THE CONSTRUCTION OF STATE AND DEVELOPMENT SUBJECT IN RURAL KWAZULU-NATAL: IMPLICATIONS OF DOMINANT DISCOURSES IN THE KWAZULU-NATAL LAND REFORM PILOT PROGRAMME [1]

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In *Transformation* 30, William Munro argued that transitional states tend to be weakly rooted in society, and are required, under often volatile political conditions, to establish the state as the legitimate political authority in society, to constrain social conflict and generate sustainable social allegiance to the new socio-political order. This, he argues, calls for a hegemonic project to underpin

> ... what one might call the politics of citizenship and state construction, which focus on establishing the Rules of the Game that regulate state-society relations in the post-transition era (Munro1996:1).

Such rules include the juridical and legal structures that underwrite citizenship and specify the access to civic resources by citizens and'... 'thereby define structures of social authority, political allegiance and the provision of public goods' (Munro 1996:1). In times of transition these rules are fluid. It is up to the state to construct effective institutions of governance and development in order to secure its over-riding authority over society. This paper aims to consider the implications of emerging discourses in the KwaZulu-Natal Land Reform Pilot Project for consolidating state authority in rural areas, and for constructing legitimate claiming relationships between state and society.

The Department of Land Affairs has established Pilot Land Reform Programmes in all major provinces, with the intention of initiating land transfer and testing the most appropriate and sustainable financing mechanisms for planning, land transfer and infrastructure delivery, and the most appropriate structures and systems for land administration at a local government and community level (Programme Overview 1994). Through pilot land reform programmes the Department of Land Affairs hopes to build the institutional capacity of rural people to plan and manage development and to build relationships between levels of government, different government departments and non-governmental

agencies to address land reform in the context of rural development. To this end, pilot districts which included diverse tenure arrangements, land ownership, settlement types and communities, were identified in all major provinces. Emphasis was placed on areas where people had suffered from forced removals and resettlement, and where rates of poverty were high (DLA 1994).

The Estcourt/Okahlamba/Weenen/Msinga magisterial districts were selected as the pilot district in KwaZulu-Natal. This area included the Drakensberg Locations 1 and 2, the small urban settlements of Estcourt, Wembezi, Winterton, Colenso, Weenen, Pomeroy and Tugela Ferry, as well as informal settlements and transit camps established in the 1970s. Land is owned by white farmers, the Ingonyama Trust, the state, black freeholders and mission stations. Land claims and perceptions of tenure rights in the district date back to the period 1830-60 when settlement was re-established after the Mfecane wars and the expansion of Zulu power (Cross et al 1996:7). This settlement was typified by attempts to re-establish pre-Mfecane clans. Apartheid-era forced removals were prevalent in the district, affecting black freehold communities, tribal communities on state land and farm labour tenants and involving as many as 300 000 people (Ibid:10). Forced removals, evictions of labour tenants as well as natural population movements fractured whatever cohesion might have existed in ethnic identity and land occupation. Tribes and communities have been split up, relocated on land dispossessed from other tribes or forced to seek accommodation on white farms, black freehold land and in transit-camp settlements. Escalating population densities as well as contested claims to land expressed in terms of ethnic identity and histories have led to endemic land-related conflict in the district.

These conflicts have exacerbated poor socio-economic conditions in the district. Formal unemployment in this area is high – 58 per cent of the population overall – and most household income comes from casual employment on farms, with average wages below R200 per month (Ibid:29). Agricultural income is almost non-existent; only 2 per cent of households reported earnings from agricultural production (Ibid:40), and only 36 per cent of the households have access to arable land. Despite this picture of generalised poverty, economic differentiation is advanced in many communities; 12 per cent of households record incomes above R2 000 per month, while the median household income was R601 – R800 per month (Ibid:29).

Land reform, as a state-facilitated programme to improve access to land and address racial inequalities, has important implications that extend beyond these stated concerns. As a state-facilitated programme, land reform has implications for establishing more equitable entitlement relationships between the state and

previously disadvantaged sectors of society, and for establishing the state as the legitimate political authority in South Africa.

Minutes of meetings held by the KwaZulu-Natal Land Reform Steering Committee and documents submitted to this body have provided most of the information used for this analysis. The Steering Committee was set up to plan and manage the implementation of the pilot project in the particular context of the pilot district and to make suggestions on policy. The committee includes representatives from each of the provincial departments involved in the land-reform programme,[2] a representative from the RDP Office and three representatives, chosen by the Regional Economic Forum, to represent the interests of the NGO/CBO sector, the business sector and labour.

Mahmood Mamdani (1996) has argued that the South African state is based on two distinct power principles: on the one hand, a civil power, predominant in urban areas and grounded in the legitimating language of rights, while on the other, a customary power active in rural areas and legitimated through discourses of tradition and community. These alternative forms of social authority construct different relationships between the state and different populations, who as a result have different expectations of citizenship (Munro 1996:6).

In rural areas of South Africa these authority forms have never been entirely separate; rural populations were subject to haphazard and inconsistent applications and interventions of both traditional power and civil political power as state bureaucracies and local chieftaincy systems attempted to increase their authority over rural populations, sometimes working in unison, sometimes in opposition. In a sense, authoritarian control of rural populations by the apartheid state depended on this splintering of accountability between civil and customary power, whereby responsibility for social conditions was constantly displaced. Munro argues that as a result 'the defining feature of citizenship for rural people was not so much centralised or decentralised despotism but generalised uncertainty' (1996:7).

The South African state needs to consolidate its hegemony and establish the rules of citizenship and state interaction in terms of what resources the public can legitimately expect the state to provide, and the entitlement relationships that must be entered into in order to access these resources. This paper aims to illuminate the construction of legitimate claiming relationships between state and society in the pilot project, and to explore the potential of the pilot land reform project to consolidate state authority in rural KwaZulu-Natal. This I intend to achieve by means of an analysis of prevalent discourses through which need claims are made and through which problems facing the land-reform pilot project are defined.

Discourses are both situated within, and construct, particular knowledge systems, particular forms of argumentation through which conflicting issues are adjudicated, and are expressed and activated through particular institutional forms. Discourses through which problems are defined and understood construct the subject experiencing the problem as capable of certain types of action, and experiencing certain kinds of limitations, and construct the nature of public goods which the state can legitimately be expected to provide. As such, the discourses in which problem definitions are situated are essential resources through which knowledge and ignorance are constructed and reconstructed in an attempt to turn a heterogeneous citizenry into a structured public, and to construct manageable and ordered relationships between the state and civil society (Gardner and Lewis 1996:69).

I have identified three categories of discursive resources that seem particularly influential in making need claims. Namely, those discursive resources that draw on notions of historical injustice and perceptions of 'tradition'; those that draw on the principle of community participation in policy formulation and implementation; and those that are based on the imperative for economic development for their support. These discursive resources are not only active in the construction of policy needs and solutions but in turn provide the resources to challenge identified policy needs and to challenge the authority of bodies identifying these needs and implementing solutions. In this paper, I consider the implications of these discursive resources for the consolidation of state authority in rural areas, and the construction of accessible relationships between state and rural populations.

Negotiating State Authority in Rural Areas

Implicit in my reliance on discourse as a tool for investigation is the recognition that policy discourse does not act as a static determinant of resource access. Instead it may also provide the space, or opportunities, for rural populations to contest state control over the identification of needs, and so the construction of state resources which citizens might claim, the rules along which claims can be made (the rules governing state entitlement relations), and the distribution of the costs of providing these resources.

Mamdani has suggested that a 'de-tribalisation' of social power is necessary to establish the state at the centre of authority in rural communities. This suggests that discourses of historical injustice, prominent in the KwaZulu-Natal pilot district and resting on notions of collective racial and ultimately ethnic

dispossession, as well as notions of the destruction of community, are important discursive resources from which to resist state control over the land-reform process. I would argue that a change in the basis and form of power does not necessitate the removal of traditional authorities or other authoritative individuals but rather a change in the form of power that they exercise.

Historical experiences have a powerful resonance for both state institutions and the broader public. Motivation for the selection of beneficiaries and land is expressed in terms of historical experiences, and concepts of tradition are prevalent in the forms of argumentation for adjudicating conflicting claims.[3] In at least one case, a map produced in 1934 indicating areas over which particular chiefs had jurisdiction was suggested as a means to adjudicate conflicting claims in the Estcourt region (LRSC minutes: June 20, 1996). In addition, pre-1994 land reform initiatives begun under the National Party government and focusing on the restitution of land, have provided the most recent experience of land reform for rural populations, and have created particular expectations of how additional land can be accessed. In November 1995 the secretariat reported to the National Pilot Programme Task Force that

> ... the programme has inherited a situation where processes and expectations were already set in motion prior to the establishment of the programme. This has limited the capacity of the programme to implement the process as originally envisaged. Furthermore the situation has been compounded by the fact that the processes that the programme has inherited created the expectation that they would be restitution driven (KZN LRPP issue-based report November 2, 1995).

Negotiations around the identification of land and beneficiaries began soon after Minister Hanekom had visited the district to popularise the programme. Beneficiary lists were drawn up, based on the local history of evictions in the area, and evicted households were identified, along with the farms to which they would return (Application for Lonsdale, Luneberg and Hazerswoude: April 22, 1996). The socially perceived legitimacy of the 'rights' that people have to land is almost beyond question; as field workers in the district pointed out, 'People on the list see themselves as selected because they are on the list' (Proceedings of Workshop on Beneficiary selection: December 9, 1995).

Restitution of historical land provides for the recreation and maintenance of recent historical land tenure patterns, constructing the beneficiaries of the land reform process as whole 'communities' rather than individual households chosen on the basis of land need or poverty.[4] The selection of communities rather than individual beneficiaries provides community spokespersons with significant

social legitimacy for making claims to land, and increases the perceived legitimacy that specific individuals have to identify appropriate beneficiaries and the land to which they lay claim. I would argue that this consolidates customary authority on which the power of these spokespersons is based, even if the institutional form of this power is legislatively altered. In essence, even if land reform beneficiaries are required to democratically elect committees for land management without a change in peoples' concepts and experience of authority, they will elect those who already have authority. Indeed, representatives of government departments report that land reform beneficiaries continue to elect chiefs and indunas onto management structures, and chiefs and indunas continue to exercise autocratic control over these structures.

Statements by government officials have also encouraged the articulation of land need in terms of historical dispossession rather than poverty alleviation or land need, which is more consistent with land reform policy documents. Even in cases of land restitution, the Restitution Act qualifies the land claim as a 'claim to a right in land', rather than simply 'land claims', which implies an accepted land 'right' (AFRA 1996). In spite of this, statements by Minister Hanekom have emphasised the injustice that land reform is trying to address, implying that a legitimate government has an obligation to address this injustice:

> [Land reform] ... is a serious and in many ways, unique programme thrust upon us by a history of brutal dispossession. We have no choice in the matter -- we owe it to our people to address these inherited realities (*Sunday Times* 23.06.96).

The selection of communities rather than individual households, not only fails to challenge customary authority but also provides a powerful resource with which to resist the extension or consolidation of civil authority, exercised through state bureaucracies and government officials. Definitions of 'community' are fluid and one's membership depends more on the acceptance of this by other influential members of the community, than on legal or geographical factors. Definitions of 'community' thus provide a powerful resource with which community spokespersons can exert influence over the selection of beneficiaries. In some cases, this translates into direct contestation of state authority in the selection of beneficiaries. The Roosboom beneficiaries took a decision that they should be referred to as 'the Roosboom community', rather than as the 'Roosboom beneficiaries'. The 'Roosboom community' was defined as:
- all landowners in Roosboom;
- all Roosboom landowners not resident in Roosboom;

■ all legal tenants within Roosboom (District Planning Progress Report: December 1995 – January 1996).

In a context where records of landowners have been poorly maintained, where unofficial land sales have taken place and where tenants have little legal recognition or protection, this definition confers significant power on community spokespersons for the identification of beneficiaries.

This resistance to the extension of civil authority and power has also extended to the future management of land-reform projects. Community spokespersons have argued that additional settlement of people on land should be at the discretion of beneficiary communities (meeting with Midnet, November 27, 1995), and there have been repeated suggestions that a district-based committee (the Muden Land Committee) should hold land for individual trusts, and decide on the inclusion of additional people in those settlements (Application for Planning and Settlement Grant: Franschoek.)[5] For the purposes of the Pilot Land Reform Programme, the definition of 'the community' is ultimately the prerogative of community spokespersons, thus increasing the power that these individuals have over the identification of beneficiaries for the land reform programme. As long as beneficiaries meet general criteria associated with the programme, government officials can only challenge the identification of beneficiaries by challenging the representivity of these spokespersons. Clear evidence of this occurs in the basis on which beneficiaries for the farms Zaailager and Kentucky are challenged.[6]

The social legitimacy underpinning land claims constructs specific opportunities for the contestation of land reform implementation. Most obviously, if a community (or individual) believes that they have a historical claim to land, they can lodge a claim with the Land Restitution Commissioner, effectively halting all development and transfer of the land claimed, until the claim has been investigated and a decision reached. The Restitution Act provides for three years from the date of the passing of the Act (in this case 1994) in which to lodge claims, and five years for the claim to be brought to the Land Claims Court and adjudicated. In view of the volume of claims already submitted to the commission, the lodging of claims is a potentially significant resource which individuals and communities can use to halt contested land plans.[7] The social legitimacy of land claims also holds the very real potential of preventing private and governmental bodies from repossessing land in the case of loan defaults.[8] If threats to prevent repossession of land are put into practice, the social and political context in which land reform is to take place could be significantly altered, with particular implications for tenure security and land-use possibilities. Furthermore, while the Constitution and Land Reform Policy

documents protect private property rights and stipulate that land redistribution takes place within a market-based 'willing buyer-willing seller' relationship, the social legitimacy underpinning land claims and the discourse of historical injustice in which claims are situated, provides a context for challenges to this principle to emerge. There have been reports of conflict between stakeholders over the pricing of land (District Planing Progress Report: Feb-March, 1996), as well as repeated criticisms noting that the land reform programme requires that it be market-based, while communities value land in social terms (Proceedings of Workshop on the Pilot Evaluation of Institutional Arrangements: July 18, 1996). A more direct contestation of the private ownership principle came from a community in the Muden district:

> ... people on the farm didn't want to go the pilot route. Not willing buyers ... people on the farm said that ... [the owner] must not get money – our contribution has been suffering because of his [cattle] impounding (Trench: Research Notes: April 4, 1996).

Munro considers that discourses of historical legitimacy, based on prevalent notions of tradition, racial inequality and the protection of 'communities', have significant implications for the negotiation of state power in rural areas. Essentially, these discursive resources underpin and legitimate a customary form of power activated in opposition to the supremacy of state bureaucratic power. This opposition to bureaucratic power is also articulated by potential beneficiaries through discourses of community participation.

Munro (1996:13) maintains that South African development policy (in particular the Reconstruction and Development Programme) attempts to tackle the tension between macro-accumulation strategies and the establishment of state hegemony, by presenting development strategies as the outcome of consultative deliberation. This is reflected in my research where 'participation' by potential land reform beneficiaries is often more a strategy for implementing policy decisions already taken by government bodies and for the extension of state authority and control over rural communities, than for including local needs in policy formulation and implementation.

The principle of 'participation' serves to legitimate rather than inform policy; the 'goodness' of the policy is indicated by its principle of community participation (as opposed to the 'badness' of past policies which did not include participation). The assumption made is that the only difference between state interests and those of communities, is that state interests are based on objective scientific analysis. There is an implicit assumption that potential land-reform

beneficiaries and the state hold the same objectives for land reform. While there may be agreement on the need for land, significantly more contention surrounds questions of what kind of land, for what purposes and with what additional inputs or services. These issues are assumed to be neutral and uncontentious.

Nevertheless, 'participation' does exist as an important discursive resource that has the potential to increase input from community representatives in the implementation of the pilot project, and so temper the control of the state over this process. Community input in the formulation of the district plan highlighted the need to provide opportunities for disadvantaged groups who would not directly benefit from the Land Reform Pilot Programme (District Planning Progress Report: March – April, 1996). This suggests community participation and concern for this issue could broaden the scope of the land-reform policy and so the range of public goods that can be identified.

The principle that community participation is essential for a successful land reform programme is itself a resource with which community spokespersons can exert control over the programme and over government representatives. Community spokespersons have compelled state officials to recognise their authority and increased their influence over the project, by acting as gatekeepers between the District Office (charged with ensuring consultation in implementing the pilot project) and *Amakosi* in the district (LRSC minutes: September 21, 1995). The principle of community participation also allows for community representatives to restrict the access that government officials have to 'the community' by challenging their attempts to bypass already existing community structures. This principle has also been used by community spokespersons to enrich their own positions:

> ... the community are paying 'rents' and building structures. These people are not necessarily claimants, but are leasing land from the Chairman. The Chairman is acting as a 'gatekeeper' and is interfering with the rights of the community (Proceedings of the First Strategic and Operational Planning Workshop on the RDP Land Reform Programme in KwaZulu Natal: October 4, 1995).

The leverage potential of the 'participation' discourse has been dramatically enhanced by the context of 'crisis' in which the Pilot is being implemented. Crisis has formed the backdrop to demands from community spokespersons (in particular NGOs) to greater participation in the implementation process, and has allowed this sector greater influence over policy decisions. Midnet, an organisation establishing and maintaining networks between NGOs and CBOs in the KwaZulu-Natal Midlands, proposed the appointment of one of their

members, who was also a potential beneficiary of the pilot project, to the post of District Office Facilitator. While this proposal was rejected outright by the Steering Committee, the chair pleaded that ' ... the issue must not be politicised' (LRSC Minutes: October 26, 1995).

At the next meeting, the Midnet delegation called for direct representation of Midnet/community organisations on the Steering Committee. While representation on the Steering Committee was not achieved, community representatives were included in the MANCO (Management Committee for the District Office). The demand for participation might not have been so quickly addressed had it not been for the perception of crisis and the fear of increased conflict. Although MANCO is composed predominantly of technical appraisers, which could limit the degree of community participation possible, the body does hold substantial influence in the implementation of policy and is a potentially powerful site for community participation. The influence of this body is contested by other members of the Steering Committee who are not also involved in MANCO. They reject statements that MANCO makes the decision on acceptance and prioritisation of project applications while the Steering Committee endorses these decisions, insisting that the Steering Committee should be more than merely a rubber stamp (LRSC minutes: May 23, 1996). While it was subsequently agreed the Steering Committee should make the final decisions on project applications, MANCO ultimately decides what information about projects is relevant and how that information is presented to the Steering Committee: it is at this site that the real decisions are made. As one respondent put it:

> ... we always word it as a recommendation, but at the end of the day we have done most of the debating ... we essentially are making the decision, but they are a watchdog for our decision (Liversage personal communication).

Grindle and Thomas (1991) have argued that by manipulating the perception of crisis, organised individuals (from both the state and civil society) can increase their control over policy implementation, force decisions to be taken and reduce the degree of consultation in the implementation process. While the legitimacy of this 'crisis' is sometimes undermined with reference to the responsibility of the state to control the process and the criminality of those who contest this, discursive resources of landlessness and poverty provide legitimacy for the crisis, presenting the 'crisis' as a result of state incompetence. This recasts the state's authority as incurring the obligation that it address this poverty, rather than merely the resulting symptoms of land invasions and crisis.

This legitimacy also provides the space for community participants to contest state resource provision, and establishes the moral legitimacy of land claims made through land invasions. Early in the programme the Steering Committee secretariat suggested that land invasions were in fact an attempt to establish a land claim in the context of a Land Redistribution Policy, which, unlike the restitution process, relies on a set of technical criteria along which state officials distribute a limited set of resources. It was suggested that the restitution programme did not experience the problem of threatened land invasions because communities were confident that their rights would be enforced (LRSC minutes: November 23, 1995). This statement suggests that the Steering Committee secretariat acknowledges the social legitimacy of land invasions as a means to lay claim to land in the face of impenetrable bureaucratic criteria.

Perceptions of crisis have led to a focus on the delivery of land, enabled community representatives to present their own criteria for beneficiary selection (especially in the face of government indecision), and reduced the capacity of government implementers to undertake planning and control the future management of land and land use (LRSC minutes: November 23, 1995). In a meeting between community representatives and the District Office, community representatives, after demanding that the criteria for selection be finalised, presented local criteria for selection of beneficiaries. One of these was that settlement of additional people should be at the discretion of those who benefited from the land reform pilot (meeting between District Office and Midnet: November 27, 1995). This clearly challenges state control over settlement planning and future land uses. In at least one case, this contestation involved community representatives refusing government officials access to the list of beneficiaries who had been selected.

> ... Gaining access to the list of particulars of beneficiaries was proving difficult - the government is being denied its right to exercise its responsibility to the community (meeting unnamed, late-August, 1995).

Similarly, after several delays in the acceptance of an application for the Planning and Settlement fund, the Muden Working Group sent a letter to the Steering Committee, highlighting tensions within the district, and warning that:

> These frustrations will be difficult to contain if promises are not met within an understandable time frame. In the light of the above it is of extreme importance that the application for the required funding is not delayed (letter from the Muden Working Group to the LRSC: December 18, 1996).

On the other hand, the perception of crisis has given legitimacy to the more heavy-handed intervention of the state in the implementation process. Land invasions and the perceptions of crisis these create have led to the interpretation of obstacles to delivery as a result of 'the tension between quick delivery and RDP principles, particularly in the area of community control and decision-making' (Western Cape Issue-Specific Report: November 2, 1995). This presents the context of crisis as given, and the 'problem' experienced as process, particularly community participation. Defining the problem in this way legitimates decisions taken by state officials without due consultation with community representatives. The chair of the Steering Committee explained that consultation with community representatives had not taken place because

> ... the LRSC had gone into an active area and were 'trying to put out fires'. The order of action was that the LRSC gave instructions to the District Office to familiarise themselves with the situation on the ground, and to establish at first hand who the beneficiary groups [were] and what the nature of their needs were (LRSC minutes: November 23, 1995).

Discourses in the Land Reform Pilot Project, of both historical injustice and participation serve to consolidate customary authority and to resist the extension and consolidation of civil, state-based authority. Recent work by Hornby (1996) has highlighted the absence of effective, state-supported institutional mechanisms for the future management of land reform projects, while others (for example Friedman and Reitzes 1996) have highlighted the difficulty of establishing representative structures of civil society in rural areas and ensuring the accountability of, and democratic participation in, rural local government structures. In the absence of effective institutions for the extension and consolidation of democratic civil authority in rural areas, autocratic forms of customary authority will continue and authority and power is likely to remain in the hands of a minority of powerful individuals.

Negotiating relationships between State and Society

The discourse of participation also has significant implications for the construction of legitimate relationships between state and society. One of the major ways in which discourse involves acts of power is in the construction of knowledge and ignorance, of who holds the knowledge (and so authority), and which ideas and opinions constitute knowledge and which do not. While the discourse of participation, and the manipulation of the perceived crisis provide space for

substantial contestation of bureaucratic state power, the discourses of 'participation', like those of 'democracy', are situated in and construct particular knowledge systems, expressed in and underpinning particular institutional forms and relationships between state and society.

In the KwaZulu-Natal Land Reform Project, negotiations over the nature of legitimate state – society relationships have been experienced predominantly through concerns over who can be considered to be representative of 'the community', although one could also consider the institutions through which they are required to establish relationships with the state, and the relative influence they are able to exert through this relationship.

Ferguson (1990) argues that the state, through provision of resources, acts not only to 'serve', but more importantly to control. He argues that development action, regardless of its success in terms of stated objectives, has the very real and important effect of extending bureaucratic state power. This is power exercised not simply through existing institutions in rural areas but through the extension of bureaucratic procedures and relations between people and institutions. Munro has highlighted the need for the state to replace traditional authority forms in rural communities and establish itself at the centre of community relations. This involves not only the extension of state control to these areas but also a change in the basis on which entitlement relations are established between bodies of authority and civil society. As indicated above, the principle of 'community participation' provides the discursive resources with which community representatives attempt to reduce the control that the state has over the identification of beneficiaries, future management of the land and the implementation of the pilot programme.

Within this discourse of participation, the most obvious resource available to state agents for contesting unwelcome community demands, is to deny that they are representative of the wider community. This not only serves to deny unwelcome demands but, more importantly, acts to construct the rules by which relationships between the state and civil society can be established. Community groupings have responded to this by electing equal numbers of men and women to trust committees (Application for Planning and Settlement Grant: Mistgunst: March 22, 1996), drawing up legal constitutions, and holding workshops on the need for a constitution, in order to interact with government through established bureaucratic rules (District Planning Progress Report: December 1995 – January 1996; letter from Muden Working Group to LRSC February 18, 1996). Those community groupings and individuals which have had access to NGOs, and are familiar with these bureaucratic rules, are better able to access government

institutions and so enter into 'entitlement relationships' with the government. A further implication of this concern with representativity, is that it implies that the two forms of authority – civil and customary – cannot exist simultaneously. It implies that if the representativity of a structure is ensured, democratic civil authority and power will predominate.

The history and structure of rural society in South Africa inhibits the emergence of a vibrant civil society. Relations of patronage provide an important means of survival for poor rural households, who are faced with insecure and often inadequate entitlements to wages remitted from urban areas, state pensions or haphazard and insecure farm work. These relations of patronage between poor households and wealthier households, chiefs and subjects, shop-keepers and customers, or employers and employees mitigate against the emergence of democratic civil society structures capable of articulating the needs of the poorest, most insecure households. Rural organisation, when it does occur, tends to be reactive rather than proactive in nature – protests against betterment schemes that threatened the reduction of land access and cattle-holdings, and protests against removal of communities and other means of resource loss, have characterised rural protest. With the exception of NGO action, there is little potential in rural communities for the emergence of civil society organisations demanding increased access to state resources.

Despite this, the land reform programme is to be a 'demand-driven' process, rather than state-driven, with the government's strategy requiring rural people to provide statistical data to support their applications for funding assistance.

Munro (1996:22) argues that

'such an unrealistic expectation places the demand-driven process beyond the reach of many rural communities, or it places their development trajectory in the control of organisations who can generate such information whether their interests coincide with those of community members or not'.

He concludes that the right of rural communities to demand public goods has been blended into their responsibility to do so.

The Pilot Land Reform Project has attempted to address these problems by calling for capacity-building programmes (Land Reform Pilot Programme monthly report: Gauteng: July 31, 1995), and the use of consultants in the land reform process, in the hope that they will avoid the constraints to community participation and consultation experienced by hierarchial, bureaucratic state structures. However, the land reform project is taking place in a context of scarce state resources and extreme need expressed by rural populations. In this context,

the state must temper claims for resources and ensure that relationships with society are manageable. This suggests that limiting the accessibility of state entitlement relationships, and the scope of resources which can be legitimately claimed, is perhaps necessary in the current period.

Despite this recognition, the continuation of bureaucratic, civil authority-based claiming relationships which must be entered into in order to gain access to state resources, in a context where customary authority continues to predominate in rural communities, and where rural people have little experience of civil authority relationships, does constitute a major problem. It gives those with the potential to access civil authority-based bureaucratic relationships significant power and influence over marginalised sectors of the rural population. Friedman and Reitzes (1996:59) argue that in the absence of a vibrant civil society, the incorporation of CBOs and NGOs into government decision-making will:

> At best ... simply formalise a change of power in which one set of interests with the ear of the governing party is replaced by another: at worst, it [will] insulate government from the full range of interests in society by placing between them and it an artificially selected 'civil society'

Discourses of historical injustice and participation provide opportunities to consolidate customary authority and resist the consolidation or extension of civil, state-based authority. Furthermore, the discourse of historical, racially based injustice highlights racial and ethnic groupings, submerging class and gender inequalities which bring into focus the relationships that perpetuate poverty and inequality in rural areas. In addition, discourses of 'participation' construct and express a particular knowledge system, and particular institutional forms which marginalised rural households, and that marginalised communities unfamiliar with the institutionalised rules of 'participation' are unable to access. Those individuals who seem likely to consolidate the customary basis of their authority and power in rural communities are also most likely the individuals best able to negotiate these bureaucratic state relationships, and so continue to be the gate-keepers between state resources and marginalised households or communities.

To quote Munro (1996:19):

> ... the government has abdicated a significant degree of influence at the local level, either to traditional leaders or to non-governmental interests. It has established a demand-driven system with no systematic framework for the articulation and evaluation of demands.

Notes

1. I am indebted to the Provincial Department of Land Affairs and Dr Tessa Marcus for assisting me with access to the KwaZulu-Natal Land Reform Pilot Programme documents. This paper was presented in draft form to the SASA Conference 1997, University of the Transkei.

2. *Isigodis* (traditional hereditary groupings) are frequently the units by which beneficiaries are prioritised by community organisations, and the basis on which land is identified for particular beneficiaries: 'Weenen peace and development Committee reached agreement that each of the seven *Isigodis* in Weenen should benefit from the LRPP. This project would meet the needs of the Nomoya *Isigodi*' (Application for Settlement and Planning Grant: Nomoya: March 1996).

3. The selection of whole communities rather than individual households is not only a result of this historical, racial injustice discourse. Perhaps a more important factor has been the need to maintain economic diversity in land reform projects to provide for potential income-generating opportunities (Personal communication: H. Liversage).

4. Although the suggestion that land in the Muden district be held by the Muden Land Committee was unanimously opposed by the Steering Committee in November 1995 (District Office report: September 21, 1995), in June 1996 the Franschoek Applicants, when asked how they would manage the farm, replied that 'there might be a liaison committee (that is the Muden land committee) and a management committee on Franschoek itself' (Application for Planning and Settlement Grant: Franschoek).

5. The broad criteria are that individuals cannot own property elsewhere, that the average household income of the group be below R1 500 per month, and that women be given equal status.

6. The District Office reports that they are still trying to ascertain if the Estcourt Tenants Association leadership, which is making an application for the farms Zaailager and Kentucky, is representative of farmworkers in the greater Estcourt area. One of the reasons for the difficulty is that the beneficiaries are all very young and many of them single. The Ndaba and Dlamini communities made claims for the restitution of state land in Estcourt, although they later admitted that they had no real claim to the land but felt that if the Amahlubi community was to get land, so should they (District Office Report: June 12, 1996).

7. This threat has already been made. Nedbank repossessed the balance of the farm bought by the Gannahoek Trust and intended to sell the land at a public auction. The Gannahoek trust rejected the proposed sale, saying that the farm was theirs and they would not allow others to settle on it (District Office Report: June 12, 1996).

8. It was stated at the workshop on criteria for the selection of beneficiaries that: 'The principle of demand-driven reform is drawn from the lessons of the past when projects

were initiated and did not succeed. This programme must be based on people, that is, the natural sciences must be fitted to human needs' (Proceedings of the Workshop on Beneficiary Selection; December 9, 1995).

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Personal communication

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