

A Narrative Policy Analysis of the Challenges of Land Tenure Reform in South Africa between 1996 and 2009: A Case Study of the Labour Tenants (Labour Tenant Act No.3 of 1996) in KwaZulu-Natal

by

Mwimba Nchindu Mutale

Student No: 209537155

Bachelor of Social Science (Honours) in Policy and Development Studies (University of KwaZulu-Natal), BA (University of Zambia)

Supervisor: Dr. Desiree Manicom

Submitted in partial fulfilment of the requirements for the degree of Master of Social Science (Policy and Development Studies), in the Faculty of Humanities, Development and Social Science, at the University of KwaZulu-Natal, Pietermaritzburg.

2011

DECLARATION

I, Mwimba Nchindu Mutale declare that:

(i) The research reported in this dissertation, except where otherwise indicated, is my original work.

(ii) This dissertation/thesis has not been submitted for any degree or examination at any other university.

(iii) This dissertation/thesis does not contain other persons' data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.

(iv) This dissertation/thesis does not contain other persons' writing, unless specifically acknowledged as being sourced from other researchers. Where other written sources have been quoted, then:

(a) Their words have been re-written, but the general information attributed to them has been referenced;

(b) Where their exact words have been used, their writing has been placed inside quotations marks, and referenced.

(v) Where I have reproduced a publication of which I am an author, co-author or editor, I have indicated in detail which part of the publication was actually written by myself alone and have fully referenced such publications.

(vi) This dissertation/thesis does not contain text, graphics or tables copied and pasted from the Internet, unless specifically acknowledged, and the source being detailed in the dissertation and in the References sections.

Signed: Date:

Acknowledgement

I give my special and most honourable gratitude to my father, my ever present help, God Almighty. Thank you so much for holding me through it all. Thank you to my supervisor, Dr. Desiree Manicom for her patience, time and help. Special thanks goes to Sanjay and Donna from AFRA and Dr. Stanton from the Policy Department for their input.

My special gratitude goes to the University of KwaZulu-Natal Scholarship Committee for the two scholarships I was awarded during my studies. To both the Richard Turner and Bishop Denise Hurley Scholarships, I say thank you very much for the financial support.

I would like to thank my siblings for their love, support and encouragement throughout the study. To Chanda, Kabuswe, Mutale, Namambi, Musonda and Mulenga I say, thank you very much, you inspire my steps. To my sister Jo (Sampa Mutale), for not only believing in me, but also for the sacrifice you made when all hope was lost. May your soul rest in eternal peace; I owe it to you. You always said “one never lives to tell it all” instead, you never lived to see it all. Thank you for the love and support both financially and emotionally and for leaving me an inspiration, Esther. To my late parents, thank you very much for teaching me how to dream and that dreams determine our heights in life.

I would like to thank the Towanis for filling the gap they never even knew they had, for opening their home to me, and for supporting me spiritually and emotionally. My friends for their encouragement, and patience, Aunt Penine for my long calls in distress and my extended family for the love and support.

Aunt Monty, thank you so much for your encouragement and support from my very first day of university. It seemed like a world too big and complex to find my feet but you were there to walk me through. To Grandmother Dr. Christine Kaseba, thank you very much for the advice, wisdom and love you showed throughout my studies. My conversations with you taught me how much you believe in me, even when all was hard; I still had your wisdom which was never said in many words to lean on.

ABSTRACT

This study is centred on the challenges of land tenure reforms in South Africa taking a case study of the labour tenants in KwaZulu-Natal between 1996 and 2009. The study uses narrative policy analysis as a framework for understanding these challenges. Of course, the challenges around the tenure reforms cannot be discussed in isolation from the land owners and the government. Voices of the labour tenants, farmers, government and civil society are heard in this study. This study shows how policy change comes about and how instrumental stories are in bringing about change. It also specifically looked at the factors that lead to policy change. The measures put in place to bring about the needed policy change and finally the procedures and condition advanced to secure this new change in policy were examined.

The study focuses on a redistributive policy, as it looks at policy transition from one regime, in which a certain group of people was disadvantaged in terms of ownership, to the next, where the previously disadvantaged are being uplifted. Stories in this study are used to show how and why change occurs in policy arenas. The study used qualitative methodology to obtain the information that was needed to answer the research question. Documents were used to source this information, which was in the form of workshop minutes, reported complaints, government legislation and policy documents such as the Labour Tenant Act No.3 of 1996, the Constitution of the Republic of South Africa, the Green Paper and the White Paper on South African Land Policy. Other documents included a report on independent research done on the relationships between farmers and labour tenants on farms in KwaZulu-Natal and the various land and agrarian reports.

This study unearths the challenges of land tenure reforms in South Africa, through a narrative policy analysis technique. The study used the narratives to gain a better understanding of the policy; the story of the government in the form of the legislation enacted relating to land and the story of the people as recipients of the policy. The Labour Tenant Act No.3 of 1996 is used as the main document of reference and Association for Rural Advancement (AFRA) as the voice of civil society, not only as a source of information. In this study the voices of AFRA, labour tenants and farmers are collectively referred to as the people's voice.

KwaZulu-Natal was used as a case study due to the high rate of labour tenants in the province as well as its history of the land conflict. The study in its final chapter refers to the difficulty of managing redistributive policies such as land reform. Despite the challenges of the

redistributive policies, the study shows how narrative policy analysis helps understand complex policies, as well as help understand difficult problems.

List of Acronyms

AFRA.....	Association for Rural Advancement
DLA.....	Department of Land Affairs
DRDLR.....	Department of Rural Development and Land Reform
ESTA.....	Extension of Security of Tenure Act
IDP.....	Integrated Municipal Development Plan
LPM.....	Landless People's Movement
LTA.....	Labour Tenant Act
NLC.....	National Land Committee
NPA.....	Narrative Policy Analysis

Definition of Words

Amakhosi..... Local Zulu Chiefs

AmaZulu.....The People from Zululand

Mufwetu.....Informal way of saying ‚my brother’ in IsiZulu

Insinwe.....The ability to give

IsiZulu.....Native language spoken by the people of KwaZulu-Natal Province in South Africa

DECLARATION	ii
Acknowledgement	iii
ABSTRACT.....	iv
List of Acronyms.....	vi
Definition of Words	vii
CHAPTER ONE	1
INTRODUCTION.....	1
1.1 Background.....	3
1.2 Literature Review	5
1.3 Research problem and objectives	8
1.4 Research Methodology	8
1.4.1 Narrative Analysis	9
1.4.2 Sampling	11
1.5 Structure of Dissertation	11
CHAPTER TWO	13
THEORETICAL FRAMEWORK.....	13
2.1 Introduction.....	13
2.2. Public Policy.....	13
2.2.1. The Policy Process.....	14
2.2.2. Types of policy	16
2.2.3 Participants in Public Policy	17
2.3 Narrative Policy Analysis	19
2.3.1. Dominant Narrative	22
2.3.2. Counter-narratives	22
2.3.3. Meta-narratives	22
2.4. Framing and Reframing in Narrative Policy Analysis.....	24
2.5. Discourse in Narrative Policy Analysis	26
2.6. Conclusion	27
CHAPTER THREE.....	28
LAND REFORM IN SOUTH AFRICA	28
3.1. Introduction.....	28

3.2. Land Reform in South Africa Prior to 1994	28
3.3. Land Reform Programme after 1994	30
3.2.1. Land Redistribution	30
3.3.2. Land Restitution.....	31
3.3.3. Land Tenure Reform.....	32
3.3.3.1. Labour Tenancy	33
3.5. Legislative Framework of Land Reform Programme after 1994	35
3.5.1. The Constitution of the Republic of South Africa	36
3.5.2 The Green Paper on Land Reform in South Africa	36
3.5.3 The White Paper on Land Reform	37
3.5.6. Labour Tenant Act No.3 of 1996.....	39
3.5.7. Extension of Security of Tenure Act No. 62 of 1997	41
3.6. Conclusion	42
CHAPTER FOUR.....	43
FINDINGS AND ANALYSIS	43
4.1. Introduction.....	43
4.2. Dominant Narrative	44
4.2.1. Dominate Narrative 1: The Need for Land Tenure Security among Labour Tenants ...	45
4.2.2. Dominant Narrative 2: Measures Put in Place for Accessing Land Tenure Rights.....	46
4.2.3. Dominant Narrative 3: Procedures followed in Securing Land Tenure Rights.....	48
4.3. Counter-Narratives.....	51
4.3.1. Counter-Narrative 1: Challenges of the need for Land Tenure Security on Farms	51
4.3.2. Counter-Narrative 2: Constraints in Accessing Secure Land Tenure Rights	55
4.3.3. Counter-Narrative 3: Constraints in Procedures Put in Place to Secure Land Rights ...	57
4.4. Meta-narrative.....	61
4.5. Conclusion	68
CHAPTER FIVE	70
DISCUSSION AND CONCLUSION	70
APPENDIX 1	75
6. BIBLIOGRAPHY	76
6.1. Primary Sources and Secondary Sources.....	76

6.2. Legislation, Policy Documents and Reports.....	81
6.3. Internet Sources	83

Chapter One

Introduction

The land question is a long-standing issue in South African politics and is fundamental to the human rights, development and prosperity of the people (Commey, 2000:13). One of the most visible legacies of apartheid policies in rural areas is the skewed distribution of access to, and ownership of, agricultural and other lands (RSA, 2000b: 14). Most of the specific characteristics of rural South Africa are strongly related to the fact that most of the country's rural land is concentrated in the hands of a relatively small and wealthy minority (RSA, 2000a: 12). In the present study, land tenure reform a sub-programme of the South African land reform programme is explored, with reference to the Labour Tenant Act (No.3) of 1996. The purpose is to understand challenges of land tenure reforms in South Africa, using a case study of the labour tenants in KwaZulu-Natal between 1996 and 2009. The research question therefore becomes what are the challenges of the land tenure reforms in relation to the labour tenants, as understood by the government, the people that is (the farmers, Association for Rural Advancement and the labour tenants) using narrative policy analysis as a frame of study?

A pronounced pernicious effect of three centuries of alien rule in South Africa led to the indigenous population being squeezed progressively from the land. Many subsequently found themselves trapped as farm dwellers, offering their labour in return for a place to live. The sensitivity of the matters relating to land impelled South Africa's new democratic regime to seek immediate redress on coming to office in 1994. Hence national legislation was enacted two years later to attempt to deal with the plight of labour tenants. This dissertation is an endeavour to tell this story from the vantage points in order to discover whether the intentions of the policy have been realised, and, more particularly, whether the farm dwellers in certain locations in KwaZulu-Natal feel that they have been afforded adequate relief. The topic remains an important one; the real value of this study, though lies, in subjecting the topic to narrative policy analysis in order to reveal new insights.

The motivation in choosing this topic lies in the claim that access to land and productive resources can break the vicious cycle of poverty and improve security of tenure. Improved security of tenure reduces the rate of environmental destruction, and improves the economic,

social and political well-being of citizens (RSA, 2000a:13). When people have access to land, they are able to sustain their livelihoods through farming. They have a secure shelter and their lives are not socially displaced by moving from one place to another in search of a secure place to live and raise their children. This stability and security promote welfare in individual lives, communities and in the nation as a whole.

A number of studies done using the narrative policy analysis contributed to the motivation for carrying out this study. The use of narrative policy analysis as a framework of analysis adds to other existing studies. This study takes on a case that is not only complex in its nature but also in the context of its execution. Therefore the argument that „narrative policy analysis is used because of its ability to give a much richer understanding of complex policies’ becomes true in this case (Roe, 1994: 3). The years between 1996 and 2009 have been used in this study, to show how the events on land tenure reforms have evolved from the time the Labour Tenant Act No.3 of 1996 (LTA) was enacted. To give a more insightful view on this study, the LTA (No.3) of 1996 is used as the main policy document in understanding who a labour tenant ought to be and the rights given to both labour tenants and farmers.

In this study land tenure reform is directed towards two distinct objectives. The first is to address the state of land administration in the communal areas of the former homelands and reserves of black South Africans, by way of the Communal Land Rights Act (No.11 of 2004) (AFRA: 2003 :6). This study is mostly concerned with the second objective, which aims to strengthen the security of tenure of labour tenants, also known as farm dwellers living on commercial farms. Most labour tenants have access to residential land only, with only a few of them having access to grazing land for their own livestock or to arable land for cultivation, in return for which they are required to provide (unpaid) labour to the landowner (Marcus, Eales and Wildschut, 1996: 52).

However, even with the existence of the land tenure reforms, labour tenants and those living on the farms, rights to land are still precarious even after 14 years of the Labour Tenant Act being in effect (AFRA, 2007: 19). The land tenure reform is limited in its extent, as a large number of labour tenants face evictions from the farms. They are denied burial rights, work long hours for low or no wages at all and are denied legal protection from the land owners (AFRA, 2008: 32). The labour tenants’ vulnerability to losing their jobs and being evicted is recognised by the Department of Land Affairs (DLA), currently known as the Department of

Rural Development and Land Reform (DRDLR), as a source of instability in rural areas and as an obstacle to realising their socio-economic rights (Greenberg, 2010: 46).

Apart from problems of evictions and denial of land rights, definition of a labour tenant adds to the problems confronted with land reform in addition to a number of implementation obstacles with regards to labour tenants. For instance, while systems and procedures are now in place at the Department of Rural Development and Land Reform to implement the Labour Tenants' Act. Court interpretations of the definition of labour tenants effectively exclude many people who would describe themselves as labour tenants (RSA, 1999: 3). A conservative Land Claims Court definition has excluded all first generation labour tenants from claiming for their labour tenancy rights, while a High Court interpretation excludes all labour tenants whose parents were not in continuous occupation on one farm from claiming labour tenancy rights (RSA, 1999: 3). Capacity and resources both internally and outside the Department, have remained difficult:

- External structures such as law enforcement agencies are still absent;
- Legal representation remains inadequate;
- Processing the large number of land claims lodged in KwaZulu-Natal and Mpumalanga is daunting;
- Creation of an environment in which land rights are respected is difficult; and
- Material, institutional and technical support for labour tenants is required.

Other constraints include the misinterpretation of the legislation by some magistrates which is indicated in trends from the Land Claims Court. This applies to other law enforcement agencies as well. As a result there are very few arrests and prosecutions for illegally evicting occupiers off the land and for abuse of rights. Allegations of collusion between the police and farmers are on the increase (RSA, 2006: 45).

1.1 Background

In 1994, the new democratic government of South Africa inherited racially skewed land distribution policies. To undo the legacy of apartheid's unequal land distribution policies, the new government made land reform a national priority. The new government embarked on a redistributive land policy by ensuring that land was transferred back to black ownership under productive agricultural use (RSA, 2000b: 14). Social, economic and political imperatives, such as increased agricultural growth whereby under-utilised land and labour are

matched with capital and returns to both are greater than in the past. Labour tenants' cost of living is high because they spend relatively more on basic social services such as food and water, shelter, energy, health, education, transport and communications services (RSA, 2008: 54).

The natural resource base to which labour tenants have access cannot provide rural people with the means of subsistence. Farm labourers, in particular, suffer from lack of opportunities and access to some of the most basic services. As the pace of economic activity picks up in rural areas with land reform, family capital now invested in other activities and probably in urban areas, may be reinvested (RSA, 2000: 17). The government's vision lays in the confidence that increased security of land tenure will encourage new owners to invest in their own land. This will, in turn, bring increased public security in rural areas, lower crime, lessen uncertainty and eventually will increase the value of land, which, in turn, will attract more capital through mortgages and other lending (RSA, 2000a: 13).

Land tenure reform deals with land rights of people in communal areas, farm workers and labour tenants. *“Labour tenants are impoverished communities which exchange their labour for the use of land on white-owned farms. In many cases the labour tenants have lived on the land in question all their lives, as did their ancestors for several generations and who are buried there. They know no other way of life and having been denied education opportunities by the apartheid regime, are unable to compete for work elsewhere”* (Del Grande: 2007: 5).

In 1996, the post- apartheid government enacted the Labour Tenants Act No.3 of 1996, in attempt to deal with the plight of labour tenants. The national legislation was to aid in the smooth execution of land security under the land tenure reforms. One of the objectives of this Act is to protect and provide for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants and to provide for the acquisition of land and rights in land by labour tenants (RSA, 1996:3). The Act legislated the right of those dispossessed under apartheid laws to reclaim their land and put into place a mechanism to enable this. In dealing with security of tenure, the Labour Tenant Act No.3 of 1996 gave labour tenants secure rights to the land on which they were living, providing they fell within the Act's rather restrictive definition of labour tenants. It also allowed for labour tenants to claim ownership of the land through the restitution process (RSA, 1997:2).

In response to the challenges faced by labour tenants on farms regardless of all the laws under the Labour Tenant Act No.3 of 1996, a Non-Governmental Organisation (NGO) known as Association for Rural Advancement (AFRA) has taken an interest in educating labour tenants of their rights in the new South Africa. AFRA aims at helping those that cannot access legal services to claim land rights, provision and access to land.

1.2 Literature Review

The reasoning behind this study is to show how narrative policy analysis as a policy technique can help understand complex policies such as the land tenure reforms. Land tenure reform among the three sub-programmes of the land reform programme of South Africa has been slow in its performance and not performed to expectations (Hall, Isaacs and Saruchera, 2007: 27). Narrative policy analysis technique in this study uses the perspective of the target group (labour tenants), farm owners, and AFRA as opposed to that of the government. The literature cited below and many studies have been done on narrative analysis, although on different issues, ranging from environment to water to land reforms in South Africa and elsewhere in the world. This study adds to the different works done in this field in its unique use of narrative analysis as a tool to understanding the challenges faced with land tenure reform in South Africa and, in particular, KwaZulu-Natal. The main focus becomes understanding the situation on the ground through the use of narrative analysis. Although similar to the other studies, as it is people centred instead of statistics based, it also takes into consideration the relationship of the state and the affected group, to establish whether or not the government policies actually coincide with the needs of people on the ground.

Although the Labour Tenant Act No.3 of 1996 is the main document of reference, cognisance is given to other Acts regarding land tenure reforms and these will be duly incorporated. Adding to the significance, and giving uniqueness to this study, the works of Movik (2009), MacDonald (1999), Eggertsson (1996) and Bulman (2002) have provided insight into this study. Some of the works done in understanding redistributive policies through the use of narratives, which will be used interchangeably with discourse analysis, is that of Movik, in his paper on the „Dynamics and Discourses of Water Allocation Reform in South Africa.’

Movik (2009:2) states that bringing water under the ambit of the state, in combination with the particular political conjunctures in post-apartheid South Africa, opened up space for the emergence of particular narratives around water use rights. Movik explained that these

narratives framed the continued use of existing users as pivotal for sustainability and redistribution to „historically disadvantaged individuals’ associated with a high degree of risk (Movik, 2009: 2). Movik focused his discussion on the policy discourse claiming that policy discourse itself actively shapes use rights (Movik 2008). Movik’s notion builds on the idea of rights as social relations and that use rights are constituted through the social recognition of certain claims and categories over others. Movik’s study though different in its approach, focuses on redistributive policy emphasising the rights of the previously disadvantaged groups. The similarity in Movik’s study and this study lies in the attention both studies attach to the voices of the previously disadvantaged group.

Eggertsson (1996: 157) argues that property rights, as with all social phenomena, „abstract from the real world by stylising select characteristics of human behaviour, organisation, and physical environments’. It is the nature of this „stylising’ that is of interest, particularly how it gives rise to certain narratives and how the forging of particular subject positioning (Fischer 2003; Laclau and Mouffe 2001; Fairclough 1995) in policy narratives define certain categories of relations *vis-à-vis* each other and the resource. Fairclough (1995), drawing on Willig (2001), states that a systematic exploration is required of how discursive constructions open up particular pathways for action. Similar to this study, Eggertsson concentrates on how narratives of different individuals can bring about change in the policy circles. Though he uses property rights to study social behaviours, organisations and physical environment, Eggertsson’s main point is how the nature of all this gives rise to certain narratives and that it is these narrative that are of particular interest in understanding relations.

The thesis of MacDonald (1999) on the Implementation of Emerging Policy Discourses in South Africa: A Case Study of the KwaZulu-Natal Land Reform Pilot Programme, presents her case from the point of view of discourse analysis. She specifically looks at the land reform pilot programme, as opposed to the present study, which will focus on land tenure reform, in relation to the Labour Tenant Act No.3 of 1996, from 1996 to 2009. MacDonald looks at addressing poverty and inequality and constructing the relationship between the state and society (MacDonald, 1999: i). McDonald’s argument is focused on how political, economic and social processes over time have led to systematic dispossession of black South Africans. She claims time calls for land reform were a constant element of resistance and an essential element of the Government of National Unity.

Similarly to the present study, MacDonald's work tries to show how land reform is regarded as a necessary factor for sustainable growth and development in South Africa, through broadening land access for marginalised groupings and increasing security of tenure (MacDonald, 1999: 1). MacDonald also uses voices of the affected people to establish her case. MacDonald uses discourses that have emerged in the implementation of the KwaZulu-Natal Land Reform Pilot Programme, in order to understand the dominant interest groups and ideologies represented in the process (MacDonald, 1999: 3).

Roderick Bulman's study reviews some of the trends in the theory and practice of public participation processes as an element of policy development (Bulman, 2002:2). His argument is centred on examining what effect, if any, public participation has had on the development of policy and in which policy areas; how the effect was achieved; and, if there has been no effect, what factors prevented any effect. His study uses the KwaZulu-Natal Waste Management Policy as a case study. Bulman's work attempts to show how theory of policy-making can be extended to provide a more useful and pragmatic understanding of the process and make a contribution to a more meaningful interpretation, and management, of the public participation process (Bulman, 2002:8). Though Bulman's interest is in public participation, he uses narratives of the participants to prove the effectiveness of public participation.

Another such work is that of Rosemary Bulman, based on the „Investigation of the Children's Bill Working Group's Networking and Advocacy around the Children's Bill Between 2003 and 2004? Her study argues that networks, entrepreneurs and narratives are intertwined in keeping a policy process moving and preventing it from stagnating (Bulman, 2006:i). To understand the intricate engagement and relations of participation around a complex policy, Bulman uses the Children's Bill as a case study to show the usefulness of the three theories. She shows, through the use of qualitative analysis, how a complex policy is able to move through the policy and legislative processes, despite the conflict and difficulties encountered (Bulman, 2006: 1). Bulman's study like this particular study tries to show how narrative policy analysis technique works as an effective tool in understanding complex policies.

1.3 Research problem and objectives

The objective of this study is to understand the challenges of land tenure reforms from the implementers (Government), the targeted group (labour tenants and farm owners) and AFRA, as intervening agents. To do this, the study will broadly examine:

- Why and how does change occur in policy areas?
- Why does change take so long to happen?
- What stories are told to bring about change?
- How are stories used in policy implementation?
- Why tell stories and whose stories are told to influence policy change?

More specifically, the study will focus on land tenure reform, the concerns of labour tenants and to what extent narrative analysis can help understand the challenges faced by the land tenure reform programme. In order to do this the following questions will be used to direct the study:

- What factors have influenced the implementation of the land tenure reform process?
- Are the measures put in place effective in terms of the affected people having access to land?
- Does the land policy specify procedures to provide alternative land, to enable farm dwellers or rather labour tenants, to become the holders of independent land rights?
- Has the land tenure reform programme addressed the underlying problem of overcrowding?
- What are the grievances and how is government responding?

1.4 Research Methodology

The study uses the interpretive paradigm; a qualitative research methodology which involves detailed, verbal descriptions of characteristics, cases and setting and this type of research typically uses observation, interviewing and document review to collect data (Terre Blanche, Durrheim and Painter, 2006:47). Documents, in this case, will be used to understand the land reform experiences in line with tenure reforms, the interpretation of the farm labourers dwelling on other farmers' farms and the opinions of the government concerning land tenure reforms policy. These documents include; AFRA annual reports comprising their yearly

works, labour tenant complaints and AFRA's suggestions concerning land tenure reform. The government documents such as the Constitution, Green and White Papers on Land Policy, The Labour Tenant Act No3 of 1996 and the Extension of Security of Labour Tenant Act No.62 of 1997 and other reports of the Department of Rural Development and Land Reform. The Land and Agrarian Reports will be used and related documents concerning the unfolding of the land tenure reforms in South Africa.

This section of the chapter gives a detailed account of the steps followed in the study methodology. The research methodology spells out the overall methods used in obtaining data and why the particular methods. The section on analysis, which is basically the data collection method, gives a clear description of the data used. In closing, a section on sampling gives a description of list of documents used from AFRA documenting narratives and accounts of labour tenants around the LTA (No.3) of 1996. It gives the particular areas of intervention in KwaZulu-Natal and the time period being investigated. The section mentions government documents and other research papers from which the voices of the farmers and the government are drawn. The chapter ends by looking at the analysis, which is concerned with why narrative policy analysis is used in this study.

1.4.1 Narrative Analysis

Qualitative inquiry here serves to illuminate the dynamics of the land reform process. It will show how often the observed trends occurred. The purpose of the present work is to highlight issues of concern and help to frame the questions needing to be dealt with. This study will use existing transcripts and documents made available by AFRA. AFRA has a number of primary data details of labour tenants in their quest for gaining access to land, according to the Labour Tenants Acts of 1996. These will be made use of in this study. It is an empirical qualitative study of both primary and secondary sources available at the AFRA resource centre. These sources include press releases, written interviews with labour tenants and labour tenant complaints presented in annual reports. In this respect the study does not entail interviewing labour tenants themselves, but using the appropriate available documents.

Narrative policy analysis was used on the basis that it is a powerful way we can understand the human experience (individual and collective) that is not directly open to other forms of analysis, given that people have a natural propensity to create meaning about their worlds through stories (Sikes and Gale, 2006: 140). The use of narrative inquiry is further qualified

by the postmodernist scholars, who argue that a diverse social world cannot hold single truths, emphasising even more multiple voices and perspectives influencing the making of meaning. Ospina & Dodge (2005:117) state that narrative analysis involves the search for new modes of truth, method and representation...this means explicitly using one's social position as a reference from which to interpret and analyse information. It also highlights the relevance of voice; not only the voice of the researcher and her/his subjects in general, but also the voices of groups previously excluded from social texts.

Narrative analysis therefore stands as an effective tool for those complex issues that may be taken for granted even if they are important in policy-making. The choice for narrative analysis lies, firstly, in its ability to capture unique details that may not be captured in larger-scale data, for example, surveys. Cohen *et.al.* (2007: 254) claim that these unique details might sometimes be the key to understanding the situation. Secondly, narrative analysis will allow the case to "speak for itself" (Cohen *et.al.* 2007:254). Ospina and Dodge (2005:143), claim that stories contain within them knowledge that is different from what we might tap into when we do surveys, collect and analyse statistics, or even draw on interview data that do not explicitly elicit stories with characters, plot and development toward a resolution. Ospina and Dodge (2005:143) explore the idea that stories mediate how public problems are understood and thus influence the politics of public policy-making.

This study will use reports of existing transcripts and documents of the experiences of labour tenants made available by AFRA. AFRA has primary data of labour tenants' responses concerning access to land, as per the Labour Tenants Act No.3 of 1996. These were made use of in this study. Qualitative research typically uses observation, interviewing and document review to collect data (Terre Blanche, Durrheim and Painter, 2006:47). In this study, documentary review was used to understand the experiences of land tenure reform. A qualitative approach means that researchers study things in their natural settings, attempting to make sense of, and interpret, phenomena in terms of the meaning people bring to them (Heikkinen and Syrjälä, 2002: 21). Therefore, narrative policy analysis, which uses stories to understand complex policies, will be employed in this study to understand land tenure reform in relation to the Labour Tenant Act No.3 of 1996 from the perspectives of the labour tenants, AFRA, farm owners and government.

1.4.2 Sampling

Stories from secondary data in this study will be used as a means for uncovering security of tenure issues as they have occurred over the years. This will allow understanding of experiences which would never have been explored by other traditional tools. AFRA is also in possession of numerous court proceedings, departmental submissions and other documents pertaining to the issues of land in South Africa from as far back as 1913. Therefore narrative inquiry seems to be the best method of obtaining this information, which may otherwise be limited if other means such as quantitative analyses were to be used. It is important to realise that land issues are diverse and complex and therefore a model such as narrative analysis would be of much help in understanding implementation challenges of land tenure reforms.

AFRA has been instrumental in this process. For this reason, it was chosen purposively, as it would provide the relevant information required for this study. This study includes AFRA's involvement in the nine districts around KwaZulu-Natal namely: Dannhauser; Estcourt; Eston; Greytown; Impendle; Ingogo; Mooi River; Utrecht and Vryheid. The voice of the labour tenants and AFRA's staff-members was taken from the documents provided by AFRA in terms of their annual reports, from as early as 1997, to 2009. While the government's voice was captured from the government documents on land issues, these government documents include; Labour Tenant Act No.3 of 1996, Extension of Security of Tenure Act No.62 of 1997, Land and Agrarian Reports, the Constitution 108 of 1996, the White Paper on Land Reform 1997 and the Green Paper on Land Reform 1996. Last but not least the farmer's voice was extracted from the report on farm relations drawn from independent research conducted by the KwaZulu-Natal Christian Council of churches (KZNCC).

1.5 Structure of Dissertation

Chapter Two: Theoretical Framework

This chapter explains narrative analysis, why narrative analysis was used, the different forms of narrative analysis and the use of narratives in understanding land reforms. It will include other policy techniques that are similar to narrative analysis such as framing and reframing and discourse Analysis.

Chapter Three: Legislative Framework and Land Reform

This chapter describes the legislative framework on which the study is based such as clauses of the Constitution of the Republic of South Africa, statements in the Green Paper of

February 1996, on land policy, statements from the White Paper of 1997 on land policy, clauses from the Labour Tenant Act No.3 of 1996 and other related Acts on Land Tenure Reforms, such as the Extension of Tenure Security No.62 of 1997.

Chapter Four: Analysis of Results

This chapter is based on the findings and analysis of the challenges of the land tenure reform from the perspectives of labour tenants, civil society (AFRA), farm owners and government.

Chapter Five: Discussion and Conclusion

This final chapter discusses and concludes the study.

CHAPTER TWO

Theoretical Framework

“When you want to know what the problem is, ask what the story is” (Fischer, 2003:168)

2.1 Introduction

Chapter Two provides the theoretical framework for this study. In this chapter, different types of narratives are discussed. The chapter explores the role of narrative policy analysis as a policy technique used to understanding complex policy issues through stories. The narratives told and who tells them, and why, are underscored to show how they have helped shape this study. The chapter provides definitions of public policy and an overview of the different stages of policy processes. Different types of public policy are described, followed by a discussion on redistributive policy. Redistributive policy stands out in the study because of the policy being investigated, which is redistributive in nature. It represents a transition from racially centred past laws to new laws that encompass previously disadvantaged groups.

The study pays attention to framing and reframing, which is an aspect of narrative policy analysis. Framing and reframing is considered as an aspect of narrative policy analysis, because of its character in understanding how different issues are understood by different people through casting and recasting their doubts, so as to understand their circumstances and to find solutions to these problems. These doubts are expressed in the form of stories which are very much an aspect of narrative policy analysis. The chapter concludes with a discourse analysis, which discusses the language used in the narratives. It emphasises the dominant spoken words in the narratives told, why they are used and how. Lastly, a brief conclusion of the chapter will follow.

2.2. Public Policy

Policy is used for different reasons; as a channel through which desired goals are met or as a yardstick to improve a given condition (Cochran and Malone, 2005: 1). A policy is an intervention put in place to improve a social condition or decision not to take action (Cochran and Malone, 2005: 13). Cochran and Malone explain further that “Public policy is a form of

government control usually expressed in a law, regulation, or an order...backed by an authorised reward or incentive or a penalty.”

Hogwood and Gunn (1984), in Kay (2006: 11-19), outline the uses of the word „policy’ as being... “a formal authorization (legislature); policy as a programme of activity; policy as outputs or what government actually deliver, as opposed to what it is promised or authorised through legislation; policy as outcomes or what is actually achieved; and policy as a theory or model the notion that if we do „X’ then „Y’ will follow.”

Public policy, therefore, is at different stages and Roe (2003:23) broadly defines public policy by linking it to other public sector interventions such as field projects, departmental programmes, sectorial strategies and bureaucratic reforms, rather than to macro-level planning and decision-making. Kay (2006:8) concurs with Roe, by claiming that public policies are developed in response to the existence of a perceived problem or an opportunity; they never exist in a vacuum. The context is extremely important because it will shape the kinds of actions considered.

In summary, the main ideas of policy from the preceding discussion stand out to be an intervention put forward to improve or solve a social problem. It also shows that policy exists in different forms and stages and these include legislatures and programmes. In marrying public policy and narrative policy analysis, Ospina and Dodge (2005:145) explore the idea that stories mediate how public problems are understood and thus influence the politics of public policy-making. Policy-making proceeds mainly in stages, which are known as, a flow of policy or the policy process in public policy.

2.2.1. The Policy Process

There are five main stages identified in the public policy process. These steps include the identification of a problem, the formulation of a policy change to solve the problem, alternative choice of a solution, the implementation of that policy change and the evaluation of whether or not the solution is working as desired. These are perceived as steps a government takes to address a public problem. Howlett and Ramesh (2003:27) outline policy stages as steps including: agenda setting (problem identification); policy formulation (proposal of a solution); decision-making (choice of a solution); policy implementation (putting the solution into effect); and policy evaluation (monitoring results). After identifying

and studying the problem, the second stage is when a public policy solution is formulated and adoption follows. This step is usually marked by discussion and debate between government officials and if it is open for public participation, the forum is then open to interest groups and individual citizens who exchange ideas on how best to address the issue (Colebatch, 40:2002). The general purpose of this step is to set clear goals and list the steps to achieve them. This stage includes a discussion of alternative solutions, potential obstacles and how to measure the effects of the policy change (McCool, 1995:159).

The third stage which is the adoption stage follows definition of problem and objectives. Having defined the problem and objectives, policy options are formulated and evaluated. The objectives may be realized in many different ways and all other possible solutions need to be considered (Stone, 2002: 40). In cases where more than one solution emerges, the best alternative has to be considered for policy adoption. By evaluating the options it may be possible to identify the one that best meets the goals that have been established and at the same time is the best fit for local circumstances (Stone, 2002: 40).

The fourth stage of the process is the implementation of policy changes. McCool (1995:159) states that this step usually includes defining the agencies and organisations involved and distributing responsibilities to each. The success of this stage usually requires agency communication and co-operation, sufficient funds and staff and overall compliance to the new approach by all stakeholders involved. The implementation stage is not the final step in the policy process. The effectiveness of the policy needs to be assessed after a certain period of time. This stage is called the evaluation stage which is the fifth step in the policy process. At this stage decision-makers ensure that there are resources and means to maintain a successful policy. On-going program evaluation is thus central to the maintenance of policy (McCool, 1995:60).

Stages in the policy process are important to this study, in that they give a general idea on how policies or programmes come into existence. In most cases policies or programmes are answers or solutions to perceived problems. When problems are identified, deliberations follow as to what the best possible solution should be and the best ideas are enforced to achieve a perceived outcome. The best solution in most cases arises from a set of alternatives advanced by the different stakeholders in a particular policy arena. These stakeholders are referred to as policy participants (Stone, 2002: 40). There are, however, different types of policies, depending on the situation. Different types of policies present different challenges

and use different tools to improve a given condition. There are four types of policy and these are regulatory, distributive, constituent and redistributive policies Lowi (1964), in McCool (1995: 174).

2.2.2. Types of policy

Lowi (1964), in McCool (1995:175), explains that the perceived attributes of the policy determine the attributes of the political process that makes that policy. In arguing further, McCool makes a distinction amid distributive policies, redistributive policies and regulatory policies. He (1995:178) cites three major categories of public policies. McCool (1995:178) stresses that these areas of policy or government actively constitute real arenas of power, where each arena tends to develop its own characteristic political structure, political process, elites and group relations. McCool tries to demonstrate that different policies exhibit different characteristics, use different tools and have different challenges. Each policy type is enforced depending on a particular context. The three cited policy categories in this study are:

Distributive policies: these are concerned with short-term government decisions without regard to limited resources. Distributive policies extend goods and services to members of an organization, as well as distributing the costs of the goods/services amongst the members of the organization. Examples include government policies that impact spending on welfare, public education, highways, and public safety (McCool, 1995:180).

Unlike distributive policies, regulatory policies have a direct impact on the decision of choice as to who will be advantaged and who will be deprived; that is they clearly stipulate who benefits and who loses out (Ibid, 1995:180). In regulatory policies individual decisions are made by application of a general rule and they become interrelated within the broader standards of law. In regulatory policies, decisions cumulate among all individuals affected by the law in roughly the same way (McCool, 1995:180).

Redistributive policy is similar to regulatory policy, in the sense that regulation among broad categories of private individuals is involved and individual decisions must be interrelated, even though there are greater differences in the nature of impact (McCool, 1995: 181). Redistributive policies seek to redress past injustices, by favouring the previously disadvantaged group. This study is concerned with redistributive policy, as it aims at addressing inequalities emanating from past racially based policies. Redistributive policies

are aimed to redress issues of resource distribution through the transferring of resources from the previously advantaged group in society to the previously disadvantaged, as a way of balancing equality (McCool, 1995: 181).

McCool (1995:181) elaborates that the impact of policy under redistributive policies is much broader in effect as compared to distributive. Redistributive policies encompass a wide range of people's social classes in its approach. Redistributive policies are more concerned with property itself than with the use of property and more emphasis is put on equal possession than equal treatment. In other words, redistributive policies are more concerned with equity than with equality. Thus redistributive policies are more focused on the bigger picture as to how the resources are distributed among the people. They do not take into account how the resources will be used by the beneficiaries, but on how the resources are distributed equally.

Lowi, in McCool (1995:180), states that "Redistributive policies are broad in scope, affecting classes of people, i.e. black versus white, poor versus rich Redistributive policies are long-range, insofar as they deal with the long-term allocation or reallocation of resources among these broad classes. They are characterized by the struggle between the haves and have-nots."

This complexity of redistributive policies makes narrative policy analysis a better tool for understanding how to execute them on the grounds that narrative policy analysis deals with complex policy issues. To give more insight into how redistributive policies relate with narrative policy analysis, Roe (2003:3) points out that many public policy issues have become so uncertain, complex and polarised – their empirical, political, legal and bureaucratic merits unknown, not agreed upon, or both – that the only things left to analyse are the different stories policymakers and their critics use to articulate and make sense of that uncertainty, complexity and polarisation. Narratives define problems and lead to solutions based on a sometimes limited problem definition (Roe, 2003:3).

2.2.3 Participants in Public Policy

Public policy can be made by government alone, or as a result of pressure from interest groups such as civil society, media, or general citizenry (John, 1998:24). It could also be open dialogue between government and the general citizenry. Kingdon (1995:21) states that the actors in policy-making include those inside the government as well as those outside the government. Colebatch (1998:102) states that policy is an ongoing process, with many participants, most of whom do not have a formal or recognised role in policy-making. For

instance Brinkerhoff and Crosby (2005:5) explain that “When problems are encountered, addressing those calls for shared analysis and joint action, both inside and outside of government.” Following the argument by Brinkerhoff and Crosby (2005:5), Colebatch (1998:102) states that the structured interaction perspective does not assume a single decision-maker, addressing a clear policy problem, it focuses on a range of participants in the game, the diversity of their understandings of the situation and the problem, the ways in which they interact with one another and the outcome of this interaction. It does not assume that this pattern of activity is a collective effort to achieve known and shared goals. He (1998:103) clarifies that policymaking includes ministers of state, their advisers, politicians, public servants, party members, „street level’ delivery staff, interested members of the public, the media and academics. Policy participants include everyone who is involved in the particular policy, from the policymakers to the policy recipients, as well as policy advocates such as civil society.

Represented among the interest groups are usually non-governmental organisations (NGOs) and these are often very important, as they frequently represent more closely the views of the ‘public’. Shah (1996:32) claims that NGOs engage in policy debates for a number of reasons, such as perceived shortcomings or inefficiencies in existing policies, or in order to advance a particular agenda. Policy participation is done at different levels. Participation can happen through citizen action in terms of demonstrating against a particular policy, or lobbying with media, petition signing, public meetings or rioting (John, 1998: 24). It could also be true that participation depends on the type of policy at hand (John, 1998: 25). Cloete and Meyer (2006: 115) add that individual members of the communities can also participate in the policy process, through attending “*public meetings, participation in protest marches, consumer boycotts and other types of direct mass action*”. To actually come up with something more satisfying to all parties there is a need to co-operate. Schon and Rein (1995), in Brinkerhoff & Crosby (2005: 6), state that “*The best technical solution cannot be achieved unless there is co-operation, which means making modifications to accommodate the views and needs of the various parties involved. This is referred to as „reframing’ policy issues.*” Colebatch (2002:40) concedes that policy issues are not naturally occurring, but are socially constructed by the participants.

2.3 Narrative Policy Analysis

The technique employed in this study is narrative analysis which, according to Fisher (2004:161), concerns itself with stories, told in oral or written form, that reveal or convey someone's experiences. Ospina and Dodge (2005:145) point out that, narratives represent events in space and time. They give five characteristics of narratives which they also consider essential and these include;

- Accounts of characters and selective events occurring over time, with a beginning, middle and an end.
- They are retrospective interpretations of sequential events from a certain point of view.
- They focus on human intention and action – those of the narrator and others.
- They are part of the process of constructing identity (the self in relation to others).
- They are co-authored by narrator and audience.

Narratives have been described in the literature as a way of developing meaning and organising experiences. Fischer (2003:162) explains that these experiences are constantly being rethought and repositioned, depending on who is narrating them. Narratives are powerful; they validate action, mobilise action, and define alternatives (Fisher, 2003:162). These characteristics suggest that narratives contribute to understanding social events and social experiences, either from the perspective of the participant or from the perspective of an analyst interpreting individual, institution, or societal narratives (Ospina and Dodge, 2005:145). Fischer (2003:166) states that stories, by their nature, are inherently joint social productions. Plot, structure, meaning, resolution, are created by people conversing and debating with others.

Hajer (1993: 47), states that such narratives are strategic and designed to call in reinforcements. Polkinghorne (1995: 5) adds that, essentially, narratives create meaning by noting that something is a part of a whole and that something is a cause of something else. Polkinghorne emphasises that nothing happens on its own, but something is caused by something else. Therefore narratives offer links, connections, coherence, meaning and sense. Narrative descriptions display human activity as intentionally fused in the world.

Through narration, individuals relate their experiences to one another. It is the cognitive form with which people convey what they think and feel and how they understand one another, in writing as well as by speech (Fischer, 2003:167). These stories have a beginning, a middle and an end with the beginning standing for problem identification, the middle for intervention and the end for results (Fischer, 2003:168). Structured sequentially with a beginning, middle and end, narrative tells us about an „original state of affairs’, an action or event and consequent state of events (Fischer, 2003:162).

Narratives give direction and meaning to life. Fischer (2003: 162) feels that narratives were, and still are, the way we make meaning in our lives. He states that, at the culture level, narratives serve to give cohesion to shared beliefs and transmit basic values. At the individual level, people tell narratives about their own lives that enable them to understand both who they are and where they are headed. A narrative more than tells events. Kay (2006:22) explains that it recounts events in a way that makes the events clear, thus conveying not just information but also understanding. Narratives therefore contribute to explanation. Kaplan, in (Fischer & Forester, 1993:12), states that the narrative approach allows the analyst or planner to weave together a variety of factors and come to a conclusion that flows naturally out of these factors. Kaplan adds that these stories do more; they help shape what others are to take as important in the cases at hand.

Kay (2003:23) explains further that the purpose of a narrative is to render various series of events into an intelligible whole; viewing policy as a composite entity that endures over a significant duration is one way of making the complex interactions of the policy process logical. The narrative structures and the vocabularies that we use when we craft and tell our tales of our perceptions and experiences are also, in themselves, significant, providing information about our social and cultural positioning. To paraphrase Wittgenstein (1953), the limits of my language are the limits of my world. Mottier (1999), in Fischer (2003: 162), states that it is through the act of storytelling that individuals assess their social positions in their respective communities, grasp the goals and values of their social groups and communities, internalise their social conventions and understand who they are *vis-à-vis* one another.

These characteristics suggest that narratives contribute to understanding social events and social experiences, either from the perspective of the participant, or from the perspective of

an analyst interpreting individual, institutions, or societal narratives (Ospina and Dodge, 2005:145). Through narration, individuals relate their experiences to one another. It is the cognitive form with which people convey what they think and feel and how they understand one another, in writing as well as in speech (Fisher, 2003:167).

Put as simply as „an account of something’, it is clear that narrative is unavoidable. It is everywhere and is fundamental to human understanding, communication and social interaction. Roland Barthes commented, “*The history of narrative begins with the history of mankind; there does not exist, and has never existed, a people without narratives*” (1966: 14). Indeed, somewhat playfully, it has been suggested that there is a case for revising the term *Homo sapiens* to „*Homo fabulans* – the tellers and interpreters of narrative (Currie, 1998: 2). A narrative is what human beings do.

We use narratives to make sense of the world as we perceive and experience it and we use narratives to tell other people what we have discovered and about how the world, or aspects of it, is for us. This component, for example, is a narrative account of our understandings of narrative approaches to research. Within the social sciences, „narrative’ and, specifically in the context of this component, „narrative research’ has come to have particular meanings; meanings that carry or are attributed with particular value, ethical, ontological and epistemological positions (Currie, 1998: 4).

Fisher (2003:163) explains that a good narrative not only conveys a meaning to the listener, but offers the listener or reader a way of seeing and thinking about events that point to implications requiring further attention or consideration. Narrative inquiry is not only concerned with problem definition but is also vital in the analysis of policy-making, implementation and evaluation. There are different types of narratives. They include: stories with a beginning, a middle and an end (Roe, 1994:36); counter-stories, which in nature are stories but they offer an alternative account that has the potential to displace the original story (Roe, 1994:40); and non-stories, which are described as circular stories with a beginning but no end. They cannot qualify as a story or narrative, but Roe explains that if they are only telling us “what to be against without completing the argument as to what they should be for,” they are non-stories, as they have no end or conclusion (Roe, 1994:53). Therefore a meta-narrative is a story told by the comparison of dominant stories and counter-stories.

2.3.1. Dominant Narrative

Dominant narratives are stories that most people ascribe to. They are conventional or accepted stories that dominate a policy controversy (Roe, 1994:74). Dominant narratives are more rooted and can be considered as original stories and are not easily dismissed.

2.3.2. Counter-narratives

Counter-narratives are stories that offer an alternative account that has potential to displace the original story (Roe, 1994:40). A counter-story's distinguishing feature is that it is not a refutation of the narrative and its empirical accuracy, but rather a narrative that "tells a better story" (Roe, 1994:40). History has also shown that it is not always that the counter-narrative dislodges the dominant narrative, even if it offers a better account of the problem (Roe, 1994:41).

2.3.3. Meta-narratives

A meta-narrative is "not „consensus' or „agreement,' but rather a „different agenda,' which allows us to move on issues that were dead in the water on their older agendas" (Roe, 1994:52). Roe (1994:1) believes that in meta-narratives the analyst starts by identifying the conventional or accepted stories that dominate a policy controversy. Meta-narratives, once generated, recast the issue in such a way as to make it more amenable to decision-making and policymaking. Roe (1994:4) feels that the comparative advantage of narrative policy, analysis and its drive to a policy-relevant meta-narrative, lies in highly polarised policy controversies, where the values and interests of opposing camps are fundamentally divided and no middle ground for compromise exists between them.

After mapping out dominant narratives, a second step is to identify the existence of other narratives related to the issue (counter-stories), which do not conform to, or run counter to, the controversy's dominant policy narratives (Roe, 1994:173). The third step is then taken, which is concerned with seeing whether or not the comparison can be used to „tell' a meta-narrative (Roe, 1994:174). Meta-narratives hold out the possibility of removing or easing the intractable elements of the controversy, thus enabling the discussion to move to new grounds. It shows ways in which the same events can be retold from one or more different points of view. The last step is to determine if or how the narrative frames or recasts the problem in such a way as to make it more amenable to empirical policy-analytical tools (Roe, 1994: 173).

Roe (1994:156) states that a meta-narrative *“finds a set of common assumptions that make it possible for opponents to act on an issue over which they will disagree.”* Barry and Bridgman (2002:16) note that a meta-narrative is like a super-ordinate frame, which joins otherwise incompatible positions and serves to distance protagonists from their original positions. Hampton (2009:235) feels that the narrative policy analysis method of identifying narratives and counter-narratives and developing meta-narratives is a potentially useful analytical process for planning, as it provides a structure for understanding and working with narratives encountered by planners when engaged in consultation and participation.

Hampton (2009:227), in his article in the Policy Science Journal, tells how narrative policy analysis can be of help in incorporating public values and preferences into decision-making. Hampton (2009:227) adds that narrative policy analysis is particularly useful to the practice of public involvement for maintaining a juxtaposition of views throughout the policy development and planning process. It is postulated that this process may facilitate the consideration of public preferences in a decision-making process through the joint development of a meta-narrative. Narrative policy analysis is therefore concerned with *“Stories (scenarios and arguments) which underwrite and stabilise the assumptions for policymaking in situations that persist with many unknowns, a high degree of interdependence, and little if any, agreement”* (Roe, 1994:34).

Roe (2003) claims that meta-narratives and analysis of narratives can be particularly useful in situations characterised by a high degree of problem uncertainty, socio-technical complexity, and political polarisation, policy problems that have so many unknowns – empirical, political, legal and bureaucratic. Fischer (2003:179) feels that meta-narrative analysis, especially from a more participatory perspective, offers the analyst a way of entering and reframing policy controversies that can lead to new ways of being capable of moving the disputants beyond policy impasses. Framing and reframing help to move matters to the next level or rather into action through the narratives that people tell in their doubts as they try to look for suitable solutions. This characteristic of framing and reframing bear a resemblance to that of meta-narrative thus, making framing and reframing a tool that can be used in understanding problems that seem complex.

2.4. Framing and Reframing in Narrative Policy Analysis

Framing and reframing take up the narrative characteristic of people conversing and debating over matters in the hope of finding a solution. To give an insight into what framing and reframing are, this study looks at them separately, by citing what frames are and then giving an account of reframing. The definition of frames by Rein (1983a), in Fischer (1994:56), provides a basis for the clarification of the importance of framing and reframing in policy analysis. Rein (1983a), in Fischer (1994:56), states that our sense of frames is guided by the idea that they serve as a basis for both discussion and action. Framing can be seen as a particular way of representing knowledge and, as the reliance on interpretive schemas that bound and order a chaotic situation. It facilitates interpretation and provides a guide for doing and acting. Dryzek, in (Fischer & Forester, 1993: 13), stresses that planning appreciates competing frames as the foundation of the analytical process itself. Indeed, the interplay of competing frames is a source of new knowledge, rather than an impediment to it, for no single analytical approach will do for all purposes, for all problems and for all time.

Rein (1983b), in Fischer (1993: 56), describes policymaking as caught in frames. Frames are viewed as structures of thought, evidence of and an action of something revealing interests and values. Rein feels that we only know that we are dealing with frames once we know what action a policy actor favours (Rein: 1983b) in Fischer (2005:56). Frames are used in policymaking to note a special type of story that focuses attention and provides stability and structure by narrating a problem-centred discourse as it evolves over time. Actors express beliefs through these normative-prescriptive stories that interpret uncertain, problematic, or controversial situations into a policy problem that names the phenomenon and implies a course of action (Fischer, 1993: 174).

Fischer (1993: 174) states that frames define the boundary between evidence and noise and shape views about what counts as progress. The stories combine fact and value into belief about how to act. This gives policy frames their interpretive character and highlights the unity between fact and value and the interplay between thought and doing that are broad characteristics of policy frames.

The problem-centred character of the discourse holds whether or not we are talking about a situation in which there is a dominant frame or frame pluralism, in which multiple frames

coexist and paralyse a policy domain by inhibiting agreement on a course of action (Hager, 2003:174). Most policy environments can be described in terms of either dominance or pluralism. Both situations are open to change in the definition of the problematic situation, or in the course of action that should be followed. Frames are therefore viewed as systems of belief that intertwine with identity and social action. Goffman (1953), in Fischer (1993), felt that framing is a response to the problems encountered in everyday life by everyday citizens seeking to make sense of the world they inhabit. Goffman (1953) concludes that “Frames are therefore viewed as systems of belief that intertwine with identity and social action.”

Fischer, Rein and Schon give a clear account of what frames are and why they are important in policy-making, Hager (2003:175) puts more emphasis on what is referred to as reframing and differentiates it from frames. Hager explains that controversies include such moments of doubt when accepted stories are challenged or events upset conventional accounts and an indeterminate situation arise that requires interpretation. The rush to restore control is generated not only by the „irritation of doubt; but also by the opportunities for reshaping the distribution of influence and resources among groups involved in a policymaking process.

These moments of doubt are precisely the moments when systems are open to new insights, ideas and behaviour, in other words to reframing. In the dynamics of reframing, there arises the need to „fix belief”, which, over time gives rise to opposition, then to formal challenges of the dominant frame. This oppositional politics is, of course, quite varied, but, through narrative, community-based initiatives „open the space’ for challenges grounded in the everyday experience of citizens (Hager, 2003:175).

Reframing develops out of interaction around a set of problems, the doubts that individuals confront in making sense of the problematic situations they confront in everyday life. Hager, (2003: 202) argues that the tenacity of beliefs that fill the void that doubt generates around the disposition to act stirs up change. Connecting these central ideas is the notion that conventions of belief are continuously challenged by personal experience and organised groups, but these processes, in turn, promote *ad hoc* adjustments that try to debate the challenges in order to maintain the community of beliefs (Hager, 2003: 202).

In different situations people narrate their stories in trying to understand problems as well as their situation in a particular circumstance, so as to come up with a solution to the problem.

Hager (2003: 207) states that “They recast their doubt through the telling and retelling of the story thus moving problems from particular frames to solutions in reframing them.” The whole process of framing and reframing is viewed through speech. The vocabulary people use to explain their condition is better expressed in their speech, which is also known as discourse. Discourse in narrative policy analysis pays particular attention to the spoken words in the stories that different participants tell to understand their position. The language in the narratives says much about the position of the story-tellers. The language will reveal who they are, where they are and where they hope to go.

2.5. Discourse in Narrative Policy Analysis

Discourse becomes hard to separate from narrative analysis as it is the conversations and the spoken word which make up narratives. These conversations are referred to as discourse. The relationship of discourse to narrative policy analysis is seen in Foucault’s (1977:61) opinion that narratives express and give life to discourses. Discourses are practices that systematically form the objects of which they speak. While Hager, in Forester and Fischer (1993:44), qualifies the statement by reasoning that language is recognised as a medium, a system of signification, through which actors not simply describe but create the world.

Discourse analysis may be used as a way to focus on how people use language to construct versions of their worlds. Physical things and actions exist, but they only take on meaning and become objects of knowledge within discourse. Discourses are systems of representation. We can only have knowledge of things if they have meaning; it is discourse, not the things in themselves, which produces knowledge (Gale 2006: 117). Kay (2006:22) talks of discourse as the narrative structures and vocabularies that we use when we craft and tell our tales of our perceptions and experiences and these vocabularies are also, in themselves, significant, providing information about our social and cultural positioning.

Wertsch (1991: 102) presents his views on the importance of an utterance. He says that an utterance reflects the voice of the speaker and the addressee; it also reflects other voices that have been experienced previously in life, in history, in culture. Thus a voice is overpopulated with other voices, with the intentions, expectations and attitudes of others. Mottier (1999), in Fischer (2003: 162), explains that it is through the act of storytelling that individuals assess their social positions in their respective communities, grasp the goals and values of their social groups and communities, internalise their social conventions and understand who they

are in relation to one another. Wittgenstein (1953) states that “The limits of my language are the limits of my world.” And Polkinghorne (1995: 1) sums it all up by stressing that narrative is regarded as the primary scheme by which human existence is rendered meaningful.

2.6. Conclusion

This theoretical framework established a perspective, a set of lenses through which the study examined the problem. The chapter showed how narratives fit into public policy, by unveiling the character of narrative policy analysis which gives a rich understanding to complex policies through the stories that are told by different actors in the policy process. This chapter unveiled how narratives can lead to insights through which solutions in complex situations can be found. Although in certain circumstances as Roe (1994:3) argues narrative policy analysis might not lead to any solution.

This chapter showed the power of narratives in shaping beliefs and actions. The power of narratives was also linked in a variety of academic literature to discourse, framing and reframing. The chapter showed that discourse which is basically concerned with the spoken word, gains meaning through narratives, while framing and reframing are more concerned with the debates and conversation that are found in the narratives players tell in trying to understand their positions. The apparent power of stories in public policy showed an attempt to convey simply and seriously the most important experiences of the policy actor’s own lives. The power of narratives to do this is expressed through the chosen topic for this study.

Chapter Three

Land Reform in South Africa

“Awakening on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth” Bundy (1990:5).

3.1. Introduction

In Chapter Three the legislative framework and guidelines that inform land policy in South Africa are discussed. The chapter starts with an elaboration of the land policy in place in South Africa prior to 1994 and after 1994. The land reform programme after 1994, is the period from which the South African government began to institute a new policy and legislative framework to redress the injustices of the apartheid government in general. The different programmes under this framework, their objectives and focus, is also presented. Finally, the chapter concentrates on the specific programme under study which, is land tenure reform and the different Acts and their aims and the specific legislature governing this programme. The Labour Tenant Act No.3 of 1996 will be referred to throughout most of the discussion.

3.2. Land Reform in South Africa Prior to 1994

With the declaration of the Union of South Africa in 1910, the South African Party came to power (RSA, 2010: 67). The key challenge for the new government was to define a single land and labour dispensation for South Africa. It was resolved through the promulgation of the Land Acts; The Native Land Act No.27 of 1913 and the Land Trust Act No.36 of 1936 (RSA, 2010: 68). The Native Land Act of 1913 was passed in response to the South African party’s demands from rural constituency, who felt threatened by the successes of African farmers in tenancy and share-cropping forms of tenure. The Act restricted 80% of the country’s population to 13% of the land, but this was only in practical effect in the Transvaal and Natal (RSA, 2010: 68).

The Land Trust Act No.36 of 1936 provided for the continuation of restrictions on freehold ownership. The impact of the statute on the lives of the majority of Africans in the Union of South Africa was devastating; *“the South African native found himself, not actually a slave, but a pariah in the land of his birth”* (Bundy 1990:5). The Act prevented Africans from land

ownership in the vast areas designated as white and only allowed residence on farms in the form of labour tenancy, with a minimum of 90 days annual labour a requirement (RSA, 2010:68).

South African “natives” were forced to provide cheap labour for their colonial masters and those that could not manage, due to age or sickness, were sent to homelands or reserves (RSA, 1996: v). As for those that remained to work on the farms, the work was overwhelming and draining. The labour tenants did not enjoy any form of security of tenure during the colonial and apartheid period (RSA, 1996: VII). In short, they lived at the mercy of the farm owners. The Native Land Act No. 27 of 1913 formalised the land dispossession of black South Africans. The Native Land Act No. 27 of 1913 only allowed for Africans to own land in what they called the 'native reserves', where communal land tenure was and still is administered by traditional leaders (RSA, 1996: XII).

In spite of all these limitations to land ownership and tenure security, AFRA's (2006:4) baseline information on the situation of labour tenants prior to 1994 is that even though the labour tenants were subjected to onerous and exhausting jobs, they did enjoy certain benefits. These included “*Burying loved ones on farms, keeping a few livestock and growing own crops.*” In other words, the Native Land Act No.27 of 1913 robbed the African native of the right to own land. This can be interpreted as causing loss of political, economic, social and cultural rights among the black people.

Due to the damage that the Native Land Act No.27 of 1913 caused among the black population of South Africa, the new democratic government proposed a change of land policy (RSA, 2010:3). This policy advocated for land reform that was to improve the security of tenure among the black population. Land reform is aimed at improving the living conditions of the people and mitigating the poverty caused by lack of land (RSA, 2010:3), improving stability in rural areas and slowing the environmental degradation of the overcrowded lands (RSA, 2000a: 12). The brief background to land reform above shows the rationale on which the legal framework guiding the Constitution on the land policy in the present South Africa is premised. It also shows the need for the land policy after 1994, as the new democratic government saw fit to move from punitive land policies to more equality based policies. There was a need to move from restrictive policies that left most of the black population poverty stricken and insecure, both socially and economically.

3.3. Land Reform Programme after 1994

The nature of the pre-1994 policies on land was more punitive and restrictive and promoted inequality among the people, especially between the black population and the white population (RSA, 2010:67). These policies did not bring about growth but poverty, as they encouraged land tenure insecurities, overcrowding and discouraged farming among the disadvantaged population. Insecurity, landlessness, homelessness and poverty in South Africa are attributed to past land policies, which deprived many, especially the black population, of access to land (RSA, 1996: 1). They also resulted in inefficient urban and rural land use patterns and a fragmented system of land administration. This has severely restricted effective resource utilisation and development (RSA, 1996:1).

These challenges led the South African government to revise the land policy. A redistributive land policy was introduced through a land reform programme. This was introduced in 1994 through a comprehensive and far-reaching land reform policy, which was initiated as a contribution to national reconciliation, growth and development in South Africa (RSA, 1997: v). Several pieces of legislation have been enacted after 1994, such as the Land Reform, Labour Tenant Act (No.3 of 1996) and the Extension of Security of Tenure Act (No. 62 of 1997) through this legislation, the land reform programme is aimed at giving back rights to those that had lost their land rights, as well as protecting the rights of those living on commercial farms (Green Paper, 2010:2). In addition to people living with insecure tenure in communal areas, there are approximately 2.8 million people living under insecure tenure on commercial farms in South Africa (Green Paper, 1996: xii).

There are three programmes under the land reform programme of the Republic of South Africa. These are the restitution, redistribution and land tenure reform. This study is based on the third leg of the land reform programme, which is the land tenure reforms and, in particular labour tenancy.

3.2.1. Land Redistribution

Land redistribution was conceived of as a means of opening up productive land for residential and agricultural development by the new democratic government of South Africa. The government set itself a target of redistributing 30% of the country's commercial agricultural land (about 24 million hectares) over a five-year period, from 1994 to 1999 (RSA, 2010:20). This target has been extended, since the review of the programme in 2000, to the redistribution of 30% of agricultural land by the year 2014. It encompasses all agricultural

land redistributed through all three programmes (Ibid, 2010: 20). The primary legislation through which redistribution products are implemented is the Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993) 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”* (RSA, 1996:20).

In terms of the formula developed to deal with the unequal distribution of land along racial lines, private land can only be acquired for the land and agrarian reform programme on a “willing-buyer willing-seller” basis, or expropriated with just and equitable compensation. The “willing- buyer willing-seller” principles implied in the Constitution, as well as in the Expropriation Act, 1975 (Act No. 63 of 1975), provide for the ideological and legal basis for the implementation of land and agrarian reforms in South Africa. In terms of the Provision of Land and Assistance Act, a single yet flexible, grant mechanism, to a maximum of approximately Sixteen Thousand Rand (R16 000) per household, has been used to purchase land from farm owners on a “willing-buyer willing-seller” basis for the benefit of the rural poor, including women. In 1999, one new sub-programme was developed (Land Redistribution for Agricultural Development). This strategy follows a more developmental approach, with the emphasis on delivery of land for productive and income-generating purposes, as opposed to merely land for settlement. Apart from land redistribution, land reform has another sub-programme, which is based on compensation of land to those who lost their land after 20 July, 1913. This programme is called restitution and is premised on three broad categories of land dispossession.

3.3.2. Land Restitution

Land restitution forms the second pillar of the land reform programme. It aims to redress the imbalances in land ownership that were created by draconian policies and legislation of forced removals, such as the infamous Natives Land Act, 1913 (Act No. 27 of 1913). The nature of restitution is informed by three broad categories of the effects of land dispossession, namely, dispossession leading to landlessness, inadequate compensation for the value of the property and hardships that cannot be measured in financial or material terms. Some communities, through the restitution process, gained land rights in protected conservation areas that are now embracing tourism development strategies and other co-management models (Green Paper, 1996:20). In accordance with The Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) claimants have a right to restitution of their rights to land. Communities

or households or families were entitled to lodge a claim for restitution of that property, or comparable redress, by 31 December 1998.

All claims are against the state as represented by the Department of Land Affairs. The Commission on the Restitution of Land Rights was instituted to facilitate the settlement of all claims. A claim can be finalised administratively when the Minister makes an award, or by an order of the Land Claims Court. Restitution can take various forms such as:

- Restoration of the land dispossessed;
- Provision of alternative land;
- Payment of compensation;
- Alternative relief, including a combination of the above; and
- Access to development (RSA, 1996: 21).

Apart from the „willing buyer willing seller’ principle of the land redistribution programme and the compensation principle of the land restitution programme, the third subject of discussion in this study is the land tenure reforms (Ibid:21).

3.3.3. Land Tenure Reform

Land tenure reform is the third sub-programme under the land reform programme of South Africa. The tenure reform programme seeks to validate and harmonise forms of land ownership that evolved during colonialism and apartheid (RSA, 2010:19). It is an attempt to redress the dual system of land administration, where whites owned land as private property as opposed to communal land allocation among African people. The majorities of rural African people lived and still reside on communal land that is registered as the property of the state under the South African Development Trust and other forms of state land (RSA, 1996:20). According to Badenhorst *et al* (2006:607), tenure reform relates to the amendment or reforming the specific form of land holding, where the emphasis is placed on the movement away from permits based approach to a rights-based approach and by allowing persons to choose the specific form of tenure which is appropriate for specific individuals and, lastly, by the recognition and protection of *de facto* rights.

Land tenure reform is based on clause 25(6) of the Constitution, which states that “A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure, or to comparable redress” and 25 (9), which states

that “Parliament must enact the legislation referred to in subsection” (6). Based on this Constitutional obligation, tenure reform delivers security of tenure in diverse ways, for example, by the award of independent land rights and secure lease agreements, through protection against eviction, by membership of a group based system of land rights or through private ownership (RSA, 1997: 188). To shed more light on the land tenure reforms, the present study gives a general definition of labour tenancy and different definitions of a labour tenant.

3.3.3.1. Labour Tenancy

The concept of tenure security is widely, used but has no agreed-upon meaning. Place, Roth and Hazell (1994: 19) offer the following definition: “*Land tenure security exist when an individual perceives that he or she has rights to a piece of land on a continuous basis, free from imposition or interference from outside sources, as well as ability to reap the benefits of labour and capital invested in that land, either in use or upon transfer to another holder.*” According to Bruce (1993a: 1), the English word *tenure* is derived from a Latin term which means „holding’ or „possessing’. Land tenure means the terms on which land is held, or the rights and obligations of the holder of the land. “*It is a legal term, and means the right to hold land, rather than the simple fact of holding or possessing land*”. Tenure takes various forms and may be formal (i.e. created by statutory law) or informal (i.e. unwritten or customary). Tenure is typically composed of a „bundle or rights’, that is, “many specific rights to do certain things with the land” (Bruce 1993a: 2).

Labour tenancy is not a strictly South African term and neither is it a novel term. Labour tenancy has been practised by many countries, including in Europe, and continues to be practised to date. Henry (1955:28) states that a tenant farmer is defined as one who resides on, and farms, land owned by a landlord. Tenant farming is an agricultural production system in which landowners contribute their land and often a measure of operating capital and management; while tenant farmers contribute their labour along with at times, varying amounts of capital and management.

In the South African context, labour tenancy is highly contested. The term and its meaning have come to depend so much on who is defining it. For instance, the National Land Committee (NLC, 2004:4) defines a labour tenant as broadly as they can, by stating that a labour tenant is “*Anyone residing on anyone’s farm*” (RSA, 1999: 2). The farmer

(landowner) tries to keep the title as tight as possible by narrowing it down to one family working on a particular farm, generation after generation (AFRA, 1997:16). Labour tenants themselves see themselves as labour tenants, as their fathers before them worked the same land for a living and groomed their families there and their graves are on that particular land (Hornby: 1999: 10). Thus, the National Land Council (NLC) tries to broaden the term as much as they can, the farmers try to narrow it as much as they can and the labour tenants bring in the aspect of ancestral linkages.

Regardless of all these definitions, the present study's working definition is the one that is stipulated in the Labour Tenant Act No.3 of 1996. This definition remains prominent, in that this is the main document of reference for this study and it is from this definition that the study's analysis will be done.

The government, who are the implementers of tenure reforms through the Labour Tenant Act No.3 of 1996, defines a labour tenant as a person, "According to section (1),

- (a) who is residing or has the right to reside on a farm;
- (b) who has, or has had, the right to use cropping or grazing land on the farm referred to in (a), or another farm of the owner, and in consideration of such right provides or has provided labour to the owner or lessee; and
- (c) whose parent or grandparent resided or resides on a farm and had the use of cropping or grazing land on such farm or another farm of the owner and in consideration of such right provided or provides labour to the owner or the lessee of such farm or other farm;
- Including a person who has been appointed as a successor to a labour tenant, but excluding a farm worker."

The Act (No.3 of 1996) further stipulates that; "for the purpose of establishing whether a person is a labour tenant, a court shall have regard to the combined effect and substance of all agreements entered into between the person who claims that he or she is a labour tenant and his or her parent or grandparent and the owner or lessee of the land concerned." After all the legal technicalities that have evolved over the years in trying to define who a labour tenant is, it became hard to distinguish between the labour tenant and farm occupants and the term got more and more blurred (AFRA,2002:14). AFRA came up with the term „farm dwellers’: as long as people reside on the farm and their source of livelihood comes from that farm

((2002:14). Therefore, AFRA (2002:14) refers to labour tenants as farm dwellers and „farm dweller’ is a term used to describe the “*Women, girls, boys and men who view the farm as their home, are born on, live on, and work on farms without a salary. They consider themselves to have a right to reside on a farm in spite of not having approved documentation to support this and supported by their history as residents and community of that farm*” (AFRA, 2002:14).

From the different descriptions of what a labour tenant is, it can be concluded that a labour tenant is a person who resides on another person’s farm and uses labour as a form of payment to the farm owner. It follows that labour tenants have rights and these rights are found in the land tenure reforms (RSA, 1996:108). Given the definitions of labour tenancy and land tenure reforms, a look at the legal framework guiding land policy gives even more insight on the land reform in South Africa, especially on the land tenure reforms.

3.5. Legislative Framework of Land Reform Programme after 1994

The legal framework stipulates the different regulations on land in South Africa given under the different elements of the land reform programme. “*The land policy must ensure security of tenure for all South Africans, regardless of their system of land-holding*” (RSA, 1994:19). The legal framework is based on the Constitution of the Republic of South Africa (RSA: 1996), The Green Paper on Land Reform of February 1996 (RSA: 1996), the White Paper on Land Reform of 1997 (RSA:1997), The Labour Tenant Act No.3 of 1996 (RSA:1996), the Extension of the Tenant Act. 67 of 1997 (RSA: 1997) and other related Acts on land tenure reforms in South Africa.

The new Constitution provided the framework for land reform and, on the basis of the newly established Department of Land Affairs (DLA), produced a series of discussions and policy documents, the Framework Document on Land Reform (1995), the Green Paper on Land Reform (1996) and the White Paper the following year. These ultimately led to the creation of a three-tier, market-based land reform programme premised on the willing-seller willing-buyer principle. The three pillars of the programme were defined as the restitution of land rights (lost through racist legislation after 1913), a grant-based, demand-driven land redistribution programme and a tenure reform component (Green Paper, 1996: ii).

3.5.1. The Constitution of the Republic of South Africa

The Republic of South Africa, through the Constitution (RSA, 1996:8), which is the supreme law of South Africa, has prioritised land reform. Enshrined in its section (25) (4) (a) of The Constitution of the Republic of South Africa is a clause on land which states: *“The public interest includes the nation’s commitment to land reform and to reforms to bring about equitable access to all South Africa’s natural resources.”* Clause (25) (5), (RSA: 1996:8) stipulates 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.”* The land policy is further emphasised (RSA: 1996: 8) in section 25(6) of the Constitution, which states that: *“A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.”*

The Government of National Unity, purports that: *“A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress”* (RSA: 1996:8). This clause is found in section (25) (7) of the Constitution. The given constitutional clauses bring out the aspects of access, equitable and security dealing with land policy in relation to the land reform programme. The following Legislative Acts, presented chronologically, give a more detailed account on the rights of land holding provided after 1994 to the labour tenants and farmers. It follows that the three key elements of the land reform programme - restitution, redistribution and tenure reform - address each of these constitutional requirements. Out of the constitutional rights over land The Green Paper on land reform was drafted in February, 1996.

3.5.2 The Green Paper on Land Reform in South Africa

A Green Paper in February 1996 was drafted on land reform and a number of issues concerning land were addressed. The main aim of the Paper was to address and redress landlessness, land restitution, rural development and poverty, while learning from experience and subjective evidence to suggest alternative strategies to meet these objectives in a more efficient, effective and economical way (RSA,1996: 10). Among the issues that led to this urgency are the black people who were displaced from their land or turned into labour tenants;

- Lost the ability to give or *izinwe*, which disappeared with the loss of their land;
- They could no longer produce enough food to feed themselves;
- They could not keep livestock;
- They had to survive on meager wages, which could hardly meet their family's needs, let alone be generous and share with neighbours.

The Green Paper (RSA: 1996:113) on land reforms states that tenure reform is essentially rights based, designed to extend registerable tenure rights to all landholders, to eliminate land-holding systems based on permits and to ensure that holders of individual and communal rights in land – as land owners – have comparable status in law. Tenure reforms are hoped to contribute to personal security and social stability, as well as higher levels of investment and more sustainable use of land and other natural resources (RSA: 1996:113).

To achieve personal security and social stability, there was a need to remedy the injustices of the past by the promotion of human dignity through land rights that would eventually promote social, economic and political growth of the country. Therefore The White Paper was drafted in 1997 to promote the issues that were raised in The Green Paper on Land Reform of 1996.

3.5.3 The White Paper on Land Reform

The South African government, through The White Paper on Land Reform (RSA, 1997:19), states that land reform aims at remedying the injustices of forced removals and denial to historical land. The White Paper on Land Policy is the culmination of a two-and-a-half-year process of policy development, consultation and implementation (RSA, 1997: vii). Land reform is seen as a foundation on which a democratic government can build the economy. An economy supported by generating large-scale employment will help increase rural incomes and reduce, and subsequently do away with, overcrowding in the native reserves. The government through The White Paper on Land Reform states (RSA, 1997:18) that: *“The ownership of land use has always played an important role in shaping the political, economic and social processes in the country”* (RSA, 1997:18). The case for the government's land reform policy is four-fold:

- To redress the injustices of apartheid;
- To foster national reconciliation and stability;
- To underpin economic growth; and
- To improve household welfare and alleviate poverty” (RSA, 1997: v).

The White Paper identifies a range of “issues which must be addressed if the proposed land policy is to be effective”. This includes environmental issues. “The land reform programme, which aims to reduce poverty, diversify sources of income and allow people more control over their lives and their environment, is expected to reduce the risk of land degradation. The White Paper sets out a land policy that attempts to deal with the following in both urban and rural environments:

- The injustices of racially-based land dispossession;
- The inequitable distribution of land ownership;
- The need for security of tenure for all;
- The need for sustainable use of land;
- The need for rapid release of land for development;
- The need to record and register all rights in property; and
- The need to administer public land in an effective manner (RSA, 1997: 49).

Giving land to the people would mean empowering them politically, socially and economically. The land reform programme is currently run under three aspects: land restitution, land redistribution and land tenure reform. The government argues that access to land under these elements of the reform programme will prove successful in the long run (RSA, 1997:6). In the White Paper on South African Land Reform (RSA: 1997: 57), the Department of Land Affairs has set out what it calls the ‘guiding principles’ of tenure reform. These are:

- Tenure reform must move towards rights and away from permits
- Tenure reform must build a unitary, non-racial system of land rights for all South Africans
- Tenure reform must allow people to choose the tenure system which is appropriate to their circumstances
- All tenure systems must be consistent with the Constitution’s commitment to basic human rights and equality
- In order to deliver security of tenure a rights-based approach has been adopted (RSA: 2004).

From the constitutional rights on land The Green Paper was drafted in 1996 and was followed by The White Paper formally cementing these rights. The Labour Tenant Act of 1996 is a

piece of legislature that is specifically concerned with the rights of labour tenants. It is fundamental to this study, as it stipulates who is considered as a labour tenant in the South African context. It also spells out the benefits and conditions of labour tenancy, of course not forgetting the land-owner's by stating conditions on which a labour tenant forfeits his/her rights on the land in question.

3.5.6. Labour Tenant Act No.3 of 1996

To give more insight concerning land tenure reforms, Marcus, Wildschut and Eales (1996:190) state that the land tenure reform's purpose is to clarify and strengthen the rights of individuals, families and groups to the land they occupy under diverse systems of tenure. In support of the clause in The Green Paper on land tenure, the government, through the Labour Tenant Act No.3 of 1996, includes clauses that claim to provide for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants; to provide for the acquisition of land and rights in land by labour tenants; and to provide for matters connected therewith (RSA: 1996: 21).

„Therewith' meaning any other activities that come with land occupation, such as farming and burial. The Act states that a labour tenant is obliged to perform his or her services personally on the farm, in return for the labour which he or she provides to the owner or lessee of the farm. He or she shall be paid predominantly in cash, or in some other form of remuneration; and not predominantly by the right to occupy and use land - Labour Tenant Act No.3 of 1996 (RSA, 1996: 108). The Act provides for security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants; provides for the acquisition of land and rights in land by labour tenants; and provides for matters connected therewith. The matters connected therewith are to remedy the injustices caused by the discriminatory laws and practices which led to the breach of human rights and denial of access to land among labour tenants, thereby promoting their full and equal enjoyment of human rights and freedom (RSA, 1996: 30).

To accomplish this desirable outcome, measures to assist labour tenants to obtain security of tenure and ownership of land, and to ensure that labour tenants are not further prejudiced, were introduced (RSA, 1996: 12). These desirable measures include the right to use cropping or grazing land on the farm, or another farm belonging to the owner. In return, labour tenants are to provide labour to the owner or lessee of the farm in question. Though these rights will

only be accorded to those labour tenants whose parents or grandparents resided, or reside on a farm, including a person who has been appointed a successor to a labour tenant in accordance with the provisions of the Labour Tenant Act No.3 of 1996 and had the use of cropping or grazing land on such farm or another farm of the owner.

The Labour Tenant Act No.3 of 1996 stipulates what happens in cases of death or any misfortune befalling a labour tenant. It states that in cases where a labour tenant:

- Dies,
- Becomes mentally ill,
- Is unable to manage his or her affairs due to another disability or
- Leaves the farm voluntarily without appointing a successor,

his or her family is given the privilege to appoint a person as his or her successor and shall, within 90 days after being called upon in writing to do so by the owner, inform the owner of the person so appointed (RSA, 1996:12). On making an order for relocation, the Court shall order the owner to pay compensation to the labour tenant and his or her associate, to ensure that they are not unfairly prejudiced by any such relocation. No order for relocation made in terms of this section may be executed before the owner has paid the compensation which is due (RSA, 1996:12). In cases where the owner fails to pay dues to the labour tenant within one year after an order for relocation was issued, and the land in question for the proposed agricultural activities or development submitted to the Court, the labour tenant or his or her associate may institute proceedings in Court for the reinstatement of his or her right to occupy and use that land. Following this, the Court may, after hearing of the proceedings, make such order as it deems just and equitable.

A labour tenant can forfeit his/her rights and be evicted from the farm if he/she:

- Has attained the age of 65 years,
- As a result of disability is unable personally to provide labour to the owner or lessee; and
- Has not nominated a person to provide labour in his or her stead in terms of 12.(1)

He or she can be reinstated through proceedings in the Court for an order of reinstatement of such rights in cases where

- Between 2 June 1995 and the commencement of this Act vacated a farm or was, for any reason, or by any process, evicted;
- The Court may, subject to such conditions as the Court may impose, make an order that a person referred to be regarded as a labour tenant, or his or her associate, for the purposes of this Act;
- For the reinstatement of a labour tenant or his or her associate on such terms as it deems just;
- For the payment of compensation, having regard to the provisions of section 10; and costs;
- Where the person referred to in subsection (1) was evicted in terms of an order of a court;
- The proceedings shall be instituted within one year of the commencement of this Act;
- The Court shall, in addition to any other factors which it deems just and equitable, take into account;
- Whether the order of eviction would have been granted if the proceedings had been instituted after the commencement of this Act; and
- Whether the person ordered to be evicted was effectively represented in those proceedings, either by himself or herself or by another person (RSA, 1996: 8).

A related Act to the Labour Tenant Act No.3 of 1996 is the extension; The Extension of Security to the Tenant Act No.62 of 1997 - which was passed in 1997.

3.5.7. Extension of Security of Tenure Act No. 62 of 1997

The Extension of Security of Tenure Act No. 62 of 1997: Protects the tenure of farm workers and people living in rural areas, including their rights to live on the land and the guidelines for other rights such as receiving visitors, access to water, health and education. The Act also spells out the rights of owners, and protects against arbitrary evictions (ESTA). The Extension of Security of Tenure Act, 1997, (Act No. 62 of 1997) (ESTA) legislation essentially provides that occupiers who lived on someone else's land on or after 4 February 1997 with the permission of the owner, has a secure legal right to live on and use that land. In essence this means that an owner cannot cancel or change these rights without the occupiers' consent unless there is a good reason for doing so and until the occupiers have had a chance to answer any allegations made against them in a court of law (RSA, 1997:1).

3.6. Conclusion

It followed from this chapter that the land reform programme was born out of concern to remedy the injustices of the land policy before 1994. This redistributive land policy is aimed at enhancing the lives of the previously disadvantaged group by giving them rights to land and providing protection of these rights. Following from the Constitution, The Green Paper, The White Paper through to the Labour Tenant Act No.3 of 1996 the contents of all these pieces of legislation clarify why land rights need to be given to the beneficiaries of the land tenure reforms, the labour tenants. They all give cognisance to the social, economic and political growth that would be promoted through secure land rights. The stipulated benefits credited to the labour tenants through the land tenure reforms are seen to help break the vicious cycle of poverty among the labour tenants. The question still remains, however, whether these rights are enough to change the livelihood of a labour tenant.

Chapter Four

Findings and Analysis

4.1. Introduction

This chapter presents the findings of the study and the analysis of the results. The aim of the study was to understand the challenges experienced of the land tenure reforms in South Africa. A case study of, the experiences of labour tenants in some areas of KwaZulu-Natal is used. The study sought to answer the following questions:

- How narrative policy analysis can be used to understand the challenges of land tenure reforms in KwaZulu-Natal through the narratives of the stakeholders (government, the labour tenants, AFRA and the farm owners).
- How the labour tenants, AFRA and the farm owners interpret the Labour Tenant Act No.3 of 1996 through their narratives.
- How the issue of land insecurity is been addressed by the government, labour tenants and farm owners.

To answer these questions, secondary sources are used. A number of documents were reviewed and from these documents emerged various narratives; dominant narratives, counter narratives and meta-narratives. Narrative policy analysis is used as a policy technique to interpret these findings.

The voices of the interest groups evident in this study include the South African government, who are the implementers. The implementers' voice, which is also the dominant narrative, is presented through the legislature such as the Labour Tenant Act No.3 of 1996. The beneficiary's voice and the intervening agent's voice, which is also the counter-narrative, is presented through the annual reports of the intervening agent AFRA, from 1996-2009.

AFRA, formed, in 1978 and situated in Pietermaritzburg, KwaZulu-Natal is an independent land rights NGO which aims to redress past injustices and to secure tenure for all. AFRA is an organisation that has served both in the apartheid regime and now in the democratic regime of South Africa. AFRA works for a peaceful, secure, productive and prosperous society, through the fair and equitable redistribution of land and services. AFRA is committed to a non-racial society in which there is gender equality and participatory

democracy (AFRA, 1997: 1). AFRA works with rural black rural people in KwaZulu-Natal who have been dispossessed of land, exposed to insecure tenure or who do not have the resources to access land. The aim of the AFRA farm dweller project is to facilitate the relevant support needed by farm dwellers in order to resolve claims and applications, so that they can secure their tenure and access sustainable development. AFRA works with, and support, nine districts which have farm dweller issues in Kwazulu-Natal. These districts include; Dannhauser, Estcourt, Eston, Greytown, Impendle, Ingogo, Mooi River, Utrecht and Vryheid. (See Appendix: 1 showing AFRA's areas of concern in KwaZulu-Natal (1997:1)).

The other counter-narrative is of the farm owners and is drawn from the KwaZulu-Natal Council of Churches (KZNCC) Report. The KZNCC responds to working conditions of farm owners and farm dwellers in certain parts of KwaZulu-Natal. The KZNCC report draws on complaints from both farm owners and farm dwellers. In the KZNCC report, farm dwellers claim exploitation by farm owners while farm owners also claim human rights violation such as murders, thefts and use of abusive language (Snyman, 2008:3).

The meta-narrative is the new story emerging from the dominant and counter-narratives which, is a reframing of the dominant and counter-narrative showing a clear understanding of the problem from the four voices written in only one voice. The data is presented as stories without any alteration to the words and analysis is carried out using similar features, concepts and themes from the emerging stories.

4.2. Dominant Narrative

Roe (1994: 74) states that, depending on the number of scenarios most people ascribe to in a particular narrative, more than one dominant narrative can emerge. This „comes moreover with acceptance and credence' to the stories people ascribe to. Roe (1994:58) elaborates:

“In a situation of great uncertainty there are likely to be a variety of stories, or narratives, to account for the situation.”

In the present study, three dominant narratives are identified and these represent the government's voice. These narratives concern the need for land security among labour tenants, security given to labour tenants through land rights and how the land tenure reforms operate. These merge as dominant, due to the credence and acceptance accorded to them,

both by the government of the Republic of South Africa as a solution to the people's lack of land security and the credence and acceptance accorded them by the people as the rules and laws governing their rights to land. The first dominant narrative is focused on the need to remedy the labour tenant's lack of access to land. It aims to answer why and how change came about in form of the land tenure reforms. It also briefly answers what the lack of tenure would mean to both the country of South Africa and the labour tenants living on someone else's land.

4.2.1. Dominate Narrative 1: The Need for Land Tenure Security among Labour Tenants

The first identifiable story in this study is the lack of land security among labour tenants. This dominant narrative presents the „why' part of the policy under study. The problem of labour tenant's insecure tenure rights is recognised in The White Paper on South African Land Policy, which confirmed the commitment to securing tenure rights on farms. It was supported by the DRDLR (RSA: 1997:28), which states that;

“Legally secure tenure is a human right and farm dweller's poor access to services needed redress” – Government's voices.

The first recognised story from The White Paper on Land Policy, the Constitution of the Republic of South Africa Act No.108 of 1996 and the Labour Tenant Act No.3 of 1996 is the need for tenure of security among labour tenants. This need for land tenure security is proposed through land tenure reforms. The White Paper on South African Land Policy (RSA: 1997:33) acknowledges that insecure tenure and evictions of farm dwellers is a major cause of:

“The instability in rural areas for the millions of people who live in insecure arrangements on land belonging to other people... The evicted have nowhere else to go and suffer terrible hardships. The victims swell the ranks of the absolute landless and the destitute. They find themselves at the mercy of other landowners for refuge. If no mercy is shown, land invasion is an unavoidable outcome.” - Government's Voice

Lack of land security results in instability to individual social and economic lives. It may also cause social unrest from land invasions. People live in perpetual fear of eviction from land and suffer from poverty as they are denied a livelihood from farming, social stability, housing

and other benefits that come with land. Other needs include among them the right to farming land, the right to burial sites and the right to reside on the land in question. The need for these rights is given precedence in-so-far as to address the problems that come with lack of land. These include instability, poverty, poor or no housing services and denial of burial sites. To improve this condition, a new land policy was advocated in the Constitution and within this policy a programme on land tenure reforms was designed. Consequently the Labour Tenant Act No.3 of 1996 was passed to ascertain who a labour tenant is and to protect the rights of labour tenants.

The second dominant narrative goes beyond the factors that influenced the implementation of the land tenure reforms. It focuses on the measures put in place to enable the labour tenants to access land. The narrative answers both the „what’ and „who’ questions of land tenure reform policy.

4.2.2. Dominant Narrative 2: Measures Put in Place for Accessing Land Tenure Rights

The second story identified in this study is the benefits of land security among labour tenants in the form of land rights. This narrative represents the benefits, or rather the rights, accrued to the labour tenants through the Constitution of the Republic of South Africa, The Labour Tenant Act No.3 of 1996 and The Extension of the Tenure Act (No.62) of 1997. The Constitution of the Republic of South Africa (RSA: 1996: 1253) (25) (1) stipulates that:

“No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.” - Government’s voice

In this case land is defined as property, either through communal or individual ownership. Section 26(3) states:

“No one may be evicted from their home, or have their home demolished without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions” (RSA: Ibid) – Government’s voice

Section 26(3) of the Constitution tallies with Section 26(1) and (2), which stipulate that:

“(1) everyone has the right to have access to adequate housing. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.” (RSA, 1996:1254) – Government’s voice

The government, through the Labour Tenant Act (No.3) of 1996 and other supporting Acts, such as the Extension of Tenure Act (No.62) of 1997, gives residence rights and user rights such as burial and farming rights to labour tenants on commercial farms, to create social and economic stability among this community of beneficiaries. For instance in the Labour Tenant Act (No. 3) of 1996 the government grants land to labour tenants and persons occupying land as a result of their association with labour tenants. The Act allows for:

“Any other activities that comes with land occupation such as farming and burial” (RSA: 1996: 1) – Government’s voice.

While the Extension of Security of Tenure Act No. 62 of 1997 (ESTA):

“Protects the labour tenant’s rights to live on the land and the guidelines for other rights such as receiving visitors, access to water, health, education and so forth and protects against arbitrary eviction” (RSA, 1997: 3) – Government’s voice.

ESTA essentially provides that:

“Occupiers...have a secure legal right to live on and use that land. In essence, this means that an owner cannot cancel or change these rights without the occupiers’ consent unless there is a good reason for doing so, and until the occupiers have had a chance to answer any allegations made against them in the court of law” (RSA, 1997: 3) – Government’s voice.

These rights are not condition free, however. There are procedures that have to be followed and these include both terms on which one can claim or forfeit the rights ascribed in the Labour Tenant Act No.3 of 1996. Dominant narrative three gives insight on how one wins or loses in this particular policy. This dominant narrative answers the „how’ question of the policy. This dominant narrative specifies procedures to be followed in securing rights for labour tenants on commercial farms.

4.2.3. Dominant Narrative 3: Procedures followed in Securing Land Tenure Rights

The third and last dominant narrative identified in this study is the condition on which the rights to land security are qualified. This dominant narrative presents conditions on which one can claim tenure to land as a labour tenant and conditions on which a labour tenant can forfeit his or her rights to stay on a particular farm. It looks at the process of part of the rights accorded to the labour tenants. It answers the „how’ question of policy analysis. The solution which was identified to solve the problem of land, and enforced through the Constitution of the Republic of South Africa, states (RSA: 1996:8) in its Section 25(6) of the Constitution that:

“A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress”(RSA, 1996: 8) – Government’s voice

In compliance with the above constitutional clause, the labour tenants were accorded land security rights through the Labour Tenant Act No.3 of 1996, which was enacted to govern the land tenure reforms (RSA: 1996:4). The government, through the Labour Tenant Act No.3 of 1996 (RSA: 1996, 4) has provided conditions on which labour tenants can access land. Stipulated in the Act’s section 3(1) is the clause that:

“Notwithstanding the provisions of any other law, but subject to the provisions of subsection (2), a person who was a labour tenant on 2 June 1995 shall have the right with his or her family members to occupy and use that part of the farm in question (a) which he or she or his or her associate was using and occupying on that date; and (b) the occupation and use of which is restored

to him or her in terms of this Act or any other law” -
Government’s voice.

This clause of the Labour Tenant (Act No.3) of 1996 gives an indication of who is eligible for labour tenancy. In subsection (2) of the same section, the Act stipulates that:

“The right of a labour tenant to occupy and to use a part of a farm as contemplated in subsection (1) together with his or her family members may only be terminated in accordance with the provisions of this Act”(RSA, 1996:5) – Government’s voice.

The Labour Tenants Act No.3 of 1996 (LTA) has more power than The Extension of Tenant Act No.62 of 1997 (ESTA) to restrict eviction. It also gives labour tenants the right to claim stronger rights, including ownership, to land that they already use for cultivation or grazing. The LTA (No.3) of 1996 sets out a specific process whereby labour tenants could apply to the Department of Rural Development and Land Reform to upgrade their tenure rights (RSA, 2006: 43).

Apart from the above-mentioned rights, the Legislature provides conditions under which eviction of labour tenants from farms should be accepted and in what capacity they should be acknowledged. The Labour Tenant Act (No.3) of 1996, in section 3, subsections 3, 4, 5, 6 and 7, extends from residence and land use rights to instances where a labour tenant will be considered as forfeiting the rights accorded him/her by stating that:

“A labour tenant shall be deemed to have waived his or her rights if he or she with the intention to terminate the labour tenant agreement (a) leaves the farm voluntarily; or (b) appoints a person as his or her successor. (4) if a labour tenant dies, becomes mentally ill or is unable to manage his or her affairs due to another disability or leaves the farm voluntarily without appointing a successor, his or her family may appoint a person as his or her successor and shall, within 90 days after being called upon in writing to do

so by the owner, inform the owner of the person so appointed” (RSA, 1996: 8) – Government’s voice.

The conditions stipulated in the LTA (No.3) of 1996, under which circumstances a labour tenant can own or forfeit ownership to land is important, as it does not give rights entirely to labour tenants, but also to land owners, rights such as when to evict tenants and it also prevents illegal land invasion. The government (RSA, 1996: 5-6), through Labour Tenant Act (No.3) of 1996, sets conditions under which an order for eviction of labour tenants from the farm in question can be fruitful. Sections 7 & 9, with their subsequent sections in reference to other sections of the Act, makes this clear:

“Section 7 (1) states that the Court shall have the power to make an order for the eviction of a labour tenant or his or her associate. (2) No order for eviction in terms of section 5 shall be made unless it is just and equitable and (a) subject to the provisions of section 9(1), which states that the labour tenant has, contrary to the agreement between the parties, refused or failed to provide labour to the owner or lessee and, despite one calendar month's written notice having been given to him or her, still refuses or fails to provide such labour; or (b) the labour tenant or his or her associate has committed such a material breach of the relationship between the labour tenant or associate and the owner or lessee, that it is not practically possible to remedy it, either at all or in a manner which could reasonably restore the relationship” (RSA, 1996: 5-6) – Government voice.

Section 9 and its subsequent sections give clarity on the order of eviction in the event of death:

“Section 9 (2) On the death of a labour tenant who has retained the right to occupy the farm in terms of the provisions of subsection (1), all his or her associates may be given 12 calendar months' notice to leave the

farm. (3) If the rights of any owner are unfairly prejudiced by the operation of this section, he or she may apply to the Court for equitable relief and the Court may make such order as it deems just and equitable under the circumstance” (RSA,1996:6) – Government’s voice.

The Labour Tenant (Act No.3) of 1996 (RSA, 1996:7) clearly indicates the rules and regulations to be followed in case of notice of intended eviction. The Act stipulates conditions through which these rights can be waived, as well as conditions to be followed before eviction can take place. However, these efforts of the government to secure land tenure security for the labour tenants have not gone unchallenged from the labour tenants, AFRA and land owners. Their counter-argument reveals that in spite of the measures put in place to secure rights for labour tenants and the protection of these rights, labour tenant’s land rights still remain insecure.

4.3. Counter-Narratives

The counter-narratives comprise the voices of the beneficiaries who are the labour tenants, land owners and the voice of the intervening agent, which is AFRA. The three voices are collectively referred to as the people’s voice. Roe (1994: 40) explains:

“Counter-narratives are a critique of another narrative, often the dominant narrative. These are narratives in the issue that run counter to the controversy’s dominant narratives, that is, the non-stories or counter-stories like dominant narratives the counter-narratives have a beginning, middle and an end. Thus offer a credible alternative explanation of the situation to that of the dominant narrative.”

4.3.1. Counter-Narrative 1: Challenges of the need for Land Tenure Security on Farms

The people are counter-arguing to **dominant narrative 1, the Need for Policy Change that led to Land Tenure Security among Labour Tenants**, that the rights of labour tenants to residential, agriculture and burial sites are still insecure, in spite of the provisions made for in

the Labour Tenant Act (No.3) of 1996. The labour tenants do not necessarily view themselves as labour tenants in relation to the rights accorded to them through the legislature, but through their ancestry rights on the farms. They see themselves primarily as indigenous land rights holders rather than as workers for landowners:

“No people should be evicted from their land because it is their land. They have graveyards where they have buried their forefathers and children, mothers and their family members that have passed on. When they are evicted where should they go? They were born on a farm and grew up on a farm and there is no home or another home for them except for where they are currently residing.” - Farm dweller: Farm Dweller Workshop (AFRA: 2005: 4).

Another farm dweller expresses his feeling about the land and ownership as a historical factor. He narrates:

“It’s because of battles that took place. Black people lost and white people took all the land. They placed us in small places in the townships and divided us and made us their slaves. The new government is a ploy to make us think we are being given our land back” - Farm dweller: (AFRA, 2005: 9).

Farmers counter-argue not to the definition but to the situation they have found themselves in on the farms. They tell of verbal abuse and relationships on the farms between the farmers and the labour tenants. The farmers also suffer verbal abuse apart from physical threats on the farms. The farmers complain that

“Some people living on the farm are very arrogant towards white farm owners (verbal abuse, swearing, etc.)” (Snyman, 2008:3) – Farmer’s voice.

It shows from the first two stories that access to land is very much embedded in the definition of a labour tenant. Their definition of a labour tenant seems to weigh heavily on historical

factors, birth rights and ancestry lineage. Apart from stating who a labour tenant is, AFRA narrates how difficult it is for labour tenants to access these rights which come with a new definition of a labour tenant. For instance, AFRA points out that, despite the rights accorded to the labour tenant, the farm dwellers express themselves as left abandoned to deal with disputes themselves and are not clear about the rights given to them through the Acts of law on land (AFRA, 2008:3).

“Our globally recognised constitution contains the clause “....all South African citizens are equal before the law” However, there are some who remain unequal, whom the legal service sees fit to ignore. These are the farm dwellers. Despite the end of Apartheid, provision of legal services to farm dwellers remains very poor” Farm dweller –Vryheid (AFRA: 2008:3).

The other counter-narrative, running parallel to that of the dominant (government voice), is the silent voice of the farmers (land owners). This voice is important in this study, as the record would be incomplete without mentioning the challenges of the land tenure reforms on the land owners. In as much as Section 25 in the Bill of Rights, often called the ‘property clause’, prohibits arbitrary deprivation of property, but allows property to be expropriated in the public interest, the farmer’s expression portrays that they seem to have been left out in this ‘property clause’, as they do not suffer eviction but death and invasion over their own land. In **dominant narrative 4.2.1**, it is reasoned that the tenure reforms through land reform were to bring about stability in the rural areas because of the laws put forward. However, the farmer counter-argues to this **dominant narrative 4.2.1** by saying that:

“Most farmers don’t feel safe on their own farms. This is due to the fact that most farmers have been killed during the past 15 years. These acts of brutality have caused disturbance, as even small children are killed in these gruesome murders.” (Snyman, 2008:14) – Farmer’s voice.

The farmers, in their reframing of the situation, counter-argue to the **dominant narrative 4.2.1** that they feel like prisoners on their own land. They feel inadequately protected by the

law and yet the constitution of the Republic of South Africa claims otherwise, for every citizen of South Africa. Farmers consider that:

“The murders are part of a campaign to get the farmers off the land, though the government sees these murders as acts of criminal violations” (Snyman, 2008:15) – farmer’s voice.

The Constitution, which is the supreme law in South Africa, requires the state to enact a land reform programme, of which the tenure reform stipulates (RSA, 1996: 1246) that:

“A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices to be entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress” (Section 25(6) – Government’s voice.

The farmer counter-argues to the **dominant narrative 4.2.1** by quoting the clause of the Constitution that supports the land tenure reforms, but says their land tenure has instead been made legally insecure as his land is invaded; he has to pay property taxes even if the government is not responsible for bringing development to this private land (Snyman, 2008:19). In the KRCC and TAMCC (Snyman, 2008:20) report, one farmer narrates:

“The government has adopted a new law that forces farmers to pay property rates on their farms to their local municipalities. This law is seen as unfair to farmers, in that farmers are responsible for their own road maintenance, their own water, fire control, electricity and, on top of that, they provide services to the farm workers (water, housing, electricity, road maintenance; fire control, take sick to the hospital, sport, security, skills development and first aid)” (Snyman, 2008:14) – Farmer’s voice

4.3.2. Counter-Narrative 2: Constraints in Accessing Secure Land Tenure Rights

ESTA No.62 1997 gives burial rights to labour tenants on commercial farms and so does the Labour Tenant Act No.3 of 1996, as indicated in **dominant narrative 4.2.2**. The labour tenant counter-argues that, although legislation provides for land to be available for burial, labour tenants still face a challenge in this area.

“Despite the limited rights accorded by the laws, namely ESTA and KwaZulu-Natal Cemeteries and Crematoria Act to the landless, landowners continue to defy these rights. Landless people view the right to bury as the right that defines who they are in relation to their right to have a home on that land and to the notion of citizenship on commercial farms. Therefore denial of such a right will often be strongly challenged by them” - (AFRA: 2007:17) – AFRA’s voice.

AFRA counter-argues to **dominant narrative 4.2.2** that despite, ESTA’s provision for the rights of farm-workers and occupiers to bury their dead on the farms on which they live the reality is quite the opposite in the lives of these people. The Extension to the Tenant Act No.62 of 1997 Section 6(4) simply states:

“Any person shall have the right to visit and maintain his or her family graves on land which belongs to another person...In spite of the above provisions certain farmers are reported to have barred persons who had been evicted from their farms from visiting or maintaining their family graves. In some cases the graves were demolished by landowners who would plough over those graves.” (AFRA: 2000: 109) – AFRA’s voice.

A counter-argument to **dominant narrative 4.2.2** states that, while the Labour Tenant Act No.3 of 1996 clearly stipulates the provisions through which a person can be evicted from the farm following the death of the labour tenant:

“Mrs Mhlongo, a widow, was denied the right to bury her husband. Two weeks after his death, the farmer informed her that she was not needed anymore and

asked her to leave with her children. She was devastated, because Babu'Mhlongo, had been working for the farmer for over 21 years as a labour tenant, and was given grazing land as a form of remuneration (AFRA : 2009:42) – AFRA's voice

In accordance with **dominant narrative 4.2.2**, labour tenants counter-argue that ESTA does not provide clarity on the rights of labour tenants and occupiers to bury their dead on the farms on which they live. Section 6(4) of the Act simply states that:

“Any person shall have the right to visit and maintain his or her family graves on land which belongs to another person, subject to any reasonable condition imposed by the owner or person in charge of such land, in order to safeguard life and property or to prevent undue disruption of work on the land” (RSA, 1997: 8)
– Government's voice.

In spite of the above provisions, certain farmers were reported to have barred persons who had been evicted from their farms from visiting or maintaining their family graves. In some cases the graves were demolished by landowners who would then plough over the graves (2008:31) – AFRA's voice.

Even with the Labour Tenant Act No.3 of 1996, the ESTA No.62 of 1997 and the Constitution of the Republic of South Africa, the farmer feels inadequately protected by the government, whose mandate is to protect every citizen. Counter-arguing to the **dominant narrative 4.2.3**, on the order of eviction, farmers complain that:

“The unlawful occupiers of farm land are not removed by government and when farmers report trespassers on their farms, the police don't take the complaint seriously as they should” (Snyman, 2008:14) – Farmer's voice

4.3.3. Counter-Narrative 3: Constraints in Procedures Put in Place to Secure Land Rights

While the government has provided rights in the Constitution and in the separate Acts dealing with tenure reform in South Africa, AFRA, in their own words, seem to disagree with the government. They point out that, despite the regulations provided for in the Labour Tenant Act (No.3) of 1996, as mentioned in **dominant narrative 4.2.3,**

“By far the largest number of complaints remain that of evictions, threatened evictions and interference with rights, where threatened evictions account for 36.8% of all complaints. A threatened eviction and interference with rights ranges from a formal threat to evict, as prescribed in the legislation, to an informal attempt by landowners to coerce people to leave the land voluntarily. This has included cutting off access to water, locking gates, reducing stock numbers, impounding cattle, harassing and intimidating families, firing labour tenants”
(AFRA :2007:32) – AFRA’s voice.

Farm dwellers counter-argue by purporting that, although the Land Tenant Act (No.3) of 1996 provides access to the justice system for labour tenants, the opposite is true in the lives of labour tenants. For instance, AFRA (2008: 19) states that:

“One of the biggest challenges is access to free legal assistance... The Director General in the Department of Justice and Constitutional Development has indicated that there has been no budget from the state to offer these services to farm dwellers, while this service is offered to those standing trial in courts of law. We are being evicted from farms by farm owners and even by the Land Claims Courts. All we want is our rights to be protected too, like any other citizen in South Africa, and access to free legal assistance as farm dwellers...”– (AFRA: 2006:1) Farm dweller–Vryheid.

AFRA counter-argues with the dominant narrative on procedures of securing rights for labour tenants by stating that the problem of evictions of farm dwellers from farms is with the legal system itself. AFRA explains that:

“Existing legislation is meant to prevent evictions, denial of burial and other human rights violations on farms. Despite the Extension of Security of Tenure Act 62 of 1997 and Land Reform (Labour Tenant) Act 3 of 1996 these are still commonplace. Evictions are distressing and farm dwellers are often simply dumped, without accommodation...Our legal system is not working for the farm dwellers” (AFRA: 2008:3) - Farm dweller’s voice

A clause from ESTA (No.62) of 1997 defines eviction as “depriving a person against his/her will of his right to residence on land or the use of land or access to water which is linked to a right of residence.” The labour tenant counter-argues by lamenting that farm dwellers experience limitations to certain farm services and human needs. Yet labour tenants claim that basic necessities, like access to drinking water, are often denied to farm-workers as a form of punishment. This is clearly in contravention of the Extension of Security of Tenure Act (ESTA), 62 of 1997. Section 1 (1) (vi) of ESTA defines eviction as depriving a person against his/her will of his right to “residence on land or the use of land or access to water which is linked to a right of residence” (AFRA, 2003: 29) – Labour tenant’s voice

The labour tenant counter-argues to **dominant narrative 4.2.3** by complaining:

“Where are our rights in the new South Africa? The farmers make our lives very hard. Some farm dwellers have to rent where they stay and even if they are labour tenants, they pay for water they get from the spring or river although the farmer did nothing to provide this service. The water came from the soil but the farm dweller has to pay for it. I think that this is caused by hatred and racism and the desire to make poor people stay poor” (AFRA, 2004:14) - Member of the Tenure

Security Co-ordinating Committee, KwaZulu-Natal
branch of the Landless People's Movement:

In **dominant narrative 4.2.3**, legislation is presented where the Labour Tenant Act No. 3 of 1996 provides for labour tenants, and everyone associated with them, with the right to reside on farms and use the land and other resources, in accordance with section 3(1). Farm dwellers counter-argue that:

“Family life is not recognised as children of labour tenants are forced out of the farms. Our residences on farms are homes not houses and families are varied in size and identity and these homes provide a necessary social identity for our families and their associated cultural practices – including birth and death. Therefore our children must not be forced out of the farms. The home they have always known and women and wives must receive equal tenure rights” (AFRA: 2008:5) – Farm dweller's voice.

The farmers, in their counter-narrative to the **dominant narrative 4.2.3**, complain that improvements done on the farm in terms of worker houses is not compensated for by the government, which does not feel obliged to put up structures or make improvements on already standing worker structures. Security of tenure was one of the primary concerns of farmers, particularly in the light of the Extension of Security of Tenure Act 62 of 1997. Farmers' concerns included the possibility of informal settlements developing on farms if housing has to be built for new labour, while old housing remains occupied, and the burden and security problems this would mean for farmers. The result is, as farmers indicated, since 1997 they have not invested in farm worker-related infrastructure on farms (either housing or service provision). Rolf Anton Hartwig (2004: 20) stated:

“Security of tenure was one of the farmers' primary concerns, particularly in light of the Extension of Security of Tenure Act (No.62) of 1997. Farmers' concerns included the possibility of informal settlements developing on farms if housing has to be built for new labour while old housing remains occupied, and the burden and security problems this would constitute for farmers.”

The farmers emphasise that fear of insecurity and informal settlements developing on their private land has led them to withhold any meaningful developments in terms of housing or provision of services to the tenants (Hartwig, 2004: 20).

“The result is, as farmers indicated, that since 1997 they have not invested in farm worker-related infrastructure on farms (either housing or service provision). In fact, some farmers even break down existing houses at every opportunity in order to minimise future risk of occupation, and they seek to disemploy and evict labour at every legal (and sometimes illegal) opportunity” (Rolf Anton Hartwig, 2004 : 20) – Farmer’s voice.

Apart from the uncompensated improvement on the farm, the farmers feel the legal system is a flawed, as they get the impression that the South African Police Services (SAPS) take complaints from black South Africans more seriously than the complaints of white South African farmers. Farmers state that:

“They are disappointed over the lack of cooperation they experience from the SAPS. Though many criminal offences are reported to the police, very few get attention. When farmers get a threatening situation on a farm and call the police to come and attend to the situation, the police rarely come. When a black person living on a farm launches a complaint against a farmer the police arrive quickly” (Snyman, 2008:15) – Farmer’s voice.

There also seems to be confusion between the restitution claimants and the labour tenants. Apart from farm owners feeling sidelined by the government and the police, the farm owners consider the overlapping claims over the land as complicating the tenure system. This overlapping confusion comes from the restitution claims and tenure security claims from labour tenants (Snyman, 2008:36).

A labour tenant frames the situation by counter-arguing the third dominant narrative, which argues that laws have been put in place to remedy conflict over land and these laws are there to protect the labour tenant's land tenancy on farms and clearly states the procedures to secure these rights. The labour tenant brings in the issue of conflict between restitution claims and labour tenants. He complains that:

“Mfowethu, I don't want even to talk about something happening here at Impendle. We thought everything would be simply as it was promised by government officials from DLA. However, things turned out to be a nightmare after we found out that there is a restitution claim in this area. Government departments – DLA, Restitution Land Claims Committee (RLCC), Ezemvelo and Agriculture – are playing games with us. We are not sure about our future. These departments are not consulting with us as labour tenants who have lodged claims, and every consultation done is with Restitution claimants. I don't know whether it's because their claim is better than ours. We can't even use the land because we are waiting for these claims to be resolved. It is more than 10 years now. Mfowethu, I think the only thing these departments had done well is to create conflict and confusion among the restitution and Labour Tenants Claimants.”-
Farm dweller – Impendle Tenants' Forum (AFRA: 2006:14).

After looking at dominant narratives and counter-narratives, a meta-narrative is born. The three stories though, told from different angles, have similarities that can be worked out, depending on how co-operative the parties are towards one another.

4.4. Meta-narrative

The meta-narrative that emerged from the dominant narratives and the counter-narratives of this study is that of educating both the labour tenants and the farmers on the benefits of the Land Acts provided and the procedures involved in accessing these rights. The other issue is that of different inter-governmental departments working together to bring development to the farms, as some of the problems are not solely land-related but labour and housing related as well. The meta-narrative tells a new story from the three voices represented. These voices are those of the government, the labour tenants, the farmers and AFRA. This is a stage at

which policy analysts know whether there is a solution or no solution for the existing problem.

According to Roe (1994:4):

“Metanarrative is a new story, written with an assumption for decision-making. This follows a situation where conflicting narratives can easily weaken decision-making.”

A meta-narrative is usually the third step, as it emerges from the dominant and counter-narratives; a story told by comparison. Roe warns that there will not always be a single meta-narrative, or that a meta-narrative will be policy relevant (Roe, 1994: 4). In this study, the meta-narrative that is told by the comparison of the government’s voice and the people’s voice is that there is a need to consolidate the rights of land tenure reform beneficiaries. This is summed up in the words of AFRA, which are in line with the Labour Tenant Act No.3 of 1996 section 3(1):

“Secure tenure to land and access to natural resources and housing is seen as a basis for survival. Land will not only provide a home for them but give them access to food which they consider a citizen’s right. Thus, use of land for food production, at whatever scale, is a form of farming” (AFRA, 2007:29) – AFRA’s voice

AFRA can work in partnership with the government to help labour tenants understand the rights accorded to them by the Labour Tenant Act No.3 of 1996 and other related laws. AFRA’s work is concerned with increasing the security of tenure of farm dwellers through facilitating improved access to legal recourse, improved knowledge of their land tenure rights and improved policy, legislation and practices that establish and support farm dweller land tenure rights. AFRA’s project is premised on the understanding that a right is only effective if it is known and it can be protected. Therefore their aim is to empower farm dwellers by improving their knowledge of their land rights, as well as affording them accessible legal services to protect these rights (AFRA, 1998:1).

Co-operation among farm owners, labour tenants, AFRA and government can reduce the misunderstandings on the legislation in place by the people (labour tenants and farmers) and law enforcement officers. Joaquim (2000), in AFRA (2000:112) cautions that:

“One of the impediments to the successful implementation of land laws such as ESTA and the Land Reform (Labour Tenants) Act, 3 of 1996, is the fact that most police officers are not familiar with the laws...”

Joaquim (2000), in AFRA (2000:112), continues:

“The situation is further exacerbated by a lack of understanding on the part of farm-workers and some of the farm owners regarding their respective rights and obligations, as provided for in ESTA and other related laws. Some farmers were reported to have tended to call on the police to carry out evictions of the occupiers even when there were no court orders for them to do so,” (AFRA, 2000:11) – AFRA’s voice

Communication and trust between the police, prosecutors and magistrates, on the one hand, and the farm worker communities, on the other, have reached breaking point in some areas. This is because these communities perceive that state officers are siding with the farm owners instead of implementing the law in an impartial manner (AFRA, 2000:110).

The other aspect is that the beneficiaries understand less of the rights accorded to them by the legislated rights in place:

“The position of the occupiers is worsened by the fact that, due to poverty and illiteracy, they are unable to gain access to legal assistance and the courts so as to either institute legal action or defend themselves”
(AFRA: 2000:112) – AFRA’s voice

AFRA claims that the government underestimated the need for land by the landless and this is seen in the challenges of land tenure reforms. For instance, on the issue of legal assistance,

the people argue that they are not protected. It was noted from both the farm owners' and the labour tenants' narratives that the laws in place are not effective on either side, i.e. of the farm owners or the labour tenants. While labour tenants feel they face an indifferent police and judiciary system in their counter-narratives to the dominant narratives, the farmers in the second narrative condemn a system that only protects the tenants and leaves farmers unsafe on their own lands (Snyman, 2008:14).

The DLA counter-argues that they are under resourced saying:

“The Director General in the Department of Justice and Constitutional Development has indicated that there has been no budget from the state to offer these services to farm dwellers” (RSA, 2006: 48) – Government's voice

AFRA acknowledges that government is the main apparatus through which change can come, but they need to listen to both the labour tenants and the land owners.

“I acknowledge that change is not easy to accept but government is the only institution with the power to redress the injustices of the past. Otherwise democracy for rural people will remain what it is now, a movie created in a distant country that one could watch on television” (AFRA: 2004:20) - AFRA staff.

The meta-narrative was realised through AFRA's recommendation that:

“DLA officials need to understand their task, the land owners to understand their responsibility towards the land reform programme and the landless to understand how the process is unfolding. This can only be done if we hold a land summit with all these stakeholders” – Joaquim (2000), in (AFRA, 2000:47) - AFRA's voice

The labour tenants also lodge complaints about social services on farms and the government acknowledges the intergovernmental relations that need to be put in place to have services

available to farm dwellers (AFRA, 2005:24). The government, in The White Paper on the land reform programme, acknowledges that:

The provision of support services, infrastructural and other development programmes, is essential to improve the quality of life and the employment opportunities resulting from land reform. This necessitates a constructive partnership between national, provincial and local level administrations. The successful delivery of land reform depends not only on an integrated government policy and delivery systems, but also on the establishment of co-operative partnerships between the state and private and non-governmental sectors (RSA, 1997:19) – Government voice.

Thus the government, in The White Paper (RSA, 1997:19), proposes a need for integration of land and agricultural services to address the entire spectrum of social and physical needs of farm dwellers. They claim that:

“Convergence of health; education and social services are important contributors to productivity in farming and rural sustainability” (RSA, 1997:19) – Government’s voice

During a Workshop in 2005 on land rights for farm dwellers, AFRA asked farm dwellers what the different government departments should be doing in terms of delivery to improve the quality of their lives (AFRA:2005). The government’s claim on the integration of service delivery to enhance development of farm dwellers agrees with the people’s voice, that claims that

“Government has many programmes where we can benefit but because we do not have land it becomes a problem. All things need to be requested from the owner. We are saying land first.” - Farm dwellers comments from the Workshop (AFRA, 2005:25).

The following table shows different government departments and how they could be of help to farm dwellers. The table illustrates a summary of the meta-narrative and how the policy would appear once enforced from a combined voice of the government and the people.

Department	Expectations
Department of Land Affairs	Return land Provide ownership of land (title deeds).
Department of Education	Provide schools closer to where people live. Investigate skills training institutions for people on farms. Ensure that there is learning material in schools.
Department of Water Affairs and Forestry	Provision of clean, hygienic water.
Department of Health	Provision of clinics that are easily accessible to people who live on farms. Provision of trained, community health workers. Treatment of cholera and HIV/AIDS in particular. Health care training.
Department of Transport	Construction of roads and bridges. Preference should be given to local contractors.
Department of Social Welfare	Accessible pay points for grant collection. Access to grants for people living on farms.

	<p>Information about how to access grants.</p> <p>Trained community social workers.</p> <p>Provision of food parcels.</p>
Department of Agriculture	<p>Provision of skills training.</p> <p>Provision of tractors, dipping tanks and inoculations for livestock.</p> <p>Support with reduction of stock process.</p> <p>Disaster relief for farm dwellers as well as land owners.</p>
Department of Labour	<p>Enforcing of remuneration of farm workers.</p> <p>Skills training.</p>
Department of Home Affairs	<p>Accessible offices for people living in commercial farming areas.</p>
Department of Safety and Security	<p>Equal treatment for farm dwellers and land owners around stock theft, rights infringements and disputes.</p>
Municipality	<p>Representation of farm dwellers in IDP forums. Farm dweller representation in Council.</p> <p>Infrastructure, services and development for farm dwellers.</p>

Table extracted from the AFRA 2005 Annual Report, an extraction from the farm dweller land rights workshop.

The farm dwellers comment:

“All this is dependent on land. Once we have ownership of land we will be able to start our farming

operations as we were doing before” (AFRA, 2005:27)

– Farm dweller’s voice

A need for different departments to put their resources together, or rather work in partnership with the Department of Rural Development and Land Reform, becomes vital, as it shows that a number of the reported eviction cases are, to an extent, labour related. Labour disputes between farm-workers and farm owners are often used by farm owners as a mechanism to evict workers. A large majority of farm-workers are not unionised because farm-owners often refuse union representatives access to their workers (AFRA, 2005: 35) – AFRA’s voice.

However the farmers understand that:

“Many acts of crime on farms can be traced back to unresolved labor disputes or bad relationships between the white farmer and the black community” (Snyman, 2008:5) – farmer’s voice

4.5. Conclusion

The dominant narrative was from the implementer’s voice, namely the government’s. This voice was presented through the Constitution of the Republic of South Africa, The Green and White Papers on land policy, the Extension of Security of Tenure (No.62) of 1997 and the Labour Tenant Act No.3 of 1996. This voice revealed the need for access to land among labour tenants. Through this voice the government establishes why land tenure security is important. It also establishes the benefits of having tenure security, such as the rights to keep animals, farm, bury the dead and use other resources such as water. In their third voice, the government speaks of procedures for acquiring these rights and the conditions under which these rights can be forfeited.

The government’s voice reveals needs, provisions and procedures that are made available to the labour tenants. The counter-narrative, which is the voice of the labour tenants, farmers and AFRA, tells a different story. Their voice contradicts that of the government. It does recognise the government’s voice, but does not relate to it, as it is dissatisfied with the provisions of the government’s voice. They counter-argue that there is still need for land among the labour tenants and poverty and instability, as they are still evicted from their homes. AFRA stresses that the labour tenants are not aware of the rights accorded to them through the legislation in place and the farmer fears for his life on the farm, as these rights

have not promoted stability and security, but murders and invasions. In the meta-narrative, it is clear that there is a need for revision of the legal system to protect the rights of the labour tenants and the land owners. There is also need for an awareness campaign on the rights accorded to the labour tenants and for the government to work as one entity towards developing and protecting these rights on the farms.

Chapter Five

Discussion and Conclusion

The study's focus was on the challenges of land tenure reforms among labour tenants between 1996 and 2009 in South Africa. Using narrative policy analysis, voices of the government through the Constitution, Acts of law on land and other associated government documents on land reform, as well as the land and agrarian reports were used. The voices of the people (labour tenants, AFRA and farmers) were drawn from the AFRA reports and the report on the relationships between labour tenants and farmers in Kwa-Zulu Natal.

The study proceeded with a beginning, a middle and an end. The study shows the characteristics of a good narrative, by allowing the narratives to flow from the plot, within a period of time, in a certain context and with particular characters. It shows the flow from the beginning being lack of land tenure security among labour tenants and how this lack is expressed in the people's voices (labour tenants, farmers and AFRA) and the government's voice. The middle depicts the solution, which is enshrined in the Acts of law on land and the Constitution, which is the government's voice as well. Finally, the end is depicted in the stories of the people concerning the outcome of the government's intervention in the situation of lack of land tenure security. The chapter closes with a story told by the comparison of the dominant narrative and the counter-narratives. It was shown how the parties involved keep talking past each other. They all mention issues of security and protection by the law. For instance, the farmer and the labour tenant cries out for protection from one another. They also mention inadequate service delivery, as well as awareness of rights accorded to each through the Acts of law on land. From the meta-narrative, the three voices forming the people's voice acknowledge that this security and protection of human rights and dignity can only come from the government.

Apart from flowing in a sequence of beginning, middle and end, the narratives in the study show how stories help in policy change. They reveal how land policy changed from a more restrictive policy to a redistributive policy, why and when. The policy process is shown in the steps followed from Constitutional rights through to the Labour Tenant Act No.3 of 1996. It indicates that policy does not exist in a vacuum, but is enacted to remedy a social ill. The policy process the study shows that policies coexist with problems. Looking at what public

policy is, what influences public policy, how it proceeds and, finally, the types of public policy, the study shows that public policy is not a one man activity but engages different stakeholders from different fields at different stages of the policy process. Through different types of public policies it is noticed that each particular policy enacted is influenced by different factors at that particular time, or rather in that particular time. The focus on redistributive policies shows its complexity of balancing the access to resources between those that have more and the previously disadvantaged.

Policies do not exist in a vacuum. The government's voice shows an intervention to the problem of lack of land access and security among labour tenants. The whole land reform programme stands as an activity of government to eliminate a social problem of deprivation and insecurity among labour tenants. These social ills include evictions, denial of burial rights, and denial of livestock rearing and farming as well as using other facilities on the farms. It also shows that policy, to some extent, flows through stages such as problem identification, proposal of a solution and implementation that puts the solution plan into action. It also makes clear who the policy participants are, such as the labour tenants, the farm owners, the government and civil society.

The study shows the main policy actors and beneficiaries, the main actor being government and the beneficiaries the labour tenants. The voices depict the challenges of running redistributive policies, for instance the farmers are complaining of feeling insecure while the tenants feel it is time to take what rightfully belongs to them. In all this the government has to come up with a mechanism to protect both parties, as they are both rightful citizens of the country and the Constitution advocates for protection of every citizen's right and declares that South Africa belongs to all its citizens.

The people's voices, however, disagree with the solution in place. They voice the challenges of the government's solution to the initial challenges of lack of land security and access in their own understanding. The people feel the policy in place has not helped. It shows that the challenges of the tenure reforms do not emanate from the government's voice but from that of the people. The government's voice is, however, there to help understand what the tenure reforms are, why they are in existence and who they address. Without this voice it would be very difficult to pinpoint what the challenges are and where they are coming from. AFRA as

an organisation plays a pivotal role in this study, not only as a source of information, but as a voice that is interested in the welfare of the labour tenants, of whom the land tenure reforms are all about.

The study also shows how the different voices are heard in the challenges of the land tenure reform; each group tells their story from their own perspective. The different perspectives show how each group frames their positions. For instance, the government speaks through legislation put in place to help the situation. The labour tenants and civil society speaks from the perspective of the problems still on the ground and what they as people need. The silent voices of the farmers speak from their positions as land owners and their expectations. Still on the people's voice, the farmers tell of how the law in place is indifferent to them; they express a voice of fear and terror on their own land.

Each voice represented shows the different policy frames held by a particular group. The dominant narrative speaks of the best solution to end the problems of land insecurities. This ill-defined problem of the lack of land security among labour tenants is made sense of through technical definitions of a labour tenant. It is acted upon through the Labour Tenant Act No.3 of 1996 and other associated Acts. The government's voice is moving to reframing through the definition of a labour tenant and stipulating rights for residing on the land. The farmer frames his problem by seeing the laws being passed to help resolve the issue of land insecurity as a ploy to get him off the land. He sees the laws as a catalyst to land invasion and social strife on the farm. In a way, the doubt in the farmer's voice concerning the Acts put in place to solve the problem lies in reframing. This voice indirectly suggests means, or rather paints a picture that suggests that something needs to be done. In the dominant narrative, the government, through the Labour Tenant Act (No.3) of 1996, outlines the rights of a labour tenant and how the labour tenant can forfeit his rights to that land. The Labour Tenant Act (No.3) of 1996 and other government papers stipulate the rights for labour tenants. The land owner, on the other hand, has no direct rights but to act in accordance with the laws only when the labour tenant abuses his rights.

The labour tenants are still caught in their own thinking as the rightful owners of the land, with or without the Labour Tenant Act No.3 of 1996. Their complaints about the challenges of the Acts in place suggest that a move has to be made from this solution to other alternatives. Their voice goes into reframing by actually recasting their doubts by saying that

it could be the issue of restitution that is complicating their issues and that the new Constitution is a ploy to chase *them* off the land.

The use of language in stories is portrayed vividly in the stories told by the different parties, each establishing their position. This use of language is what is referred to as discourse. The different voices in the study show the importance of stories in policy-making or policy change. As each voice speaks of its position, it becomes clear how each views the whole issue of land tenure reform. The government's voice speaks of how landlessness causes poverty, environmental degradation and instability among the rural people. From this voice, however, connotations are made from certain words which foster a way to move in that direction. From these words in the government narrative a solution is proposed which secures access to land and security on this land. Thus a story of deprivation is told through documents and Acts to bring about change. The labour tenants, as beneficiaries of this new change, tell their own story from their own position. As Fischer (2005; 167) believes that stories give meaning to life and the labour tenant's story tells of the past, the present and the future. They speak of how their forefathers fought battles over their land and lost not only their land but their identity as well and became labour tenants. They speak of how the graves on the land they reside on symbolise their home and how they wish for a legal system that recognises their story. Their story, like that of the government, also centres on certain words. The labour tenants bring out words to which they owe ownership of land, words around which they define themselves and would like the Labour Tenant Act No.3 of 1996 to follow.

The language used in all the narratives gives more insight into the feelings of each group over the issue of land tenure reform. The discourses used in the narratives illustrate the needs of each party represented. The government's voice stresses issues of security through rights, access and fulfilment of needs. Farmers stress the occurrence of invasions and gruesome murders as a form of coercion to force them off the land. Labour tenants and AFRA use terms like 'an indifferent legal system' meaning the system is there, but it represents a particular group. They also use terms like 'we were born and raised here', 'our forefathers' graves are here' and 'our ancestors were forced off this land,' to stress their rightful residence on the land under contention.

In the final analysis, the study *does* show that narrative policy analysis is a good technique to understand complex policies, as well as to find solutions to those problems that are complex.

The study had its own strengths and weaknesses, due to the method of research employed. The strength of this study lies in its use of different voices of different actors in the policy under investigation. It shows from the different voices that there was a problem, an intervention was put in place and there is a problem with the intervention. The study shows that it will need the implementers to work closely with the different actors, namely the land owners, the labour tenants and those civil society organisations working as intervening agents. As much as there will be losers and winners, the implementers will have a more vivid understanding of what the needs of the policy recipients are. They will have a better idea of what is and what ought to be, from hearing the narratives of other actors.

Narrative policy analysis is a useful tool for understanding complex policies, as well as for making decisions in complex situations. It shows that the multiple voices are listened to, including the voices of those that are considered marginalised. From this plurality of voices, there is a certainty that a meta-narrative will emerge and be used by planners to come up with a more equitable decision.

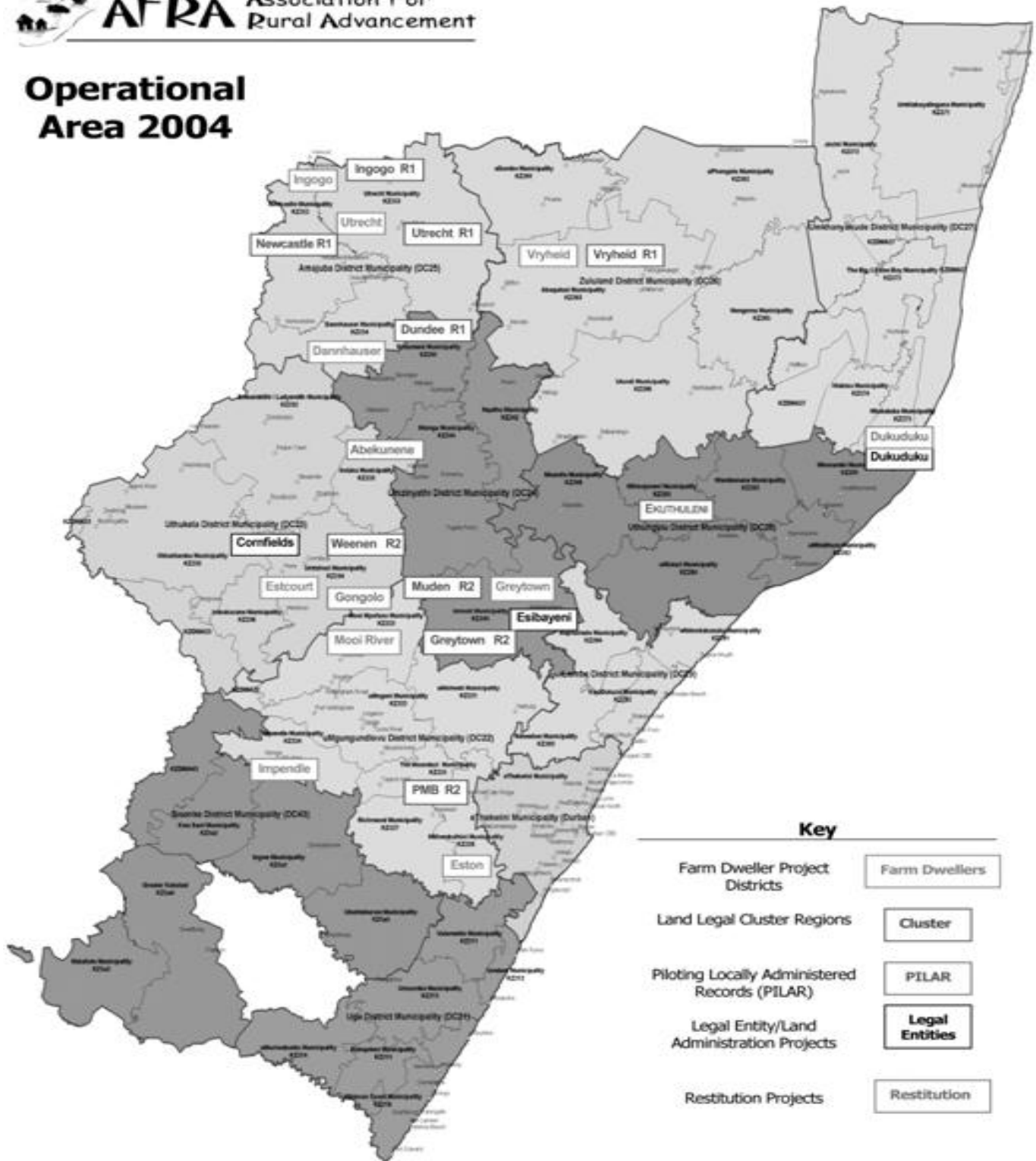
Apart from the noted strengths of the study, there are also short-comings to this type of study. The main short-coming lies in the ability of the study to turn subjective in its analysis, given the method of study, which is qualitative. The redistributive point of view of the policy issue under study means it becomes easy for the researcher to be more inclined to agree with the views of one group rather than the other.

This study has not exhausted the whole issue of land tenure security, as it was premised to examine only the challenges of the land tenure reforms in relation to the labour tenants. There is much more that needs to be understood from the points of view of both the land owners and the labour tenants. There is a need to hold a consultative meeting among all the parties concerned. There are numerous issues that need taking care of among labour tenants and, in the process, protecting the land owners from invasions, brutality and murders, in such a way promoting unity and respecting every citizen's right to land and life.

Appendix 1



Operational Area 2004



Map taken from AFRA annual report 1996 showing labour tenant settlements in KwaZulu-Natal

6. Bibliography

6.1. Primary Sources and Secondary Sources

Badenhorst P.J, Pienaar J.M and Mostert H. 2006. *Silberberg and Schoeman's Law of Property*(5th ed). Durban: LexisNexis Butterworths.

Bridgman, T and Barry, D. 2002. *Regulation is Evil: an application of narrative policy analysis*. Policy Sciences 35(2): 141-161.

Brinkerhoff, W. and Crosby, C. L. 2002. *Managing Policy Reform: Concepts and Tools for Decision Makers in Developing Transitioning Countries*. New Jersey: Kumarian Press.

Bruner, J. 2002. *Making Stories: Law, literature, life*. Cambridge Mass: Harvard University Press.

Bulman, R.2006. *An Investigation of the Children Bill Working Group's Networking and Advocacy around the Children's Bill Between 2003-2004*. Pietermaritzburg: University of KwaZulu-Natal.

Bulman, R.V. 2002. *Public Participation as a Factor in the Development of Policy: A Case Study of KwaZulu-Natal Waste Management Policy Process 1996 – 2001*. Pietermaritzburg: University of KwaZulu-Natal.

Bundy, C. 1990. *Land, Law and Power: Forced Removals in Historical Context*. In Murray, C. and O'Regan C. (eds). 1990. *No place to rest. Forced Removals and the Law in South Africa*. Cape Town: Oxford University Press and Labour Law Unit, University of Cape Town. pp.3-12.

Cochran L. Charles and Eloise Molane. 2005. *Public Policy: Perspectives and Choices*. 3rd (ed). London: Lynne Reinner Publishers Inc.

Cohen, L., Manion, L., and Morrison, K. 2007. *Research Methods in Education*. 6th (ed.). London: Routledge.

Colebatch, H. 1998. *Evaluation in Complex Policy Systems*. 2nd (ed). Buckingham: Open University Press

Commeey, P. 2002. *South Africa, Land: A Ticking Time Bomb*. New African. (November) 12-16.

Del Grande, L. 2007. "Some Kind of Civil War" *Trend Report on the on-going Conflict over Land Rights on Farms in KZN*. Pietermaritzburg: AFRA.

Dryzek, J. 2004. *Review of Frank Fischer's Reframing Public Policy: discursive politics and deliberative practices*. Policy Sciences 37: 89–93.

Eggertsson, T. 1996. *The Economics of Control and the Cost of Property Rights* in Hanna, S. Folke, C. and Mäler K. G. (eds) *Rights to Nature: Ecological, Economic, Cultural, and Political Principles of Institutions for the Environment*. Washington DC: Island Press:

Fairclough, N. 1995. *Critical Discourse Analysis: the critical study of language*. Longman Publishers: Harlow.

Fairclough, N. 1993. "Critical discourse analysis and marketization of public discourse. *Discourse and Society* 4(2): pp 133-168.

Fischer, F, and Forrester, J.1993. *The Argumentative Turn in Policy Analysis*. Durham, NC: Duke University Press.

Fischer, F. 2003. *Reframing Public Policy: Discursive Politics and Deliberative Practices*. Oxford: Oxford University Press.

Foucault M.1977. *The Archaeology of Knowledge*. London: Tavistock

Fourie, C. 1996. *The Role of Local Land Administrators and Land Managers in Decentralisation, Land Delivery, Registration and Information Management in Developing Countries*: Paper presented at the International Conference on Land Tenure and Administration, Orlando, Florida, November 1996.

Fourie, C. and Hillermann, R. 1995. *Examining the relationship between the national South African cadastre, indigenous/informal land tenure and low level land administration*. Paper presented at the Commonwealth Association of Surveying and Land Economy (CASLE).

Greenberg, S. 2010. *University of Western Cape Status report on land and agricultural policy in South Africa: Research Report PLAAS Institute for Poverty, Land and Agrarian Studies School of Government*. Cape Town: University of Western Cape.

Goffman, E. 1953. *The Presentation of Self in Everyday Life*. New York: Penguin publishers.

Hajer, M. A. 1993. "Discourse coalitions and the institutionalisation of Practice: the case of acid rain in Britain." In the *Argumentative Turn*, ed. Frank Fischer, and John Forester. Durham, NC: Duke University Press, 43 – 76.

Hall R. 2007. *The Impact of Land Restitution and Land Reform on Livelihoods in South Africa*. Cape Town: University of Western Cape.

Hall, R., Isaacs, M. and Saruchera, M. 2007. *Land and Agrarian Reform in Integrated Development Plans (IDPS)*. Report Prepared For GTZ in Collaboration with the Department of Provincial and Local Government: Programme for Land and Agrarian Studies. Cape town: University of Western Cape.

Hampton, G. 2009. *Narrative Policy Analysis and Integration of Public Involvement in Decision-making*, Policy Sciences 42.3: 227-241.

Hartwig, A.R. 2004. *Farm Worker Housing in South Africa: An Evaluation of an Off-Farm Housing Project*. Master's thesis. Bloemfontein: University of the Free State.

Hathorn, M. 1990. *Labour Tenants and the Law* in Murray, C & O'Reagan, C. (eds) *No Place to rest*. London: Oxford University Press.

Heikkinen, H. L. T. and Syrjälä L. 2002. (eds.), *Narrative Research: voices from teachers and philosophers*. Jyväskylä, Finland: SoPhi. pp. 13-25.

Hornby, D. 1999. *Tenure Rights and Practices on a State-owned Farm - the community of Ekuthuleni*. Pietermaritzburg: AFRA.

Howlett, M. and Ramesh, M. 2003. *Studying Public Policy: policy circles and policy subsystems*. 2nd (ed). Canada: Oxford University Press.

Howlett, M. and Ramesh, M. 1995. *Studying Public Policy: policy circles and policy subsystems*. Toronto: Oxford University Press.

John, P. 1998. *Analyzing Public Policy (Critical Political Studies)*. London: Printer Publisher.

Kaplan, T. J. 1986. "The Narrative Structure of Policy Analysis." *Journal of Policy Analysis and Management* 5 (4): 761–78.

Kay, A. 2006. *The Dynamics of Public Policy: Theory and Evidence*. Cornwall: MPG Books Ltd.

Kingdon, J. W. 1997. *Agendas, Alternatives, and Public Policies*, 2nd (ed). New York: Longman.

Laclau, E. and Mouffe, C. 2001. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso Publishers.

Lahiff ,E. 2008. A Status Report on Land and Agrarian Report. Cape Town: University of Western Cape.

MacDonald, A. C. 1999. *The Implication of Emerging Policy Discourses in South Africa: A Case Study of the KwaZulu-Natal Land Reform Pilot Programme*. Master's thesis. Pietermaritzburg: University of Natal.

Majone, G. 1998. *Public Policy and Administration: ideas, interests and institutions*. In: Goodin, R.E. and Klingemann, H.D. eds. *A Handbook of Political Science*. Oxford: Oxford University Press.

Marcus, T., Eales K. and Wildschut, A. 1996. *Down to Earth: land demand in the new South Africa – Land and Agriculture Centre. South Africa.* Pietermaritzburg: Indicator Press, University of Natal.

McBeth, M. K., Donna L. L., and Garner K. 2010. *The Story of Good Citizenship: framing public policy in the context of duty-based versus engaged citizenship.* *Politics & Policy* 38 (1): 1–23.

McBeth, M K., Shanahan, E. A., Arnell, R J. and Hathaway, P. L. 2007. The Intersection of Narrative Policy Analysis and Policy Change Theory.” *Policy Studies Journal* 35 (1): 87–108.

McCool, D. 1995. *Public Policy Theories, Models, and Concepts: An Anthology.* New Jersey: Prentice-Hall Inc.

Movik, S. 2009. The Dynamics and Discourses of Water Allocation Reform in South Africa. *STEPS Working Paper 21.* Brighton: STEPS Centre.

Movik, S. 2008. *Fluid Rights: South Africa’s Water Allocation Reform.* Doctor of Philosophy thesis. Brighton: Institute of Development Studies University of Sussex

Ospina, S. M., and Dodge J. 2005a. *It’s About Time: catching method up to meaning-the usefulness of narrative inquiry in public administration research.* *Public Administration Review* 65 (2): 143–57.

Parsons, W. 1995. *Public Policy: an introduction to theory and practice of public policy analysis.* London: Edward Elgar Publishing Limited.

Polkinghorne, D. 1995. „Narrative Configuration in Qualitative Analysis’ in Hatch, J. And Wisniewski, R. (Eds) *Life History and Narrative* Lewes, Falmer, pp. 5 – 23.

Pressman J. and Wildavsky A. 1973. *Implementation*. Berkeley, California: University of California Press.

Roe, E. 1994. *Narrative Policy Analysis: Theory and Practice*. Durham, CT: Duke University Press. United States of America.

Scott, C. V. 2000. "Bound for Glory: The Hostage Crisis as Captivity Narrative in Iran." *International Studies Quarterly* 44 (1): 177–88.

Sikes, P. and Gale K. 2006. *Narrative Approaches to Education Research*. London: University of Plymouth.

Stone, D. 2002. *Policy Paradox: The Art of Political Decision Making* (Revised Edition). New York: W. W. Norton.

Terre Blanche Martin, Kevin Durrheim, Desmond Painter. 2006. *Research in Practice: applied methods for the social sciences*. Cape Town: UTC Press

Wildavsky, A. and Dake, K. 1990. "Theories of Risk Perception: who fears what and why?" *Daedalus* 119 (4): 41–60.

Willig, C. (2001) *Introducing Qualitative Research in Psychology*. Buckingham, Philadelphia: Open University Press.

Wittgenstein, L. 1953. *Philosophical Investigations* Oxford: Blackwell.

6.2. Legislation, Policy Documents and Reports

RSA, 1996. *Labour Tenant Act, No. 3 of 1996*, Pretoria; The President's Office.

RSA. 1996. *Green Paper on South African Land Policy February, 1996*. Pretoria; Department of Rural Development and Land Reform.

RSA. 1996. *The Constitution of the Republic of South Africa Act No 108 of 1996*. Pretoria; The President's Office.

RSA. 1997. *Extension of Tenure Act, No.62 of 1997*. Pretoria; The President's Office.

RSA. 1997. *White Paper on South African Land Policy 1997*. Pretoria; Department of Rural Development and Land Reform.

RSA. 2010. *Draft Green Paper on South African Land Policy 2010*. Pretoria; Department of Rural Development and Land Reform.

RSA. 2008. *Land Agrarian Reform Programme, Project Concept Document*. Pretoria. Ministry of Agriculture and Land Affairs.

RSA. 2000. *The Integrated Sustainable Rural Development Strategy (ISRDS)*. Pretoria. Ministry of Agriculture and Land Affairs.

RSA. 2000. Land Redistribution for Agricultural Development. A sub-programme of the land redistribution programme 2000a e. Pretoria, Ministry of Agriculture and Land Affairs.

RSA. 2000., *Integrated Programme of Land Redistribution and Agricultural Development in South Africa 2000b*. Pretoria, Ministry of Agriculture and Land Affairs, Final draft document.

Joaquim E. 2000. *Tenure Security – how secure can it be? An overview of the legislation and judgements of the LCC regarding the Extension of Security of Tenure Act No 62 of 1997 (as amended)*. Pietermaritzburg: AFRA.

RSA. 2006. *Land and Agrarian Reform in South Africa: 1994-2006*. Pretoria, Ministry of Agriculture and Land Affairs.

RSA. 1994. A Policy Framework, ANC, 1994. Pretoria; Rural Development Programme - pages 19-20.

AFRA. 1996. *Association for Rural Advancement Annual Report, 1996*. Pietermaritzburg: South Africa.

AFRA. 1997. *Association for Rural Advancement Annual Report, 1997*. Pietermaritzburg: South Africa.

AFRA. 2003. *Association for Rural Advancement Annual Report, 2003*. Pietermaritzburg: South Africa.

AFRA. 2004. National Land Committee Tenure Study in South Africa. Cape Town.

AFRA. 2004. *Association for Rural Advancement Annual Report, 2004*. Pietermaritzburg: South Africa.

AFRA. 2005. *Association for Rural Advancement Annual Report, 2005*. Pietermaritzburg: South Africa.

AFRA. 2006. *Association for Rural Advancement Annual Report, 2006*. Pietermaritzburg: South Africa.

AFRA. 2007. *Association for Rural Advancement Annual Report, 2007*. Pietermaritzburg: South Africa.

AFRA. 2009. *Association for Rural Advancement Annual Report, 2009*. Pietermaritzburg: South Africa.

Deon Snyman. 2008. *A Consultation with Different Stakeholders in the White Farming Communities within the Function Areas Of The Kwazulu Regional Christian Council (Krc) And The Thukela-Amajuba-Mzinyathi Christian Council (Tamcc)*. KwaZulu-Natal Christian Council: South Africa.

6.3. Internet Sources

RSA. 1999. The agriculture & land affairs portfolio committee 20 October 1999. Pretoria. Ministry of Agriculture and Land Affairs. <http://www.pmg.org.za/> Accessed 17 July, 2011.

Taylor, Henry C. *Food and Farm Land in Britain: Land Economics*, Vol. 31, No. 1 (Feb., 1955), pp. 24–34 in JSTOR <http://www.jstor.org/stable> accessed August 1st, 2011.