SA from 1999 to 2015, focusing on major institutional arrangements for redistribution. There are several mechanisms which were used for land redistribution. Attention and emphasis here is put on SLAG, LRAD and PLAS (as discussed in section 1.9), and other associated institutional mechanisms that were set in each of the various changing phases of the program over the period.

Since any state delivers public goods through institutions, the delivery of land redistribution is embedded in the department charged with land redistribution and its policies. If land is considered a public good, then the definition by Oliver de Sardan (2014:400) is herein adopted: Public or collective goods and services are those that are perceived by the majority of citizens/users as a social necessity provided by the state towards the users. Such goods are matters of public concern and debate, and may range from but not be limited to drinking water, health, education and land; and may vary temporally and spatially (id).

In order to produce a body of knowledge in relation to state delivery of public goods and services, it is imperative to study the forms of bureaucracy associated with the delivery (ibid:402). Since states deliver services through bureaucracies, ethnographic inquiries on bureaucracies imply investigations on how bureaucracies manage service delivery as well as how the bureaucracies themselves are managed (id.). The analysis of management can perfectly be joined with that of power relationships, and the same can be said about public policies (formal rules). Lack of proper planning, contradictions and inconsistencies of public

policies are common in Africa with a distinctive form (ibid:403). These short-comings also characterize the DLA division of land redistribution in SA (see Presidential Advisory Panel on Land Reform and Agriculture, 2019). However, in this study the forms of bureaucracy are not studied due to time limits and the COVID-19 imposed restrictions.

Evidence-based inquiries into both public policies and bureaucracies are not only interesting, but they permit looking at the decisions of those who promote and are responsible for those policies; the ways in which such policies are implemented on the ground and relations with clients; while also looking at the daily functioning of civil service (id.). By reviewing redistributive mechanisms applying an institutional lens through document analysis, it is possible to link the DLA to the success and failure of its programs and asses the Department's fitness for purpose.

In investigating the historical institutional factors that have resulted in present day outcomes of land redistribution with reference to the Department charged with the responsibility in SA, Anseeuw and Mathebula (2008) evaluate SA's land redistribution and restitution in the Mole-mole municipality in the Limpopo Province. Their study is based on a broad empirical survey with the objective to have a closer look at restitution and redistribution projects, to understand their effective implementation in the field, from the initial application phase to the final configuration of the project, in order to identify lacks, threats and problems affecting the projects. Their evaluation differs from the current study in that it only focuses on the SLAG and LRAD policies through a development lens. They also focus at the project level instead of the actual evaluation of the Department.

In an MA thesis submitted to Stellenbosch University in 2011, Links evaluates the delivery of land reform programs of SA. Her study investigates the extent to which land reform has achieved its intended output, through quantitative and qualitative evaluation research. It is focused on measuring the output of the total land reform program. Her study is merely descriptive regarding delivery of the total land reform program.

Considered herein is also a paper by Hall (2007), wherein she reviews progress and challenges in all three components of SA's land reform program and critically assesses these against policy frameworks and targets. Her review presents a combination of quantitative and qualitative data, depicting policy developments and trends in land delivery. She uses the review as an empirical basis to advance three interrelated arguments about the challenges of doing land reform in SA, arguing that there is a need for a paradigmatic shift in approach. Firstly, she advances that the willing buyer willing seller (WBWS) model has inherent limitations. Secondly, she refers to the problem of post-settlement support and underutilization of redistributed land. Finally, she addresses budget limitations which were a core limit in achievement of redistribution. Nonetheless, she does not delve into how the proposed paradigmatic shift should happen. However, herein the researcher proposes a way forward towards sustainable land redistribution in SA by answering the last sub question of the study.

Temporal policy changes related to changing institutional arrangements, including creation of two separate ministries responsible for land and agriculture, and relationships with other entities comprising the Land Bank, private consultants and service providers were outlined by Kepe and Hall (2016:13). They further noted changes in the objectives of various land

redistribution policies, targeted groups, modalities and implementation mechanisms. Finally, they examined delivery progress on a national scale, while breaking it down by province, year, and sub-program where possible. The issues pertaining to stakeholder engagement and a change in redistribution mandate are discussed in detail in chapter 5 with reference to their effect on land redistribution.

The current study historically evaluates the DLA redistribution program, by assessing major redistribution mechanisms that were used by the Department responsible for land redistribution in the period under study. Although it is a qualitative evaluation study, unlike the aforementioned investigations, it uses documents as forms of data. It spans a longer time period and solely focuses on three major redistributive strategies through an institutional lens in the changing phases of the program. Across these various strategies, the contention around market based redistribution, institutional capacity, budgetary limitations, and support regimes to actualize an integrated land redistributive program are investigated with the view to assess effectiveness of the Department to deliver on redistribution (see chapter 5).

Preceding the 1994 elections, the ANC specified a land reform program that was to redress the injustices of forced removals and the historical denial of access to land in the RDP (Sibanda, 2001:2; Kloppers and Pienaar, 2014:677-678). The program was aimed at ensuring tenure security for rural dwellers, eliminating overcrowding and supplying residential and productive land to the poorest rural population. The 1996 South African Constitution and the 1997 White Paper on Land Policy prescribe a three legged land reform program comprising land restitution, land tenure reform and land redistribution. The focus of this investigation is only on delivery of the latter.

3.3 Institutional Theoretical Perspective

Institutions in the social sciences are conceptualised through various ways (Lane and Erson, 2000:3). Institutions are essential, ubiquitous components of social life due to their action coordination, conflict limitation and resolution thereby regulating economic and political transactions including social interaction (Offe, 2001:447). Institutions aid in resolution of fundamental challenges of social life such as, but not limited to collective action problems, and other nightmares comprising what Hobbes classically refers to as the law of the jungle (id.). The order-enhancing function of institutions is attained by provision of shared cognitive and normative orientations to participants (id.; Thelen, 1999:386). From the foregoing, it becomes apparent that sustainable land redistribution in SA can only be achieved through effective institutions and bureaucracies since public services are delivered though bureaucratic institutions. The question is whether the DLA and its redistributive mechanisms meet these efficiency and effectiveness criteria.

Since Weber, many sociologists had witnessed the bureaucratic structures that dominate the modern landscape, in government departments, firms, schools, and even churches, as a result of an intensive action to continuously create effective and efficient structures for performing tasks associated with demands of modern society (Hall and Taylor, 1996:946). The bureaucratic organization is based on the hierarchy principle, where each lower office is controlled and supervised by a higher one (Weber, 1978:218). In terms of the DLA, the pinnacle of the bureaucracy would be the ministerial office. This immediately presents devolution challenges in terms of what decisions were to be taken nationally, provincially and locally. For example, if redistributive decisions were chiefly a national prerogative, land

redistribution would be sluggish given the huge size of the bureaucracy from local to national.

Based on Weber's assertion, the bureaucratic arrangement for effective land redistribution in SA should follow national, provincial and local institutional arrangements. Weber further posits that for a legal-rational bureaucracy to fully function, specialised training is imperative. Therefore he argues that it is normally true that only an individual officer who has shown adequate technical training qualifies to occupy administrative membership of such an organized group. It is in line with Weber's arguments that the DLA as an organization would be expected to function through trained personnel in order to competently deliver on land redistribution. However, given the disparities in geography, ethnicity, politics and resource distribution in the various South African provinces, homogenization of bureaucratic procedures might prove to be a serious challenge.

3.4 Defining Institutions

Political scientists within the rational choice/game-theoretic fraternity perceive institutions as temporarily fixed tastes, frameworks of rules, procedures, and arrangements or prescriptions about which actions are required, prohibited, or permitted (DiMaggio and Powell, 1991:8). The economic history branch of the new institutional economics argues that institutions are regularities in repetitive interactions, customs and rules that provide a set of incentives and disincentives for individual actors. Organization economics conceives of institutions as governance structures, social arrangements meant to minimize transaction costs (id.). In the

present case, the latter definition referring to institutions as governance structures applies since land governance is being dealt with.

From international relations literature, the distinction from the line of research in international relations and rational-choice is its specifically normative element. In this regard institutions are defined as recognized practices comprising easily identifiable roles (id.). The origin of any institutional order resides in the typification of one's own and others' performances (Berger and Luckmann, 1966:89-92). This implies that an actor shares with others specific goals and intertwining phases of performance. Since all institutionalized conduct involves roles, roles share in the monitoring character of institutionalization. Going back to bureaucracy, not only should specific individuals perform specific roles in specific offices, but they should be well equipped both in knowledge and resources in order to represent the desired institutional order. In the case of the DLA, this order would be synonymous with timely delivery of land redistribution.

Moving from the new institutionalism in economics and public choice to the new institutionalism in regime theory, the definition of institutions assumes a different meaning (DiMaggio and Powell, 1991:8). The former considers institutions as products of human design, the outcomes of purposive actions by individuals geared to meet certain ends. In the latter, while institutions are originated in human activity, they are considered not to be produced by conscious design. In this study, the former definition of institutions is adopted to encompass legislative rules, organizations and policies designed specifically to meet delivery of land redistribution. This is synchronous with the historical institutionalism description of institutions as formal or informal procedures, routines, norms and conventions

embedded in the organizational structure of the state or political economy (Hall and Taylor, 1996:938). They can range from the rules of a constitutional order to the standard operating procedures of a bureaucracy (id.). In general, historical institutionalists relate institutions to organizations and the rules or conventions promulgated by formal organizations (id.). Based on the foregoing perspective, the South African Constitution, land laws, the DLA and redistribution policies are herein considered as institutions pertinent for land redistribution.

"Institutions comprise regulative, normative and cultural cognitive elements that, together with associated activities and resources provide stability and meaning to social life" (Scott, 2013:64). The regulative processes comprise the capacity to establish rules, inspect conformity to them and manipulate sanctions, rewards or punishments while attempting to influence future behaviour. Some theorists view institutions as mainly anchored on the normative pillar. Emphasis is put on normative rules that introduce prescriptive, evaluative, and obligatory dimension into social life (id.). A third category of institutionalists stress the significance of cultural cognitive elements of institutions. This entails the shared conceptions that constitute the nature of social reality and create frames through which meaning is made (id.). The DLA/DRDLR bureaucracy must not only be able to establish policies, but they must be able to implement, evaluate performance and take decisive action where necessary in order to realize sustainable land redistribution.

3.5 Creation of Institutions

Classical political theory has largely conceptualized the relationship of agency and institutions in undoubtedly hierarchical terms (Edington in Offe, 2001:449). Institutions are

created by outstanding and heroic founders, where upon further agents are incorporated under the premises provided by the founder (id.). It is tempting to conceptualize of new institutions as creations of the unmoved mover, ungoverned governor, or a non-institutionalised designer of institutions from whose founding decisions institutions surface (Offe, 2001:449; see also Berger and Luckmann, 1996). A number of political theorists have resorted to this *tabula rasa* notion of institutionally free creativity being at the origin of institutions and rules. However, it is common knowledge that institutions are not built out of nothing, which is why the DLA formation was built onto apartheid templates (see section 4.1).

The creationist view of political institutions is today hard to maintain (Offe, 2001:450). The idea of founding, creating or designing new institutions is twofold. One is retrospective, entailing designing and implementing new institutions only to the extent that any predecessor institution is abolished resulting in path-dependency breakage. If the abolition does not occur, institutional development or evolution would be a more appropriate process. The other feature of institutional design is prospective. "It is not just any new set of actors, rules, substantive domains and so on that result from a design, but one that aims at certain goals or serves some predetermined purpose"(id.). With regard to the forgoing discussion, the DLA and its policies were rationally established as instruments towards achieving specific ends (amongst which was timely land redistribution). A well designed institution is one that achieves what it was established to. Institutional designers need power in order to uproot the vestiges of the old regime and its formal and informal institutional components. They also require foresight in order to design new institutions in ways assuring that the intended functions are actually performed (id.). Institutions of post-apartheid SA, including the DLA had to be designed and enforced judiciously to ensure that they achieve their intended purpose regarding land redistribution.

Machiavelli proposes an orgy of demolition that any new ruler should embark upon in order to mobilise support and compliance while extinguishing conditions of the old regime (Offe, 2001:450). In the case of SA, with specific reference to the DLA, this would mean introduction of a completely new bureaucracy and policies in order to attain appropriate land redistribution. However, Machiavelli in Offe (2001:450) was fully conversant of hardships associated with introduction and execution of a new system of things. The one who introduces change makes enemies from those who profit from the old system, while making lukewarm supporters from those who might profit from the new system. This is confirmed by the discords between white officers in the DLA and white land owners and aspirant black commercial farmers under LRAD (see chapters 4 and 5).

The challenge in institutional design is furnishing a particular institution that best serves its purpose (Offe, 2001:450). Designers of new institutions should consult history in order to determine which rules will best serve the intended purpose. However, this raises two objections to the possibility of institutional design. Consulting history may result in a combination and adoption of selected precedents, while no guarantee exists that such precedents will serve the desired outcomes under unprecedented conditions. Hence, retaining remains of apartheid institutions would not necessarily guarantee the intended land redistribution purpose.

3.6 Organizational Context

Following translations of Weber's seminal essays on bureaucracy in the 1940s, Robert Merton led a group of scholars in resuscitating interest in bureaucracy and bureaucratization,

its sources and consequences in organizational behaviour (Scott, 2013:22-23). Various, evidence-based organizational studies undertaken by Merton and his students were instrumental in establishment of organizations as an idiosyncratic field of study for sociologists (Scott, 2013:23). Although Blau, Gouldner, Lipset and colleagues carried out empirical studies of organizational and institutional building and change, Selznick succinctly and clearly advanced the theoretical treatment of institutions and their relation to organizations (id.).

From Selznick's corpus of earliest writings, he was determined to differentiate between organizations as the "structural expression of rational action"; as a systematic apparatus designed for achievement of distinct goals; and a body perceived as an adaptive, organic system, affected by the social characteristics of its participants including by the various pressures exerted by its environs. Organizations are created as means to attain specific ends (id.). Adopting the foregoing description of organizations, this study conceives the DLA through its changing phases as an organization created for the specific purpose of delivering land redistribution amongst its wider mandate (see DLA annual reports). Organizations are formalized entities involving a group of people brought together for a common purpose (Lusthaus, Adrien, Andersen, Carden and Montalván, 2002:12). Organizations include a wide spectrum of human activity and can be categorized as private or public, for-profit or non-profit, governmental or nongovernmental and they both conform to and influence institutions (id.). However, people within an organization may not share a common purpose, in which a case organizational performance becomes compromised (see opposing cultures in chapter 5).

3.6.1 Organizational Performance

Healthy and vibrant organizations are an essential ingredient for a nation's development (Lusthaus *et al.*, 2002:14). All nations have an array of large, small, powerful, tedious, disciplined, flexible and competitive political and economic organizations. Some perform well, others less well, and some fail altogether. The inability to understand and change the performance of the organizations and institutions with which they interact significantly impedes progress in many developing countries (id.).

The way an organization transforms its resources into results through work processes is called “systems” (ibid:16). The systems are subject to both endogenous and exogenous organizational influence. Today's organizations are "open systems" in that they are constantly influenced by and are trying to influence external forces (id.). In this context, the institutional environment, organizations and the groups that comprise them are constantly trying to adapt, survive, perform and influence. Sometimes they succeed, and sometimes they fail (id). Then the following question arises: how can organizations better understand what to change and influence in order to improve their ability to perform (in this case to deliver land redistribution)?

Most non-profit organizations perceive their performance in terms of how well they achieve their mandates as embodied in mission, purpose or goals (ibid:23). Effectiveness and efficiency were once the standard concepts utilized in determination of organizational performance. Nevertheless, since the 1970s, other variables associated with organizational

performance have emerged, including morale, innovation, turnover, adaptability and orientation to change (id.).

Supervision and control provide guidance towards achievement of bureaucratic goals, while performance measures offer feedback for adjusting the system (Lipsky, 1980:40-53). The clearer the goals and the better developed the performance measures, the more finely tuned the guidance. On the contrary, the less clear the goals, the less accurate the feedback, and the more will individuals in a bureaucracy be on their own. The ambiguity and mistiness of goals and absence of appropriate performance measures in bureaucracies is of prime importance not only to workers' job experience, but also to managers' ability to exercise control over policy (id.). The DLA/DRDLR bureaucracy seems to have been lacking in monitoring and evaluation as discussed in detail in chapters 4 and 5. This could seriously hamper land redistribution due to poor feedback mechanisms.

Evaluation of the government departments such as the DLA's performance is a crucial issue for the modernized public governance (Suleimenova, Kapoguzov, Kabizhan and Kadyrova, 2018:174). In the ideal model, the performance management system measures both the organization's quantitatively measurable goals (performance measurement) and evaluates the extent to which those goals are achieved (performance evaluation); reporting on the outcome of objectives should warrant transparency and accountability of the government agencies for a wide range of consumers and stakeholders, and heads of public sector organizations must ensure a decision-making based on information about the work of the organization in question (id.).

3.7 Objectives of Land Redistribution in South Africa

The mission statement of the DLA was "to provide access to land and to extend rights in land, with particular emphasis on the previously disadvantaged communities within a well-planned environment" (DLA, 2004/2005:21). "The purpose of the land redistribution program is to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life" (Lahiff and Li, 2014:27 in Byamugisha eds.). In its origins, the land redistribution program was aimed at addressing the gap between the 87 per cent of the land dominated by white commercial farming and the 13 per cent in the former Bantustan regions (Anseeuw and Mathebula, 2008:1; Hall, 2007:89 in Ntsebeza and Hall eds.). Redistribution was to ease congestion in the communal areas and diversify the ownership structure of commercial farmland. The target for redistribution, proposed by the World Bank and adopted in the RDP in 1994, was to transfer 30 per cent of agricultural land within the first five years (id.). The target was to be achieved chiefly through a market-based mechanism in which the state supported 'willing buyers' to purchase land at market price from 'willing sellers'. This 'willing buyer, willing seller' policy made its way into the White Paper on South African Land Policy (id.).

It was disheartening to note that by 1999 less than 1 per cent of agricultural land had been transferred through all aspects of land reform (id.). The pace had clearly and dismally fallen behind target. A ministerial review during the same year conceded to emerging evidence regarding underutilization of land by those who acquired it, resulting in no intended livelihood benefits. It was following the review that the government adopted a revised and more realistic target of transferring 30 per cent over a further period of 15 years (id.). The target was thus moved to 2015, hence the evaluation timeframe chosen in this study. Given

the delivery pace in 2000, to reach the 30 per cent target by 2015, delivery would need to be increased eightfold (id.).

3.8 Institutional Arrangements for Land Redistribution in South Africa

The legal mandate of the DLA with regard to land redistribution emanates from section 25 (5) of the SA constitution, which states that "the state is to take reasonable measures to enable citizens to gain access to land on an equitable basis" (id.). The Provision of Land and Assistance Act of 1993 (Act 126 of 1993) empowers the Minister of Land Affairs to acquire land and provide development assistance for distribution of land.

The foundation for land redistribution policy was set out in the White Paper on South African Land Policy in April 1997 (Lahiff and Li, 2014:27 in Byamugisha eds.). Subsequently proposals for revision of the White Paper were discussed for many years resulting in release of a draft Green Paper in September 2011 (id.). Methods followed to bring about redistribution were largely based on the operation of the land market, although this was not a constitutional obligation (Lahiff and Li, 2014:32 in Byamugisha eds.). Redistribution policy has undergone a number of steady changes from a focus on poorer beneficiaries to the somewhat better-off, and from a relatively passive to a more proactive role for the state in land purchases (id.).

The defining feature of SA's redistribution policy was the dependence on voluntary purchase of land at market prices, widely referred to as "willing buyer seller–willing" WBWS. The

infiltration of land redistribution discourse by WSWB in SA reflected a shift in economic thinking towards neo-liberal policies (id). Such an approach was influenced by emerging international trends and macroeconomic strategies such as the Growth, Employment and Redistribution Strategy (GEAR) adopted by the SA government around 1996 (id.). I strongly argue that there is no way that a land redistribution program to address inequality can be left to the invisible hand of the market.

Until 2000 redistribution policy was based on provision of the SLAG which was subsequently renamed the Settlement/Production Land Acquisition Grant (SPLAG) (ibid:33). This phase of redistribution successfully targeted the poorest. Nonetheless, it was widely criticized for placing large groups of poor people on former commercial farms without requisite skills or resources to bring them into production. Following 2001, SLAG was incrementally replaced by the LRAD program, which was mainly introduced to promote commercially oriented agriculture (id.).

LRAD paid higher grants to individuals instead of households, and made greater use of loan financing through institutions such as the Land Bank to supplement the grant (id.). The value of the grant was determined by the size of beneficiary contribution in cash or kind (id.). In minor cases, groups of farm workers used either SLAG or LRAD grants to purchase equity shares in existing farming enterprises in areas of high-value agricultural land (id.). Share-equity schemes were criticized for maintaining highly unequal relationships between white owner-managers and black worker-shareholders, and for giving few material benefits to workers (Mayson 2003; Kleinbooi, Lahiff and Boyce 2006; Human Rights Watch 2011: 78).

Although the farm equity program was suspended in 2009, it was reinstated in 2011 due to government pressures from the Western Cape Province (id.).

Grants were issued to specific individuals who were responsible for sourcing and negotiating land purchases from private owners under both SLAG and LRAD (id.). From 2006 these grant-based programs were dominated by introduction of the PLAS (id.). Under PLAS, the state buys land directly from owners without prior identification of intended beneficiaries. Consequently, this state-owned land was allocated to selected beneficiaries on a leasehold basis for three to five years after which the lessee may be granted an option to purchase (id.).

3.9 Overview of the Roles and Functions of the DLA

According to the 2005 DLA Strategic Plan, the DLA is responsible for implementation of land reform including land planning and information. The Department is mainly comprised of Land and Tenure Reform; the Commission on Restitution of Land Rights; Land Planning and Information; and Corporate Services. The office of the Director General has the Chief Directorate that assists him/her in implementation of the duties. The Department runs seven (7) programs classified as: 1 Administration, 2 Surveys and Mapping, 3 Cadastral Surveys, 4 Restitution, 5 Land Reform, 6 Spatial Planning, and 7 Auxiliary and Associated Services incorporating the deeds registration function.

Program 5 (land reform) is responsible for implementation of land redistribution, tenure reform as well as state land administration and disposal. The program consists of Chief

Directorate: Land Reform Systems and Support Services (LRSSS), and the Chief Directorate: Land Reform Implementation and Management (LRIMC). The Chief Directorate: LRSSS is made up of three directorates: Public Land Support Services, Tenure Reform, and Redistribution Implementation Systems. The LRSSS is responsible for development and refinement of legislation, systems and procedures for facilitation of land redistribution delivery by Provincial Land Reform Offices (PLROs). The Directorate further supports PLROs in capacity building, information management and communication (DLA Strategic Plan, 2005:18). The Chief Directorate LRIMC is responsible for coordination of the actual implementation of the land and tenure reform program as well as the state land management function at the provincial level through PLROs and at the district level through District Land Reform Offices (DLROs) (id.). The structural representation in Figure 1 below shows the ministerial office with different departments and divisions. The focus herein is on Deputy Director General (DDG): Land Redistribution and Development.

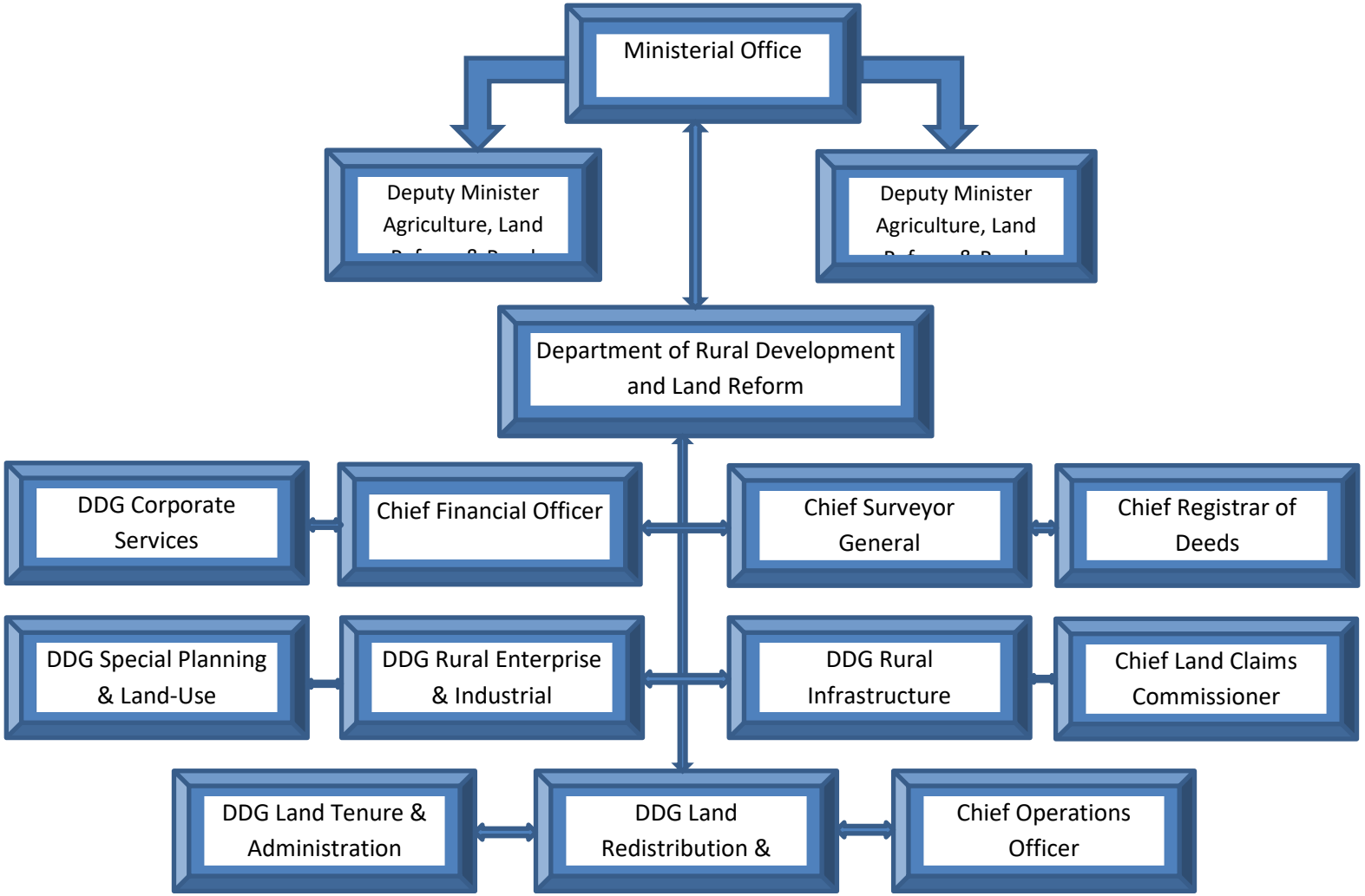


Fig. 1 Structure of the DLA/DRDLR

3.10 Conclusion:

In this chapter, an overview highlighting the necessity for land redistribution in SA has been given. By defining institutions and organizational performance and presenting a conceptual framework with reference to the DLA in SA, a glimpse has been had into the factors that might have resulted with the current land redistribution outcome. A coverage and critique of similar studies has been presented. Finally, the objectives of land redistribution, together with redistribution mechanisms in terms of policies and legal instruments have been discussed in relation with how they affect land redistribution. The next chapter focuses on data presentation, which provides empirical evidence on selected implementation mechanisms and the land redistribution outcome.

4. DATA PRESENTATION

In this chapter, textual data is presented covering the development of the DLA and its change over time. Implementation and outcome of land redistribution until 2015 using SLAG, LRAD and PLAS is reviewed and presented. Finally, the total land redistribution as of 2015, and the main challenges to the redistribution program are presented.

4.1 Historical Genesis of the DLA

Following SA's unprecedented democratic election of 1994, the DLA was established. It was created through a series of restructuring processes involving the bureaucracy existing at that time. The initial staff component was drawn from a number of different tributaries of the old government (Adams, 2000:4):

- The Chief Directorate Land Surveying and Information
- The Chief Registrar of Deeds
- The Chief Directorate Physical Planning
- The Office for Regional Development; and
- The Department of Development Aid.

The Department of Development Aid[i] contained personnel who had been instrumental in mapping out the apartheid era independent states and self-governing territories. Thus, from the onset, the challenge for the new department was to build a shared organisational vision, mission and culture. Around the year 2000, these had been largely achieved, albeit incomplete transformation (id.). From there on, the majority of those who became responsible for the planning and implementation of land redistribution were drawn from a

different generation of South Africans, both in terms of attitude and ethnic diversity. Pre-existing and newly recruited personnel were rationalized into the structure (id.). The DLA has changed over the past years, first to the DRDLR, and then to the DALRRD (see Presidential Advisory Panel on Land Reform and Agriculture, 2019).

Historically the DLA had functioned to control and to direct the settlement of rural black people according to an apartheid design of racial separation and domination. It exuded hostile relations with communities and organisations outside of government. All senior management positions in the Department were held by white males. Most lacked applicable skills and experience imperative in dealing with community development issues and they had no intention of contributing to necessary public service transformation (Adams, 2000:25).

4.2 Land Redistribution Mandate of the DLA

The redistribution mandate of the DLA was provided for in section 25(5) of the South African constitution in that the state must reasonably within legislative power and other measures, available resources, enable citizens to gain equitable access to land (DLA, 2005:21). This responsibility was further echoed by the White Paper on South African Land Policy1997 in a four-fold approach:

- To redress the injustices of apartheid;
- To foster national reconciliation and stability;
- To underpin economic growth; and
- To improve household welfare and alleviate poverty.

Other relevant legislative pieces from which the Department derives its mandate include the Provision of Land and Assistance Act 126 of 1993 which empowers the Minister of Land Affairs to acquire land and provide development assistance for land redistribution including security of tenure to occupiers of land belonging to someone else (id.).

According to the 1997 White Paper on South African Land Reform, the purpose of the Redistribution Program was to provide the poor (defined as urban and rural poor, farm workers, labour tenants, marginalised groups, women and emergent farmers) with residential and agricultural land for livelihoods improvement. Land redistribution was a component of program five (5) of the DLA (see DLA, 2005/2006:25). Until around 2005, the main objective of program five was to ensure accrual of sustainable economic growth benefits to previously underprivileged communities, groups and individuals through provision of land rights to achieve increased income levels, productive land use and well-planned human settlements (id.). Subsequent to the 2005 land summit, land redistribution primarily focused on redistribution of thirty per cent (30%) of white-owned agricultural land for sustainable agricultural development (see DLA Annual Report, 2006/2007:59).

To achieve its redistributive mandate, the DLA went through a number of marked-based iterative mechanisms. This report only considers land redistribution delivery through SLAG, LRAD and PLAS as stated in the previous chapters.

4.3 Settlement Land Acquisition Grant

In its 1997 White Paper, the DLA adopted the SLAG. The provisions of the SLAG were premised on the World Bank proposed market-led redistribution. The SLAG remained silent with regard to the kinds of farming and social relations that were envisioned including pertinent strategies for their achievement. Under SLAG, the aim of land redistribution was merely to contribute to a more diversified size structure in agriculture with a result that all producers would compete within a deregulated environment (Kepe and Hall, 2016:16).

Land redistribution through SLAG promoted access to land for poor people only due to its means-testing. It secondly provided a R16,000 household grant which was initially equivalent to the urban housing subsidy that was given to people to buy land. While the central focus for SLAG was communities, various interests were to be accommodated in the policy to comprise people wanting land for their private use as well as those with a desire to live and use their land jointly in communal settings (ibid:17; Diagnostic Report on Land Reform in South Africa, 2016:16; Lahiff, 2009:176 in Binswanger-Mkhize, Bourguignon and van den Brink eds.; Ranwedzi, 2013:22-23).

In implementation of SLAG, the DLA alienated almost all interest groups including NGOs who were averse to its market-based framework; many rural communities who were frustrated with sluggish redistribution delivery coupled with absence of post-settlement support following land acquisition; the white farmers, who were anti large-scale black settlement in the white commercial farming hubs; and the emerging aspirant black capitalist farmers, who were barred from the program due to its pro-poor means test and whose

aspirations to individually own whole commercial farms were frustrated by its redistribution criteria and the small grants it offered (id.; Diagnostic Report on Land Reform in South Africa, 2016:16).

It is hard to trace and accurately report on land redistribution delivery under SLAG, including hectares, number and category of beneficiaries by provinces due to inconsistencies in reporting and missing reports (see Diagnostic Report on Land Reform in South Africa, 2016:25). Another important and currently not possible to trace performance indicator is the percentage of functional and successful projects under SLAG, and how these have aided in reducing poverty and inequality. The total land redistribution under SLAG in the period under review is presented in Table 1 below.

Table 1. Outcome of Land Redistribution Through SLAG by 2015

Number of Projects	**Hectares**	**Beneficiaries**	**Ha/Project**	**Ha/Beneficiary**	**Beneficiaries/Project**
472	636599	144528	1349	4	306

Source: Diagnostic Report on Land Reform in South Africa 2016:26

In 1999, Thoko Didiza succeeded Derek Hanekom as a new Minister of Agriculture and Land Affairs. Didiza halted all new SLAG projects and initiated an internal review. Although no terminal report from the ministerial review was ever released, a preliminary report was disseminated within the Department of Agriculture (DOA) and the DLA in December 1999. It was advanced and contended that the SLAG achieved inadvertent outcomes that were contrary to the objectives of existing policy (Kepe and Hall, 2016:18). The criticism to

SLAG was not merely confined to failure to meet aims, but the Minister further argued that, by encouraging group projects SLAG indirectly supported the notion that Black people can only prosper under communal and subsistence farming. She reasoned that land redistribution had to take care of both the needs of the poor and those of aspiring black commercial farmers with a desire to farm. The review process provided the basis for a new proposal which culminated with development of the LRAD (id.; Lahiff, 2009:176 in Binswanger-Mkhize, Bourguignon and van den Brink eds.).

4.4 Land Redistribution for Agricultural Development

The LRAD began a second stage of land redistribution in which there was a shift in focus towards creating black commercial farmers on various levels. In 2000, the World Bank collaborated with the DOA and designed a revised grant that would substitute the SLAG and put emphasis on creation of a new class of black commercial farmers. The critique from the World Bank was that the South African government through SLAG had set up beneficiary collectives incapable of managing and utilizing their land, and that the program failed to address class interests of those with potential to embark on commercial farming[1] (Kepe and Hall, 2016:19).

From 2001, the DLA through LRAD commenced a sliding scale of grants from R20 000 to R100,000 per individual. Contribution could be made in cash or kind. The determinant for the level of grant was the level of contributions from applicants[ii]. The minimum contribution

[1] The redistributive content of the program was limited by the government's grant conditions within the context of the willing-buyer policy. On average, only two thirds of a R15–16,000 grant was used for land purchase (Adams and Howell, 2001).

was R5000 with eligibility to obtain a grant of R20 000, while a maximum award of R100 000 was possible with an individual contribution of R400 000. This new scheme meant that those with better financial muscle were suitably qualified to get more state support. The funds then solely became a prerogative of those wishing to farm, and prioritized those who demonstrated the means to farm commercially (see also Ranwedzi, 2013:24). Under the watch of Thabo Mbeki, the class agenda of land redistribution therefore became inverted. With LRAD, redistribution policy prioritized productivity and economic efficiency instead of poverty alleviation, bridging inequities and improving rural livelihoods. This provided justification for directing budget resources to fewer people (Kepe and Hall, 2016:19-20; Diagnostic Report on Land Reform in South Africa, 2016:11).

At the launch of the LRAD in 2001, Minister Didiza gave caution against squatter farming on redistributed land. The DLA's response was to curb group sizes in LRAD at ten (10) individuals per project in order to guard against overcrowding and group-based conflicts that had ensued under SLAG. The move was also responding to efforts by commercial farmers to try and pressurize government to guarantee that redistributed land would be commercially farmed, and also in a ploy to strictly control settlement on farm land in the commercial nuclei. The major outcome of limiting projects to 10 people was that the number of properties that could be bought for redistribution was limited, especially due to the fact that the DLA did little or absolute naught to facilitate subdivision of farms. The result was that those without own money had to find farms that they could purchase, invest in and operate for under R200 000. A glaring truth was that such opportunities were limited (Kepe and Hall, 2016:21).

It is strange that LRAD involved a return to the logic of the apartheid government's Department of Rural Land Affairs (DRLA) approach which was designed to create a minor class of black commercial farmers (Kepe and Hall, 2016:21). Both were premised on the logic that state grants, applicants' contributions and loans would comprise the market price of land to support its purchase by aspirant black capitalists, from willing sellers. This approach on resourceful individuals, farming full-time, and the imposition of income targets characterised implementation of the LRAD in favour of male capitalists with income from other streams while marginalising the majority of poor rural farmers who are largely women. The total outcome of land redistribution under LRAD is presented in Table 2.

Table 2. Outcome of Land Redistribution Through LRAD by 2015

Number of Projects	**Hectares**	**Beneficiaries**	**Average ha/Project**	**Ha/Beneficiary**	**Beneficiaries/Project**
4213	1133928	63300	269.15	18	15

Source: Diagnostic Report on Land Reform in South Africa 2016:26

By 2015, a total of 1133928 hectares of land were redistributed through LRAD to 63300 beneficiaries by implementing 4213 projects. Information with regard to success and sustainability of the projects is unavailable. It is also not clear how the redistribution was disaggregated by gender, and how it addressed poverty.

Unanticipated challenges emerged during implementation of the LRAD. Firstly, many beneficiaries took out loans from the Land Bank in order to leverage higher LRAD grants from the Department resulting in high levels of indebtedness. Secondly, the grant structure

and reliance on availability of land being offered for sale led to incompatibility between applicants' requirements and the land available. The consequence was either projects that did not go ahead or applicants that chose land or group sizes unsuitable for their desires. The case in point is the Surplus People Project (SPP) in a Western Cape community that failed to acquire land despite repeated efforts. In one attempt, the community tried to buy a farm near Aurora in the Swartland region, but could not consolidate sufficient applicants to meet the asking price of the whole farm. Although they did not want the whole farm, there was no mechanism in place to subdivide it into suitable portions for their needs and capabilities, with a result that they remained landless (Kepe and Hall, 2016:22).

At the National Land Summit in 2005, significant disapproval to market-based WSWB redistribution with special attention to LRAD was expressed. Delegates complained about the inadequacy of land purchase grants and that landowners were able to inflate prices and in some instances chose not to sell to applicants. A threat of expropriation coupled with below-market compensation was considered a necessity in order to force landowners to agree to reasonable offers. The Summit suggested a new direction for land redistribution. With the exception of Agri South Africa (AgriSA), there was consensus with regard to rejection of the WSWB principle, and that the state had to become the driving force behind land redistribution (id.; Ranwedzi, 2013:14).

Proactive land acquisition by the state in response to identified needs through negotiated purchase and, where necessary, expropriation was proposed. There was a demand for less bureaucratic processes and substantial increase in resource allocation to the program, including staffing, to enable state agencies to engage in active negotiation with land owners

and to expropriate land where necessary. In 2006, a new strategy (discussed below) was initiated in response to the demand for proactive identification and acquisition of land by the state. The strategy was implemented alongside the LRAD and related grant-based purchases until 2011, when the LRAD became obsolete and the state-purchase-and-leasing model became the entirety of land redistribution (id.).

4.5 Proactive Land Acquisition Strategy

In 2006, PLAS was launched under the Minister of Agriculture and Land Affairs, Lulu Xingwana. Initially an appendage to the LRAD program, PLAS effectively took root from 2009 under President Zuma's government, under the new Ministry of Rural Development and Land Reform, and Minister Gugile Nkwinti. In this period, PLAS emerged as the primary redistribution policy, culminating as the only means of land redistribution by 2012. Through PLAS, officials of the DLA, which was renamed and redefined as the DRDLR, were given autonomy to purchase land directly instead of disbursing grants to enable beneficiaries to buy land for themselves. Under these arrangements officials appointed the land to be acquired by the state, and decided on whether it was to be transferred or leased. They also decided the terms of lease and transfer including who was to benefit. PLAS was idiosyncratic in providing state land on leasehold, apparently on a trial basis while awaiting an evaluation which could be used to decide a later second transfer of ownership to beneficiaries. The direct acquisition of farms by the state was a reversal of the state land disposal thrust stressed by President Mbeki. In this regard, all land sold by the state under the Mbeki era, and all land bought by the state under the Zuma presidency contributed towards the original 30 per cent redistribution as targeted by the RDP (Kepe and Hall, 2016:24).

PLAS was aimed at accelerating land redistribution while ensuring that the DRDLR acquired land in nodal areas and identified agricultural corridors and other high agricultural potential areas. Further, PLAS focused on improving beneficiary identification and selection including planning of the land on which people would be settled. Finally the strategy was to ensure that the acquired land would be fully utilised productively (DLA, 2006:4-5). The approach was pro-poor, based on buying beneficial land due to location, amenability to subdivision, suitability for specific agricultural activities that government would like to promote, and due to bargain price (ibid:5; DRDLR Directorate Evaluation and Research, 2015:1-3).

The PLAS framework consisted of the following elements, some of which are subsequently discussed for purposes of space and focus:

- Legislative framework and delegation;
- Target groups;
- Corridor approach, agricultural development within the nodal areas and land for housing;
- Institutional arrangements;
- Financial mechanisms;
- The different resettlement models;
- Systems and procedures;
- Communication strategy;
- Skills development strategy; and
- Monitoring and evaluation.

4.5.1 Legislative Framework and Delegation

The proactive acquisition of land is provided for in section 10 (1) (a) of the Provision of Land and Assistance Act, Act No. 126 of 1993, which states: "The Minister may, from money appropriated by Parliament for this purpose … (a) acquire land for the purposes of this Act." By delegation to Provincial Chief Directors (PCDs), section ten (10) of the Act authorized them to purchase land without prior identification of beneficiaries. Once land had been made farmable, Section 11 of the Act could be invoked for land disposal. Processing of applications through the Provincial state Land Disposal Committees (PSLDC) was therefore not necessary since section eleven (11) of the Act afforded the PCDs discretion to sell, exchange or donate any land acquired for the purposes of the Act (DLA, 2006:5).

It should be noted that the delegation in section 11 was partial since the power to impose terms and conditions was vested with the Minister. The approved terms and conditions would allow PCDs to dispose of the land acquired through the Act, and it would be a non-negotiable feature of the Provincial Grants Committees (PGCs) approvals process. In this manner, if they complied with the Ministerial terms and conditions, all proactive projects did not need to be sent through the state land disposal route (id.).

4.5.2 Target Groups

The PLAS framework targeted black people (Africans, Coloureds and Indians), groups living in communal areas and black people with requisite farming skills in urban areas, and people living under insecure tenure rights. In this approach, the framework sought to contribute to address overcrowding in communal areas, secure on or off farm accommodation and to create

sustainable livelihoods. While the approach was pro-poor, it also accommodated emergent and commercial farmers (DLA, 2006:8).

4.5.3 Corridor approach, agricultural development within the nodal areas and land for housing

The PLAS was in line with the concept of agricultural development corridors and was expected to increase economic growth and development of South African rural towns. The agricultural development corridors focused on agricultural development along the major arterial routes such as the N1, N2, N3 and others guided by the principle of agricultural potential exploitation in rural towns scattered along these routes. By using the land delivery models proposed by PLAS, land could be acquired and used for agricultural purposes through area-based planning and development (DLA, 2006:8).

The 2001 development of the Integrated Sustainable Rural Development Program (ISRDP) and the Urban Renewal Program (URP) brought a renewed focus on a new approach to integration at a local level. A total of Twenty-one rural and urban nodal areas were identified for development of a model that would inform an overall strategy of government adopting an integrated results-oriented approach to service delivery. The proactive strategy was one such method for fostering integrated planning and development in such areas. The PLAS was also aligned with the Department of Housing's various programs linked to the fast tracking of housing delivery (id.).

4.5.4 Institutional Arrangements

4.5.4.1 Government Role Players

As per the prescriptions of the Intergovernmental Relations Framework Act No. 13 of 2005, implementation of the PLAS framework needed cooperation at local municipalities and provincial stakeholder department levels. The DLA and its national counterparts in the Department of Housing (DOH), Agriculture and Department of Provincial and Local Government and South African Local Government Association (SALGA) would play a monitoring and evaluation role in implementation of the PLAS Strategy. The DLA and DOA were to ascertain presence of adequate budgets, systems and procedures for effective implementation of agricultural projects. The DLA and DOH would similarly ensure adequacy of systems and budgets for implementation of settlement projects while maintaining alignment of the housing products and grant instruments with the proactive strategy. The DLA had to sign Memoranda of Understanding with the DOA, DOH and other actors including municipalities which were deemed critical for PLAS implementation (DLA, 2006:9).

4.5.5 Area-Based Planning Approach

PLAS was implemented in alignment with local/district level IDP processes or area-based planning approach. Under PLAS, the DLA did not have to wait for local level structures to approach it for land as it had previously been the case prior to introduction of PLAS. Through PLAS the DLA could proactively assist local level structures to determine land needs, and identify and select suitable beneficiaries and land. Thus, following identification of land and beneficiaries, municipalities and local district agricultural offices would then

approach the DLA for funding assistance for planning and land acquisition. The DLA might also jointly follow the process of land and beneficiary needs assessment with the municipalities or District Councils or local District Agricultural Offices (id.).

4.5.5.1 Methods of Land Acquisition

Methods of acquisition entail how the state would proactively acquire the land. Three methods were outlined for acquisition of land, and they comprised expropriation, auctions and market-based negotiated transfers as discussed in detail below (DLA PLAS Implementation Plan, 2006:13).

4.5.5.2 Expropriation

The targeted expropriation option would be rationalized in the failure of the market in provision of sufficient prospects to acquire land that was considered necessary for redistribution. It was envisioned that expropriation or compulsory acquisition by the state would facilitate better planning where:

- the total land market would not supply enough land to meet overall national targets; and
- the land market would not supply enough land in particular areas where the Government wanted to develop as part of the land reform and rural development programs.

Albeit without clarity, the Plan stated that comprehensive systems and procedures were in place for land expropriation for redistribution and other relevant purposes (DLA, 2006:13).

4.5.5.3 Auctions

The auction process considered was relatively straightforward. Preceding auction commencement, prospective bidders had to make a 10-15% down-payment in absence of a financial guarantee. This is normally meant to determine the seriousness of bidders by auctioneers. The sale occurs per rising bid, with the right to purchase reserved for the highest bidder. The mode of payment on the agreed purchase price required that a 10% deposit be paid, or a financial guarantee be given to the auctioneer on auction day. The balance would be paid to a liquidator on the date of transfer upon registration of the property. Transfer was set at approximately thirty to sixty (30-60) days (id.).

Land auctions afforded opportunity for the DLA to proactively acquire land cheaply, provided that the final bidding price for land at an auction would resolve around plus or minus 90% of the actual land market value. Depending on specific provincial private auction houses, exemption might be offered as a financial guarantee comprising the maximum amount available for bidding; and a description of the property on auction. The financial guarantee would be binding upon the Department that full settlement would be made before or on the date of transfer (id.).

4.5.5.4 Market-Based Negotiated Transfers

The 2006 PLAS Implementation Plan stipulated that land would also be acquired through ordinary market transactions. Either PLROs or prospective beneficiaries could negotiate sales deals with land owners. The market-based acquisition seems to have been a dominant mechanism to acquire land even under the SLAG and LRAD (Presidential Advisory Panel on

Land Reform and Agriculture, 2019:78; see also Kepe and Hall, 2016:16). On occasion, land owners would notify either provincial or national government officials on availability of land for sale towards redistribution. Owners could have varying intentions for such offers, ranging from honest participation and contribution towards the redistribution program, to a belief that the redistribution program provided a solution to their inability to sell their property in the normal market. All such offers were to be impartially evaluated in relation to the province's specified land needs as per the area-based planning approach (DLA, 2006:14).

4.5.6 Financing Mechanisms

4.5.6.1 Acquisition and Disposal Financing

The proactive approach allowed the DLA to acquire land according to section 10(a) of the Provision of Land and Assistance Act 126 of 1993 based on the selling price, expropriation or auction price without attaching beneficiaries to such land. Following beneficiary selection, beneficiaries were expected to lease with an option to purchase. Once the applicants were ready to obtain full ownership of the land after their assessment by the DOA, lease fees would also be considered. The land could be distributed to the same beneficiaries following termination of the trial-lease period on satisfactory assessment by the DOA. A qualifying grant based on the LRAD grant system was made available to beneficiaries and discounted against the purchase price. Fixing of the land's sale price was done during initial land acquisition by the DLA with a further 30% discount offered to all qualifying beneficiaries. In the event that the grants and discounts remained short of reaching the purchase price, beneficiaries were assisted to obtain finance from:

- Commercial financial institutions;
- Development financial institutions such as the Land Bank; or

- Micro Agricultural Financial Institutions of South Africa (MAFISA). (DLA, 2006:11)

The state Land Leasehold and Disposal Policy (SLDP), was adopted in 2013 and applied to farms acquired through PLAS. The target for the Policy was black South Africans. Four beneficiary categories were thus defined:

- Households without or with very limited access to land, even for subsistence production;
- Small-scale subsistence farmers selling part of their produce on local markets;
- Medium-scale commercial farmers farming at a small scale with capacity to expand, but constrained by land and other resources; and
- Large-scale commercial farmers farming at a reasonable commercial scale although disadvantaged by location, size of land and other resources or circumstances and with potential to grow. (Diagnostic Report on Land Reform in South Africa, 2016:19)

4.5.6.2 Planning Costs

Valuation, feasibility studies, infrastructure development, subdivision and other necessary costs to render the land usable were jointly funded by the DLA and DOA, through the Comprehensive Agricultural Support Program (CASP) where such projects were agriculturally inclined. However, with settlement related projects, the DOH funded planning costs while the DLA absorbed all costs associated with land acquisition (id.).

4.5.7 Total Land Redistribution under PLAS

PLAS significantly contributed to the acceleration of the land redistribution process (DRDLR Directorate Evaluation and Research, 2015:xxix). About 1300 PLAS Projects were delivered as of 31 March 2014. The projects resulted in a total of 1 069 589.85 hectares acquired by the Department. However, despite the achievements, the evaluators felt then that there was room for improvement (id.).

There were about 1 393 farms acquired through PLAS by the end of March 2014. The table below shows the total number of farms distributed provincially over the period under study. There seems to have been bias towards agricultural projects as the data presented only focused on farms. "Delivery statistics for PLAS are not clearly reported by the department, but some findings can be extrapolated from available data" (Diagnostic Report on Land Reform in South Africa, 2016:18).

Table 3. Total Number of Farms Acquired Through PLAS per Province by March 2014

PROVINCE	NUMBER OF PLAS PROJECTS
Eastern Cape	193
Free State	215
Gauteng	162
Kwazulu-Natal	215
Limpopo	79
Mpumalanga	255
North West	81
Northern Cape	150
Western Cape	43
TOTAL	**1393**

Source: DRDLR Directorate Evaluation and Research 2015:17

Although it was hard to find data disaggregating land redistribution by number of projects, hectares per beneficiary and by gender, Table 4 shows the total redistribution under PLAS by 2012.

Table 4. PLAS projects, hectares and beneficiaries, 2009 to 2012, and averages (by province)

PROVINCE	PROJECTS	HECTARES	BENEFICIARIES	HA/PROJECT	HA/BENEFICIARY	BENEFICIARIES/PROJECT
EC	123	132849	1167	1080	114	9
FS	102	71428	427	700	167	4
GP	56	7683	231	137	33	4
KZN	156	72936	4817	474	15	31
LP	92	40512	481	440	84	5
MP	122	100933	1209	827	83	10
NC	57	350869	176	6156	1994	3
NW	99	73977	246	747	301	2
WC	41	31051	1693	757	18	41
TOTAL	846	882238	10447	1043	85	13

Source: Diagnostic Report on Land Reform in South Africa, 2016:26

Legend: *EC = Eastern Cape, FS = Free State, GP = Gauteng Province, KZN = KwaZulu Natal, LP = Limpopo Province, MP = Mpumalanga, NC = Northern Cape, NW = North West and WC = Western Cape.*

All previous forms of land funding were replaced by the Recapitalization and Development Policy Program (RDPP known as Recap) in 2013. The RDPP rationale was based on substantial failure of land reform projects due to inadequate and inappropriate post-settlement support. Beneficiaries were selected in accordance with the four categories listed in the Sustainable Land Development Program (SLDP), albeit without clarity. Further, business or development plans developed by private sector partners or departmental officials were used to guide decision-making and funding for a maximum of five years (Diagnostic Report on Land Reform in South Africa, 2016:20).

The RDPP placed a condition that beneficiaries had to work closely with business partners recruited from the private sector as mentors or co-managers, or within share-equity arrangements, or as part of contract-farming schemes. Although confusing, the definition of co-management seemed to imply some kind of joint venture for a specified time period. However, the 2013 mid-term evaluation of the Recap program commissioned by the Presidency alluded to large sums being spent on relatively few beneficiaries, few new jobs being created, and access to markets for produce remaining limited (id.).

4.6 Total Land Redistribution from 1994 to 2015

The majority of politicians, civil servants, and the general public in SA hold a view that the process of land redistribution has been painstakingly slow (Kepe and Hall, 2016:30). Since its inception, the land redistribution program had distributed an annual average of 214,415ha. Whether that was a lot or little depended on variables including how it compared with the initial 30% targeted for 2014, and what quality of land was redistributed (id.). There are several ways to explore the scale, pace and spatial spread of delivery, which is summarised below. Since its inception, the land redistribution program had transferred 5.46% of commercial agricultural land by 2015 as depicted in Table 5 below.

Table 5. Summarized total land redistribution in relation to South Africa's land area by 2015.

SA Land Area	Former Homelands Land Area	Former While RSA Land Area	Commercial Agricultural Land	30% of Commercial Agricultural Land	Total Redistribution	Redistribution as % of Commercial Agricultural Land
122320100	17112800	105267300	86186026	25855808	4701542	5.46%

Source: Kepe and Hall, 2016:30[iii]

4.7 Land Redistribution Challenges

This section presents major challenges that may have hampered land redistribution through SLAG, LRAD and PLAS as highlighted in various reports.

4.7.1 Limited Staff and Lack of Technical Capacity

Most provincial managers voiced concerns over feasibility study reports not submitted in time on account of the limited number of extension officers who were supposed to conduct

the studies. Not only was the production of reports delayed, but the quality was also poor due to content that did not add value to the development of proposed enterprises and their progress monitoring (DRDLR Directorate Evaluation and Research, 2015:xxvi).

The DLA was not exceptional entailing the challenges that the country faced regarding a limited pool of skills which resulted in high mobility and staff turnover. A multi-layered strategy was reviewed with focus on attracting candidates, importing skills, awarding bursaries, internships, retaining staff and streamlining the recruitment process. A robust internship program was also adopted whereby interns would be appointed to permanent posts. Finally, a tailor-made training and development program would be developed to ensure that the department produced the critical mass of skills required, due to unavailability of such in the labour market (DLA, 2007:132).

The Diagnostic Report on Land Reform in South Africa strongly posits that lack of capacity in national and provincial government departments such as land reform and agriculture has been a serious impediment not only to land redistribution, but to the entire land reform program (see also President Ramaphosa, 11 February 2021, SONA:15-16). The majority of government officials in these departments have little or no first-hand pertinent experience with reference to the realities they are attempting to change or support. Their prior professional training is often mismatched with their job specification. It is further argued that extension services in rural SA have long been disorderly (Diagnostic Report on Land Reform in South Africa, 2016:79; Kepe and Hall, 2016:45-46; Ranwedzi, 2013:13-14).

There are institutional constraints as well such as the highly bureaucratic and centralized nature of decision-making (Ranwedzi, 2013:13-14). Decision-making was highly centralized in the initial phase of the land reform pilot projects and into the SLAG era. Further, project

approval was delegated to provincial offices under LRAD and approval processes hastened (Kepe and Hall, 2016:46). However, devolution and delegation were reversed, and there was re-centralisation of project approval under PLAS (id.).

4.7.2 Too much red tape in Government Institutions

Allegations by beneficiaries advanced that there was a lot of red tape in government institutions that led to delay in processing of funding applications by the Department (DRDLR Directorate Evaluation and Research, 2015:18-19; see also Ranwedzi, 2013; Vink and Kirsten:7). Beneficiaries across all provinces emphasized lack of funding as a challenge. Although lack of funding was mentioned in relation to PLAS as beneficiaries were not eligible for funding by banks due to periods of lease agreements, this problem was not only limited to PLAS (DRDLR Directorate Evaluation and Research, 2015:18-19).

4.7.3 Lack of Stakeholder Awareness and Participation

A consultative and participatory component was substantially lacking through-out land acquisition and transfer. This meant that in terms of PLAS, "the proactive state was not just a willing but also a somewhat blind buyer", lacking a clear basis in determining which land to purchase (Diagnostic Report on Land Reform in South Africa, 2016:18-19). The land acquired was dictated by farms on offer instead of being demand driven in a particular locality. Because government had become the 'willing buyer', it was free to spend as much as needed from the national budget to buy farms (id.).

Top-down instead of participatory approaches to local-level planning have been endemic to and characteristic of the land redistribution program. This fact has in turn led to incongruous project designs, frail or dysfunctional institutions to manage land held in common through Communal Property Associations (CPAs) and trusts, and a neglecting of beneficiary priorities and perspectives (ibid:79).

4.7.4 Lack of Clear Operational and Policy Implementation Guidelines

The 2015 PLAS evaluation report by the DRDLR Directorate Evaluation and Research argued that with regard to identification and selection of beneficiaries, including planning of land on which people would be settled, the evaluators could not find criteria applied by the Department in selecting and identifying beneficiaries. One of the PLAS objectives was to improve identification and selection of beneficiaries. Surprisingly, the PLAS implementation manual was silent on how this would be accomplished. According to the results, heads of households were the majority of beneficiaries albeit without clarity on whether they were the target group. Farm planning also needed to improve as beneficiaries complained about lack of housing, electricity, water and sanitation at the farms (DRDLR Directorate Evaluation and Research, 2015:xxix). Furthermore, it was discovered that the selection process of beneficiaries and the implementation process of PLAS was inconsistent in each province. For instance, beneficiary selection criteria were not uniformly applied despite the provincial structures set for the program such as District Local Committees (ibid:xxx; Diagnostic Report on Land Reform in South Africa, 2016:19).

4.7.5 Poor Management Accountability

There was no accountability in regard to who was responsible for management of the PLAS at the national level (PLAS Evaluation Report, 2015:x-xi). The PLAS evaluation team struggled to no avail in finding a person responsible for the management of the program. They were firstly referred to the Chief Directorate RECAP who indicated that they were not responsible for PLAS. They were later referred to the evaluators within the land redistribution and development branch who were also not the suitable people mandated to implement the PLAS program as they were responsible for evaluating the land to be purchased through PLAS instead of managing the strategy itself (DRDLR Directorate Evaluation and Research, 2015:x-xi). This is quite striking regarding that I was also tossed from one office to another during my request for information at the DLA/DRDLR offices in Pretoria, resulting in no help at all.

Land redistribution has also been characterised by lack of an effective monitoring and evaluation (M&E) system to help build government's iterative capacity to learn from experiences of implementation and give feed-back into policy-making (Diagnostic Report on Land Reform in South Africa, 2016:79).

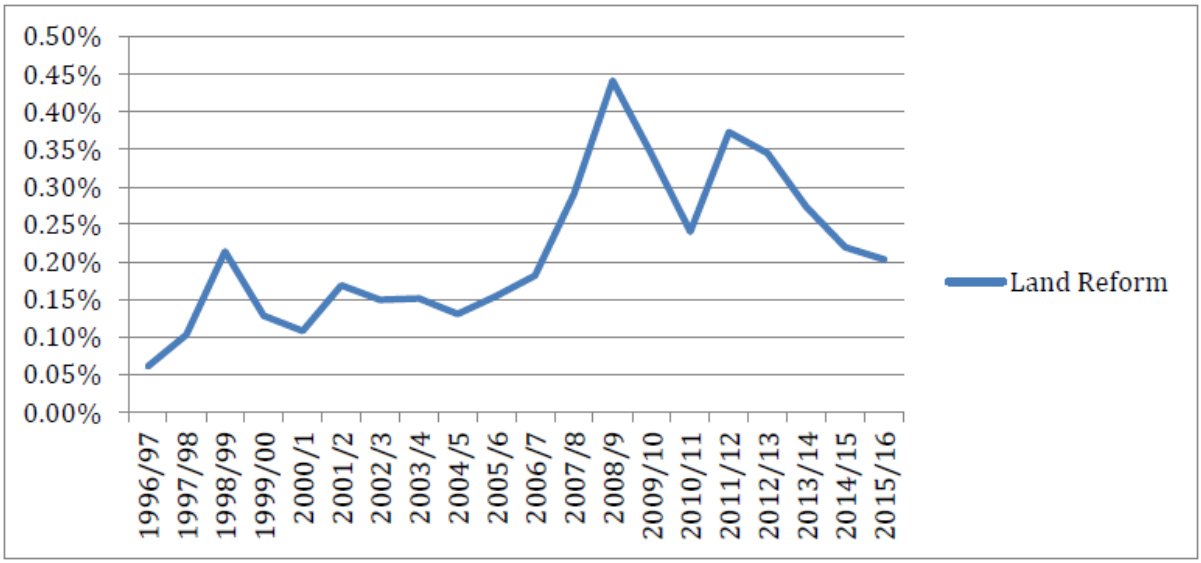
4.7.6 Inadequate Annual Budgets and Poor Political Leadership

Poor political leadership seems to have been characteristic to land redistribution in SA resulting in lack of consistent support from key constituencies such as small-scale farmers, farm workers, rural women, NGOs and activists, including the large-scale farm lobby and agribusiness (Diagnostic Report on Land Reform in South Africa, 2016:79-80). Between 2010 and 2015, alliances with chiefs became a key feature of government's land

redistribution agenda, culminating in alienation of many members of rural communities (especially in mining areas). There was a tendency by South African politicians to use the land questions to try and bolster support for their party political agendas with the effect of underestimating the complexity and the strain they put on stretched government departments (id).

Lack of effective post-settlement support was widely seen as a key problem. This included access to finance, infrastructure, inputs, markets, extension and training, and water for irrigation (id)[iv]. The budget for land reform, including redistribution, later became part of the budget vote for Rural Development and Land Reform. Presented as a percentage of National Expenditure, the Land Reform budget has mostly been between 0.15% and 0.4%, only reaching a peak of 0.44% of the total national expenditure in 2008/09 and subsequently declining to 0.2% in the financial year 2015/2016 (Kepe and Hall, 2016:76) as expressed in Fig.2 below.

Fig. 2 Total Land Reform budget as percentage of National Expenditure



Source: Kepe and Hall 2016:76

4.8 Conclusion

With reference to the main research question, this chapter has presented data on historical changes in land redistribution in SA. Focus has been mainly on SLAG, LRAD and PLAS. The three policies have been defined together with their objectives, including land redistribution mechanisms. Attention was paid to reasons that were advanced in shifting from one policy to another. Subsequently, the land redistribution outcome achieved under each of the policies was presented followed by the total redistribution outcome in the period under study. Finally, what is thought to have been the main constraints or impediments in land redistribution was presented. The following chapter focuses on analysis and discussion of the results presented above.

5. ANALYSIS AND DISCUSSION

5.1 Introduction:

In this chapter, I deal with analysis, interpretation and discussion of the data presented in chapter four. I achieved this through coding the data in chapter four and sorting it into themes. Coding was done with reference to the main research question and sub-questions to ascertain that the emerging themes would provide answers to the questions through an institutional lens. The chapter addresses the institutional factors that may have resulted in the present day land redistribution outcome in South Africa, while linking the main arguments to the theoretical framework and supporting them with evidence from literature.

5.2 Land Redistribution Regulatory Framework:

This section deals with how the overarching South African legislative framework may have affected the outcome of land redistribution. It examines constitutional provisions, the 1997 White Paper on Land Reform Policy and the Provision of Land and Assistance Act 126 of 1993.

5.2.1 South African Constitution:

Section 25(5) of the constitution of the Republic provides thus:

"The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis." However, the constitution also provides in section 25(2) that:

"Property may be expropriated only in terms of law of general application—
(a) for a public purpose or in the public interest; and
(b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court".

It follows therefore, that although it is the responsibility of the state to provide land, it may only follow expropriation only under conditions stipulated in section 25(2) of the constitution. Acting otherwise would attract litigation from those whose property is affected. A mixture of ideologies and pragmatic considerations informed the acceptance of the protection of property rights and the adoption of the WSWB mechanism to the acquisition of land for redistribution (Diagnostic Report on Land Reform in South Africa, 2016:80). It is striking that the current framing of Section 25 of the Constitution is explicitly focused on compensation, a non-surprising phenomenon given that expropriation as a concept is imported from foreign and international law that does not separate compensation from expropriation (Presidential Advisory Panel on Land Reform and Agriculture, 2019:vi).

States and international institutions in the real world operate in a context governed by a substantial amount of international law (Adams, Scherz and Shmelzle, 2019:8). On legitimacy, discourse on such institutions can evade a consideration on whether, and how, international law in its present form affects their legitimacy. However, a fundamental question is on the legitimacy of international law itself. This raises the question of how the South African Constitution and its intended purpose on land redistribution were influenced by

international law (sought legitimacy beyond the state) in response to hegemonic ideas – especially from the West. For example, while protection of property rights is important, the Constitution could have more explicitly provided scenarios under which property is protected. The current undertaking to amend section 25 would not be necessary.

5.2.2 1997 White Paper on Land Reform Policy:

The White Paper on Land Reform Policy was responsible for establishing the overall land reform policy (Kloppers and Pienaar, 2014:692). It sought to address, amongst other things, injustices resulting from racially based land dispossessions, unequal land ownership, and the need for sustainable land use. With reference to redistribution, the Paper prescribed a neo-liberal approach which entailed that the government take a back seat while delegating redistribution to the invisible hand of the market. This would inevitably not do justice to redistribution in a highly unequal society like SA (see following sections).

5.2.3 Provision of Land and Assistance Act 126 of 1993

The Provision of Land and Assistance Act (Act 126 of 1993) is highly inadequate as a means to effect redistribution of land contemplated in section 25(5) of the Constitution. The Act fails to clearly and sufficiently delineate categories of persons who would be eligible and prioritized for the provision of land and/or financial assistance to obtain land. This is a serious omission since land redistribution should be done under the guidance of the law. "The wide powers afforded to the minister to acquire and redistribute land without any set criteria on selection of potential land beneficiaries, in a manner that is not transparent, with unknown identification of beneficiaries and targeted land, undermines section 33 of the

Constitution, which is a right to administrative action that is procedurally fair, reasonable and lawful" (Presidential Advisory Panel on Land Reform and Agriculture, 2019:26). Since the Act does not specify mechanisms to ensure that the Minister is accountable on any decision she/he makes on the acquisition of land and subsequent redistribution, it leaves room for corruption and elite capture. State bureaucrats and the politically powerful capture resources in land redistribution through payments of bribes, fronting and imposition of politically connected beneficiaries, and bailing-out politically connected individuals (Mtero, Gumede and Ramantsima, 2019:7).

Further, the Act places redistribution inappropriately and wholly within the DRDLR, with no co-ordination nor reference to other key departments, such as the DAFF, the DWS, COGTA the Department of Public Works (DPW) − all of which are crucially involved one way or the other with land decisions regarding the acquisition of land and state assets. The Provision of Land and Assistance Act (Act 126 of 1993) inappropriately anticipated that the minister would develop or appoint a developer for purposes of subdivision of the land, in isolation from the provisions of the Prohibition Subdivision of Agricultural Land Act 70 of 1970, an irregularity which might present challenges between the priorities of the DRDLR and the DAFF and affect land redistribution (see section 5.3.2).

The DLA/DRDLR relied heavily on its various internal policies on redistribution. These policies have undergone metamorphosis over various years, without clear, coherent policy direction, and often, contradictory outcomes in relation to the type of land tenure redistribution beneficiaries are entitled to. The policies on redistribution also did not have a specific purpose in relation to gender and class considerations (Presidential Advisory Panel on Land Reform and Agriculture, 2019:26). This institutional change is in agreement with

the following statement: “Institutions are in no way permanently given and fixed; they do exhibit vast variation in time and space” (Offe, 2001:449).

5.2.4 Policy Inadequacies

I think that inadequacy in policies is one of the major factors which contributed to the outcome of land redistribution. Policies are a guiding mechanism for achievement of organizational goals. Inadequate and unclear policies may lead to undesired outcomes in service delivery. There are contradicting views concerning this matter. On this subject Signé (2017:9) argues that some authors such as Domitrovich *et al*. (2008) highlight standardization as imperative for successful implementation. Nonetheless, research invariably underscores the necessity for preference and flexibility on the part of service deliverers (such as the DLA).

Availability of discretion is identified as a major factor for successful implementation among bureaucrats (see Lipsky, 1980:1-53). On balance, policies that give leeway for implementers to have greater discretion are more favourable, although some argue that discretion among implementers may enable them to pursue their own private goals, rather than those stipulated in the policy. Potential exists that greater discretion enables implementers to engage in discrimination, or different treatment of cases, derailing the intent of democratic policy processes, particularly when resources are limited (id.). The silence of the SLAG policy referred to in section 4.3 regarding the kinds of farming and social relations that were envisioned, including pertinent strategies for their achievement, is the case in point. To further elucidate the argument, section 4.7.4 is quoted:

> The 2015 PLAS evaluation Report by the DRDLR argued that with regard to identification and selection of beneficiaries including planning of land on which people would be settled; the evaluators could not find criteria applied by the Department in selecting and identifying beneficiaries. One of the PLAS objectives was to improve identification and selection of beneficiaries. Surprisingly, the PLAS implementation manual was silent on how this would be accomplished. From the results, heads of households were the majority of beneficiaries albeit without clarity on whether they were the target group. Farm planning also needed to improve as beneficiaries complained about lack of housing, electricity, water and sanitation at the farms (DRDLR, 2015:xxix).

Furthermore, it was discovered that the selection process of beneficiaries and the implementation process of PLAS were inconsistent in each province. For instance, beneficiary selection criteria were not uniformly applied despite the provincial structures set for the program such as District Local Committees (ibid:xxx; Diagnostic Report on Land Reform in South Africa, 2016:19).

In any case, it is extremely unlikely that all ambiguity in a policy can be eliminated, so some degree of interpretation will always be required by the implementer (Meyers and Nielsen 2012:308, 311). This is consonant with Mahoney and Thelen's view that compliance is inherently complicated due to the fact that rules may never precisely be enough to cover complexities of all possible real world situations (2010:11). They further argue that even when institutional rules have been furnished to accommodate relatively complex situations, actors are confronted with information processing limitations, and may not anticipate all possible future situations in which rules promulgated now may later be implemented. Hence

the requirement for a good monitoring and evaluation system to facilitate adaptation of rules to changing conditions in order to deliver services (land redistribution).

5.3 Policy Ambiguities

The DLA/DRDLR redistribution policies discussed in the previous chapter seem to have been ambiguous in the following areas:

5.3.1 Beneficiary Selection Criteria

Beneficiary selection criteria are considered to be one of the core mechanisms of land redistribution. If these were not clear, then the whole process could either be seriously delayed or derailed (see DRDLR Directorate Evaluation and Research, 2015:xxix). The 2015 PLAS Evaluation Report by the DRDLR argued that the Department had no criteria of selecting and identifying beneficiaries, including planning of land on which people would be settled. These facts do not only indicate that there could be a delay in land redistribution, but also bring into question the fitness of the Department in delivering the mandate.

One of the PLAS objectives was to improve identification and selection of beneficiaries (DRDLR Directorate Evaluation and Research, 2015:xxix). Surprisingly, the PLAS implementation manual did not explicitly state how this would be achieved. According to the results of the PLAS Evaluation Report, heads of households were the majority beneficiaries, although without clarity on whether they were the target group. It was also discovered that there was no uniformity in PLAS beneficiary selection and implementation

processes from province to province. For instance, beneficiary selection criteria were not uniformly applied despite the provincial structures set up for the program such as District Local Committees (ibid: xxx; Diagnostic Report on Land Reform in South Africa, 2016:19).

Healthy and vibrant organizations are an essential ingredient for a nation's development (Lusthaus *et al*., 2002:14). "The way an organization transforms its resources into results through work processes is called "systems"" (ibid:16). From the foregoing arguments, it could be argued that the DLA/DRDLR needed to have proper systems in place in order to effectively deliver land redistribution. The absence or weakness of such systems could seriously delay redistribution. Unfortunately due to COVID-19 imposed restrictions, I could not go into depth to examine the DLA/DRDLR systems through interviews and observations.

5.3.2 Stakeholder Alienation

The importance of stakeholder engagement may not be overemphasised in delivery of a public good such as land redistribution. The term stakeholder refers to any institution, group or individual with an interest or a role to play in societal decision making processes (Hutahaean, 2017:462). Different stakeholders may have different interests. Engagement strategies should thus be tailored to context: differing needs, program phases, formal requirements, as well as national processes including national and local culture (id.). Complex public problems such as land redistribution are shared and spread across multiple organizations and domains (Kettl, 2002:xi). I concur that no effective implementation of land redistribution could occur without the DLA/DRDLR's involvement of all stakeholders, since stakeholder involvement provides social approval.

Social approval and disapproval provide the rewards and punishments that endorse the norms of a group (Nee and Ingram, 1998:40 in Brinton and Nee eds.). Such positive and negative feedback when incorporated into on-going social relationships delivers self-reinforcing mechanisms. I therefore argue that stakeholder awareness and engagement into policy development and implementation would result in self-reinforcement and sustainable land redistribution. Secondly, for social innovations to be legitimated, they must initially have local validation (Johnson, Dowd and Ridgeway, 2006:25).

It appears that in implementation of the land redistribution policies, for example SLAG, the DLA isolated almost all interest groups including NGOs, the majority of rural communities, the white farmers and the emerging aspirant black capitalist farmers (Diagnostic Report on Land Reform in South Africa, 2016:16). The discord emanating from these various groups would definitely impede redistribution due to lack of buying in, even from other government departments due to silo mentality operations. These are some of the issues which I feel could have been revealed through interviews.

5.3.3 Individual Property Rights versus Commonage

People need land for different purposes. Land is used for individual housing and subsistence farming, individual business through firms, property development, commercial farming and individual nature conservancies. There are also circumstances where land is communally owned such as for burial grounds, communal grazing, joint industrial projects and public conservation areas and world heritage sites. All these land use forms need to be considered

by the Department in order to achieve sustainable land redistribution (see Presidential Advisory Panel Report, 2019). It seems that a participatory overarching policy regarding how these different land-use categories would be considered when redistributing land was never developed. Therefore, there could be delays caused by misunderstandings and resistance from various groups during implementation of redistribution. While the central focus for SLAG was on communities, the policy had to accommodate various interests including those of people who needed land for their private use as well as those with a desire to live and use their land jointly in communal settings (Kepe and Hall, 2016:17; Diagnostic Report on Land Reform in South Africa, 2016:16: Lahiff, 2009:176 in Binswanger-Mkhize, Bourguinon and van den Brink eds; Ranwedzi, 2013:22-23).

Individual property rights underpin a capitalist system of production, originating from the era of the enclosure movements when common lands were fenced off into privately owned entities (Obeng-Odoom, 2012:162). Proponents of individual property rights believe that unless a bundle of rights can be privately owned by individuals, they would have little incentive in using land to its best use or little interest in its sustainable use due to free rider problems or a tragedy of the commons (id.; see also Nee and Ingram, 1998). Writing on self-interest, Holton (1992:56) posits:

> The concept of individual sovereignty in liberal economics is closely linked with the concept of self-interest. The argument is that the pre-social individual is not equipped with the capacity to exercise individual sovereignty, but is also motivated to do so by self-interest. Prior to interaction with others, individuals articulate a sense of their own objectives and a commitment to secure those objectives as best they can.

The second view about ensuring secure property rights is different from the first. The communitarian school argues that land redistribution should revert to the traditional land tenure system. This view is anchored in the social capital concept which was popularised by James Coleman. Social capital is generally viewed in terms of the advantages individuals derive from their social networks, for example, made up of clan members (Obeng-Odoom:2012:163).

5.4 Factors Affecting Land Redistribution

I believe that the factors discussed in detail below have also contributed towards the present land redistribution outcome in SA.

5.4.1 Establishment of the DLA

The DLA was established through a series of restructuring processes involving the bureaucracy existing at that time, recruiting staff from various constituencies of the apartheid government (Adams, 2000:4). The foregoing statement is corroborated by Hall and Williams (2000:1). A pertinent question arising is how the manner in which the DLA was established would affect delivery of its institutional mandate (in this case, land redistribution). First, one would think that the retention of a significant number of the apartheid staff within the new Department would help facilitate service delivery due to their experience, and therefore would impart their knowledge to the newly hired staff. Secondly, the negative result of retaining the old staff would result in either disorientating the new staff or not providing the

necessary resources - especially when the key positions were occupied by white males from the apartheid system (see section 4.1 para. 3).

A further scenario would be that of orientating the old apartheid staff into the aims and goals of the democratic political order. Although employee orientation refers to an essential aspect of training where new recruits are introduced to their new working environment, co-workers, policies and procedures, rules and regulations of the organization, in this regard the apartheid staff would be oriented into a new way of doing things. This orientation process would help the employees to become familiar with the requirements of the new task and other aspects of the working environment, which would enhance their performance on the job. With an accelerating rate of change and aggressive competition, research has proven that organizations that adopt employee orientation outperform those that pay little or no attention to employee orientation (Worlu, Mugri and Akpakip, 2017:219). Through employee orientation, focus is built among employees, values and beliefs are reinforced, which thus take the organization to a level of efficiency and effectiveness (id.).

Referring to section 3.3.2, it is noted that institutions are often not created *ex nihilo* on *tabula rasa*. However, consulting history in the creation of institutions may result in combination and adoption not of new institutions, but of selected precedents (Offe, 2001:450). A challenge is that the precedents may not be guaranteed to solve unprecedented conditions of the present (id.). In preserving residues of the apartheid regime in forming the DLA, the democratic SA adopted the Panglian idea of dependence on experience by the legislator in creating new institutions. Due to limited experience, the legislator is bound to turn to the experience of other law givers in other times and places. Political history must be studied as

aid, which Pangle posits has been a prominent feature of the spirit of the law. Although the prescriptive character of history is questionable since no two situations congruently resemble each other (Pangle, 1973:274). Combined with the importance of reference to history in order to furnish new institutions, the SA land redistribution process also had a challenge to build cultural diversity into its land redistribution institutions (discussed below) including the history of dispossessions.

The creation of the DLA took a different turn from the specifications of Machiavelli with regard to building a new political regime. Machiavelli argued that the ruler of a city or state had to organize everything anew (Offe, 2001:450). Given the slow delivery of land redistribution, there are some amongst South Africans (for example Julius Malema) who feel that the revolutionary approach could have yielded the desired result (doi.v=MnPb6d-7SCc&list=WL&index=118:5:45-21:40). Nevertheless some fear that the approach yielded undesired results in Zimbabwe (Framework and guidelines on Land Policy in Africa, 2010:7).

The temptation to draw lessons from the land redistribution program in Zimbabwe is hard to resist (Pazvakavambwa and Hungwe, 2009:164 in Mkhize *et al.* eds.). Caution should be taken that there is no one size fits all in the success of a land redistribution program. Land redistribution is always characterized by context specific historic, social, political, economic, and ideological uniqueness and cultural features (id.). These factors suggest dangers involved in attempting to replicate redistribution mechanisms across countries. It may lead to the phenomenon of drift (the changed impact of rules due to shifts in the environment of their application) (Mahoney and Thelen, 2010:16-17). Therefore, the discourse regarding Zimbabwe's land redistribution program influence in countries such as Namibia and SA may

be misdirected due to dissimilar conditions in these countries warranting application of different strategies (Pazvakavambwa and Hungwe, 2009:164 in Mkhize *et al*. eds.).

5.4.2 Opposing Cultures

A different generation of South Africans both in terms of attitude and ethnic diversity became responsible for planning and implementation of land redistribution. Pre-existing and freshly appointed personnel were reorganized into the structure (Adams, 2000:4). Although cultural diversity may be good for organizations, it may also present problems. The challenges may arise where cultures clash resulting in disparities in the understanding of the vision and mission of the organization. As the DLA was established with individuals from different backgrounds, it would take time to rationalize them into sharing one vision and prioritizing the mandate of the organization (especially with issues of affirmative action). By bringing together staff from the apartheid era while also drawing other staff from constituencies such as NGOs who had previously fought against apartheid, this might have created a clash of cultures and work ethics. Thus it might have created a recipe for disaster (a span of oxen and donkeys). As stated in section 3.3, the order enhancing function of institutions is attained through provision of shared cognitive and normative orientations to participants (id.; Thelen, 1999: 386).

The increased tendency of organizational personnel to indulge in interpersonal conflicts is one negative effect of cultural diversity in the workplace (Martin, 2014:89). Further, culturally diverse workers have different opinions, thoughts, beliefs, norms, customs, values, trends, and traditions (id.). The point needs not be belaboured in the DLA/DRDLR which is

constituted of individuals from the rainbow nation. The characteristics of race, ethnicity, gender, age, and disability are deemed to be the basis of much anti-discrimination legislation around the world (Mazur, 2010:6). The concealed dimensions, such as culture, religion, and politics, only show up with the passage of time within an organization. The core of individual identity constitutes tertiary dimensions and occurs deep beneath the surface. These deeply buried qualities offer the actual essence of diversity (Martin, 2014).

When workers with different cultures are placed in a group to achieve a goal with mutual effort and collaboration, the differences in opinions, beliefs and other variables can become an impediment to unity (Martin, 2014:89). Inter-worker conflict may arise for reasons that may or may not be related to work at all. For example, an Orlando Pirates supporter and a Kaizer Chiefs supporter employee might argue with each other over a football match lost by Chiefs to Pirates. Similarly, workers may have historical and regional reasons to conflict with each other. For instance, a white employee and an African employee might disagree over the inhumane acts of apartheid that have resulted in displacement of the natives from their land. Arguments may vary from very serious to trivial. Whatever the case may be, the interpersonal conflicts result in lost efficiency and development of negative emotions among employees, which may yield a negative outcome regarding organizational performance (id.). Hall and Williams (2000:1) state:

> An official Review of the Department's work described it as 'a highly centralized and fragmented bureaucracy', riven by 'poor race relations' and a 'high black staff turnover'.

With reference to section 3.3.3 above, taking Selznick's differentiation between organizations as:

> the "structural expression of rational action";
>
> a systematic apparatus designed for achievement of distinct goals; and
>
> a body perceived as an adaptive, organic system, affected by the social characteristics of its participants including by the various pressures exerted by its environs.

I argue that the DLA's social characteristics were not only affected by opposing cultural characteristics of its employees, but also by its socio-political environment which forms part of the following discussion.

5.4.3 Varying Political Perspectives

The DLA has changed over time from the Department of Land Affairs (DLA) to the Department of Rural Development and Land Reform (DRDLR), and to the Department of Agriculture, Land Reform and Rural Development (DALRRD) (see Advisory Panel Report on Land Reform and Agriculture, 2019). There seems to have been changing political views which influenced the constitution and reconstitution of the DLA over time. I therefore argue that these changes may have contributed in imposing periods of delay which may have contributed to slow and fluctuating land redistribution over years (see fig.2 below). When a new ministerial administration takes over, there is often a period of briefing. Not only does the briefing impose delays in a centralized bureaucracy, but it may also halt redistribution claims already in process. The case in point is that between Baby from Mokopane and Thoko Didiza, where the redeployment of Thoko Didiza from Land Affairs caused a more than five

(5) years delay for Baby to get farming land (doi.v=olrU3bRfk4U&list=WL&index=84:1:02:00-1:06:00).

In 1999 Thoko Didiza replaced Derek Hanekom as the new Minister of Agriculture and Land Affairs. Didiza stopped all new SLAG projects and initiated an internal review, the process which must have inevitably resulted in redistribution delays. Later, Didiza was replaced by Lulu Xingwana in the period 2006-2009. In that period there was a shift in DLA priorities from a strong focus which had been aimed at answering the land needs of the poor. Under Xingwana's administration, the focus changed towards serving a group of aspirant black farmers, and the emphasis was on market efficiency and de-racialization of commercial farming (Diagnostic Report on Land Reform in South Africa, 2016:10). This deviated from the initial redistribution objective of easing congestion in the communal areas and diversifying the ownership structure of commercial farmland. "Apart from its slow progress, land redistribution policy has also changed what the program is supposed to achieve and whom it is meant to benefit" (Hall, 2007:89).

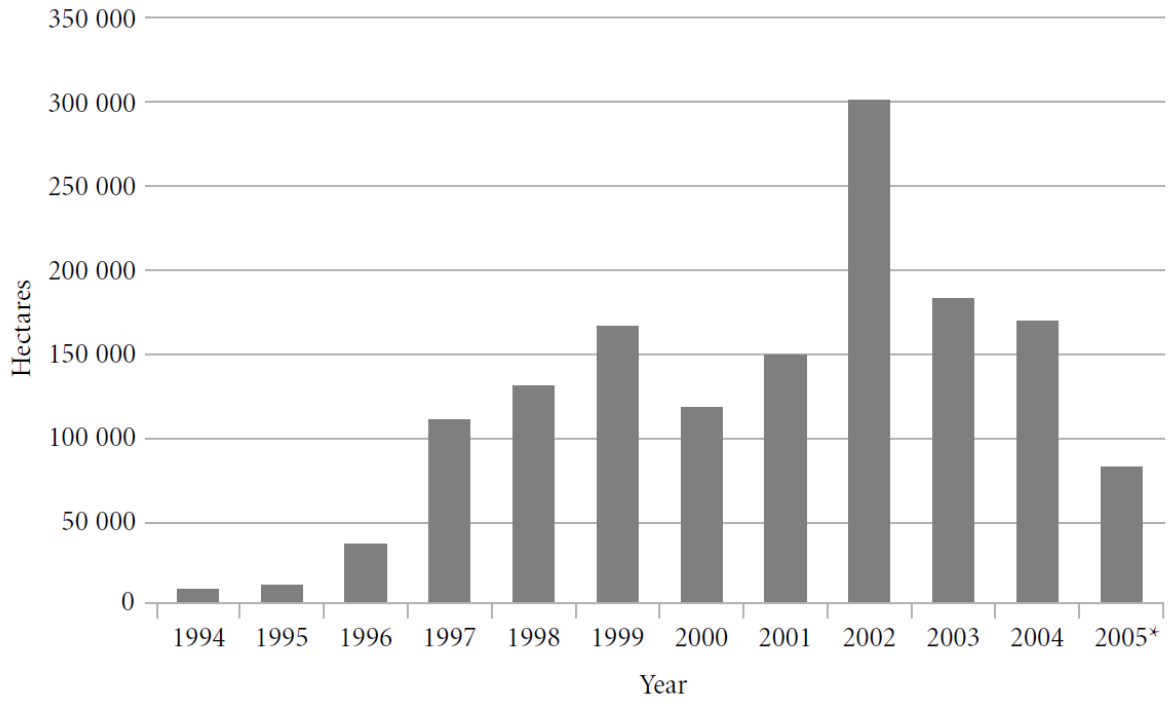
In 2009, not only did the ministerial administration of the DLA change, but the presidency also changed. The new presidency came with new governmental development priorities. For example, the Zuma presidency identified and prioritized rural development, food security and land reform. Therefore the DLA was changed to DRDLR with a new political leadership under Gugile Nkwinti. The changes in political administration led to varying political perspectives which influenced policy directions for the next seven years from 2009 (ibid:12). One may not belabour that such institutional changes were bound to affect the Department's

performance on land redistribution as it resulted in changing priorities. Mahoney and Thelen (2010:1) state:

> Once created, institutions often change in subtle and gradual ways over time. Although less dramatic than abrupt wholesale transformations, these slow and piecemeal changes can be equally consequential for patterning human behaviour and for shaping substantive political outcome.

While some progress was made in redistributing land from white into African hands, and albeit unsatisfactory, the pace improved over time. The land redistribution program was a complete alteration from the transformative vision of widespread redistribution that informed the Freedom Charter and the original RDP. It became more limited in its extent, and weakly linked with a wider agrarian reform to restructure the rural economy. With varying political views, it shifted away from an exclusive focus on the rural poor towards a vision of an African commercial farming class operating alongside the white commercial farming sector (see Hall, 2007:92).

Fig.3 Land Redistribution and Tenure Reform Trends from 1994 to 2005



Source: Adopted from Hall, 2007:90

5.4.4 Changing Priorities in Land Redistribution

Referring to section 4.2 above, land redistribution was implemented under program five (5) of the DLA (see DLA, 2005/2006:25). Up to around 2005, the main objective of the program was to ensure sustainable economic growth benefits to those who were underprivileged during the apartheid period by providing land rights to achieve increased income levels, productive land use and well-planned human settlements (id.). The primary focus for land redistribution changed towards redistribution of thirty per cent (30%) of white-owned agricultural land for sustainable agricultural development after the 2005 land summit (see DLA Annual Report, 2006/2007:59). There were temporal policy changes associated with changing institutional arrangements, including creation of two separate ministries responsible

for land and agriculture, and relationships with other entities comprising the Land Bank, private consultants and service providers (Kepe and Hall, 2016:13). There were also changes in the objectives of various land redistribution policies, targeted groups, modalities and implementation mechanisms (id.).

The change in priorities may have arisen from three situations. Firstly, the SA government and the DLA were learning to perfect their policies through an iterative process, and secondly, the SA policies were subjected to an endogenous subversion process. Thirdly, the influence may have emanated exogenously, infused into SA macro-economic policies through diffusion of ideas from organizations such as the International Monetary Fund (IMF) and the World Bank. To affirm these, one needs to go back to the events that characterised SA's new democratic government policy development.

As SA moved towards closing its political negotiations in 1993, the RDP emerged as a concerted effort to conceive a set of social, economic and political policies and practices that could transform the country into a just and equitable society (Marais, 1998:177). The RDP base document was underpinned by five sub-programs: Meeting basic needs, Developing human resources, Building the economy, Democratizing the state and Implementing the RDP.

In its incubation, the RDP became diluted by various ideas. When the document made its public appearance as the white paper, it had been reshaped into a document where any issue construed to violate the interests of the rich and powerful had been ironed out (Von Holdt,

1993:25). When writing about the events that overtook the development of the RDP Marais (1998:177) asserts:

> What surprised many progressives, though, was the extent to which the scope and content of the RDP became circumscribed by conservative government policies which ignored most of its progressive components.

Reference is herein made to the RDP since it was initially the yardstick against which delivery of the ANC on its political, social and economic mandate would be measured. The document was aimed at addressing inequality through land redistribution and restitution, ensuring equal opportunity and pay – not only interracially, but also between men and women. In the final white paper, the core principles of the RDP were altered (Marais, 1998:181).

In the end, the RDP white paper drifted more towards neo-liberalism (id.). Instead of the initial focus to meet basic needs through redistribution, emerged a stern emphasis on factors perceived to hinder growth and investment. In the end, a tightly controlled macroeconomic balance was preferred over redistribution. The RDP seemed to accommodate the divergent views of the social and economic forces in contest. The capitalist view was that the role of the state was to be restrained as far as possible (Marais, 1998:180-181). The main thrust for the program was seen as achievement of robust economic growth. Then the disadvantaged majority would feed off the morsels trickling from the alleged growth.

The neo-liberal views were reinforced by adoption of the General Agreement on Trade and Tariffs (GATT) which was already in implementation in SA. The overall effect of the GATT provisions would be emasculation of domestic laws and government regulation at all levels, promotion of privatization and deregulation and weakening of worker rights and unions. The RDP drifted towards a perspective that premised reconstruction and development on liberalization, and cultivation of business and investor confidence (Marais, 1998: p189). The basic needs concept only remained to serve a cosmetic role meant to soothe tensions within the tripartite alliance (ANC, South African Communist Party and the Confederation of South African Trade Unions). Under such conditions, Marais posits a separate institutional structure like the RDP office became vestigial.

To the fleeting relief of the South African Communist Party (SACP) and the Confederation of South African Trade Unions (COSATU), Deputy President Thabo Mbeki pulled a stunt to reconcile the GEAR macroeconomic strategy with the RDP. By late 1997, a process within government had begun to create a developmental framework showing some remnants of the dead RDP in the form of GEAR. This was a vain exercise since a macroeconomic strategy based on privatization, deregulation, fiscal austerity, trade liberalization and the predominance of the financial sector over production and commerce could not be appended to a program like the RDP (Marais, 1998). The value of the RDP as a government program had therefore radically changed.

Since the majority of black South Africans did not have access to land, the RDP promoted land redistribution and restitution. Since land is an important aspect of capital as a factor of production it must be well appropriated as Peter Karungu states in this video

(doi. 486 Land expropriation without compensation | Discussion with Peter Karungu and Ernst Van Zyl Part2 - YouTube).

It was understood through the provisions of the original RDP document which was informed by the Freedom Charter that dignity would be given back to the majority of the landless, even though the RDP did not provide explicit details on how land redistribution would be achieved.

The stark reality of rebuilding post-apartheid SA was that its political and economic landscape was adorned by spatial inequality, racial and sexual inequality and economic inequality with the wealth concentrated in the hands of a few privileged minorities. From the notions of institutional theory, the country was at the critical juncture, a position from which a path towards a new national development agenda was to be taken. Institutions are seen as relatively persistent features of the historical landscape and one of the central factors pushing historical development along a set of paths (Hall and Taylor, 1996:953). Accordingly, historical institutionalists have given attention to the problem of how institutions structure a nation's response to new challenges. Early analysts emphasised the impact of existing state capacities and policy legacies on subsequent policy choices (id.).

I also attribute the changing priorities in land redistribution to have been influenced by changes in macroeconomic policies which were in turn informed by hegemonic global ideas. On this aspect of policy making Campbell (2002:21) states:

> Political Sociology and Political Science have focused on how the pursuit of self-interest affects politics and policy making in advanced capitalist societies. This has been true for pluralist, elite, neo-Marxists, historical institutionalists, and rational choice theorists. Scholars have paid far less attention to how ideas, that is, theories, conceptual models, norms, world views, frames, principled beliefs, and the like, rather than self-interest, affect policy making.

Whereas some studies quote cognitive paradigms and normative frameworks to explain dissonances in public policy, others do so in order to explicate consonances (Campbell, 2002:25). Sociologists posit that Western political culture diffused world-wide and homogenized national political institutions and policy-making instruments. Hence, I strongly argue that the changing priories in land redistribution as seen in SA redistribution policies may have been thus influenced, resulting in slow delivery.

5.4.5 Socio-Economic Disparities

I advance that although the issue of socio-economic disparities was at the core of land redistribution and may have been used as means-testing for land redistribution, it also may have contributed negatively towards redistribution delivery. For example, the grant-based policies such as SLAG and LRAD were not enough to ensure that individual beneficiaries could buy land of their own. As a result beneficiaries had to combine their grants to be able to meet the price of land as determined by willing sellers (see Kepe and Hall, 2016; Diagnostic Report on Land Reform in South Africa, 2016; Lahiff, 2009 in Mkhize *et al*. eds.; Ranwedzi, 2013).

Unforeseen challenges emerged during implementation of the LRAD (Kepe and Hall, 2016). Most beneficiaries took loans from the Land Bank in order to leverage higher LRAD grants from the Department. The loans resulted in high levels of beneficiary indebtedness. There was incompatibility between applicants' requirements and the land available due to the grant structure and dependence on land availability offered for sale. The consequence was projects that did not go ahead or applicants that ended up with land or group sizes inappropriate for their aspirations. It needs not be overstated that land redistribution under such conditions would be hampered as exemplified by the Surplus People Project (SPP) (Kepe and Hall, 2016:22).

The sliding grants used under LRAD further created socio-economic disparities since those who could contribute more could easily get land. This would inevitably have the effect that the richer got richer while the poor got poorer. It further contributed towards the creation of the new class of black elites and barriers to opportunity access. The idea is that if a job is to confer high income and special advantages on its occupants, it is important that the incumbents of the job have various means of excluding other people from access to the job (Wright, 2017:6). Similarly, this form of social closure is thought to have been palatable to those who already owned the land, and therefore would not want others to have it. I feel that the World Bank's emphasis on creation of a new class of black commercial farmers in 2000 (see section 4.4) was ill-advised. The creation of black elites would turn black against black resulting in solidarity disintegration. Further, the socio-economic disparities would make it difficult for those in the lower echelons of society to have access to land, as the willing sellers

implement social closure through increasing land prices. Hence, the rate of land redistribution would be affected.

Although in implementing PLAS the government bought and redistributed land, the two stage process of redistribution may have been time consuming. Apart from time, the non-specified assessment criteria based on the readiness to farm (see section 4.5.2) would alienate other aspirant individuals from accessing land. I posit that the assessments may have further contributed to creating class disparities. The economic benefits people get from being part of a privileged class are causally connected to the disadvantages of those left out from those class positions (Wright, 2017:8).

Reducing poverty and inequality was the overriding concern of SA's development policies and programs, from the onset of democracy in 1994 in the RDP to the current National Development Plan: Vision 2030 (NDP). The guiding principle, as captured in the NDP, is that no political democracy can survive and flourish if the majority of its people wallow in abject poverty, without land and without tangible prospects for a better life (World Bank, 2019:x). Analysis of the distribution of consumption expenditure per capita in the recent Living Conditions Survey 2014/15 found that the country had a Gini coefficient of 0.63 in 2015, one of the highest in the world and an increase since 1994 (ibid:xv).

5.4.6 Poor Monitoring and Evaluation

It is not enough to develop good strategies without proper implementation, monitoring and evaluation. With regard to the DLA/DRDLR, both implementation and monitoring and

evaluation required that the Department is well resourced in human, financial and other resources. There was difficulty in accurately tracking and reporting on land redistribution delivery under SLAG due to inconsistencies in reporting and absent reports (Diagnostic Report on Land Reform in South Africa, 2016:25). This is a negative indicator on how the DLA/DRDLR bureaucracy conducted its business. The achievements of SLAG were contrary to the objectives of existing policy (Kepe and Hall, 2016:18), and delivery statistics for PLAS were not clearly reported by the department (Diagnostic Report on Land Reform in South Africa, 2016:18). This can only happen under poor monitoring and evaluation, where implementers are not vigilant enough to control the processes of implementation. Some scholars refer to weak correlation between performance indicators and the activity itself. This is associated to failure of indicators to evaluate full activity transformation over time (Suleimenova *et al*, 2018:175).

The inconsistencies expressed earlier between the LRAD grant and land availability which resulted in project failure does not only illuminate poor monitoring and evaluation, but also indicates policy failure or poor policy design as discussed in 5.2.6 above. The question arises whether the non-willing sellers could capitalize on the LRAD failure to address incompatibility between applicants' requirements and available land thereby demonstrating subversion as described by Mahoney and Thelen (2010:29-31). This raises "the ability of institutions to simultaneously cultivate and sustain dominant coalitions that support perpetuation of the institutions and to engender marginal groups that thrive on subverting these institutions" (Onoma, 2010:65).

5.4.7 Market-Led-Redistribution

The market-based land acquisition seems to have dominated the land redistribution mechanisms in SLAG, LRAD, and even PLAS (Kepe and Hall, 2016:16; Hall, 2009:98 in Ntsebeza and Hall eds.; Diagnostic Report on Land Reform in South Africa, 2016:80; Ranwedzi, 2013:iii). It is striking why SA would chiefly resort to market-led land redistribution while it is crystal clear that such an approach could not work in a highly unequal society (see Vink and Kirsten, 2019:7).

Although a concern was raised regarding the WBWS redistribution at the National Land Summit in 2005, the PLAS was still executed through this mechanism. Delegates complained about insufficient land grants and inflation of prices and refusal to sell by landowners (Kepe and Hall, 2016:22; Ranwedzi, 2013:14). I lament the fact that the market-led redistribution was not only unfair to the dehumanized people whose land was historically taken by force, but they would also have to wait for those who hold it to sell it exorbitantly at will. There is no way that under such conditions land would be redistributed to many poor South Africans.

International experience has also demonstrated that state-led redistributions have also failed due to corruption, patronage and bureaucratic delays (Vink and Kirsten, 2019:7). In SA, the market-assisted redistribution failed due to its control by the state through the release of grants and beneficiary identification processes (id). "The bureaucrats exercised control and approval of every step in the process, resulting in long delays which caused the individual

transactions of land transfer to collapse. This – and nothing else – was the main reason for the slow delivery of land to beneficiaries" (Vink and Kirsten, 2019:7).

While the bureaucratic factors referred to by Vink and Kirsten (2019:7) and as discussed below may have seriously contributed to delays in land redistribution, they may have not been the sole reason for slow redistribution as advanced in Vink and Kirsten's parochial view. It requires no rocket scientist to comprehend that a market-led redistribution to the poor where assistance funding is limited will always be delayed or will result in further inequalities as it creates a new class of black elites as discussed above.

Although the market-led redistribution was not legislated for, it remains questionable why this World Bank notion pervaded every redistribution policy in SA. An answer may be that the World Bank positioned itself as the single most important exogenous source of ideas to developing countries' policy makers (Mkandawire, 2014:182). Its strategy for propagating new ideas involved the discrediting of those who defied the old development economics or opposed the neo-liberal dilemma. This approach enhanced the value of local economists through the technocratic turn in policymaking that emphasised political credibility as central and essential for attracting foreign investment (ibid:183). I therefore highly suspect that in a ploy to attract and retain foreign investment, SA became influenced to follow market-led land redistribution to be legitimated by rating agencies to the detriment of poor South Africans. Elkhoury (2008:11) asserts:

> There is a risk, therefore, that in order to avoid rating downgrades, borrowing countries adopt policies that address the short-term concerns of portfolio investors,

even when they are in conflict with long-term development needs. However, this is an issue which has not been the subject of systematic research.

The market-based approach to land redistribution has remained dominant, given greater donor support for it (Moyo, 2009:74 in Ntsebeza and Hall eds.). Moyo doubts the feasibility of land redistribution without strong state intervention in the land markets, given the legacy of inequitable social capital and financial markets, and concludes that neo-liberal land reforms have tended to fuel renewed land struggles.

5.5 Bureaucratic Failure

In this section, I discuss some of the bureaucratic factors that I perceive to have affected delivery of land redistribution in SA.

5.5.1 Inadequate Human Resource Capacity

The 2015 DRDRL PLAS Evaluation Report brought up grievances from the majority of provincial managers about feasibility study reports that were submitted late due to a limited number of extension officers. Apart from delay, the reports were of poor quality (DRDLR Directorate Evaluation and Research, 2015:xxvi). This is not only a bad performance indicator, but one that seriously brings forth a reason for the slow delivery of land redistribution (see Vink and Kirsten, 2019:7).

The DLA was not exceptional entailing the challenges that the country faced regarding a limited pool of skills which resulted in high mobility and staff turnover (Presidential

Advisory Panel on Land Reform and Agriculture, 2019:64; Hall and Williams, 2000; Adams and Howell, 2001:2). The high attrition of staff is one of the major factors that might have influenced the land redistribution outcome. The processes of hiring takes considerable time, but also following staff procurement, it takes a bit of time to deliver as the new incumbents need to be properly oriented. The resignations could also result in reshuffling of existing staff to compensate for vacant posts. Coupled with improper handover, reshuffling would have the effect of losing track on claims that were already under process (see section 5.4.3). Compensation for staff shortages through the adoption of a vigorous internship program whereby interns would be appointed to permanent posts would nibble on delivery time as further training would have to be undertaken for the interns.

The role of technical qualifications in bureaucratic organizations is very important (Weber, 1978:221, 223). The primary source of bureaucratic administration superiority lies in the role of technical knowledge which is completely necessary (for effective delivery of services such as land redistribution)v. The organization of modern bureaucracy in various state institutions is intricate and also varies significantly across institutions depending on their labour processes and functions (Von Holdt, 2010:6). The location of high skill functions which require more discretionary flexibility in relation to lower skill functions which are routinized has significant implications regarding how institutions are structured. An in-depth organization of the DLA/DRDLR land redistribution function could not be assessed due to the said COVID-19 restrictions.

5.5.2 Skills Mismatch

Lack of capacity in national and provincial government departments such as land reform and agriculture was a serious impediment not only to land redistribution, but to the entire land reform program (Diagnostic Report on Land Reform in South Africa, 2016:79). Lack of skilled labour in government departments was further reiterated by President Ramaphosa in his 11 February 2021 state of the Nation Address (SONA:15-16). The majority of government officials lack requisite experience regarding the services they are trying to deliver. Their professional training is often in the field unrelated to their jobs. A rural SA extension service has a long history of disorganization due to lack of skilled personnel (Diagnostic Report on Land Reform in South Africa, 2016:79; Kepe and Hall, 2016:45-46; Ranwedzi, 2013:13-14).

Although staff procurement processes try by all means to find the right incumbents for jobs through job specification and vetting, it is hard to congruently match people to jobs. This may arise due to the nature of the education system and or the ever changing global job environment. Good allocation of a workforce is crucial for organizations aiming to improve performance (Velciu, 2017:396). Matching the right person to the right job requires that educational level, organizational field and competencies of an employee are adequate to workplace requirements and responsibilities (id.).

Vertical mismatch occurs when the level of competency is higher or lower than required, while horizontal mismatch is displayed due to competencies (skills and education) being different from the desired ones (id.). Although interviews would have better revealed these facts, I highly suspect that one or both types of mismatch swamped the DLA/DRDLR. Job

mismatch has a negative effect on productivity (id.). With regard to land redistribution, the mismatch could have resulted with employees not completely fit for the purpose and a slow or injudicious delivery.

5.5.3 Cumbersome Bureaucracy

Cumbersome bureaucracy denotes a bureaucratic system that is bulky and resulting in lots of procedures that delay service delivery. "Economists are certainly not alone in associating governments with red tape, cumbersome procedures and bureaucratic inflexibility" (Olson, 1973:355). It is nonetheless doubtful whether the inefficiency attributed to existing governments is believed to be inherent in all government activity, since some of those who criticize the ineptitude or incompetency of an existing government contend that these problems would be solved if the electoral victory or social revolution they prefer were to take place (id.). When it comes to issues like land redistribution, a sustainable solution should emanate out of a robust and transparent stakeholder engagement process.

It was alleged that there was a lot of red tape in government institutions that led to delays in processing of funding applications by the DLA (DLA, 2015:18-19; Ranwedzi, 2013; Vink and Kirsten, 2019:7). There was also reference to the highly centralised nature of the bureaucracy (Ranwedzi, 2013:13-14). The initial phase of the land reform pilot projects and the SLAG era were characterised by highly centralized decision-making (Kepe and Hall, 2016:46). Due to delegation of project approval to provincial offices under LRAD, approval processes hastened, although devolution and delegation were reversed, and there was re-centralization of project approval under PLAS (id.).

It is alleged that devolution ensures equitable distribution of resources, and assumed that it enables local residents to make relevant and accurate decisions regarding priorities for their own areas if adopted (Nhede, 2013:33). I maintain that if land redistribution had followed a decentralized approach where central government would oversee and monitor proper implementation of policies while allowing provincial and district offices to determine their local land needs within the framework of national policies, the outcome would have yielded a different result. Devolution is a transfer of administrative and political powers from central government to lower tiers (Chigwenya, 2010:2). The lower levels become semi-autonomous with decision-making powers. Devolution makes democracy stronger by empowering people to deal with matters relating to their local areas (Onyango, Cheluget, Akello, Okari and Keraro, 2012:705). It importantly allows local authorities to exercise discretionary powers when making decisions on matters that affect local communities (id). I contend that this transfer of authority for decision making from central to local government could have reduced the burden in decision making; and could have been pertinent in land redistribution as provinces are not homogenous in their developmental requirements (see Mukonza and Chakauya, 2012:101).

5.5.4 Lack of Political Buying in

Poor political leadership was indicated to have been central to land redistribution resulting in lack of consistent support from key constituencies (Diagnostic Report on Land Reform in South Africa, 2016:79-80). I therefore advance that when support is not forthcoming from key constituencies, insurrection and subversion may ensue, resulting in sabotage of the redistribution efforts of the DLA/DRDLR (see Mahoney and Thelen, 2010 on coalitions). Between 2010 and 2015, government formed alliances with chiefs for land redistribution

while isolating many members of rural communities (especially in mining areas). These alliances could have created local elites and dismantled community cohesion. The tendency by South African politicians to use the land questions to mobilize support for their party political agendas could also result in social rifts.

One of the major challenges was broadly identified as weak effective post-settlement support. This included access to finance, infrastructure, inputs, markets, extension and training, and water for irrigation (Diagnostic Report on Land Reform in South Africa, 2016; Presidential Advisory Panel on Land Reform and Agriculture, 2019). The low land reform budget as expressed in Fig.2 in section 4.7.6 highlights low government commitment to the program. It is astounding that an issue which was central to the freedom struggle as depicted in the Freedom Charter and the RDP could be relegated to such low budgetary regard.

The results of successful revolutions are very uncertain due to the fact that conflicts within the coalition over rule restructuring and distribution of rewards leads to further conflict (North, 1990:90-91). Furthermore, although ideological commitment is central to mass support of a revolution, it proves difficult to maintain. Foregoing one's wealth and income for other values is one thing in the face of a common and loathed oppressor, but the value of trade-off becomes altered as the oppressor vanishes. Therefore, to the extent that the new formal rules of the game are built on an inducement system that involves ideological commitment, they are subverted and force relapse to more compatible controls, as it has been discovered by modern socialist economies (id.).

5.6 Conclusion

In this chapter, I have dealt with factors that I think have contributed to the present outcome of land redistribution in SA. The factors have been discussed with close reference to organizational and institutional framework. The next chapter summarises major findings of the study, outlines the conclusions and highlights areas for further research.

6. CONCLUSION

6.1 Summary of Findings

This study set out to primarily investigate the institutional causes of the present day land redistribution outcome in SA starting from 1999 to 2015. By relying on document/textual analysis with specific focus on the DLA and its three redistributive policies (SLAG, LRAD and PLAS) over the period, the investigation has come to the following findings:

It is common cause that land redistribution in SA fell off target in the period under review. Since its inception, the land redistribution program had distributed an annual average of 214,415ha by 2015 (Kepe and Hall, 2016:30). From its inception, the land redistribution program had transferred 5.46% of commercial agricultural land by 2015. This translated into a shortfall of 24.54% in comparison to the initial target of 30%. The average annual rate of redistribution was therefore 0.26%. If this pace of redistribution would be maintained, it would take more than 115 years to redistribute 30% of the targeted land.

The overarching research question sought to know what might have caused this outcome with reference to institutional factors and implementation mechanisms that were employed in the implementation of the program. In this regard, the study points to a number of factors:

The retention of apartheid staff during establishment of the DLA worked negatively, in that it caused social closure by white males who occupied the key positions in the Department. I strongly suspect that the net effect was resistance in providing the necessary resources for

implementation of the program as discussed in section 5.2.1, although details of empirical evidence regarding what truly transpired might have been revealed through interviews.

By bringing together staff from the apartheid era while also drawing other staff from various constituencies, a clash of cultures and work ethics was created. This might have created a recipe for disaster. The increased tendency of organizational personnel to indulge in interpersonal conflicts is one negative effect of cultural diversity in the workplace (Martin, 2014:89). The order enhancing function of institutions is attained by provision of shared cognitive and normative orientations to participants (Thelen, 1999: 386). Therefore, I posit that the opposing cultures within the DLA may have inevitably affected its delivery on land redistribution.

The reshuffles and changes in the Department, from DLA to DRDLR due to changing political perspectives may have certainly delayed the process of land redistribution. I envisage that these changes may have contributed in imposing periods of delay which may have contributed to slow and fluctuating land redistribution over the years (see Fig.3). The changing priorities discussed under section 5.2.4 also negatively impacted the overall delivery of redistribution as the effect of changing goal posts would hamper the outcome in most projects. When a problem is identified, a change cannot just be made, because it may either be too expensive or take a long period implement (Project Implementation Overview: https://opentextbc.ca/projectmanagement/chapter/chapter-17-project-implementation-overview-project-management/).

Before making a change in a project or program implementation, one needs to look at how it will affect the triple constraint (time, cost, scope), and how it will impact quality. Then one must figure out if the change is worth making (id.). Although interviews for DLA officials and other stakeholder ministries were not possible, I am suspicious that the aforementioned triple constraint might have not been considered in making reshuffles and changes in the Department given the casual manner in which land redistribution seems to have been approached as discussed in the previous chapters.

The socio-economic disparities of beneficiaries especially under the LRAD dictated who would be eligible to get funding in order to leverage a higher LRAD grant. The skewed redistribution of resources that favoured well-off beneficiaries in land redistribution is attributed to policy biases which prioritized commercial success as the main goal in land redistribution. Well-off beneficiaries (urban-based business individuals, taxi or transport operators, former state bureaucrats and local politicians) with access to material resources, knowledge and information often qualified as beneficiaries (Mtero, Gumede and Ramantsima, 2019:7). This affected redistribution by mainly selecting beneficiaries according to their economic status, thereby giving rise to elitism.

Inadequacies in policies affected the delivery of land redistribution. For example, the 2015 PLAS Evaluation Report bemoans the absence of explicit criteria in identifying and selecting beneficiaries. This corroborates the arguments advanced in the preceding paragraph above. Poor monitoring and evaluation has also contributed to the slow redistribution outcome. I conclude that development of good policies whose implementation is not properly monitored leads to poor performance output. There is general consensus among scholars regarding the

necessity of monitoring and evaluation of the policy implementation process (Signe, 2017:10). A meta-analysis of twenty-seven frameworks for implementation established that 96% of studies reviewed emphasized the necessity of evaluating processes (Signe, 2017:10). An ideal implementation process continuously changes and develops in response to changing context and new inputs and outputs (id.).

Market-led redistribution seems to have permeated all land redistribution policies in SA. This has resulted in government paying exorbitant land prices based on the WBWS principle which appears to be one of the major culprits for the redistribution outcome seen to date. The primary argument is that the 'willing buyer, willing seller' approach adopted by the government had limitations, which are illustrated with particular reference to grant-based land purchases. Thus far, the government failure to intervene proactively in markets to meet demand has impeded redistribution; even where redistribution has happened, the agricultural holdings' structure has been left largely intact. For these reasons, the existing approach offered limited options for poorer applicants (see Hall, 2009:87 in Ntsebeza and Hall eds.).

Poor stakeholder engagement is depicted as one of the reasons for poor land redistribution. When stakeholders are well engaged in any project/program, it increases the success of delivery due to stakeholder buying-in and reduction of conflicts that usually result in implementation impediments. Collaborative relationships are likely to enhance understanding and addressing of problems where there are multiple parties with differential knowledge, interests, or values (Head and Alford, 2013:15). Effective collaboration can help address problems in several ways. In this sense, collaboration would increase understanding

on problems in and surrounding land redistribution, including development of pertinent solutions to overcome impediments (see Signe, 2017:12).

Effective collaboration helps in addressing problems through facilitation of implementation of solutions, not only because of the more likelihood of the parties to agree on next steps, but also because it potentially enables shared contributions, coordinated actions, and mutual adjustments among the parties as problems arise in putting the agreed solutions into practice, enhanced by bestowing autonomy and flexibility on organizational representatives (id.).

The regulatory framework for land redistribution seems to have been conflicting and unclear. It was unclear whether land redistribution was to prioritize the poor, smallholder, emerging or commercial farmers, or a combination of competing interests (Presidential Advisory Panel on Land Reform and Agriculture, 2019:13). Further the Panel alluded to ideological positions that had shifted, and policy vagueness which led to diverse interpretations by different administrations, officials, consultants and strategic partners. Land redistribution has thus not only fallen short of official government targets and public expectations, but its focus, criteria and modus operandi have also significantly changed with inconsistencies across different parts of the country (id.). The absence of explicit land redistribution legislation has resulted in delays in land redistribution that are trying to be compensated through the recent Expropriation Act.

Bureaucratic failure due to inadequate human resource capacity, lack of political buying in, skills mismatch and red tape seem to have seriously contributed to slow delivery of land

redistribution as discussed in chapter 5. Some advance that the only contributing factor towards the redistribution outcome seen today can solely be attributed to bureaucratic red tape (for example, Vink and Kirsten 2019). However, this view is narrow given the myriad of contributing factors herein discussed.

The answer to the second sub question regarding how the DLA redistribution mandate has changed is found in the three strategies (SLAG, LRAD, PLAS) presented in chapter four. There was gradual change from land redistribution for housing and agriculture to the poor, to land redistribution inclined to agricultural purposes and creation of the black elite capitalist. The gradual changes in policy mechanisms resulted in policy overhaul and even a departmental change from the DLA to DRDLR. Such wholesale changes occur rarely, and are described as instances of third order policy change (Hall, 1993:279).

The institutional challenges that acted as impediments towards delivery of land redistribution from 1999 to 2015 have been dealt with in the discussion above. Indeed, the land redistribution outcome seen today in SA can be said to be strongly linked to institutional performance of the Department charged with the land redistribution responsibility. While it may not be denied that the politics of state capture and corruption might have strongly contributed, evaluation of the Department is significant since the state bureaucracy delivers services through its departments. Having weighed all the evidence presented in this study, it is important to briefly illustrate what the effect of interviews would have revealed.

As discussed in section 2.11, information regarding the competencies of the DLA/DRDLR staff and how they were hired, including other aspects as discussed above could have been elicited through interviews. Knowledge is important in providing flexibility for policy implementers to adapt and correct for ambiguities in policy design (Signe, 2017:9). I also feel that information pertinent to corruption and how long vacancies remained vacant before they could be filled with the right incumbents would be uncovered through interviews.

6.2 Contribution of the study

By using the institutional lens, this study has revealed that institutional design is important in delivering public goods such as land redistribution. Institutional design should include robust stakeholder engagement for enrichment of the process, through integration of various ideas and ownership by various constituencies. The various stakeholders may therefore not only own the success of the outcomes, but will also understand the sources of failure and contribute towards solutions (see Head and Alford, 2013; Signe, 2017).

It follows that transparency and honesty in development and implementation of public policies is paramount to the delivery of public goods such as land. Since the state delivers goods through bureaucracies; staff procurement procedures, orientation, training, monitoring and evaluation, including provision of adequate resources are pertinent for a bureaucracy to be fit for purpose (See 6.1 above). However, in terms of a huge bureaucracy, planning and implementation should be devolved to local levels. The local levels should be well resourced for execution of their mandate as discussed above.

Although the market may be a neutral institution for distribution of goods, it may perpetuate more property ownership disparities in a highly unequal society such as SA. Paradoxically, the state is neither a suitable mechanism of land redistribution due to political inclinations; elite capture and corruption (see Vink and Kirsten, 2017). The foregoing only brings one to the conclusion that South Africans must cooperatively negotiate and come to an agreement on how the land should be zoned and redistributed in accordance with local land needs, while truly redressing injustices of the past.

6.3 Further Questions

Based on the above arguments, the following questions arise: How can land redistribution in SA be efficiently and effectively executed to sustainably address inequality? What should be the new role of markets and government in land redistribution? How can institutions fit for purpose regarding land redistribution be developed, implemented and evaluated? Who should participate in land redistribution? And how should resources for land redistribution be made available?

6.4 Recent Developments in Land Redistribution in South Africa:

A combination of ideological and pragmatic considerations informed the acceptance of the protection of property rights in the 1996 Constitution, and the adoption of the WBWS approach to the acquisition of land for redistribution (Diagnostic Report on Land Reform in South Africa, 2016:80). Although subdivision of large farms acquired for land reform was

allowed by law, very little took place in practice. SA's land redistribution combined the least effective aspects of both state and market-driven approaches (id.).

Together with the slow pace of redistribution, the problems have led to widespread dissatisfaction with the WBWS approach. In response, government has recently passed a new expropriation law consistent with constitutional provisions (id.). The National Council of Provinces has recently concurred that section 25 of the Constitution be amended to provide for more explicit expropriation of land without compensation (SA Government, 2018: https://www.gov.za/speeches/ncop-approves-recommendation-amend-section-25-constitution-5-dec-2018-0000?). However, some feel that the move towards expropriation is a step in the wrong direction. For example, Russell Lamberti (p.8) in an undated memoir for AfriForum states:

> If parliament amends the Constitution in such a way as to weaken property rights, give more control and discretion over land and real estate to the state, and make arbitrary state expropriation possible, then South Africa risks sliding into social and economic chaos.

Lamberti advances dangers threatening property rights and the security of property tenure as:

1. Private property incentivises wealth creation;

2. Private property facilitates purposeful economic action and trade; and

3. Private property diminishes conflict over resources

The relationship between private property and common property has occupied both legal and economic scholars in a series of controversies over the meaning, the sequence of development, and the superiority of private versus common property (Ostrom, 1999:332). Prior to the publication of Ancient Law in 1861 by Henry Sumner Maine, the accepted view

among western jurists was that the origin of the concept of property in ancient times was the occupation of land by a single proprietor and his family. However, the meaning of private property in comparison to common property remains a contested issue in modern legal scholarship (ibid:333).

Private ownership is generally revered in most western civilisations. Land ownership differs in content and function, having been influenced by social, economic and political circumstances (Presidential Advisory Panel on Land Reform and Agriculture, 2019:70). The Panel further posits that expropriation without compensation would be unconstitutional although they reiterated that "just and equitable" which could be significantly lower than market, is constitutional. Hence, without amendment to section 25 of the Constitution, the Panel felt that the state was able to expropriate land for redistribution based on just and equitable compensation (id.).

The Expropriation Bill provides for expropriation of property for public purposes or in the public interest (Volterra Fietta Client Alert 12 November, 2020). The Bill further provides for equitable compensation for expropriation, although under certain circumstances it allows expropriation without compensation. Such circumstances comprise:

- When expropriated land is not being used and the owners' main purpose is not to develop the land or use it to generate income but to benefit from appreciation of its market value;

- Where and organ of state holds land that is not using for its core function and is not reasonably likely to need the land for its future activities in that regard and the organ of state acquired the land for no consideration;
- Where an owner has abandoned land by failing to exercise control over it;
- Where the market value of the land is equivalent to, or less than, the present value of direct state investment or subsidy in the acquisition and beneficial capital improvement of the land (according to commentators, this likely refers to situations where land previously allocated by the state has not been put to productive use); and
- When the nature or condition of the property poses a health, safety or physical risk to persons or other property.

In light of the above, I strongly feel that without political commitment, transparency, reduction in corruption and the engagement of properly trained staff in the state bureaucracy, the outcome of sustainable land redistribution may not be realized. Land redistribution was affected by severe institutional challenges (see Presidential Advisory Panel on Land Reform and Agriculture, 2019:91). The DLA has changed in the past to DRDLR and in 2019 to (DALRRD). I further strongly argue that these departmental changes, unless backed by relevant capacity in human and other relevant resources, may not yield the anticipated result.

The concept of capacity building used by the United Nations (UN) system encompasses more than human resource development and institution building, since it was necessary to see the institutional changes in a national context and at a macro level (Maconick https://www.un.org/esa/coordination/Capacity_Building_for_Poverty_Eradication.pdf).

Therefore it includes the capacity of the institutions of a country to manage policy and program formulation, budgeting and financial management, development planning, implementation, coordination and performance monitoring and evaluation of development operations. Legal and political functioning of the country is relevant, including its state of governance. The more dynamic changes in the external environment in which institutions operate, the greater the challenges that existing organizations and institutions face (id.; DiMagio and Powell, 1983:148).

6.5 Conclusion

In the final decade of the last millennium SA emerged from a bitter history characterised by inhumane systems of authoritarian polities. First it was colonialism that ended in 1910, and then followed by oppressive apartheid. Following a long walk to freedom branded by violence and loss of life, the country found a new hope in a democratically elected government from 1994. Although the democratic era brought a new relief, South Africans still faced a daunting task ahead.

This was a stark reality of rebuilding the country, whose political and economic landscape was characterised by various inequalities including land, racial, gender and economic inequality with the wealth concentrated in the hands of a few privileged minorities. At the dawn of democracy, the country embarked on land redistribution to rescind the inequalities of apartheid. Land redistribution as a potential instrument for restructuring the racially skewed economy, and as a basis for African accumulation, became a fundamental and broadly

legitimate tool that could be used for both trans-class accumulation and survival, as part of the economic indigenization thrust and contestations of nationalist ideology (Moyo, 2009:76 in Ntsebeza and Hall eds.).

Differences in the nature and character of existing institutions in a polity as well as in the prevailing political context affect how specific changes may take place (Mahoney and Thelen, 2010:18). The major concern is conceptualization of institutional dimensions and political context that is most pertinent for the explanation of variations in modes of institutional change. The following broad questions arise in the case of South African transition to democracy and post-apartheid SA:

Whether the political context provided defenders of the status quo strong or weak veto possibilities; and whether the land redistribution institutions afforded actors discretionary opportunities in their interpretation or enforcement. Differences in veto possibilities and the extent of discretion in institutional enforcement and interpretation result in different modes of institutional change (id.). Since public good service delivery happens through institutions, it is inevitably affected by the type of political context and institutional change, so is land redistribution.

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ANNEX 1:

DATA OLLECTION AND ANALYSIS TOOL: LAND REDISTRIBUTION IN POST APARTHEID SOUTH AFRICA								
QUESTION	**AUTHOR**	**ARTICLE**	**DATE PUB**	**PAGE**	**NOTES/ANSWER**	**CODES L1**	**CODES L2**	**THEMES**
What is the manadate of the DLA regarding land redistribution in the period under review?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	2	To contribute to the alleviation of poverty and injustices caused by previous apartheid policies.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	5	To redress the injustices of forced removals and the denial of access to land.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	5	To eliminate overcrowding and supply residential and productive land to the poorest section of the rural population.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001		To redistribute 30% of agricultural land.			

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How does the mandate of the DLA change over time?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	In February 2000, the new Minister for Agriculture and Land Affairs revealed her vision for land reform and lifted her earlier moratorium on redistribution.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	The most significant changes were made to the redistribution program, which is to be known as the Land Reform and Agricultural Development Program (LRAD) (Box 9), and will start in April 2001.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	The Minister of Agriculture and Land Affairs announced that 15 million hectares would be redistributed in the next five years. The Department of Agriculture plans indicated that 30% of agricultural land			

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					would be redistributed in the next 15–20 years. This represents twenty times the previous rate of redistribution.			
What institutions/policies/programs guide the DLA led redistribution?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	5 to 6	The 1993 Provision of Land and Assistance Act provided the legal basis for a single grant mechanism to a maximum of R16,000 per household earning less than R1,500 per month to purchase land. Land redistribution took several forms (e.g. group settlement with some individual production, group production, commonage schemes, on-farm settlement of farm workers and farm worker equity).			

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How are the land redistribution programs implemented?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	Financial resources were provided for planning, community facilitation and dispute resolution. The process was 'demand-led'. It did not involve the prior acquisition of land by the state for subsequent resettlement.			
How successful are these programs/mechanisms?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	In 1999 a survey concluded that the provision had succeeded in embracing the rural poor and placing productive assets in their hands. Productive agricultural as well as non-agricultural activities were taking place. Beneficiaries had better access to services than the rural population as a whole.			

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	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	On the basis of the study, Deininger and May (2000) concluded that the program was contributing to both equity and efficiency and fostering sustainable growth.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	Some 820,000 ha. have been approved to date for transfer under the existing land redistribution program with about 685,000 ha. transferred to the beneficiaries. If delivery continues at the current rate, only 4.6% of the private agricultural land in South Africa will have been distributed by 2015.			

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	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	Capital expenditure to date for land acquisition, development and financial compensation is approximately R1.1 bn by contrast with some R18 bn under the country's housing program.			
What are the challenges associated with these mechanisms?	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	2	Furthermore, since 1994 the Department of Land Affairs has consistently underspent its annual land reform capital allocation, largely because of inadequate administrative capacity.			

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	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	2	Inadequate government capacity for land reform is a recurring problem, not only in southern Africa. The relevant government agencies are short of skilled and experienced staff and suffer a high rate of staff turnover. Poor co-ordination between agencies responsible for resettlement and/or farmer support are a further constraint.			

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	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	However, the program was not without its problems: transaction costs were high; the process resulted in scattered projects, often without regard to people's needs, without infrastructure or provincial or municipal plans to provide it; and the small size of the land reform grant encouraged people to form dysfunctional groups to purchase land in order to raise the sum necessary to meet the asking price for the land.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	The Department of Land Affairs has consistently under-spent its annual land reform capital allocation, largely because of inadequate			

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					administrative capacity			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	The dilemma for government is that the fundamental administrative constraints that have hampered land redistribution remain in place.			
	Martin Adams and John Howell	REDISTRIBUTIVE LAND REFORM IN SOUTHERN AFRICA	2001	6	The extent to which the LRAD program will significantly increase the rate of land transfer is difficult to predict as the potential for black commercial farming is not only constrained by access to land: there remain formidable barriers to entry into the white-dominated commercial agricultural sector			

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					which has evolved with strong government support over some seventy years.			

[i] From the beginning, the DLA was a new Department, with its own Minister, Derek Hanekom. It recruited key staff from non-governmental organizations (NGOs) active in land-oriented struggles and focused its activities on changing the unequal distribution of land. It took over the responsibilities of the Department of Regional and Land Affairs which was the heir to the bankrupt Department of Development Aid (Hall and Williams, unpublished).

[ii] The South African Land Redistribution for Agricultural Development program uses a sliding grant scale in which the smallest grants require no cash contribution, and larger grants require progressively larger investments by the beneficiaries. As a consequence, the program can serve the needs of both poor and non-poor beneficiaries. (Binswanger-Mkhize *et al*.,2009)

[iii] **Notes:** 1**.** The figures in table 5 combine three main forms of redistribution:

- Transfer of ownership to beneficiaries under SLAG and LRAD;
- Transfer to a state institution through Commonage and PLAS; and
- Transfer of shareholding in businesses (Equity Schemes under SLAG, LRAD and 50/50 policy).

The figures must therefore be understood to represent a combination of state-subsidised purchase, state purchase, and shareholding.

2. Not all land had been redistributed in that, where equity schemes were established on commercial farms, hectares were listed as redistributed even where workers held shares in a farm instead of owning the land. The authors were unable to determine whether, in such a case, the whole area of the farm was listed as redistributed or whether a proportionate share to the level of shareholding is listed.

3. Some acquired or transferred land may have not been commercial agricultural land. In this regard, some land acquired may have been in urban or communal areas, and may have been attained for non-agricultural purposes – before land reform became biased towards agriculture. Nonetheless, the authors imagined that most could be considered land zoned for agriculture outside the former Bantustans.

[iv] The acquisition cost for agricultural land is often too high in the market for the poor because investors value the land for reasons other than farming. For example, as insurance, as an investment, as a hedge against inflation, as a tax shelter, or as a means by which to gain access to subsidized credit or public infrastructure. When subsidies in input and output markets are biased towards large farmers, they also drive up the land price (Binswange-Mkhize *et al*., 2009).