

**IMPLEMENTATION IN A POLICY NETWORKS SETTING: A CASE STUDY OF THE ASSOCIATION
FOR RURAL ADVANCEMENT'S IMPLEMENTATION OF THE FARM DWELLERS' PROJECT
FROM 1994 UNTIL TODAY**

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Abstract

This research focuses on policy networks as a framework to analyse the implementation of the South African Land Reform (Labour Tenant) Act 3 of 1996 (LTA) and the Extension of Security of Tenure Act 62 of 1997 (ESTA) more generally. In particular, this research looks at the Association for Rural Advancement's (AFRA) implementation of the farm dwellers project, specifically, how this organisation has been using the policy networks approach to implement its farm dwellers project.

The LTA and the ESTA guide the South African post-apartheid land reform programme. This programme responds to the racially-based system of land access created by colonialism and apartheid. It is against this system of land access that the post-apartheid, democratic government undertook a vast land reform programme, intended to redress the injustices of the past (Drimie 2003:39). The LTA and ESTA are situated within this perspective and their objectives were derived from an understanding that land reform has the potential to make a direct impact on poverty through targeted resource transfers and by addressing the economic and social injustices caused by colonial and apartheid dispossession.

However, after sixteen years of democracy and policy implementation of the land reform programme, little progress has been made. This includes an undertaking in the Reconstruction and Development Programme (RDP) of 1994, which provided a set of guidelines and principles for the evolving land policy, to redistribute, by 2014 (extended from 1999), 30% of the 80% of commercial farmland (mostly white owned) to black South Africans and to make land reform the driving force of rural development (Drimie 2003:39). By March 2009, a total of 5.2% of the targeted 30% of commercial farmland has been transferred through the various land reform programmes (Kleinbooi 2009:1). Concerns have been raised that attribute this seeming failure of the land reform programme to the government's market approach (Mkhize 2004). This has been sustained by the government's shift from the RDP to Growth, Employment and Redistribution (GEAR). AFRA, in its funding proposal of 1998-2000, has identified this shift as "disturbing because it implies that government's economic and political direction is likely to result in reduced resources for rural and agricultural development, a shift which will impact hard on the already tough conditions of poverty that people live in."

From this understanding, this research hopes to establish that the seeming failure of the implementation of the South African land reform can be improved through a more effective utilisation of policy networks. More particularly, this research hopes to establish how AFRA has been using policy networks to implement its Farm Dwellers project from 1994 until today.

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Chapter 1: Introduction and Background to the Study

1.1 Introduction

This research focuses on policy networks as a framework to analyse the implementation of the South African Land Reform (Labour Tenant) Act 3 of 1996 and the Extension of Security of Tenure Act 62 of 1997 more generally. In particular, this research looks at the Association for Rural Advancement's (AFRA) implementation of the farm dwellers project, specifically, how this organisation has been using the policy networks approach to implement its farm dwellers project.

1.2 Background to the Study

AFRA is an independent land rights nongovernmental organisation (NGO) based in Pietermaritzburg, KwaZulu-Natal, that aims to redress past injustices, to secure land tenure, and to improve the quality of life and livelihoods of the rural poor. Among other methods, AFRA works towards this vision by networking with other organisations to lobby for a just and effective land reform programme for the benefit of rural poor within an integrated rural development framework.

The farm dwellers project has been AFRA's focus since its inception in 1979. In fact, AFRA's founding vision was to stop evictions and forced removal of farm dwellers; to publicise evictions through the press and fact sheets; and to conscientise people on the issue in order to prevent further uprootings (see Harley and Fotheringham 1999:84).

AFRA's understanding of farm dwellers is that they are not labour tenants, farm occupiers or farm workers; instead "they are rural families who have their homes on someone else's land. And they often have a history on the farm on which they live — their grandparents were born there, their family graves are there. In many cases they are not employed by the owners of the land. They make a life for themselves with limited resources" (AFRA 2005:2). AFRA uses the term '*farm dwellers*' to incorporate both categories of '*farm occupiers*' and '*labour tenants*', which are the terms used government documentation, in this case the *Land Reform (Labour Tenant) Act of 1996* (LTA) and *Extension of Security of Tenure Act 62 of 1997* (ESTA). The term 'occupier' is used in the ESTA (Section 1) to mean "a person residing on land which belongs to another person, and who has or on 4 February 1997 or

thereafter had consent or another right in law to do so.” Further, the term ‘labour tenant’ is used in the LTA (section 1a, 1b, 1c) to mean a person -

who is residing or has the right to reside on a farm; the right to use cropping or grazing land on the farm;

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 lessee of such or such other farm, including a person who has been appointed a successor to a labour tenant.

The land reform programme as a whole is subdivided into three distinct elements as outlined in the constitution of the Republic of South Africa, namely the redistribution programme; the restitution programme; and the tenure reform programme. This research will not address all three programmes. It will limit itself to AFRA’s farm dwellers project, which falls under the tenure reform programme.

The Land Reform (Labour Tenant) Act of 1996 and the Extension of Security of Tenure Act of 1997 guide the South African post-apartheid land reform programme. This programme responds to the unjust, racially-based system of land access created by colonialism and apartheid. It is against this biased system of land access that the post-apartheid, democratic government undertook a vast and ambitious land reform programme, intended to redress the injustices of the past, to develop the agricultural sector and to improve the livelihood of the poor (Drimie 2003:39). The LTA and ESTA are situated within this perspective and their objectives were derived from an understanding that land reform has the potential to make a direct impact on poverty through targeted resource transfers and by addressing the economic and social injustices caused by colonial and apartheid dispossession.

However, after sixteen years of democracy and policy implementation of the land reform programme, little progress has been made. This includes an undertaking in the Reconstruction and Development Programme (RDP) of 1994, which provided a set of guidelines and principles for the evolving land policy, to redistribute, by 2014 (extended from 1999), 30% of the 80% of commercial farmland (mostly white owned) to black South Africans and to make land reform the driving force of rural development (Drimie 2003:39). By March 2009, a total of 5.2% of the targeted 30% of commercial farmland has been transferred through the various land reform programmes (Kleinbooi 2009:1). Concerns have been raised that attribute this seeming failure of the land reform programme to the government’s market approach, namely the “willing-seller, willing-buyer” (Mkhize 2004). This has been sustained by the government’s shift from the RDP to Growth, Employment and Redistribution (GEAR). AFRA, in its funding proposal of

1998-2000, has identified this shift as “disturbing because it implies that government’s economic and political direction is likely to result in reduced resources for rural and agricultural development, a shift which will impact hard on the already tough conditions of poverty that people live in.” These views are echoed again in AFRA’s 2005 annual report by the then director who affirms that the rush for land in South Africa is likely to become a scandal of land as farm dwellers are evicted in the name of tourism, game farms and economic prosperity of the public; as restitution claimants are pegged into economic ventures they did not plan for; as customary practices around land holding and use are squeezed or packaged into a more ‘suitable’ tenure system that underpins our economy (AFRA 2005:5).

From this understanding, this research hopes to establish that the seeming failure of the implementation of the South African land reform can be improved through a more effective utilisation of policy networks. More particularly, this research hopes to establish how AFRA has been using policy networks to implement its Farm Dwellers project from 1994 until today.

1.3 Preliminary literature study

The policy networks framework revolves around the idea that no one can work in isolation, no single organisation (public or private) can work alone to address a given social problem. Therefore, the issue of interdependency between organisations appears as a very important notion in the policy networks framework. To be more explicit, policy networks consist of governmental and societal actors whose interactions with one another give rise to policies. They are actors linked through informal practices (as well as formal) institutions. Typically, they operate through interdependent relationships, with a view to trying to secure their individual goals by collaborating with each other (Bevir and Richards 2009:3).

The present study is in line with other investigations on the policy networks framework. A study was carried out in 2004 by Karemera under the title “*Policy Networks in the South African Context.*” In this study, the author focused on environmental networks in Pietermaritzburg as a case study to address the problem of environmental management. The author argues that the Keep Pietermaritzburg Clean Association has been instrumental in implementing waste management programmes using a policy networks strategy.

Another study was carried out in 2004-05 by Mpanza, entitled “*A Policy Analysis of the Merits of Policy Networks in Policy-Decision making*”, focusing on policy networks in the Premier’s Office of the provincial

government in KwaZulu-Natal. The study aimed to understand some challenges that face policy networks, and also to determine what type of policy networks are within the Premier's Office of the provincial government in KwaZulu-Natal.

Still another study was carried out on policy networks by Rankoe, entitled *"A literature review on the effectiveness of policy networks in alleviating implementation failure."* The author's purpose in carrying out this literature review was to find arguments against Pressman and Wildavsky's idea that implementation of policy can only be managed effectively and efficiently when carried out by a central organisation. The study found arguments in support of the notion that the public sector cannot effectively act alone in the execution of public policy. Further the study argues that policy implementation as well as its management involves a wide array of interdependent actors who come to join policy networks to promote their interests (Rankoe 2003:iv).

A number of studies have been carried out on the South African land reform programme. These include a study by Weidman (2004) entitled *"Who Shaped South Africa's Land Reform Policy?"* Investigating the South African land reform policy formation process in the period 1993 to 2000, the author argues that the role played by the actors determined the development of the policy. The author also highlights that the fact that the poorest and most marginalized sectors of South African society were not part of the policy development process resulted in the development of a three-part, legalistic, demand-driven, market-based (i.e. willing-buyer and willing-seller) land reform programme.

In 2005, a study by Maphutha entitled *"An Analysis of Land Redistribution and Land Market in the Boland Region of the Western Cape"*, found that land redistribution by means of government grants was rather slow and most of the transactions took place through private purchases, mostly through mortgage loans provided by the Land Bank of South Africa. Based on the findings the author argues that one of the areas to be emphasised by the land reform programme in the Boland region is increased government spending and involvement of the private sector.

Another study was carried out by Channing (2000) under the title *"District development forums? Towards an alternative to current land reform policy in South Africa"*. This study analysed the negative impact of the land reform programme on the sub district of Muden which formed part of the Presidential Lead Pilot Land Reform Redistribution Project within KwaZulu Natal. The study revealed a situation of severe poverty, high dependency, a lack of social infrastructure and a need for strong government participation at local level. It also showed how existing land reform policies and development practices

were inappropriate within their context. The author then formulated a proposal towards the establishment of district development forums as an alternative approach to the conventional approach to land reform.

These studies, especially the literature on land reform, have not considered the perspective of the policy network as an analytical tool in the implementation of the LTA and ESTA, especially AFRA's implementation of its farm dwellers project, which the present study intends to do. In addition these studies, in this instance the literature on networks, all contribute to the importance of policy networks in policy formation and implementation in different South African policy areas; however, they show some limitations as none has been carried out towards the land reform programme in general and the farm dwellers in particular. The present study considers these limitations and presents AFRA's implementation of the farm dwellers project in a policy networks setting. This study assumes that the current seeming failure of the land reform programme is due in part to the overall negligence of the importance of policy networks for implementing programmes. Seemingly, organisations, including the government favour formal structures for programmes implementation, neglecting the informal aspect of networks. It is also assumed in this study that many non-governmental organisations (NGOs) of which AFRA is one, are actually implementing the land reform programme in general and the farm dwellers project in particular, by using the policy networks strategy.

1.4 Research Objectives

The broad research problem of the study concerns the difficulties experienced in policy implementation in general. These difficulties are also noticed in the implementation of the South African land reform programme. The fact that to date, only a total of 5.2% of the targeted 30% by 2014 of commercial farmland has so far been transferred through the various land reform programmes points to those difficulties in implementation. Although this study will deal specifically with AFRA's implementation of the farm dwellers project, the study relates to the broader issue of implementation in a policy networks settings. Therefore the broad research aim of this study is to examine the role of policy networks in implementation. In this regard, the following broad questions will guide the study:

- What is the role of policy networks in implementation? In other words, can policy networks be considered an important framework in implementation?
- What features of policy networks, as a framework, are considered positive and important for policy or programme implementation?

- What challenges or problems policy networks as a framework might yield?

The more specific focus of this study will concentrate on AFRA's implementation of the Farm Dwellers project in a policy networks setting. To gain information that is specific to the implementation of this project, the following questions will guide the study:

- What are the benefits and challenges identified by AFRA in its network management?
- What forms of network management have been adopted by AFRA in its implementation of the Farm dwellers project? (Some forms of networks management include activating, arranging, facilitating, influencing interrelationships, and mobilising new coalitions).
- What type/s of network structure work are succesful? e.g. Formal or informal network structures?

The research objective in this respect is to determine AFRA's experiences in implementing the farm dwellers project in a policy networks setting. An attempt will be made to synthesise the results and analyse what this means for policy implementation in general and the implementation of the land reform policy in particular.

1.5 Research methodology

The dissertation begins with the establishment of the analytical framework. This consists of first examining the literature on policy networks by consulting sources such as Kickert et al. (1997) and Agranoff (1999) who strongly argue that public policies are made and implemented in networks of independent actors; they also focus on managing complex networks. The policy framework for labour tenants in South Africa is then determined by analysing government legislation which includes: the Land Reform (Labour Tenants) Act 3 of 1996 and the Extension of Security of Tenure Act 62 of 1997. These documents are important since they inform the implementation of Farm Dwellers project. Once this analytical framework was established, the study pursued empirical research by presenting and analysing the case study.

1.5.1 Methodology

The case study will be undertaken within the qualitative research approach. Qualitative research is research undertaken in a natural setting of social actors or within a specific context. According to

Sarantakos (2005:45) qualitative research “focuses on processes and structural characteristics of settings, and tries to capture reality in interaction through intense contact in the field.” In addition, qualitative research is *context-sensitive*, in other words, “it focuses on contextuality, with the aim of gaining an impression of the context, its logic, its arrangements [and] its explicit/implicit rules” (Sarantakos 2005:45). In the same vein, the primary aim of qualitative research is to understand actions that are context specific rather than aiming to generalise the results to the theoretical population. In these features the perspective of the social actor is emphasised (Babbie & Mouton 2001:277). In the qualitative approach, focus is placed more on collecting specific cases that provide insight into a particular research topic, than on ensuring representativity of the sample (Neuman 2003:211).

1.5.2 Method

This study is based on an organisation, AFRA as the case study. According to Robson (2002:178), the “case study [approach] is a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence.” A possible danger with case studies is that “even with good faith and intentions, biased and selective accounts can undoubtedly emerge” (Robson 2002:180). Of course, similar criticisms could be made about any research strategy. The issue is whether or not it is possible to devise appropriate tests to demonstrate the reliability and validity of the findings. In this perspective, primary data will be collected from documents as well as interviews conducted at AFRA.

There are thirteen staff members employed by AFRA, in various capacities and roles. Five of the thirteen staff have been interviewed. Respondents have been selected according to their portfolio related to the issue of farm dwellers, for instance, the information officer, farm dwellers facilitator, social movement focus area, and the land right officer. I have also interviewed some people who have worked at AFRA in the earlier stages of the farm dwellers project but are no longer employed by AFRA. I made initial contact with AFRA and the director has agreed to the participation of staff members and the availability of AFRA’s documents. The respondents were given a consent letter, which outlines the purposes of the study and the objective of the interview. They were interviewed individually. The purpose of conducting a qualitative study is to gain an in-depth understanding of the research topic (Babbie & Mouton 2001:270). The use of open interviews is one method of gaining such information. In this method “the interviewer has a general plan of inquiry but not a specific set of questions that must be asked in particular words and in particular order” (Babbie & Mouton 2001:289). This topic may be viewed as a

sensitive one as those who were being interviewed may be hesitant to raise complaints. However, this was circumvented by stressing to the respondents that their participation and opinions will be confidential. The respondents were referred to as: A, B, C, D, and E in the dissertation in order to ensure this was met.

1.5.3 Sample

The type of sampling that will be used in this study is purposive sampling. In this sampling technique the choice of respondents relevant to the project is guided by the judgement of the researcher and the purpose of the study (Babbie & Mouton 2001:166). The five respondents selected from the thirteen staff of AFRA fulfil the purpose of the research since their portfolio in the NGO is towards the farm dwellers issue. This includes also those people who might have worked at AFRA on the farm dwellers project but are no longer employed by AFRA.

1.5.4 Data analysis

Documents produced by AFRA gave an overview of other organisations that network with AFRA. Interviews will indicate the quality of relation between AFRA and other organisations in the network. The interviews were looking specifically for information about informal network structures between AFRA and its partners.

Data gained from the interviews were transcribed and thematically analysed by looking for references made to:

- The forms of network management adopted by AFRA in its implementation of the Farm dwellers project (Some forms of network include activating, arranging, facilitating, influencing interrelationships, and mobilising new coalitions);
- The type of network structure/s used by AFRA (formal, informal, or both).
- The benefits and challenges of network management;

Conclusions will then be drawn from this analysis of the data.

1.6 Dissertation structure

The structure of this dissertation comprises the four chapters, organised in the following sections:

Chapter 1: Introduction and background

This chapter introduces aspects of the study by outlining the importance of the research and its contribution to the research field. It also describes the research problem and the structure of the thesis.

Chapter 2: Analytical framework

This chapter outlines the analytical framework of the study. It represents a literature review of public policy, policy implementation, with special attention to policy networks as the analytical framework of the study.

Chapter 3: Case study

This chapter presents the case study in two sections. The first section introduces AFRA, giving a historical background of this organisation in relation to its farm dwellers project. The section continues with the presentation of two Acts, namely the LTA and the ESTA that deal with issues of labour tenants and farm occupiers. An important point in this section presents AFRA's understanding of the farm dwellers. The second section presents the data collected from the interview, which focuses on AFRA's implementation of the farm dwellers project using policy networks strategies.

Chapter 4: Analysis and Conclusion to the Study

This chapter concludes the study, firstly thematically analysing the data collected from the interviews. This chapter also provide a critique of policy networks, especially the management approach as to who is the manager of the network. It also makes some recommendations.

Chapter 2: Analytical Framework

2.1. Introduction

The concept 'policy' refers to any prescribed plan or course of action. And 'public policy' can be understood as a plan or course of action which is the result of state decision-making. Policy scholars often present public policy as a process. This process consists of a number of interrelated and complex components. This chapter seeks to identify and examine these components, with particular emphasis on policy networks. The rationale behind this examination is to provide a framework to analyse the Association for Rural Advancement's implementation of the farm dwellers project. In this study, emphasis is placed on implementation in a policy networks setting.

2.2. Public policy

The examination of public policy as a academic endeavour emerged as a prominent subfield within the discipline of political science in the mid-1960s. The reason being that political science examines "who gets, what, when, and how [,] [i]n other words, it focuses on what decisions are made by those in authority and why those decisions were made" (Cochran and Malone 2005:29). And public policy takes as its focus the examination of the policy process specifically. Policy analysis "describes investigations that produce accurate and useful information for decision makers" (Cochran and Malone 2005:31). Many attempts have been made at an encompassing definition of public policy. Various public policy scholars have formulated definitions, ranging from the nebulous to the more comprehensive that embrace different aspects of public policy.

Some early, nebulous, definitions include Friend and colleagues (cited in Hill 1997:6) who defined policy as: "essentially a stance which, once articulated, contributes to the context within which a succession of future decisions will be made."

Building on this definition is that proposed by Heclo who emphasises action. He considers policy as "a course of action or inaction rather than specific decisions or actions" (Heclo 1972:85).

As a variant on this, Easton (cited in Hill 1997:7) notes that “a policy consists of a web of decisions and actions that allocate values.”

In the same vein, Smith (1976:13) suggests that “the concept of policy denotes deliberative choice of action or inaction, rather than the effects of interrelating forces.” He argues that “attention should not focus exclusively on decisions which produce change, but must also be sensitive to those which resist change and are difficult to observe because they are not represented in the policy-making process by legislative enactment” (Smith 1976:13).

Heclo and Smith point to inaction in their definition. This refers to the argument that “much political activity is concerned with maintaining the *status quo* and resisting challenges to the existing allocation of values” (Hill 1997:8).

Another definition is offered by Jenkins (1978:15), who sees policy as “a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve.”

Notwithstanding the definitional problems posed by the concept of policy (or public policy in general), the fact that policy involves a course of action or a web of decisions rather than one decision has implications for this study. The first implication is that there is a “decision network, often of considerable complexity, (that) may be involved in producing action, and a web of decisions taking place over a long period of time and extending far beyond the initial policy-making process [that] may form part of the network”¹ (Hill 1997:7). Another implication is that policies invariably change over time, either because of incremental fine-tuning to earlier decisions, or because of major changes of direction, sometimes due to experiences in implementation that may feed back into the decision-making process.

The mention of action and decision in the above definitions lead to the recognition that there are two dimensions to policy: the vertical and the horizontal (see Colebatch 2002:23), also referred to as the top-down and the bottom-up approach respectively. According to Colebatch (2002:23), “the vertical dimension sees policy as rule: it is concerned with the transmission downwards of authorised decisions. The horizontal dimension sees policy in terms of the structuring of action. It is concerned with relationships among policy participants in different organisations – that is, outside of the line of

¹ These are early notions of policy networks; the analytical framework that will be used in this study.

hierarchical authority.” The horizontal dimension (the action oriented) of policy has been well captured by writers like Lipsky (1980) who sees the actions of lower-level actors, sometimes called “street-level bureaucrats” as constituting organisational policy. In other words, it is Lipsky’s contention that in some circumstances, it is at this level in the system that policy is actually made. Talking about policy as action oriented directs our attention to this process. The vertical and the horizontal dimensions of policy making are not alternatives, rather, “each tends to assume the other” (Colebatch 2002:24). For the purposes of this research, policy will be used synonymously with public policy as most authors do not make a distinction. Further the action dimension directs our attention to policy as a process. It is to this end that a brief discussion of policy analysis will follow.

2.3. Policy Analysis

Since the emergence of public policy as an analytical subfield of political science, policy analysis has been understood as the study of “how, why and to what effect governments pursue particular courses of action and inaction” (Heidenheimer 1990, cited in Jans 2007:2). The study of public policy is concerned with “what governments do, why they do it, and what difference does it make” (Dye 1976, cited in Jans 2007:2).

It is argued that public policy analysis has not progressed in developing scientifically law-like propositions (see Cochran and Malone 2005:44). In fact, the current understanding of the policy process is what Sabatier and Jenkins-Smith (1993:1) call “the stages heuristic”, not a theory that allows explanation and prediction. The stages heuristic or “the cycle model of policy process” as Colebatch (2002:5) puts it, emerges through many chains of cause and effect or commands and responses.

Policy scholars commonly identify six stages (although this varies depending on the source one consults) in the policy process. These are: (1) problem identification, (2) agenda setting, (3) policy formulation, (4) decision-making, (5) policy implementation, and (6) policy evaluation (see Colebatch 2002:50, Cochran and Malone 2005:44). Figure 2.1 below presents an illustration of the policy cycle.

The policy cycle begins with problem identification. Problems can be identified through routine monitoring activities. Through such activities researchers can pick up changes in expected trends. These changes are referred to as indicators (Kingdon 1995:91). For example, exponential rises of violence in farms would signal a social problem. Problems can also be identified when a crisis or salient event

occurs (Kingdon 1995:95). Problems may also arise when existing policies no longer solve the social problems that they were intended to.

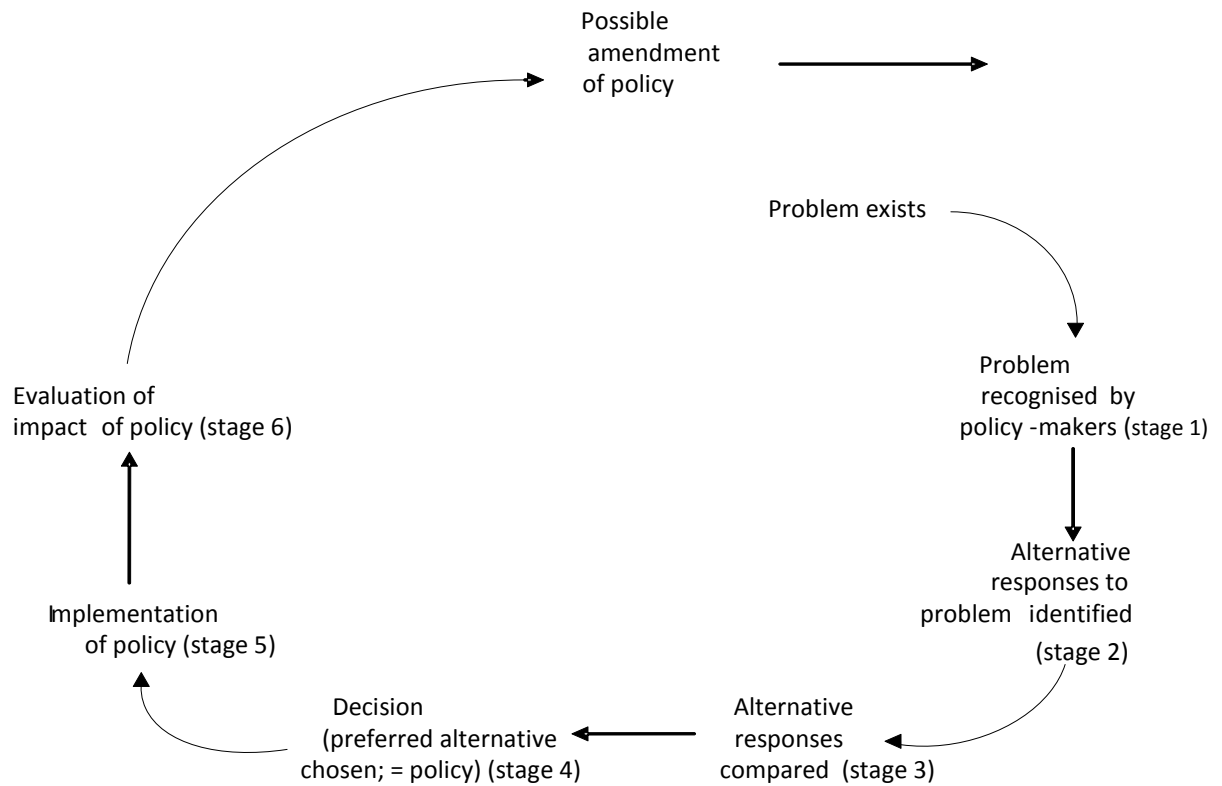


Figure 2.1 The stage or cycle model of policy process (adapted from Colebatch 2002:50).

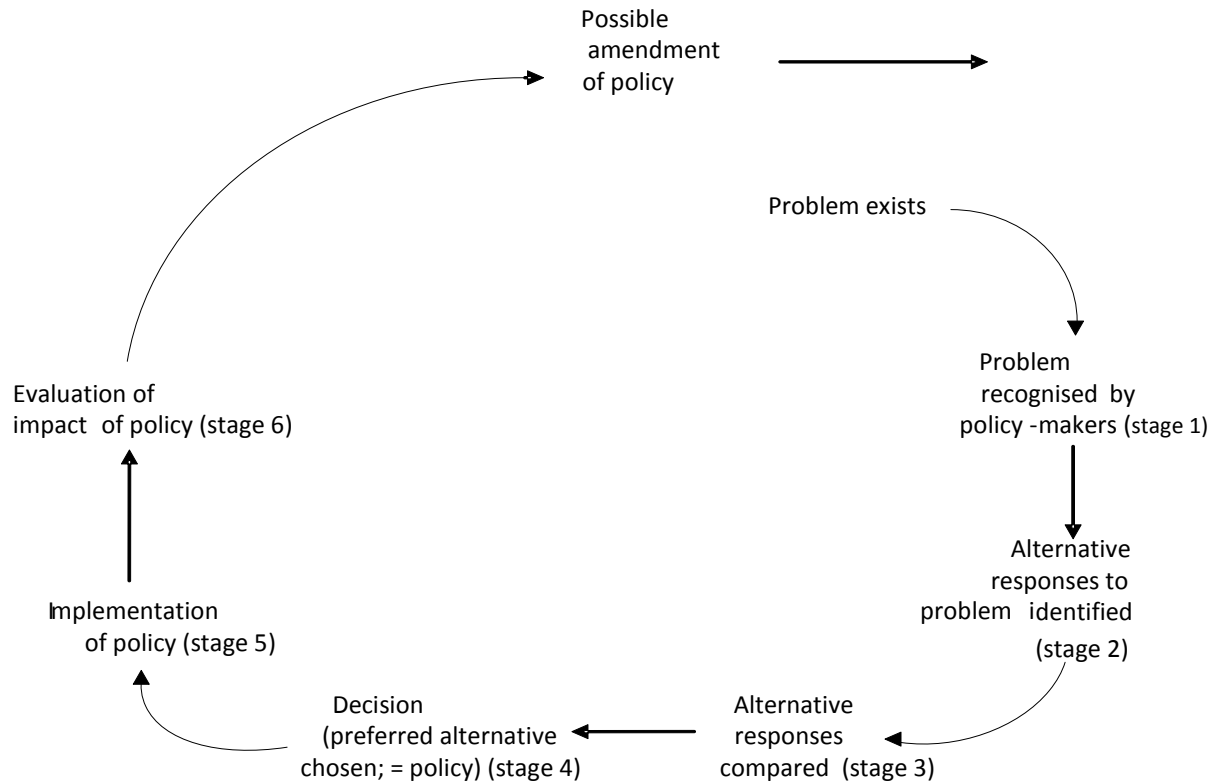


Figure 2.1 The stage or cycle model of policy process (adapted from Colebatch 2002:50).

Once the policy problem has been identified, a process of agenda setting takes place. This is the process of planning action that is directed at prioritising a certain problem in order to mobilise the authorities to take action (Meyer & Cloete 2004:98). Kingdon (1995:197) proposes “three streams of processes: problems, policies, and politics. People recognise problems, they generate proposals for public policy changes, and they engage in such political activities as election campaigns and pressure group lobbying.” This indicates the fact that not all policy problems are part of the policy agenda, because they have not come to the attention of the authoritative actors in the government. This raises the question as to why some problems get on the agenda while others do not (Kingdon 1995:3). According to Kingdon (1995:197), the dynamics of a changing political environment or the national mood, new political players, policy entrepreneurs, and new windows of opportunity are the major elements for new problems gaining a place on the agenda. However, success in getting on the policy agenda does not ensure that a problem will receive a policy response. Some problems manage to get on the agenda yet drift along for years without getting beyond this stage (Cochran and Malone 2002:45).

Once a policy problem is on the relevant authority's agenda, specific plans for addressing it must be formulated. According to Cochran and Malone (2005:52), when the problem has been clearly identified and the need to do something about it accepted, "policy formulation is then concerned with the 'what' question associated with generating alternatives." The 'what' question can be formulated as such (see Cochran and Malone 2005:52): what is the plan for dealing with the problem? What are the goals and priorities? What options are available to achieve those goals? What are the costs and benefits of each of the options? What externalities, positive or negative, are associated with each alternative? The assessment of these alternatives initiates the decision-making process.

The decision lies in selecting which one of the alternative policies is going to be implemented. Some policy theorists promote the rational method as a plan for achieving efficiency through a comprehensive review of all policy options and an examination of their consequences. In this sense, rational analysis selects the option that maximises utility. Critics of this rational model object that no analyst can consider each policy option nor can any analysis be completely comprehensive. Therefore they contend that an incremental approach is actually more rational. Incrementalism is an approach to decision-making in which policymakers change policy at the margins. In other words, they begin with the current set of circumstances and consider changing things in only a small way.

According to Cochran and Malone (2005:55), "incrementalism assumes that public policy decisions will usually involve only modest changes to the status quo and not require a thorough inspection of all the available options." In contrast to the rational method, "the result of incrementalism is satisfying (rather than maximising), or adopting a policy acceptable from all viewpoints rather than seeking the best solution possible" (Cochran and Malone 2005:55). Considering the criticisms to the stage heuristic model of policy analysis, it is to be acknowledged that decision-making does not occur only at this particular stage of the cycle; but rather is a complex process that occurs throughout the policy cycle (Parsons 1995:245).

The focus of this study is to examine the Association for Rural Advancement's implementation of its farm dwellers project in a policy networks setting. This study will therefore focus on the last two stages of the policy-making process, namely policy implementation and policy evaluation, with more emphasis placed on the former.

2.4. Implementation

Implementation means, in simple terms, to carry out, to accomplish, to fulfil, to produce, or to complete (see Hill and Hupe 2002:3). In Pressman and Wildavsky's view (presented by Parsons 1997:464), implementation is "the process of interaction between the setting of goals and actions geared to achieve them." Pressman and Wildavsky (1973:4) describe policy implementation as a "connected process of choosing goals and selecting the appropriate alternatives of implementing those goals." In this context, to implement means to take action or the execution of duties to provide services or address the policy issue. This view sees policy implementation as an inclusive declaration of intended outcomes and the provision of the means for attaining those outcomes.

The effectiveness of policy implementation varies across policy issues and policy types. Some issues are more complex than others. For example, the South African land reform policy includes elements of agricultural policy, environmental policy, and settlement policy to name but a few. Parsons (1997:245) argues that in the study of implementation, the type of policy to be implemented must also be taken into account. For example, the land redistribution programme of the South African land reform policy is about taking land away from one group (the previously advantaged group under the former apartheid government) for the benefit of other groups (the previously disadvantaged group under the same government). This redistributive policy may lead to public discontent. Policy implementation is only likely to succeed if there is cooperation, consensus and compliance among stakeholders.

The policy implementation process tends to be analysed according to two main approaches. The first is the top-down approach as advocated by its founding fathers, Pressman and Wildavsky (presented by Hill and Hupe 2002:44). They define implementation in terms of the relationship to policy as produced by those at the top and laid down in official documents (Hill and Hupe 2002:44). In a similar way, Parsons (1995:464) argues that in the top-down approach, goals are set by those at the top of an organisation. Their instructions then flow down a chain of command and are carried out by the relevant subordinates. This implies that goals have to be clearly defined and understood; resources and incentives made available; the chain of command be capable of assembling and controlling resources; and there is organisational control, that is, a system that is able to communicate effectively and control those individuals involved in policy formulation and implementation (see Van Meter and Van Horn 1975, cited in Hill and Hupe 2002:46). Pressman and Wildavsky (cited in Hill and Hupe 2002:44) argue that successful implementation depends upon linkages between different organisations and departments at

the local level. They further contend that “if action depends upon a number of links in an implementation chain, then the degree of co-operation between agencies required to make those links has to be very close to a hundred per cent.”

There are different methods of planning the implementation process that are associated with the top-down approach. Some of these methods include forward mapping and scenario writing. Forward mapping involves the formulation of specific steps in order to achieve a policy goal. The success of the process can then be measured by comparing the actual outcome with the initial desired outcome (Elmore, 1979:603). In this process the emphasis is put on the specifics within each step or chain. In other words, for each step, the policy implementer must determine precisely what must be done and by whom in order to reach the desired outcome (Weimer and Vining 2005:280).

Scenario writing on the other hand is one method of aiding the policy implementer to use forward mapping in policy implementation. An advantage of scenario writing is that unrealistic assumptions that are implicit may be uncovered (Weimer and Vining 2005:280). Scenario writing means that the policy implementer must try to predict the behaviour of the people involved in the policy process and influence the people to behave in a certain way. Weimer and Vining (2005:280) suggest being ‘dirty minded.’ This means that the implementer must look at the worst case scenario and make provision for this.

The vertical approach that has been identified by Colebatch (2002) is analogous to the top-down approach discussed here. The vertical perspective places policy within the realm of rules. According to Colebatch (2002:42), the vertical approach is concerned with “the transfer of orders and decision from the top decision makers and officials to the officials at the bottom responsible for implementation.” The authorised decision makers generally select the course of action which will “maximise” their values and delegate these actions to lower ranking officials to implement (Colebatch 2002:23). This vertical dimension stresses instrumental action, rational choice and the force of legitimate authority. Like the top-down approach, the vertical perspective is “concerned about the ability or capacity of subordinate officials to give effect to these decisions (the implementation problem) and with ways of structuring the process of government so as to achieve this compliance” (Colebatch 2002:23). This approach is often used in South Africa where decisions tend to be made at national government level and then delegated down to the lower levels such as provincial government and local government. For example, the current South African land reform policy was formulated by the national department of land affairs. The

summary of the top-down approach appears to be that only those with expert knowledge in a specific policy field can best effect means for effective and efficient policy implementation. In other words, implementers, who are mainly within the lower level of administration, have little technical skill and knowledge and little by way of discretion in terms of how policy is finally implemented on the ground.

The bottom-up approach to policy implementation focuses on the implementation activities of the public service workers. This approach was thoroughly researched by Lipsky in his analysis of the importance of street-level bureaucrats (those individuals who implement public policies on a day-to-day basis). Lipsky (1980:xii) argues that street-level bureaucrats play an important role in the implementation of policy because of their close relationship with the society where the process of implementation takes place. The gist of Lipsky's (1980:xii) argument lies in the fact that "the decisions of street-level bureaucrats, the routines they establish, and the devices they invent to cope with uncertainties and work pressures, effectively become the public policies they carry out." Emphasis is placed on the importance of street-level bureaucrats and the extent to which they possess discretion to make decisions that concern implementation (See Parsons 1995:469). The discretion quality of street-level bureaucrats is bound most often to the conditions under which they work. The manner of implementation becomes characterised by a set of 'coping strategies', which may frequently lead to deviation from a strict adherence to defined objectives (Parsons 1995:468). One finds here a behavioural approach (of street-level bureaucrats) which offers the explanation that implementation is action by individuals who are constrained by the environment within which they work (Parsons 1995:469). In this way it may be said that goals may not necessarily be achievable given the complex environment within which implementation takes place. This gives the impression of a conflict between policy objectives and those upon whom action (implementation) depends.

In this perspective, policy implementation can be seen as "a game of bargaining, persuasion, and manoeuvring under conditions of uncertainty" (Bardach 1977:56). Parsons (1995:470) comments on this idea of implementation as a game stressing that, "implementation actors are playing to win as much control as possible, and endeavouring to play the system so as to achieve their own objectives." On this view, the bottom-up model is "one which sees the process as involving negotiation and consensus building" (Parsons 1995:469). It is an iterative bargaining process between those who are responsible for enacting policy and those who control resources. The bottom-up approach recognises the horizontal dimension of relationships as fundamental in policy making and implementation. Effective implementation is a condition which can be built up from the knowledge and experience of those in the

frontline of service delivery. Lipsky's (1980:xii) model of implementation recognises humans as a resource necessary for policy making and implementation.

The bottom-up perspective is also about planning implementation through a process of backward mapping. Backward mapping starts with an account of a specific behaviour that needs to be changed through policy. The idea is to "begin at the phase when the policy reaches its end-point, then analyse and organise policy from the patterns of behaviour and conflict which exist" (Parsons 1995: 469). Once the behaviour has been described, a desired goal or outcome can be set (Elmore 1979:604). Contrary to forward mapping, policy-making is not guided by a statement of intent made by policy makers, but is an understanding of the gap between desired practice and the actual practice. The policy aims to close this gap (Dyer, 1999:48). Once the objective is established, the mapping process works backwards. Elmore (1979:604) argues that at each level, two factors must be ascertained: first, what the ability of the organisation is to carry out the behaviour needed by the policy and secondly, what resources are needed by the organisation to carry out these actions.

The horizontal dimension as pointed out by Colebatch (2002) is analogous to the bottom-up approach. According to Colebatch (2002:23), this dimension is concerned with "structuring relationships among policy participants in different organisations – that is outside the lines of hierarchical authority." The horizontal approach maintains the importance of interaction among these different participants in policy making and implementation. These participants may involve participants outside government, the private sector, and nongovernmental organisations, international agencies as well as community-based organisations or other civil society groups. The horizontal dimension of policy implementation is seen as the structuring of action on the same level (Hill and Hupe 2002:23). The horizontal dimension recognises that policy implementation work takes place across organisational boundaries as well as within them. It also recognises that there are participants involved in the forming, interpreting and sustaining of public policy even at the lower levels of administration (Hill and Hupe 2002:23). In other words, the horizontal perspective does not deny the potential for the existence of hierarchies within the multiplicity of interacting organisations or participants. This is to say that although lines of accountability may be vertical within these organisations, their interaction at an external level may be defined by more horizontal arrangements. In this perspective, policy implementation is therefore a result not only of vertical, but also horizontal inclined processes.

The bottom-up approach highlights the idea of inter-organisational interaction in policy making and implementation. The implication of this is that implementation occurs largely under conditions of conflict, negotiation and consensus building as mentioned above. In addition, implementation occurs within clusters of actors and organisations that make up institutional structures. According to Parsons (1995:484-485),

Programmes may be conceived as being implemented in pools of organisations. A programme will involve a multiplicity of organisations of various kinds: national and local, public, private, and voluntary, business and labour and so on. Programmes are not implemented by single organisations, but through a matrix or set of organisational pools.

This suggests the use of the analytical concept of 'policy networks' in the bottom-up approach to implementation. In fact this is the point of view of Hill and Hupe (2002:59) who argue that "the concept of networks is used in bottom-up theory and is very important for many of the attempts to synthesise the different approaches" to implementation. The idea of the use of the networks approach in implementation was first introduced by German policy scholar Fritz Scharpf (1978:347) who articulated that "it is unlikely, if not impossible, that public policy of any significance could result from the choice process of any single unified actor. Policy formulation and implementation are inevitably the result of interactions among a plurality of separate actors with separate interests, goals and strategies." One finds in this argument some key ideas of policy networks, especially that public policy formulation and implementation are the result of interactions among a plurality of actors. The policy networks concept will be developed further below first a presentation of the final pertinent element of the policy cycle, evaluation, will be given.

2.5. Policy Evaluation

Policy evaluation can be defined as "the systematic assessment of operation and or the outcomes of a programme or policy, compared to a set of explicit or implicit standards, as a means of contributing to the improvements of the programme or policy" (Weiss 1998:4). The different components of this definition need some clarification. The systematic component refers to the use of rigorous social scientific research methods to conduct policy evaluations. The research can be quantitative or qualitative and must conform to accepted social scientific research norms (Weiss 1998:4).

The second element of the definition argues that the main objective of policy evaluation is to understand the procedures that are on-going (Weiss 1998:5). This implies that evaluation takes place while the programme is being implemented and is therefore process-oriented. This process can be easily associated with monitoring. This form of evaluation is aimed at improving an on-going process. Another focal point of the evaluation process can be on the outcome of the policy or programme. This type of evaluation takes place after the completion of a programme and examines its effects (Weiss 1998:5). Such evaluation aims to examine whether the policy or programme has met its intended goals.

The fourth element of evaluation deals with the comparison of the results of the evaluation to some explicit or implicit criteria or standards. The outcome of policy evaluation can be varied. It could signal the successful conclusion of a public policy. It could also lead to the policy being modified, thereby initiating the policy cycle once again. The policy could be terminated if it is considered to have failed and is irresolvable (Weiss 1998:5).

The last element of evaluation concerns the purpose for which it is done. Talmage (cited in Worthen et al., 1997:9) identifies three common purposes of evaluation. These are: to judge the worth of a policy or programme; to aid the decision-making process; and to provide a political function. The purpose of evaluation may differ according to factors such as the power priorities and interests of the stakeholders.

Various types of evaluation are available to stakeholders, depending on the purpose of the evaluation. These are:

- Formative evaluation which occurs in the early stages of a policy or programme to provide information that will contribute to improving the policy or programme (Worthen et al., 1997:14),
- Summative evaluation, which is conducted to judge the worth which is measured against predetermined goals or criteria (Worthen et al., 1997:14),
- Process evaluation is conducted during the life of the policy or programme to improve procedures (Weiss 1998:5),
- Outcome evaluation occurs after the programme is completed or the policy has been implemented. This type of evaluation seek to determine the impact of the programme or policy and judge whether targets have been met (Weiss 1998:5), and

- Mid-term evaluation is used to detect any problems associated with implementation so that they can be corrected (Weiss 1998:5).

Evaluation thus concludes the policy cycle. It is however to be noted that, in practice, policy does not occur as systematically and linear as the proponents of the heuristic stages seems to explain. It can be noted that in fact policy makers sometimes “simply react to circumstances and do so in terms of their interests and preset ideological dispositions” (Howlett and Ramesh 1995:12). In addition, the stages may also not necessarily follow each other with the same logic presented in the policy cycle. According to Howlett and Ramesh (1995:12),

In practice the stages are often compressed or skipped, or followed in an order unlike that specified by the logic of applied problem solving. Thus the cycle may not be a single iterative loop, but rather a series of smaller loops in which for example the results of the past implementation decisions have a major impact on future policy formulation.

Furthermore, Howlett & Ramesh (1995:10) argue that the policy cycle is not accurate as it oversimplifies the policy process by isolating each stage and then reassembling the process. In other words, the policy cycle divides the policymaking process into manageable units of analysis. This model of analysis, according to Cochran and Malone (2005:44) “has resulted in research projects that focus almost exclusively on a single stage without tying result into other projects.” These authors further argue that little theoretical coherence exists from one stage to the next. The advantages of understanding policy as a process and also as expressed in a cycle affords analysis two benefits, the first being the ability of such conceptualisation to facilitate understanding of public policy making by “breaking the complexity of the process into a limited number of stages and sub-stages, each of which can be investigated alone or in terms of its relationships to any or all the other stages of the cycle” (Howlett & Ramesh 1995: 12). The second draws attention to the role of all actors and institutions responsible for a policy, going beyond the government structure charged with the task.

On the other hand, breaking the policy process down in stages can facilitate case studies to be undertaken. In fact, early research on policy analysis concentrated on the analysis of specific substantive areas of public policy such as health care, education, and the environment. Much of this research, based on case studies, has provided details of the development and evolution of policy. Recent research has placed focus on the factors that affect policy formulation and implementation. This analytical approach also allows for the examination of all the actors (both individuals and institutions) in the policy process.

With these remarks on the policy cycle, we now turn our attention to the focus of this study which is implementation in a policy networks setting. As mentioned above, policy networks can be situated within implementation studies.

2.6. Policy Networks

Policy networks, as new types of multi-actor governance systems, can be seen as a perspective on governance, especially in the contemporary context, characterised by intense interactions between public and private actors. This framework came about from the recognition that policy often takes place outside of the government domain, with different non-governmental or private organisations tapping into the strength of each other to address a social issue. In this perspective policy implementation is seen as a process which can involve a multiplicity of organisations and actors. Policy networks, as new governance systems, differ from traditional ones in that they are characterised by the interdependence of the actors involved, multiformity and partial conflict (see Godfroij 1995:177).

2.6.1. The origin and nature of policy networks

In recent years, the concept of policy networks has received considerable attention; however, multi-actor governance is anything but new. From a governance perspective, there is broad agreement among scholars that policy networks is a meso-level concept. This is because the concept provides “a link between the micro-level of analysis, which deals with the role of interests and government in relation to particular policy decisions, and the macro-level of analysis, which is concerned with broader questions concerning the distribution of power within contemporary society” (Rhodes and Marsh 1992:1). Whereas those two levels of analysis emphasise discontinuity, network analysis emphasises continuity in the relations between interest groups and government departments in the process of “interest group intermediation” (Rhodes and Marsh 1992:2).

Still from the governance perspective, policy networks, as a model of government, have roots in two other models, namely, the pluralist and the corporatist models of government or interest group relations. According to Rhodes and Marsh (1992:2), “historically, the pluralist model has been the dominant one, and other models are critiques of it.” The pluralist model can be defined as

A system of interest representation in which the constituent units are organised into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered and

self-determined (as to type or scope of interest) categories which are not specially licensed, recognised, subsidised, created or otherwise controlled in leadership selection or interest articulation by the state and which do not exercise a monopoly of representational activity within their respective categories (Schmitter 1970:85-86).

One sees in this definition of pluralism some ideas of the policy networks approach that will be discussed later. One also sees that in this model, the government – not the state – is assigned a passive role, merely authoritatively allocating scarce resources, with its decisions reflecting the balance between the interest groups within society.

The corporatist model of governance was given a great deal of interest in the 1970s and early 1980s. The concept of corporatism can be defined as

A system of interest representation in which the constituent elements are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly control on their selection of leaders and articulation of demands and supports (Schmitter 1970:93-94).

In this model the state – not the government – plays an active role. It is argued that the corporatist model was developed as a critique of the pluralist position. According to Rhodes and Marsh (1992:3), “the American sub-government literature was an explicit critique of pluralism and an important antecedent of the policy networks model.” As can be deduced, much of the current interest in policy network analysis results from the inadequacies of the pluralist and corporatist models. Neither of the two models provides a very realistic picture of the relationships between government and interest groups, “largely because they purported to offer a general model of these relationships. In fact, government – interest group relations obviously vary in different policy areas, although in few fields does a pluralist or corporatist relationship seem to exist in pure form” (Rhodes and Marsh 1992:3). In contrast to these two models, the policy networks approach emphasises

The need to disaggregate policy analysis and stresses that relationships between groups and government vary between policy areas. At the same time, it recognises that in most policy areas a limited number of interests are involved in the policy making process and suggest that many fields are characterised by community, not necessarily as far as policy outcomes are concerned, but in terms of the groups involved in policy making (Rhodes and Marsh 1992:4).

Further developments on the origins of the concept policy networks can be traced from the American and British literature. The American literature focussed first on the notion of sub-government as a place where all public policy decisions are taken. The sub-government concept also includes the notion of sub-system and policy communities. The best known label within the sub-governments literature, the “iron triangle”, stresses “the triangular nature of the relationships involved, with the central government agency, the congressional committee, and the interest group enjoying an almost symbiotic interaction” (Rhodes and Marsh 1992:6). The sub-governments model is reminiscent of the corporatist approach.

Still in the American literature, the “issue networks” approach, reminiscent of the pluralists, emerged as a critique to the closed circles of control of sub-government. According to McFarland (1987:146), an issue network can be conceptualised as

A communication network of those interested in policy in some area, including government authorities, legislators, businessmen, lobbyist, and even academics and journalists. Obviously an issue network is not the same as an ‘iron triangle’. A lively issue network constantly communicates criticisms of policy and generates ideas for new policy initiatives.

The British literature draws more upon the European literature on inter-organisational theory. However, some authors are still influenced by the American literature. This is the case with Richardson and Jordan (1979:74) who emphasise that policy making takes place within a variety of policy networks characterised by close relationships between particular interests and different sections of government. Rhodes (1981) on the contrary draws on the European literature on interorganisational relations rather than the American literature of sub-governments. He uses policy networks as a meso-level concept in two senses: first, he emphasises “the structural relationship between political institutions as the crucial element in a policy network, rather than the interpersonal relations between individuals within those institutions. Second, he concentrates on the existence of networks at sectoral rather than sub-sectoral levels” (Rhodes 1981, cited in Rhodes and Marsh 1992:9). In this model, networks are found at an aggregated rather than a disaggregated level.

In addition to its governance perspective, policy networks have some theoretical roots that can be found in policy science, organisational science and political science. According to Klijn (1997:29),

The concept, derived from policy science, of policy processes as complex interactions involving many actors has been incorporated in theories on policy networks. The concept, derived from political science, of policy making taking place in relatively closed

communities has influenced theories on policy networks. The network approach, derived from organisational science, was strongly influenced by the resource dependency approach and the central idea that organisational networks can be analysed in terms of problems or resources.

Since its appearance, researchers mostly based in the western world (the United Kingdom, the United States, Germany, and the Netherlands) have been using policy networks notions to help describe and explain parts of policy action, especially the shift from traditional hierarchical relationships between a governing actor and a governed system into new, more complex relationships between interdependent governing actors. On this point it can be argued that the rush of interest in policy networks has been stimulated in part by the “recognition of the complex array of actors involved in policy choices as well as the inability of contemporary government to move unilaterally without incorporating the constraints, preferences, and resources of other social actors” (Bressers & O’Toole 1998:215). This perspective of policy networks is well captured by Smith (1993:67) who argues that

The notion of policy networks is a way of coming to terms with the traditionally stark state/civil society dichotomy ... State actors are also actors in civil society, they live in society and have constant contact with groups which represent societal interests. Therefore the interests of state actors develop along with the interests of the group actors and the degree of autonomy that exists depends on the nature of policy networks.

This discussion on its origins gives an indication that policy network is an additional policy analytical framework, and a perspective on governance distinct from traditional hierarchical models. This argument will become clearer when our investigation turns to the understanding of policy networks.

2.6.2. Understanding policy networks

The literature contains a rich variety of definitions and descriptions of policy networks. It can be argued from the previous point that policy networks denote “a new form of governance characterized by the predominance of informal, decentralised, and horizontal relations” (Adam and Kriesi 2007:131). According to Kickert et al. (1997:2) “public policy is made and implemented in networks of independent actors.” They define policy networks as “more or less stable patterns of social relations between interdependent actors, which take shape around policy problems and/or policy programme” (Kickert et al 1997:6). This is reiterated by Bressers and O’Toole (1998:218) who define a policy network as “a social system in which actors develop comparatively durable patterns of interaction and communication

aimed at policy problems or policy programmes.” In addition Agranoff and McGuire (1999:20) view policy networks as “structures of interdependence involving multiple organisations or parts thereof, where one unit is not merely the formal subordinate of others in some larger hierarchical arrangement.” In short, policy networks are governance structures.

The central assumption of the policy network approach appears to be that policy is made in complex interaction processes between a large number of actors which take place within networks of interdependent actors (Klijn and Koppenjan 2000:139). Understanding policy (or policy implementation) as a process involving a network or a multiplicity of organizations, the question arises as to how organizations interact with one another. Parsons (1995:483) offers two approaches, namely, the “power and resources dependency, (and the) organizational exchange.” In the first approach,

The interaction of organizations is a product of power relationships in which organizations can induce other less-powerful and more-dependent organizations to interact with them. In turn, those organizations which are dependent on other more resourceful organizations have to engage in strategies of working with more powerful organizations so as to secure their interests and maintain their relative autonomy or space within which to act (Parsons 1995:483).

This power and resources dependency recalls the top-down approach discussed above. The organizational exchange approach takes the position that “organizations work with one another so as to exchange what is to their mutual benefit” (Parsons 1995:483). Levine and White (1961, cited by Parsons 1995:483) argue that “the defining characteristic of exchange between organizations is that it is voluntary interaction which is undertaken for the realization of the goals and objectives of the participants.” Contrary to the power-dependency model where the organizational relations are based on dominance and dependence, interaction is based on exchange structured by mutual interests. The implication is that even though an agency may be dependent on central resources, it may also be the case that the centre is dependent on the local agency for implementing policy goals. This is well captured by Scharpf (1978:359) who argues that

While the seemingly dominant party may exercise hierarchical authority or control over monetary resources, it may, at the same time, be fully dependent upon the specialist skills, the clientele contacts and the information available only to subordinate units ... In short, unilateral-dependence relationships which are stable over time may be more rare, and mutual dependency more frequent, than the ubiquitous nature of hierarchical

authority and unidirectional flows of budgeted resources in inter-organisational relations might suggest.

This suggests that there is no hierarchical steering, no difference in relation between central ruler and local actors as in the market model of governance, instead in policy networks, there is a network of actors who are interdependent and there is a great deal of interaction between them (Kickert et al. 1997:2). In other words, the point is that policy network is “a theoretical approach that does not see implementation in terms of the realisation or non-realisation of hierarchically determined goals” (Hill and Hupe 2002:61). This understanding is stressed further by Adam and Kriesi (2007:131) who argue that, the concept of policy network emphasises that the policy process is not completely and exclusively structured by formal institutional arrangements.” Accordingly, governmental organisations are no longer the central steering actors in the policy process. The notion of interdependency appears to be very important in policy networks as highlighted in the previous definitions. In addition policy networks as an approach to governance emerges as an addition to the rational central perspective and the multi-actor (market) perspective to governance.

2.6.3.Characteristics of Policy networks

Its characteristics contribute further to the understanding of policy networks. According to Klijn (1997), policy networks present three main characteristics, and these constitute the preconditions for networks. The first characteristic, interdependency, points to the fact that networks develop and exist because of the interdependencies between actors. The second characteristic indicates that networks consist of “a variety of actors who all have their own goals and strategies”. The implication here is that strategic actions and a priori goals are not imposed on actors by one single central actor who has all the power. The third characteristic is that “networks consist of relations of a more or less lasting nature between actors” (Klijn 1997:31). This can be understood as “interconnectedness” in the expression of Bressers and O’Toole (1998:219). According to these scholars, “interconnectedness refers both to the contacts in the relevant policy formation process (and the habits that have developed in this connection over time) and also the relationships between these actors outside the actual policy process at any particular time.”

In the same vein as Klijn, Godfroij (1995:177) has also identified three distinctive characteristics of policy networks. He states that policy networks are characterised by “multiformity, interdependence and partial conflict.” The idea of multiformity, like the Klijn’s second characteristic of ‘a variety of actors’, refers mainly to “the involvement of a relatively large number of actors, each bringing in different goals,

visions and interests” (Godfroij 1995:179). It is important to note that actors do not participate on a uniform basis. This explains the link between the second characteristic, interdependence and partial conflict, the last characteristic. Interdependence, the second key characteristic of policy networks refers implicitly to “the reasons why a multitude of actors participate in policy making. It is assumed that these actors have something (knowledge, resources, activities, etc.) to contribute to the policy process and that, without their participation, the policy process would be less effective in terms of legitimacy, goal attainment, efficiency, etc” (Godfroij 1995:179). This author argues further that interdependence can be seen as the result of two conditions occurring together. In the first occurrence, “actors possess or control resources or means of power which are relevant to the realisation of goals by other actors in the policy field” (Godfroij 1995:179).

In the second occurrence, “the realisation of goals by one actor has positive or negative consequences for the other actors, which mean that actors must cooperate or bargain in order to realise their own goals” (Godfroij 1995:179). This means that interdependence can be based upon common goals as well as the conflicting goals of the actors involved, hence the link between interdependence and partial conflict. Therefore, actors in policy networks are not aiming directly at the realisation of their goals, but also at the control of power relationships.

2.6.4. The functions of policy networks

There have been some critiques to the policy networks approach. Kickert et al. (1997:xvii) outline the fact that “until recently the concept ‘policy network’ had often been negatively evaluated. It was seen as one of the main reasons for policy failure: non-transparent and impenetrable forms of interest representations which prevent policy innovations and threaten the effectiveness, efficiency and democratic legitimacy of the public sector.” Obviously, these authors do not agree with this critique. The reality of networks highlights two important points. The first is that networks may be crucial for the sort of ‘implementation deficit’ that Pressman and Wildavsky were so concerned about.

And second, that effective implementation may depend upon the development of collaborative networks” (Hill and Hupe 2002:60). The British literature on networks recognises these two points as potentially very important for successful policy formation and implementation and it suggests that governments have in fact sought to foster policy networks. Smith (1993:67), drawing on the work of Jordan and Richardson (1987), identifies four reasons for this:

- They facilitate a consultative style of government.
- They reduce policy conflict and make it possible to depoliticise issues.
- They make policy making predictable.
- They relate well to the departmental organisation of government.

The previous discussion presents the idea that policy network processes are, in general, an interplay between various actors and not centrally governed by government. One can spot here a pluricentric view replacing a unicentric one, a central view of the policy network approach. Given this understanding of policy networks, a point of focus is directed at networks management.

2.6.5. The management of networks

In the contemporary context of complex interaction and interdependencies among public and private sectors, network management emerges as an example of governance. As Kickert and Koppenjan (1997:35) say, “network management is the vehicle for providing a perception of how networks can be utilised in endeavouring to developing policy and tackling problems in complex policy fields.” According to Kickert et al. (1997:11) network management aims at “initiating and facilitating interaction processes between actors, creating and changing network arrangements for better coordination.”

Cooperation is a central concept in network management. It denotes the idea of joint action, doing things together instead of doing them alone. Cooperation among actors in networks calls on them “to exchange their go alone strategies for contingent or cooperative strategies. Actors must recognise that cooperation is to their advantage” (Kickert and Koppenjan 1997:41). However, cooperation with regard to a concrete problem can sometimes be forced on actors or becomes redundant as in previous management in central or rational hierarchical governance and the market model. Consequently, “network management provides a way for actors to cooperate without solutions being forcibly imposed or cooperation becoming redundant as a result of decentralisation or privatisation” (Kickert and Koppenjan 1997:43).

Understood as promoting interaction, network management can be seen as “a form of steering aimed at promoting joint problem solving (cooperative strategies) or policy development.” It may also be seen as “promoting the mutual adjustment (or coordination) of the behaviour of actors with diverse objectives and ambitions with regard to tackling problems within a given framework of interorganisational relationships” (Kickert and Koppenjan 1997:44). In this sense, management implies interaction whereby

actors adapt their strategies to those of other parties. In other words, actors exchange their go alone strategies aimed at devising in advance the best possible solutions with other parties in a cooperative manner.

Network management can also be approached as an elaboration, in the sense of “intervening in the existing structure of interrelationships in order to promote the interaction appropriate for mobilising a concerted or coordinated effect” (Kickert and Koppenjan 1997:45). Network management can thus be seen as comprising three main activities: intervening in existing patterns or restructuring of network relations; promoting conditions for cooperation, consensus building; and joint problem solving (Kickert and Koppenjan 1997:46).

Further understanding of network management comprises its strategies. Earlier on, our understanding of the policy network approach as an approach to governance underlines the highly interactive nature of policy processes, while at the same time highlighting the institutional contexts in which these processes take place. This implies for network management that, in order to be successful, “attempts to initiate and support the interaction process should take institutional factors into account, that is, the interdependencies between actors, their relationships, the rules that guide their interactions, etc.” (Kickert and Koppenjan 1997:46).

Another implication is that there may be two points of intervention for network management strategies. According to (Kickert and Koppenjan 1997:46) “in addition to strategies aimed at influencing the interaction processes directly, network management may be directed at the institutional context, the structure and culture of the network, in order to improve conditions for cooperation indirectly.” Therefore, the two main forms of network management strategies appear to be: the game management, that is, managing interactions within networks; and the network structuring, in other words, building or changing the institutional arrangements that make up the network.

As game management, network management involves “activating networks to tackle particular problems or issues (network activation), establishing ad hoc organisational arrangements to support interaction (arranging), bringing together solutions, problems and parties (brokerage), promoting favourable conditions for joint action (facilitation), and conflict management (mediation and arbitration)” (Kickert and Koppenjan 1997:47). Network structuring (also understood as tinkering with the network) includes influencing formal policy; influencing interrelationships; influencing values, norms, and perceptions;

mobilisation of new coalitions; and management by chaos (the garbage-can processes with entirely unexpected outcomes) (see Kickert and Koppenjan 1997:53).

There are also some conditions or constraining factors attached to network management. According to Kickert and Koppenjan (1997:53-58) these involve:

- The number of actors: in a game process, involve only those actors who are indispensable. This is known in the expression “selective activation” (:54). However, attention should be drawn to the importance of maintaining redundant relations in connection with uncertain future developments;
- The diversity within networks: the multiformity of the actors can set limits to traditional management, leading to “management at a distance”, whereby “an organisation endeavours to steer without getting bogged down in the details of the internal processes of the organisations or networks concerned” (Kickert and Koppenjan 1997:54);
- The closed nature of networks: if networks are conceived as systems which are to a large extent closed off, then the opportunities for network management will be limited (:55);
- The conflict of interests: network management can be limited by this factor. In order to avoid it, network management should be directed towards influencing interests definition (:56);
- The costs of network management: the higher the costs the fewer actors will be inclined to take this role (See Agranoff 1999:27, 28). This factor can limit the number of actors or even contribute to the exclusion of important actors in a network;
- The political and social context (or the network environment): these can influence processes in the network, leading to networks being broken open, game rules and perceptions being changed and the conditions in which interaction occurs being altered drastically (Kickert and Koppenjan 1997:57, See Agranoff 1999:27);
- The leadership and commitment power: the success of network management largely depends on these qualities that should be possessed by the representatives of the organisations involved (:58); and
- The skills (or the qualities of the network manager): these are the preconditions for the success of a network (See Agranoff 1999:28) (Kickert and Koppenjan 1997:53-58).

Given this understanding of network management, a concern arises as to who is the network manager? In other words, can all actors in a policy network framework ever be completely equal in their efforts to deal with a particular societal problem? According to the understanding of policy networks as given

above, in principle every actor in the policy process, public as well as private actors can fulfil the role of manager. However, Kickert et al. (1997:168) believe that “it is plausible that some strategies, especially those aimed at changing the network, can be implemented most easily by governmental actors.” They argue that governments “often occupy a unique position that cannot be filled by others” (Kickert et al. 1997:177). This unique position of governments is due to the fact that they have certain resources at their disposal and work to achieve certain goals. The approach presented here, which focuses on the options of governments in managing networks, may give the erroneous impression that this phenomenon is the exclusive domain of the public sector. On this note, Kickert et al. (1997:181) stress that “network management assumes a flexible government which is able to communicate with other (groups of) actors and, on the basis of the acquired information, is able to learn from the situations that arise, to mobilise the necessary innovative resources in order to make joint solutions possible.”

So it seems, according to Kickert et al., that governments are suited for the role of managing networks, given their special resources and their role as representative of the common interest. It is essential however, that government in concrete ‘game’ situations does not confuse these different roles. Since “confusion of roles can lead to misunderstandings and conflict among actors and can prove to be costly in terms of effectiveness and efficiency, but especially with regard to the reliability and legitimacy of government” (Klijn and Koppenjan 2000:154).

2.7. Conclusion

This chapter on the analytical framework sets off with the definition of public policy, considering the definition proposed by Jenkins (1978:15), who sees policy as “a set of interrelated decisions taken by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve.” Further developments of the chapter discussed the policy process, highlighting the policy cycle. Policy implementation was emphasised as an important stage in the policy cycle. It was also highlighted that policy networks emerged from the bottom-up approach to policy implementation. A major section of this chapter dealt with policy networks approach, especially its origin and nature; its understanding; its characteristics; its functions; and its management.

Kickert (1997:6) argues that policy networks are “more or less stable patterns of social relations between interdependent actors, which take shape around policy problems and/or policy programme.” This study

assumes that the South African land reform programme constitutes a problem, especially the problem of farm dwellers. A network of interdependent organisations, of which AFRA, has been constituted around this problem of farm dwellers, making and implementing public policies in relation with other interdependent social actors (Kickert et al. 1997:2). Our attention is now turned to the case study. We will be looking at the role of AFRA as an actor in a network of policy implementation of the farm dwellers project.

Chapter 3: Case Study

3.1. Introduction

The previous chapter focused on the understanding of public policy, highlighting policy implementation as an important point in the policy cycle, with special emphasis on policy networks as an implementation strategy. The present chapter seeks to apply the understanding of the theoretical framework (implementation in a policy network) in a case study; in this instance the Association for Rural Advancement (AFRA). One of the projects that this organisation has been implementing in a network approach is known as the 'farm dwellers' project. There are particular government regulations in regard to this farm dwellers project, namely the Land Reform (Labour Tenant) Act of 1996 (LTA) and the Extension of Security of Tenure Act of 1997 (ESTA). In order to present AFRA's implementation of the farm dwellers project in a network setting, the chapter is divided in two sections. The first section (section A) deals with the understanding of the case study which includes a brief history of AFRA, the presentation of the two Acts, and the understanding of the farm dwellers project. The second section (section B) deals with the collection and analysis of data in regard to the different network partners of AFRA and the advantages, difficulties, and the network type of AFRA with other organisations.

Section A: Understanding the Case Study

We begin this section with a history of AFRA, its foundation, the transition period into democracy in South Africa and the organisation today. This history is linked to the perspective on farm dwellers.

3.2. The Birth of AFRA

AFRA was formed on 4 October 1979, amidst organisational banning and death in detention sparked by the Soweto uprising of 1976 (AFRA 1994:3). The birth of AFRA was motivated by the concerns about events happening in the rural areas and the need to "discuss and formulate the most effective method of instituting a coordinated action programme" (Harley and Fotheringham 1999:82). The spirit of this new organisation was that of exposing and opposing the apartheid government and its policy of farm evictions or forced removals of people (predominantly black) from their homes and other issues of social

injustice. The main role of the organization then was to assist communities in rural Natal to resist forced removals², and to draw the public attention to the nature and extent of forced removals. In this sense, memory was one of the first weapons of the organisation (see AFRA 1994:3). At the founding meeting of AFRA, short –term and long-term suggestions for relevant action were discussed. These included the development of a range of services including monitoring, research, publicity and lobbying, legal support, community mobilization and organization. In an interview conducted by Harley and Fotheringham (199:84), John Aitchison (a founding member of AFRA) says:

Our vision was to stop forced removals and the removal of farm labour tenants. We wanted to publicise all of this through the press and fact sheets. We also wanted to find out what was happening. By the end of the 60s, networks had broken down, and we wanted to try and re-establish an information flow on what was happening. There were lots of removals that we knew relatively little about at this stage.

Following the same idea, Peter Kerchhoff (another founding member of AFRA interviewed by Harley and Fotheringham 1999:84) says:

We wanted to conscientise people to prevent further uprootings. It was clear that urban people, including black people, were in the dark about the removals. Communities were being moved in silence.

These objectives are set out in the constitution of the organisation which was accepted in November 1979. Amongst other objectives, the association aimed:

- 2.1. To monitor, enquire into, record and publicise all matters related to the social and economic position of persons in the rural areas of the Province of Natal.
- 2.2. To take action and to encourage other persons and/or groups and/or organisations to take action to alleviate hardship, discrimination and oppression amongst persons referred to in 2.1 and to encourage their social and economic advancement and development.
- 2.3. To involve and to co-operate with any other persons, groups or organisations to achieve the objects set out in 2.1. and 2.2.
- 2.4. To raise funds from any source for the benefit and operation of the Association.

² The issue of forced removal in South Africa was sparked far back in 1913 with the passing of the *Natives' Land Act*, commonly known as *the 1913 Land Act*. This act, argues Harley and Fotheringham (1999:12), was “a piece of legislation which formed the basis on which South Africa was and is divided”. The Act divided South Africa into areas where black people could own land (called ‘reserves’) and the rest of the country, where they could not. Accordingly, “only 7% of the total land surface of South Africa was set aside for ‘Native Reserves’ throughout South Africa” (Harley and Fotheringham 199:13).

From those interviews and also as reflected in this constitution, one can detect the network perspective of the new organisation. It wanted to take action and encourage or even work in collaboration with other persons, groups and organisations to ease adversity, prejudice and coercion amongst rural people in the then Province of Natal. As set out in its constitution, AFRA's mission and objectives help the new organisation to deal with a number of issues concerning land reform and the situation of disadvantaged people during the transition period into democracy in South Africa.

3.3. The Transition Period and Post – 1994

After 1990, as democracy was looming for South Africa, AFRA began to redefine its role, transforming itself from a short-term crisis and resistance organization to a long-term advocacy and development NGO, in preparation for the post-apartheid land reform and rural reconstruction. During the time period from 1992 to 1994 AFRA played an important role in advancing the struggle for land claims, labour tenancy rights and freehold community development and planning (AFRA 1994:3). These elements were linked to the macro strategy of national policy advocacy and lobbying on land and rural development issues. Working together with several land claiming communities and the former National Land Committee (NLC), AFRA played an important role in advancing the struggle for land claims, forcing the capitulating apartheid government to address the issue at least partially by establishing the Commission on Land Allocation (AFRA 1994:3). At the same time AFRA assisted communities both regionally and nationally to put the issue of land claim on the national agenda. This was done in order to expose the limitations of the apartheid governments' policies and institutions dealing with land claims, and to shape and influence policy formulation on land claims. By the end of this period, the Restitution of Land Rights Act was to be passed, bringing the era of forced removals to a final close (AFRA 1994:3).

As with the transition period, AFRA continued to be integrally involved in the process of policy development and the drafting of a number of Acts including the Green Paper on land reform. AFRA contributed to the Restitution of Land Act, the Land Reform (Labour Tenants) Act, the Communal Property Association's Act and the Extension of Security of Tenure Act (see Harley and Fotheringham 1999:161). In addition, AFRA helped "build government capacity through its work on the Land Reform Pilot Project, and through loss of staff with skills and expertise to government" where they occupy high level positions (Harley and Fotheringham 1999:161). In some instances, given its experience and its contribution to the drafting of land reform policies, AFRA seconded a staff member to the department of land affairs in 1997 to assist with the implementation of the LTA.

It can therefore be argued that for each of its past experience and its carefully designed future goals, AFRA was well positioned as an implementing partner with the new democratic government. In this sense the state was keen to harness capacity within AFRA to implement land reform. Speaking on this issue, the then director of AFRA says in the 1996 annual report: “We will have no problem in continuing these and other interventions as and when they may be required, but we will provide them only when they fit within the criteria of our vision and mission” (AFRA 1996:13). After being one of the governments’ partners in drafting and implementing some aspects of the land reform policy (the LTA and the ESTA), AFRA began to distance itself from the government as its political and economic orientations conflicted with AFRA’s vision and mission.

Faithful to its vision and mission and also as an independent non-governmental organisation, AFRA reserved the right to monitor and critique policies and practices of the government’s land reform programme when the interests of the marginal rural people were threatened. It is in harmony with this that AFRA expressed its concerns about the market-based approach adopted by the government. This market approach made land reform very expensive to implement, and made it impossible for government to meet the needs of the poor (See Harley and Fortheringham 1999:162). This position is shared by Wildschut and Hulbert (1998:iv) who argue that the African National Congress (ANC) had adopted an increasingly conservative approach to land reform between 1990 and 1994, and that the ANC government’s Growth, Employment and Redistribution strategy (GEAR) was a “retreat from the earlier transformative agenda.” In an evaluation report on AFRA, Nell and Shapiro (1997:3) stress that, “we (AFRA) see a contradiction in a policy which is targeting, as prime beneficiaries, poor people who do not have the finance, skills, or resources to effectively compete in the land market, but is at the same time espousing a market led land reform programme.”

Furthermore, AFRA expressed its position (and or opposition) on the government’s market-driven approach arguing that

(It) was particularly inappropriate given the property rights clause; the low government grant; and the government’s GEAR strategy. The property rights clause in the Constitution seriously weakened land reform and land reform legislation, by entrenching the racially skewed status quo; the low government grant of R15 000 was not sufficient to satisfy land-hunger in the country; and GEAR posed a major threat to land reform since it put pressure on social spending (Harley and Fotheringham 1999:164).

As a response to this situation, AFRA argued that the market-driven approach should be abandoned in favour of a supply-driven approach, with the State actively involved in buying land, which it then redistributed to the landless.³ AFRA also proposed that the property right clause in the constitution should be scrapped.

3.4. The Farm Dwellers Project

The South African government in its document does not explicitly use the term ‘farm dwellers’ to refer to the group of people of concern. The government’s definition of farm dwellers is reduced to expressions such as ‘labour tenants’, ‘occupiers’, or ‘farm workers’. These terms are found respectively in the *Land Reform (Labour Tenants) Act of 1996* and the *Extension of Security of Tenure Act of 1997*. According to AFRA this understanding by the government seems too limited and does not picture the reality of farm dwellers. AFRA uses an alternative term: ‘farm dwellers’ to incorporate both categories of *labour tenants* and *farm occupiers*.

The *Land Reform (Labour Tenants) Act of 1996* (section 1, paragraph a, b, and c), understands a ‘labour tenant’ as a person

- (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 paragraph (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 lessee of such or such other farm, including a person who has been appointed a successor to a labour tenant in accordance with the provisions of section 3 (4) and (5), but excluding a farm worker.

The *Extension of Security of Tenure Act of 1997* (section 1, paragraph a, b, and c), uses the term ‘occupier’ to mean

A person residing on land which belongs to another person, and who has or [sic] on 4 February 1997 or thereafter had consent or another right in law to do so, but excluding-

³ In national land summit organised by the department of Land Affairs in 2005, the market-driven ‘willing-buyer willing-seller’ was recognised as ineffective; and with the ascension to power by the Zuma administration, this approach was abandoned.

(a)

[Para. (a) substituted by s. 20 (b) of Act 61 of 1998 and deleted by s. 6 (a) of Act 51 of 2001.]

(b) a person using or intending to use the land in question mainly for industrial, mining, commercial or commercial farming purposes, but including a person who works the land himself or herself and does not employ any person who is not a member of his or her family; and

(c) a person who has an income in excess of the prescribed amount.

These two government's documents (Acts) give an understanding and legislate the right of labour tenants and occupiers (a limited understanding of farm dwellers according to AFRA). They apply to people living on rural land that they do not own themselves. Moreover, they protect the land rights of labour tenants and occupiers and enable them to be upgraded to freehold.

The *Land Reform (Labour Tenants) Act of 1996* (LTA) provides for the security of labour tenants' rights to land and for this category of people to be able to apply for acquisition of the rights they have or alternative rights using grants provided by the government. In the past, AFRA has been contracted by the former department of Land Affairs⁴ to run a campaign to inform labour tenants of their legal rights and to assist them to make applications for land acquisition before the cut off date in March 2001. As a result of this campaign, approximately 3 000 new applications were made in addition to the existing 1 000 applications already with the department (see AFRA 2001). As expressed in its preamble, the LTA aims

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.

This aim is further developed in the second part of the preamble that expands on the idea of section 25 of the Constitution of 1996 dealing with the right to restitution or equitable redress, of the people who

⁴ On 11 May 2009 when President Jacob Zuma announced his new cabinet, the former department of Land Affairs was taken over by the Land Reform component of the new Ministry of Rural Development and Land Reform. The Rural Development component of the new ministry is completely new. The need for this development had been articulated over many years in the various ANC policy making forums such as the July 2007 Policy Conference, the December 2007 National Conference and ultimately the 2009 ANC Election Manifesto (see http://www.dla.gov.za/_site/sitemap.htm).

finds themselves landless as a result of past racially discriminatory laws and practices. In this sense, the preamble contends:

Whereas the present institution of labour tenancy in South Africa is the result of racially discriminatory laws and practices which have led to the systematic breach of human rights and denial of access to land;

Whereas it is desirable to ensure the adequate protection of labour tenants, who are persons who were disadvantaged by unfair discrimination, in order to promote their full and equal enjoyment of human rights and freedoms;

Whereas it is desirable to institute measures to assist labour tenants to obtain security of tenure and ownership of land;

And whereas it is desirable to ensure that labour tenants are not further prejudiced.

According to this Act, security of rights is to be granted to labour tenants concerning the land on which they are living (provided those rights fell within the Act's definition of labour tenants). The LTA also allows for labour tenants to claim ownership of their land through the restitution process as indicated in the Constitution.⁵

The same ideas are reiterated in the preamble of the ESTA. Besides providing the measures for the protection of the rights of the occupier as indicated in the Constitution,⁶ the Act also determines the grounds under which persons referred to as occupiers may (or may not be) evicted. In addition, the ESTA provides for the regulation of eviction of occupiers from rural land and for the provision and acquisition of on site or alternative land. Faced with scarce human resources, the former department of Land Affairs in 1997 created the ESTA Monitoring Project together with AFRA and the KwaZulu-Natal Agricultural Union (KWANALU) in order to implement the Act (See AFRA 2001). As set out in its preamble, the ESTA aims

To provide for measures with State assistance to facilitate long-term security of land tenure; to regulate the conditions of residence on certain land; to regulate the

⁵ "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" (Constitution 1996, section 25(7)).

⁶ "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" (Constitution 1996, section 25(6)).

conditions on and circumstances under which the right of persons to reside on land may be terminated; and to regulate the conditions and circumstances under which persons, whose right of residence has been terminated, may be evicted from land; and to provide for matters connected therewith.

The preamble further defines the conditions within which to apply the Act, articulating:

Whereas many South Africans do not have secure tenure of their homes and the land which they use and are therefore vulnerable to unfair eviction;

Whereas unfair evictions lead to great hardship, conflict and social instability;

Whereas this situation is in part the result of past discriminatory laws and practices;

And whereas it is desirable- that the law should promote the achievement of long-term security of tenure for occupiers of land, where possible through the joint efforts of occupiers, land owners, and government bodies; that the law should extend the rights of occupiers, while giving due recognition to the rights, duties and legitimate interests of owners; that the law should regulate the eviction of vulnerable occupiers from land in a fair manner, while recognising the right of land owners to apply to court for an eviction order in appropriate circumstances; to ensure that occupiers are not further prejudiced.

As promulgated in 1997, the ESTA gave anyone who had been granted permission on or after 4 February 1997 a secure legal right to live on and use that land, thus protecting them from unfair eviction. The Act also laid out the legal process which would be necessary in order for an eviction to be valid. In addition, the Act granted special rights to those farm workers 60 years old or older who had lived on the land for at least ten years, and also to those who had been disabled whilst working the land if they had lived on the land for at least ten years. These people could not be moved under any circumstances and could not be made to work (ESTA 1997 s8 (4)). Moreover, the ESTA also gave all people the right to visit and maintain family graves in accordance with their religion or cultural belief (ESTA 1997 s6 (2dA)).

For further understanding of the rights and duties of land owner and labour tenants or occupiers, including the condition under which these later group of people may be evicted from the land, some sections of the LTA and the EST are presented respectively in appendix one and two.

3.4.1.AFRA's Understanding of Farm Dwellers

The above discussion presents two categories of rural people, namely, the labour tenants and the occupiers. AFRA uses the term 'farm dwellers' to incorporate both categories of labour tenants and

occupiers. However, the understanding of the term ‘farm dwellers’ by these people themselves, which also informs AFRA’s understanding, is much more than mere labour tenants, farm workers, or occupiers.

AFRA’s understanding of farm dwellers emerges from the perception that this category of people give of themselves. In 2005, AFRA organised a farm dwellers workshop in KwaZulu-Natal in order to deepen its understanding of this category of people and to strategically redesign its action plan toward farm dwellers.⁷⁸ The workshop was also a strategy for AFRA to better implement both the LTA and the ESTA concerning the rights of farm dwellers. In fact, as it emerged from the workshop, it is AFRA’s belief that the legal terminologies in both the LTA and the ESTA are too complicated and difficult for the understanding of disproportionately favoured, indigent and illiterate farm dwellers, who might know their rights in terms of the Constitution and the law, but have little recourse for redress when these rights are infringed (AFRA 2006:16). AFRA argues that

The relevant laws passed as a result of the government’s land reform programme, require that farm dwellers know these laws and their rights to be able to move forward. (However), enforcing land rights through the courts has proved to be expensive and often inaccessible to most farm dwellers (AFRA 2005).

Farm dwellers then find themselves at a disadvantaged position as compared to farm owners who “have access to skilled lawyers who are knowledgeable about the nuances of the law and are able to argue convincingly before the courts on behalf of their paying clients” (AFRA 2006:16). Given this state of things, farm dwellers feel that the laws intended to protect their rights have, in many instances turned against them.

About the understanding and the definition of farm dwellers, it emerged from the workshop that

farm dwellers are rural families who have their homes on someone else’s land; and they often have a history on the farm on which they live — their grandparents were born there, their family graves are there; in many cases they are not employed by the owners

⁷ This workshop was followed in 2006 by the national farm dwellers workshop organised by AFRA. By this period, the National Land Committee, a national network platform of land reform related NGOs, has collapsed. It was AFRA’s intentions to revive this idea by organising the workshop.

⁸ Though the term ‘farm dwellers’ was coined by AFRA only in 2005, the organisation has been working towards the land rights of the disadvantaged, evicted rural people in the midlands of KwaZulu-Natal since its inception in 1979.

of the land. They make a life for themselves with limited resources; they were the indigenous people on the land before the farms were created (AFRA 2005:8)⁹.

This understanding was taken up in November 2005 by Tallis in a study 'with and of farm dwellers' in the KwaZulu-Natal Midlands. This study sees the farm dwellers as

a category of rural women, girls, boys and men, who view the farm as their home, are born on, live on, work on farms without a salary; who consider themselves to have a right to reside on a farm in spite of not having approved documentation to support this; their claims are supported by their history as residents and community of that farm and by the fact that their ancestral graves are located there (Tallis 2005:3).

This definition of farm dwellers stretches far beyond the seemingly narrow understanding given in government's documents. In these documents, farm dwellers are referred to as labour tenants, farm workers, or occupiers. Commenting on this understanding, AFRA (2008:1) argues that "the identity of the South African farm dweller is in danger of becoming non-existent in our current policies and programmes." This provides an understanding of the effect that restrictions on rights and insecurity of the right to live with certainty on land has on already vulnerable families of farm dwellers. The fact that farm dwellers consider the piece of land on which they live as their home has strong implications. It implies that farm dwellers are 'legitimate land rights holders', not simply labourers, farm workers, or occupiers on private land as they are portrayed by the government.

Another insert that helps understand the realities of farm dwellers is that 'finding suitable alternative accommodation' as expressed by the government in the LTA and the ESTA is not an acceptable alternative as "a farm dweller's home is not just a house. Uprooting a family from their home, their land and their history is a primary cause of instability. Those who cause evictions must not think that the effects are diminished because the family has been given alternative shelter" (AFRA 2005). Furthermore, farm dwellers do not want their families divided by these restrictions on their rights. They feel that

All family members should have a right to live on the land. Children should not be forced to leave when they are 18 (eighteen years old). They want to be able to build homesteads where they can live appropriately and not be forced to have generations living under one roof with the lack of privacy, dignity and well being that this brings. They do not want that their homes and the way that they live to be ruled by someone

⁹ This understanding is part of the 'farm dwellers principles' that emerged from the workshop. These principles are presented in this study in appendix 3.

else and they do not want to be separated from the graves of their ancestors” (AFRA 2005).

The alleged skewed understanding of farm dwellers by the government gives a strong message that the only rights farm dwellers have, after years of exploitation, is that of a labourer.¹⁰ This has prompted AFRA (2008:1) to argue that “farm dwellers remain marginalised under the new dispensation. Post apartheid planning and development programmes have confirmed these families’ apartheid identities as workers – not legitimate land rights holders. New land laws, intended to protect their rights, have not stopped the dispossession of agricultural land.” This has contributed in the increase of evictions in the province. Statistics from the KwaZulu-Natal Land Legal Cluster Project (a project that was managed by AFRA) show that

There are significant numbers of land rights infringements in the province, with an average of 28 cases reported each month. The project has dealt with 1238 cases between October 2001 and May 2005, 76% of which remain unresolved. The majority of cases report threatened and eviction (39%) or interference with rights (30%) with 7% of cases being reports of evictions (AFRA 2005).

In a poster compiled by AFRA comprising the farm dwellers principles and some facts on farm dwellers and livelihoods in KwaZulu-Natal, as revealed by the 2005 farm dwellers workshop, it emerges that

Of the estimated 2,9 million farm dwellers living on commercial farms in South Africa, 495,345 (17%) live in KwaZulu-Natal; in 2007, there were an estimated 66,685 farm workers in the province; 49% (4.6million hectares) of the total land area (9.6 million ha) of KwaZulu-Natal is under commercial farming; 61.2% of rural households are without electricity and 57% use wood for cooking food; 29% of Households without access to basic water services; 44% of households are without basic sanitation services; it is estimated that 35% of the population of KwaZulu-Natal is food insecure; approximately 3.5 million people in KZN are in need of an intervention to enhance their food security; 56% or 5.9 million people of a total population of 10.6 million in KwaZulu-Natal are considered to live in poverty (See AFRA 2008).¹¹

¹⁰ Commenting on this, AFRA contends that the massive scale of dispossession in South Africa is well documented and remembered (AFRA 2008:1). AFRA also argues that thousands of tragic stories bear witness to how black South Africans were removed from agricultural land and how those that remained became exploited farm workers. It is often forgotten, says AFRA that the families who remained are also dispossessed land rights holders. They fought immense battles and suffered immeasurably to keep a hold on the land. Their choice was immensely difficult – give up the land and the associated identity or remain, and be subjected to forever being workers on someone else’s land (AFRA 2008:1).

¹¹ It is possible that some of these statistics have changed but remain unpublished yet.

Understanding farm dwellers as legitimate land rights holders has informed and shaped AFRA's work, encouraging the organisation to use network strategies to implement the land reform policy in general and the LTA and the ESTA in particular in favour of this category of people, the farm dwellers. In so doing AFRA's network with other organisations both private and public has and still is contributing in proposing alternative policy frameworks for the implementation of the land reform policy. It is to AFRA's implementation of the farm dwellers project, using policy networks approach as understood above that this study focuses in the next section. This is done by consulting AFRA's documents and conducting interviews from AFRA according to the following methodology.

3.5. Methodology

This study is guided by the qualitative research approach. In terms of the qualitative approach, focus is placed more on collecting specific cases that provide insight into a particular research topic, than on ensuring representativity of the sample (Neuman 2003:211).¹² As mentioned above, primary data will be collected from AFRA's documents as well as from interviews conducted at the same organisation. The aim is to show change in AFRA's perspective over the time period from 1994 until today. Purposive sampling will be used in this study. In this sampling technique the choice of respondents relevant to the project is guided by the judgement of the researcher and the purpose of the study (Babbie & Mouton 2001:166). In this perspective, participants in the interview have been selected according to their portfolio related to the issue of farm dwellers, for instance, the information officer, the farm dwellers facilitator, the social movement focus area, a researcher, and the land right officer. Included in this interview also are some people who have worked at AFRA in the earlier stages of the farm dwellers project but are no longer employed by the organisation.

Documents produced by AFRA will give an overview of the organisations that network with AFRA both locally, nationally and even internationally. Interviews will indicate the quality of relations between AFRA and other organisations in the network. The interview looked specifically for information about informal network structures between AFRA and its partners. Data gained from the interviews will be transcribed and will then be thematically analysed by looking for references made to benefits and challenges of network management; form of network management adopted by AFRA in its implementation of the Farm dwellers project? (Some forms of network include activating, arranging, facilitating, influencing

¹² For more understanding of qualitative research, refer to the point 'methodology' in the introduction to this study.

interrelationships, and mobilising new coalitions); and type of network structure used by AFRA (formal, informal, or both). Conclusions will then be drawn from this data analysis.

Section B: Data Presentation and Analysis

We begin this section with an overview of the different organisations that network with AFRA, both locally, nationally and even internationally in relation to the farm dwellers project. This will be followed by a number of interviews to indicate the quality of relations between AFRA and other organisations in the network.

3.6. AFRA's Networking Partners

Since its inception in 1979, AFRA has been interacting with many organisations concerning different issues affecting the disadvantaged and landless people in rural KwaZulu-Natal. The scope of this study has been reduced to consider AFRA's networking partners from the period of 1994 until today. These networking partners include organisations operating within the land sector throughout South Africa. Documents from AFRA yield quite a substantial amount of AFRA's network partners. There are also mentions of some partners outside of South Africa that network with AFRA.

Early in 2006, AFRA initiated an assessment of its networking partners in order to evaluate the reasons and the needs of its networking and also to ascertain the nature of those relationships. This assessment enabled AFRA to identify organisations closest to its core business. These organisations include the Church Land Programme (CLP, an NGO that seeks to improve the quality of life of communities living on church owned land); the National Land Committee (NLC – besides AFRA, this committee included other land sector NGOs of which the Nkuzi Development Association (NDA), the Surplus People Project (SPP), the Southern Cape Land Committee (SCLC), the Transkei Land Service Organisation (TRASLO), and The Rural Action Committee (TRAC); the KwaZulu-Natal Land Legal Cluster Project (KZNLLCP); and the Midland Network (MIDNET, a coalition of six NGOs of which AFRA, Africa Co-operative Action Trust (ACAT), the Valley Trust, and the Marianhill Dioceses). There are also some organisations closest to AFRA's core business that are not mentioned here for the reason that they do not operate specifically on the farm dwellers issue.

Beside these organisations closest to AFRA's core business there are various other organisations networking with AFRA at the provincial, national and also international level. Some of these organisations include the Gender AIDS Forum (GAF an activist organisation committed to the

transformation from an unequal society to an equal one); the KwaZulu-Natal Agricultural Union (KWANALU); the Provincial Department of Land Affairs; the Provincial Local Government; the University of KwaZulu-Natal Campus Law Clinic (UKZNCLC); the Rural Women's Network (RWN); the Programme for Land and Agrarian Studies (PLAAS); the Rural Legal Trust (RLT); the Community Law and Rural Development Centre (CLRDC); the Department of Agriculture (DoA); the Human Rights Foundation; the Department of Land Affairs (DLA); the Department of Rural Development and Land Reform (DRDLR); the South African Parliament; the Land Claim Commission (LCC); the Landless People Movement (LPM); the Legal Aid Board; the Brazilian Landless Workers Movement (MST); the International Land Coalition (ILC); and a host of other organisations operating in the land sector.

AFRA networks with its partners around different issues affecting the farm dwellers. Some of those issues include legal issues such as the burial right of farm dwellers on farms where they live; the provision of legislative services; and health issues.

Some policy scholars speak of policy networks as a web of governance. The figure below indicates how complex AFRA's network is. All AFRA's network partners are not represented in this figure. The double arrows indicate the different relationships between AFRA and its different partners and between some of those partners among themselves, which contributes to the complexity of the networks. What also contributes to the complexity of the network is the fact that the issue of farm dwellers is linked to different other issues that have to be addressed by AFRA, collaborating with other organisations.

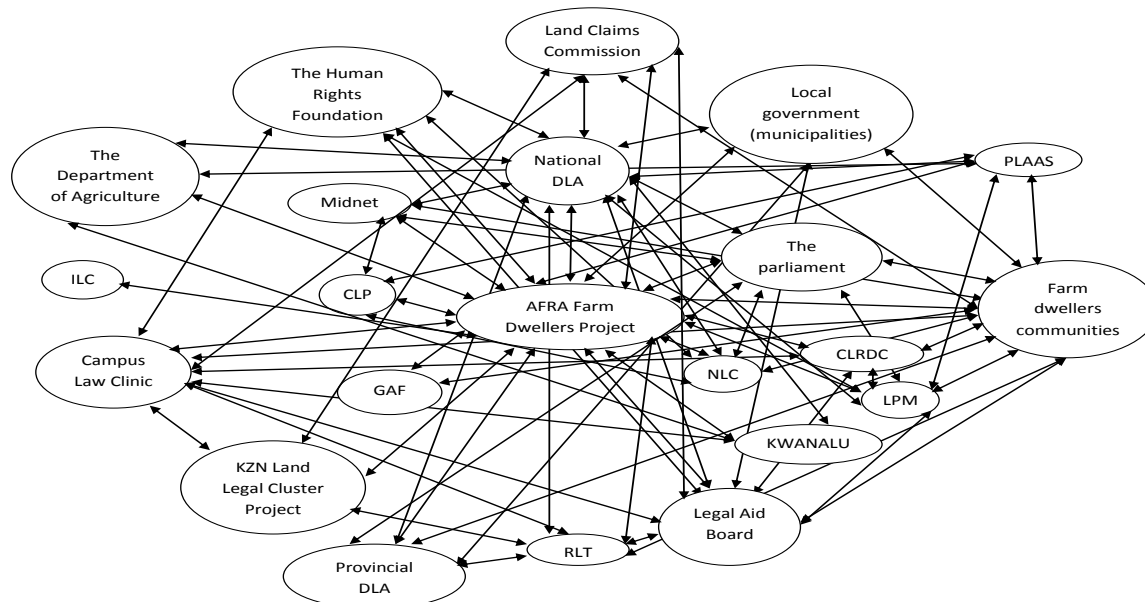


Figure 3: A network model of AFRA with its different partners

3.7. Data obtained from interviews

3.7.1. AFRA's network partners

After explaining what policy networks are all about, participants were asked about the different partners that have networked with AFRA in the past or are still networking with the organisation presently. All six participants acknowledge that AFRA in the past and in the present has had a great deal of network partners. They acknowledged that farm dwellers themselves are their first partners. According to participant A, "the things that we do, we do with them, not for them." Participant E stressed that "you can lobby or advocate for something alone. Doing things on your own will hardly be recognised." The former National Land Committee (NLC) was mentioned by all of them. Participant C was more explicit, commenting that

Each province working on the ground with communities then they will link up at the national level and that was an attempt to affect national policies, legislations related to farm dwellers. It was probably one of the best examples of networking at the highest level possible in the country. It enabled each member of AFRA staff to also link up with their entire colleague all over the country to share ideas and to find common solution for problems (as you said network is the coming together for collaborative action).

Participant D also stressed an important point that they have maintained good relationships with many organisations and even with some individuals after the collapse of the NLC. Participant F was much more explicit, commenting that

AFRA engaged with land owners like the farm associations and organised farmers like KWANALU, but on the lesser basis because there was less much trust and different interest, so it wasn't a collaborative network always, except when there were opportunities to achieve something similar.

Another important thing that was mentioned by participant F was that

AFRA networked with some donor organisations such as the Foundation for Human Rights that funded the national programmes and they would pull those organisations they were funding together which sometimes help to get national programmes.

The participant went on to comment that in fact, many funders, especially from overseas such as the European Union are now encouraging NGOs to come together (or to form a network) around a particular programme in order to be able to continue receive funding, of course this has its own

disadvantages. In other words they are no more willing to fund individual NGOs pursuing individual issues.

3.7.2. The nature of the relationship between AFRA and its network partners

Participants were given insight about the nature of relationships between different partners in a policy networks in terms of formal or informal network. They were then asked about the nature of relationship between AFRA and its different partners. They were all of the opinion that AFRA maintains both a formal and informal relationship with its different network partners. Participant A spoke of a dynamic relationship in the sense that

in some instances we (AFRA) had to have a kind of formal written agreement with specific roles defined. In other instances we also have a kind of open loose network where we meet concerning particular issue.

The informal relationship was stressed by participant C who noted that obviously

you develop friends, very useful discussions happen during tea break outside of formal structures. Also at any point in time you could just pick up the phone and call a colleague, so yes, the informal network has been useful.

However, this participant again noted the importance of both formal and informal relationships, saying that they are both necessary “because the formal sets the scene for the informal, so both work.”

This position also emerged from participant E who says

We use both of them, formal and informal and they both work for us, especially the informal, because you find that you know somebody in the government and it is easier to go directly to that person rather than following formal procedures because it might and it will take long. But the formal one sets the base for the informal.

Informal network again came up as important in AFRA’s relationship with its partners when participant D revealed that

we also have informal relationships with former staff members of AFRA who are now government officials. The director general of department of rural development and land reform use to work at AFRA and there are many others in the provincial government as well. So we can rely on them to get information. Because there is a lot of information control with the government so you have to use the informal structure to get. For example we have been trying to get hold of the copy of the green paper on the rural

development and land reform using all formal avenues, but to no success. So we have to rely on those informal networks to have a perspective of what is going on. So this informal structure works for us as well as for the communities (farm dwellers).

Participant F gave a very interesting perspective of the nature of relationships between different partners in a network. This person made a distinction between networking at the grassroots or local level (informal network) and networking at the national or international level (formal network). Talking about formal network, this participant revealed that

when they existed, like the former NLC, they were very formal. They had programmes, and you were obliged to collaborate around very specific things because of the way funding flow. And the differences in your particular regions were not always easily shared or translated into a common agenda. So what you found was that, where you were collaborating with the intent of engaging around actual formal policy and legislation and trying to bring about changes, you struggled in a group or in a network to reach agreement.

Nevertheless, the formal network served as a platform for local issues to be exposed at a broader political agenda. Speaking of informal network, this participant pointed out that “the value of networking lays in your ability to share information, your ability to talk and compare the kinds of strategies that you are adopting when you get together.” In this sense the participant praised informal networks in that they succeed in “opening doors and keeping certain issues and sectors of our society on the broader political agenda.” At this point, an example was given of the fact that, at the moment the issue of farm dwellers is kept at a very low key nationally. About this, participant F says,

part of that problem I think, is because of that lack of formal networking or networking in the advocacy set, networking in the active sense that you are linking local campaign and translate it into general or national programmes.

Though informal network was recognised and praised for its ability to make things work for AFRA at the local level, participants felt that formal network was necessary to make those local issues emerge into the national agenda.

3.7.3.The role of AFRA in the network

Having been briefed by the researcher about some network strategies or roles (such as activating, facilitating, arranging, influencing relationships, and mobilising new coalitions) that are possible in a

network, participants were then asked about the roles that AFRA plays or had played in networking with its different partners.

Participants expressed the fact that AFRA has played different kind of roles at different levels.

Participant A said

there are instances where we initiate, where we feel very strongly about certain issues and obviously we call upon other players. But also as we are well known in the land sector, we will be also invited to participate, depending on the expertise on our side, we will play that role. We would also mobilise others, especially the farm dwellers, and conscientise them about issues that affect the sector.

The point that AFRA is considered one of the leading organisations in the land sector because of its experience and reputation was shared by all participants. Participant B and D expressed the view that because of its reputation, AFRA has sometime played the role of influencing relationships and mobilising new coalitions, especially at the grassroots level. Concerning AFRA's role at the community level, participant C said

we mobilise them, facilitating, and providing the platform for communities to come together and share their problems. We provide the platform but we do not direct what they do. We are like catalysts.

This position was shared and expanded on by participant F. This person recalled the issue of burial on farms and pointed out that it was a combination of different roles

but still it was not led by the farm dwellers themselves, because we (AFRA) have done research on the legal side and because of that legal work it was an obvious issue that we knew everyone and it was an issue that we were not creating for them, it had been created. AFRA really acted as a vehicle. We engaged parliament and put proposals on the table and we were able to engage politicians that we knew who helped us through the departments (because the departments were very bureaucratic because they blocked us for a year or two before we could get through). I don't think grassroots organisations themselves would have been able to do, because of resources and understanding, you need to network with media and whoever, you have to draw a lot of resources to pull public messages off in that way.

AFRA's role in the network was also viewed as strategic in the sense that the organisation would not create structures for social movements at the provincial level

because if the provincial structure has no foundation at the grassroots it is not worth it actually because when you really need to make policy changes you actually need people who are willing to campaign actively, you need to show the strength and if you cannot show it, you are just an individual standing saying whatever. So AFRA went back to the locals and that is where we are going to spend time to do political education, motivate people and if they want to become organised, they will then mobilise themselves, we are going to work with issues that they are working on, and for a while that pushed some of the issues back into the public agenda.

AFRA's has played or is still playing a combination of different roles in its network. However two major roles seems to emerge; depending on the level of activities AFRA would facilitate and influence relationships between social movements and the government on the one hand and on the other hand, AFRA would motivate coalitions among social movements at a local level.

3.7.4. Have policy networks been successful for AFRA?

In another question, participants were asked of their opinion whether networks strategies have been successful for AFRA in its implementation of the farm dwellers project. Some participants answered positively to this question, while others were more critical.

Participant A stated that most of the times it has been successful, but at times it was not so successful. Participant C shared this position but was more critical. This person acknowledged that networking was more successful post 1994 as some of the legislations (the LTA and the ESTA) were the result of networking. This participant also raised the issue that "in recent years the government is closing its doors in terms of real consultation and it makes it difficult. At this point we use informal networking to get information or to push our agenda to the government."

Participant D was also critical after acknowledging the success of networks strategies for AFRA. According to this participant, AFRA could have done more, "we have made an impact but it could have been more if we were much more organised together. Since the burial issue there is nothing else that we have done concretely at the provincial level." Participant E went on saying that "there is room for improvement. There have been some successes but not as we might have expected."

Beside the burial issue, participant F mentioned the success of AFRA in the issue of providing legal support, with the help of the UKZN Campus Law Clinic and the Rural Legal Trust to farm dwellers that

ended up in court with no legal representative, since the Legal Aid Board was unable to provide adequate service to farm dwellers.

Again a formal, national network came under attack from the participants as not so successful in AFRA's implementation of the farm dwellers project. A provincial network around specific issues instead was reported to be working for AFRA.

3.7.5. The benefits and challenges of networking

The participants were asked lastly about the benefits and challenges of networking with other organisations. They pointed out to many challenges but also some benefits of working together.

A challenge that came out quite often was related to funding. Organisations are face with the problem of budget constraint. As participant C said "it depends on how much of financial resource each partners can bring into it and what resources there are for the network directly from the funders, given the tightening up of funding at present." Participant F saw the fact that NGOs are dependent on donors funding as problematic for the networking operations. And because of that dependency

some NGOs have stronger political and ideological links than others. And because you need the group, it is very hard to weed out the weak ones. People will join the group just because they know the money is flowing via the group (since donors are now reluctant to keep supporting individual organisations because they want to see results) and that becomes very detrimental for your ability to do real policy networking.

This participant again recalled the fact that there is a lot of pressure from European donors to see that the money that they are putting into Africa is making a difference. For this reason they are urging NGOs to collaborate and form networks.

Another challenge of networking that came out from most of the participants was the non collaborative attitude of the government. Participants found out that when you engage in controversial issues, particularly in the time of transformation, it is very easy for the government to see you as an enemy or as a thread, as not supporting the struggle. "They look at you with suspicion, particularly if they do not like what you say. In a sense they are saying things like 'why are you undermining their effort.'"

Participants also saw as a challenge of networking the fact that because you are in a group, you are almost obliged to go with messages that you do not always agree with. This was expressed by participant E who said, "we are separate entities, so for the work that need to be done we plan

separately. Although we could not become one organisation, we could have some common programmes.”

Participants did not only see the challenges of networking, its benefits were mentioned as well. A benefit that was reported by all the participants was that you cannot do things alone. Participant B said “if you want to do something you cannot do it alone, you have to get others to join you for you to be able to convince the government for example.” Another comment in this sense came from participant E who saw the benefit of networking in the fact that when an NGO is maligned of the government for example, it has a number of other NGOs at its support, saying the same thing, instead of just one NGO standing alone. So there is benefit in this sense and it becomes difficult to be sidelined by the government for example, as long as you can stick together on those messages. In the same trends, participant D saw the benefits of networking as being able to make an impact on government and in changing policies. This participant also stressed the fact that networking could be more beneficial if government was willing to listen, because in fact, “it is not that we are enemies (with the government), but we must think together in a collaborative way about issues affecting our society.”

3.8. Conclusion

This chapter focussed on the case study, namely AFRA’s implementation of the farm dwellers project. For clarity purposes, the chapter was divided in two sections. The first section presented the case study, starting with a brief historical presentation of AFRA which includes the transition period into democracy in South Africa where AFRA played some important roles, networking with other NGOs to influence certain aspects of the land reform policy. Two official documents governing the situation of farm dwellers, namely the Land Reform (Labour Tenants) Act of 1996 and the Extension of Security of Tenure Act of 1997 dealt with the rights and duties of ‘labour tenants’ and ‘farm occupiers,’ terms that do not picture the reality of farm dwellers according to AFRA. This organisation gave an alternative understanding of the farm dwellers which guides its work. The section ended with the presentation of the methodology that guided the data collection.

The second section of this chapter presented the data collected from AFRA. The first point presented some organisations that network with AFRA. The second point dealt with the presentation of the interviews conducted with AFRA staff and a former staff member of this organisation. The interviews gave insight about the nature of the relationships, in terms of formal and informal between AFRA and its

network partners; the role of AFRA in those relationships, in terms of activating, arranging, facilitating, influencing relationships, or mobilising new coalitions. Another concern of the interviews was to find out whether network strategies were successful for AFRA. The last point in the interview concerned the challenges and benefits of networking. Although networking strategies seem to be beneficial for AFRA, there are some challenges that seem to be hampering the work of this organisation in achieving its objectives in the implementation of its farm dwellers project. The next chapter will thematically analyse the findings of the interview in relation to policy networks framework and conclude the study.

Chapter 4: Analysis and Conclusion of the Study

4.1. Introduction

This chapter concludes the study and gives an overview and summary of the key findings of the study. The previous chapter presented the case study, with an important section dealing with the interviews in relation to the research question of this study. The data obtained from the interviews yielded some recurrent themes. The themes that emerged evolve around the assessment of networking for AFRA, in particular the importance of networks; the ability of networks to tackle issues or to make an impact; the success of informal networks as compared to formal networks; and the network strategies. The interview also revealed some challenges to AFRA's networks in particular but this can be generalised to other networks. Some of these challenges centre on issues of funding affecting some organisations in the network, and the suspicious character and or the non-collaboration of the government towards NGOs. These themes will be analysed in this chapter with reference to the analytical framework that was presented in the second chapter of this study. The conclusion to the study will then follow.

4.2. Analysis

The analysis in this study consist of revisiting the major concepts as exposed in the analytical framework and discuss them in relation to the key themes that emerged from the data collected. The major concepts that were considered include the issue of network management, the issue of formal or informal networks, and the issue of strategies used in a network. Some constraints to policy networks were also discussed.

4.2.1. The importance of networks

The first theme that emerged from the data is the importance of networking for AFRA in the implementation of its farm dwellers project. Looking at the analytical framework as exposed in chapter two of this study, Kickert et al. (1997:181) stress that

Network ... assumes a flexible government which is able to communicate with other (groups of) actors and, on the basis of the acquired information, is able to learn from

the situations that arise, to mobilise the necessary innovative resources in order to make joint solutions possible.

In a sense, and in line with the above argument of Kickert et al., network assumes a flexible government which is able to pull together different organisations and is willing and is able to listen to them. In other words, a government that is able to listen to, to collaborate with the private sector, the civil society and the NGOs. Because, as one participant reported, “it is not that we are enemies (with the government), but we must think together in a collaborative way about issues affecting our society.” Another participant added that “the government is supposed to be one of our main partners in the network but it (the government) is very difficult.”

This argument also reflects the point of view of Smith (1993:67), as discussed earlier in chapter of the this study, who is of the opinion that

State actors are also actors in civil society; they live in society and have constant contact with groups which represent societal interests. Therefore the interests of state actors develop along with the interests of the group actors and the degree of autonomy that exists depends on the nature of policy networks.

An implication of this point is that considering to work in collaboration or to network with other actors in civil society, the government would benefit in making more informed policies. Public policy scholars such as Goss (2001) who speaks from the perspective of local governance, argue that decisions that are taken in a policy networks set up (after proper consultation of different stakeholders) appear to be easy to implement as compared to those that are taken by a unilateral actor, the government, according to old departmental structures and silo mentalities.

Although the South African government seems to be reluctant and sometimes suspicious of NGOs and CBOs (as we will discuss later), AFRA has been using informal networks strategies to be able to collaborate with the government and implement its farm dwellers project, thus showing the importance of networks for this organisation in particular and the importance of networks for policy formation and policy implementation in general.

4.2.2. The ability of networks to tackle issues

Another theme that emerged from the data collected is that of the ability of networks to tackle issues. Earlier on in the analytical framework of this study, it was argued that cooperation is a central concept in

network management. Cooperation denotes the idea of joint action, of doing things together instead of doing them alone which is characteristic of the strategy of old departmental structures and silo mentalities. Cooperation among actors in networks calls on them “to exchange their go alone strategies for contingent or cooperative strategies” (Kickert and Koppenjan 1997:41). This implies interaction whereby actors adapt their strategies to those of other parties. In other words, in a network actors exchange their go alone strategies aimed at devising in advance the best possible solutions with other parties in a cooperative manner. Actors in a network must recognise that cooperation is to their advantage.

This was acknowledged by some participants during the interview when they argue that “you cannot lobby or advocate for something alone. Doing things alone will hardly be recognised and you will be sidelined.” Another participant revealed the fact that some of the legislations post-1994, such as the LTA and the ESTA were the result of NGOs networking at the national level under the umbrella of the National Land Committee.

An example of the ability of networks to tackle issues that was given by all participants during the interview was about the burial issue in getting the legislation changed in the province of KwaZulu-Natal.¹³ AFRA did cooperate quite substantially not only with the Legal Aid Board (which was a semi-state institution), but also, using its informal network strategies, cooperated with

farm dwellers themselves, engaged the parliament and put proposals on table and we were able to engage politicians that we knew, who helped us through the departments (because the departments were very bureaucratic because they blocked us for a year or two before we could get through). And we were able to run very publicly, collaborating with the media.

Without the cooperation of each other, this issue would not have made an impact and the legislation would not have been changed. Farm dwellers alone or AFRA working in isolation would not have been able to trigger the legislation change.

Thus, cooperating with other organisations, the network of AFRA so to say, made an impact on the national legislation of the LTA, the ESTA and the provincial legislation on the burial issue on farms. This demonstrates the capacity of networks to tackle issues or to make an impact.

¹³ The KwaZulu-Natal provincial legislation, before the challenge of this law prohibited farm dwellers to bury or to cremate their deceased family members on farms.

On the other hand, as it was objected in the analytical framework in chapter two of this study, cooperation with regard to a concrete problem can sometimes be forced on actors or becomes redundant as in management in central or rational hierarchical governance and the market model. Network management differs from this hierarchical management perspective in that it “provides a way for actors to cooperate without solutions being forcibly imposed or cooperation becoming redundant as a result of decentralisation or privatisation” (Kickert and Koppenjan 1997:43).

4.2.3. The success of informal networks

It emerged from the interviews that informal networks was successful for AFRA in its implementation of the farm dwellers project. The understanding of informal networks in this study was exposed in the analytical framework in the words of Klijn (1997:31) as consisting of “relations of a more or less lasting nature between actors.” Additionally, informal networks was said to be also understandable as “interconnectedness” in the expression of Bressers and O’Toole (1998:219). According to these public policy scholars,

Interconnectedness refers both to the contacts in the relevant policy formation process (and the habit that have developed in this connection over time) and also the relationships between these actors outside the actual policy process at any particular time.

This understanding of informal networks and eventually its practices has been successful for AFRA, as it was reported by one participant:

Obviously you develop friends, and very useful discussions happen during tea break outside of formal structures. Also at any point in time you could just pick up the phone and call a colleague, so yes, the informal network has been useful.

The success of informal networks for AFRA was also reported by another participant who revealed that the organisation rely on informal relationships with former staff members of AFRA who are now government officials.

The actual director general of department of rural development and land reform use to work at AFRA and there are many others in the provincial government as well. So we can rely on them to get information. Because there is a lot of information control with the government so you have to use the informal structure to get the information that you need. And it is a two ways game. Sometimes, when they need to meet with farm

dwellers, they rely on us to organise them because we close contact with them and it is easy for us to do it.

This informal network does not happen only between AFRA and the government but also with all other partners in the network. As one participant reported, “we help each other in many different ways to accomplish our different programmes.”

Informal network has thus been successful for AFRA in the implementation of its farm dwellers project as compared to formal network structures which was understood as following hierarchical rung of bureaucracies.

4.2.4. Networks strategies

Still concerning the themes that emerged during the interview, some management strategies were reported as working for AFRA in its relationships with other partners within the network. These network strategies are understood as the different roles played by AFRA in its relationships with other network partners.

The literature on policy networks as exposed in the analytical framework of this study, argues that network management can be approached as an elaboration, in the sense of “intervening in the existing structure of interrelationships in order to promote the interaction appropriate for mobilising a concerted or coordinated effect” (Kickert and Koppenjan 1997:45). Understood in this sense, network management can be seen as comprising three main activities, namely, intervening in existing patterns or restructuring of network relations; promoting conditions for cooperation or consensus building; and joint problem solving (Kickert and Koppenjan 1997:46). It was also argue in the analytical framework of this study that the game management, that is, managing interactions within networks; and the network structuring, that is, building or changing the institutional arrangements that make up the network, appear to be two main forms or network management strategies. As game management, network management involves

activating networks to tackle particular problems or issues (network activation), establishing ad hoc organisational arrangements to support interaction (arranging), bringing together solutions, problems and parties (brokerage), promoting favourable conditions for joint action (facilitation) (Kickert and Koppenjan 1997:47).

Network structuring includes influencing formal policy; influencing interrelationships; influencing values, norms, and perceptions; mobilisation of new coalitions; and management by chaos (the garbage-can processes with entirely unexpected outcomes) (see Kickert and Koppenjan 1997:53).

Concerning AFRA, these strategies have been used differently according to the issue that were at hand. Regarding the burial issue for example, it can be said that AFRA used the game management strategy to deal with this issue. Although AFRA did not create this issue, it did create or activate relationships with the media for example; it did establish organisational arrangement such as the legal desk working with the Rural Legal Trust to address the burial issue; AFRA did and continue to promote favourable conditions for joint action such as organising workshops between farm dwellers and different governmental departments.

AFRA has not only been using the game management strategy but also the network structuring strategy. This has been happening especially at the local level where the organisation would spend time to motivate farm dwellers to organise themselves (by providing political education) so that AFRA would take their issues forward to the provincial and even to the national agenda.

It follows from the previous discussion that AFRA finds policy networks, its ability to tackle issues through informal structures, and its management strategies important, if not necessary for the implementation of its farm dwellers project. Nevertheless, the use of networks has not gone without any difficulties for AFRA. In other words, just as there are some constraining factors affecting networks in general, these constraining factors have also affected the work of AFRA.

4.2.5.Limited funding

One of the challenges to networks that came out regularly during the interview is the issue of funding. Many participants felt that some network partners do not have enough financial resources. Another concern with this issue appeared to be that many NGOs depend almost entirely on donors funding. And coupled with this concern is also the fact that donors are becoming reluctant to fund individual organisations. As a result, some organisations would like join the network just because they know that money is flowing via the group and this is very detrimental for a real policy networking. As a consequence of this, there is the tendency to limit the number of actors in a network group. This is known as a game process whereby you involve only those actors who are indispensable as it was discussed in the analytical framework in chapter two of this study. Kickert and Koppenjan (1997:54) use the expression “selective activation.” However, this strategy runs the danger of maintaining redundant relations in connection with uncertain future developments.

On the other hand, the fact that funders are now more and more channelling their funds to networks instead of individual organisations constitutes another problem caused by limited funding. As it is argued in the paragraph above, many organisations will join the network because they know that money is flowing via the group. This brings diversity within networks. However, as it was discussed in the analytical framework, the multiformity of the actors can set limits to traditional management, leading to “management at a distance”, whereby “an organisation (in this case the funding organisation), endeavours to steer without getting bogged down in the details of the internal processes of the organisations or networks concerned” (Kickert and Koppenjan 1997:54).

In addition to the above, the issue of the cost of network management can constitute another problem. As discussed earlier in chapter two of this study, the higher the costs the fewer actors will be inclined to take the management role (See Agranoff 1999:27, 28). This factor can limit the number of actors or even contribute to the exclusion of important actors in a network.

4.2.6. The Suspicion of the government

Another challenge to the network that was reported by almost all the participants during the interview was the suspicious attitude of the South African government towards NGOs. Participants reported that there is a lot of suspicion from the government, “suspicion that you want to embarrass the government. With that, it is difficult to have information from the government” (participant C). Another participant (D) went as far as to say, “we are already experiencing the ‘protection of information bill’ in the land sector.”

This attitude of the government was not the case during the transition period into democracy in South Africa as well as immediately post-1994. As one participant argued, “some of the legislations were things that we were part of, such as the LTA and the ESTA. The government was very collaborative. But in recent years the government is closing its doors in terms of real consultation and it makes it difficult.” This lack of participation which also portrays the suspicious attitude or the hostility of the government was reported by another participant who said that “the South African government is not willing to have real public participation, there is no consultation, or you get consulted after they have put the whole framework together, after they have developed the principles, everything is there already.” This was again mentioned in the words of one participant who said explicitly, “my impression is that the government is naive and inexperienced engaging with civil societies. The general impression is that ‘whether you are

with us or you are against us'; there is no finesse in their (the government) understanding around this power of networking."

Earlier in chapter two of this study, especially in the discussion on some constraints to networks management, it was argued that the political and social context (or the network environment) can influence processes in the network, leading to networks being broken open, game rules and perceptions being changed and the conditions in which interaction occurs being altered drastically (Kickert and Koppenjan 1997:57, See Agranoff 1999:27). The government suspicious attitude towards NGOs seems to justify this argument, especially considering the fact that this government used to collaborate with NGOs immediately post-1994 to lay out legislations affecting farm dwellers.

Considering the above discussed suspicious attitude of the government towards NGOs, one rightly questions Kickert's opinion about government's actors as network managers. Kickert et al. (1997:168) belief that "it is plausible that some strategies, especially those aimed at changing the network, can be implemented most easily by governmental actors." They argue that governments "often occupy a unique position that cannot be filled by others" (Kickert et al. 1997:177). This unique position of the government, they argue, is due to the fact that they have certain resources at their disposal and work to achieve certain goals.

In contrast to this position some participants in the interview saw the collapse of the National Land Committee as a result of too much government intervention. Some NGOs within that network had "stronger political links than others, and because you need the group, it is very hard to weed the weak ones out. We could not agree anymore on many things, especially on the way or the direction the network was to take."

4.3. Conclusion

The South African land reform policy in general, and in particular the Land Reform (Labour Tenants) Act of 1996 together with the Extension of Security of Tenure Act of 1997 are government programmes that aim to respond to the 'grossly unjust', racially-based system of land access created by colonialism and apartheid. It is against this biased system of land access that the post-apartheid and democratic government undertook a vast and ambitious land reform programme, intended to redress the injustices of the past, to develop the agricultural sector and to improve the livelihood of the poor. In line with these objectives, a target to redistribute, by 2014 (extended from 1999), 30% of the 80% of commercial

farmland (mostly white owned) to black South Africans was set. However, sixteen years into democracy and of land reform policy implementation, little progress has been made. To date (by March 2009), a total of 5.2% of the targeted 30% of commercial farmland has so far been transferred through the various land reform programmes.

It was alleged in this study that this seeming failure, as the result of the government's adoption of the market approach, could be improved by a more effective utilisation of the policy networks approach. In fact, it was the hope of this research to establish how AFRA has been using policy networks to implement its Farm Dwellers project from 1994 until today. This has been established by visiting some documents from AFRA and through the interviews conducted with AFRA's staff. During these interviews it emerged firstly that policy networks are important, if not necessary for AFR's implementation of its farm dwellers project; secondly it emerged that policy networks prove to be able to tackle issues efficiently not only at local level but at national level as well; thirdly the success of informal networks also emerged as very useful for AFRA as this organisation used its connections within the government to get information that seemed impossible to get using more formal routes; finally networks strategies were reported to be important for AFRA as well to active, initiate, influence, and motive new coalitions.

Beside these positive elements of the use of policy networks by AFRA in the implementation of its farm dwellers project, it also emerged some challenges to the network. The first challenge was the issue of limited funding of NGOs. It was argued that this issue can and does cause problem with network management with some organisations joining the network just to get access to financial resources. Another challenge was the hostility of the government towards NGOs, making collaboration very difficult. These challenges can however be overcome if the government understands that NGOs are not its enemies but that they must think together in a collaborative way about issues affecting the society. Therefore the interest of the government develops along with those of other societal actors and the degree of autonomy that exists depends on the nature of policy networks (Smith 1993:67).

Given the success of policy networks, especially the informal networks, it would be recommendable for the government to consider adopting this approach in the implementation of its programmes.

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Appendix 1

Land Reform (Labour Tenant) Act, 1996

3. Right to occupy and use land

(1) 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 -

(a) to occupy and use that part of the farm in question which he or she or his or her associate was using and occupying on that date;

(b) to occupy and use that part of the farm in question the right to occupation and use of which is restored to him or her in terms of this Act or any other law. [Sub-s. (1) substituted by s. 25 of Act 78/96]

(2) 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, and shall terminate -

(a) subject to the provisions of subsections (3) to (7), by the waiver of his or her rights;

(b) subject to the provisions of subsections (4) and (5), on his or her death;

(c) subject to the provisions of section 10, on his or her eviction; and

(d) on acquisition by the labour tenant of ownership or other rights to land or compensation in terms of Chapter III.

(3) 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.

(5) A person who is not a family member of a labour tenant, may only be appointed as the successor to such labour tenant if he or she is acceptable to the owner, who may not unreasonably refuse such appointment.

(6) A labour tenant may, subject to subsection (7), waive his or her rights or a part of his or her rights if such waiver is contained in a written agreement signed by both the owner and the labour tenant.

(7) The terms of an agreement whereunder a labour tenant waives his or her rights or part of his or her rights in terms of subsection (6) shall not come into operation unless -

- (a) the Director-General has certified that he or she is satisfied that the labour tenant had full knowledge of the nature and extent of his or her rights as well as the consequences of the waiver of such rights; or
- (b) such terms are incorporated in an order of the Court or of an arbitrator appointed in terms of section 19.

7. Order for eviction

- (1) 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), 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.
- (3) If proceedings are instituted for the eviction of a labour tenant in terms of this section, the person instituting those proceedings may also ask for an order for the eviction of the associates of the labour tenant.
- (4) If the Court is asked to make an order in terms of subsection (3), it shall make such order as it deems just and equitable under the circumstances.

8. Relocation of labour tenant for operational requirements of owner

- (1) An owner who requires the land used or occupied by a labour tenant or his or her associate for his or her own agricultural activities or for the purposes of any development which, in the opinion of the Court, is of public benefit, may institute proceedings in the Court for an order for the relocation of the labour tenant or associate.

9. Limitations on eviction

- (1) A labour tenant who -
 - (a) has attained the age of 60 years, or as a result of disability is unable personally to provide labour to the owner or lessee; and

[Para. (a) substituted by s. 2 of Act 51/2001]

 - (b) has not nominated a person to provide labour in his or her stead in terms of section 4, shall not be evicted on the grounds referred to in section 7 (2) (a).
- (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 circumstances.

12. Reinstatement

(1) A person who -

(a) in terms of section 3 would have had a right to occupy and use land if the provisions of this Act had been in force on 2 June 1995; and

(b) between 2 June 1995 and the commencement of this Act vacated a farm or was for any reason or by any process evicted, may institute proceedings in the Court for an order of reinstatement of such rights.

(2) The Court may, subject to such conditions as the Court may impose, make an order

(a) that a person referred to in subsection (1) be regarded as a labour tenant or his or her associate for the purposes of this Act;

(b) for the reinstatement of a labour tenant or his or her associate on such terms as it deems just;

(c) for the payment of compensation, having regard to the provisions of section 10; and

(d) for costs.

(3) Where the person referred to in subsection (1) was evicted in terms of an order of a court -

(a) the proceedings shall be instituted within one year of the commencement of this Act;

(b) the Court shall in addition to any other factors which it deems just and equitable, take into account -

(i) whether the order of eviction would have been granted if the proceedings had been instituted after the commencement of this Act; and

(ii) whether the person ordered to be evicted was effectively represented in those proceedings, either by himself or herself or by another person.

14. Eviction pending application for acquisition of rights in land

No labour tenant may be evicted while an application by him or her in terms of Chapter III is pending: Provided that the Court may order eviction if it is satisfied that special circumstances exist which make it fair, just and equitable to do so, taking all the circumstances into account.

15. Urgent proceedings for eviction

Notwithstanding the other provisions of this Chapter, an owner or lessee may make urgent application for the removal of any person from the farm pending the outcome of proceedings for a final order, and the Court may grant an order for the removal of that person if it is satisfied that

(a) there is a real and imminent danger of substantial damage to the owner or lessee or his or her property if the person concerned is not removed from the farm;

(b) there is no other effective remedy available to the owner or lessee; and

(c) the likely harm to the owner or lessee if an order for removal is not granted, exceeds the likely harm to the person against whom the order is sought, if an order for removal is granted.

(d) adequate arrangements have been made for the reinstatement of any person so removed, if the final order is not granted. [Para. (d) added by s. 3 of Act 51/2001]

15A. Offences

(1) No person shall remove or evict a labour tenant or an associate except on the authority of an order of a competent court.

(2) No person shall wilfully obstruct or interfere with an official in the employ of the State or a mediator in the performance of his or her duties under this Act.

16. Right to acquire land

(1) Subject to the provisions of this Act, a labour tenant or his or her successor may apply for an award of -

(a) the land which he or she is entitled to occupy or use in terms of section 3;

(b) the land which he or she or his or her family occupied or used during a period of five years immediately prior to the commencement of this Act, and of which he or she or his or her family was deprived contrary to the terms of an agreement between the parties;

(c) rights in land elsewhere on the farm or in the vicinity which may have been proposed by the owner of the farm; and

(d) such servitudes of right of access to water, rights of way or other servitudes as are reasonably necessary or are reasonably consistent with the rights which he or she enjoys or has previously enjoyed as a labour tenant,

or such other compensatory land or rights in land and servitudes as he or she may accept in terms of section 18 (5): Provided that the right to apply to be awarded such land, rights in land and servitudes shall lapse if no application is lodged with the Director-General in terms of section 17 on or before 31 March 2001. [Sub-s. (1) amended by s. 7 of Act 11/2000]

(2) The terms of an agreement whereunder a labour tenant waives the rights conferred on him or her by this section shall not come into operation unless -

(a) the Director-General has certified that he or she is satisfied that the labour tenant had full knowledge of the nature and extent of his or her rights as well as the consequences of the waiver of such rights; or

(b) such terms are incorporated in an order of the Court or an arbitrator appointed in terms of section 19.

Appendix 2

Extension of Security of Tenure Act, 1997

[a62y1997s5]5 Fundamental rights

Subject to limitations which are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, an occupier, an owner and a person in charge shall have the right to-

- (a) human dignity;
- (b) freedom and security of the person;
- (c) privacy;
- (d) freedom of religion, belief and opinion and of expression;
- (e) freedom of association; and
- (f) freedom of movement, with due regard to the objects of the Constitution and this Act.

[a62y1997s6]6 Rights and duties of occupier

(1) Subject to the provisions of this Act, an occupier shall have the right to reside on and use the land on which he or she resided and which he or she used on or after 4 February 1997, and to have access to such services as had been agreed upon with the owner or person in charge, whether expressly or tacitly.

(2) Without prejudice to the generality of the provisions of section 5 and subsection (1), and balanced with the rights of the owner or person in charge, an occupier shall have the right-

- (a) to security of tenure;
- (b) to receive bona fide visitors at reasonable times and for reasonable periods: Provided that-
 - (i) the owner or person in charge may impose reasonable conditions that are normally applicable to visitors entering such land in order to safeguard life or property or to prevent the undue disruption of work on the land; and
 - (ii) the occupier shall be liable for any act, omission or conduct of any of his or her visitors causing damage to others while such a visitor is on the land if the occupier, by taking reasonable steps, could have prevented such damage;
- (c) to receive postal or other communication;

(d) to family life in accordance with the culture of that family: Provided that this right shall not apply in respect of single sex accommodation provided in hostels erected before 4 February 1997;

(dA) to bury a deceased member of his or her family who, at the time of that person's death, was residing on the land on which the occupier is residing, in accordance with their religion or cultural belief, if an established practice in respect of the land exists; [Para. (dA) inserted by s. 7 (a) of Act 51 of 2001.]

(e) not to be denied or deprived of access to water; and

(f) not to be denied or deprived of access to educational or health services.

(3) An occupier may not-

(a) intentionally and unlawfully harm any other person occupying the land;

(b) intentionally and unlawfully cause material damage to the property of the owner or person in charge;

(c) engage in conduct which threatens or intimidates others who lawfully occupy the land or other land in the vicinity; or

(d) enable or assist unauthorised persons to establish new dwellings on the land in question.

(4) 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 or property or to prevent the undue disruption of work on the land.

(5) The family members of an occupier contemplated in section 8 (4) of this Act shall on his or her death have a right to bury that occupier on the land on which he or she was residing at the time of his or her death, in accordance with their religion or cultural belief, subject to any reasonable conditions which are not more onerous than those prescribed and that may be imposed by the owner or person in charge. [Subs. (5) added by s. 7 (b) of Act 51 of 2001.]

[a62y1997s7]7 Rights and duties of owner

(1) The owner or person in charge may have a trespassing animal usually or actually in the care of an occupier impounded and removed to a pound in accordance with the provisions of any applicable law, if the owner or person in charge has given the occupier at least 72 hours' notice to remove the animal from the place where it is trespassing and the occupier has failed to do so: Provided that the owner or person in charge may take reasonable steps to prevent the animal from causing damage during those 72 hours. [Sub-s. (1) substituted by s. 22 of Act 61 of 1998.]

(2) An owner or person in charge may not prejudice an occupier if one of the reasons for the prejudice is the past, present or anticipated exercise of any legal right.

(3) If it is proved in any proceedings in terms of subsection (2), that the effect of the conduct complained of is to prejudice an occupier as set out in that subsection, it shall be presumed, unless the contrary is proved, that such prejudice was caused for one of the reasons referred to in subsection (2).

[a62y1997s8]8 Termination of right of residence

(1) Subject to the provisions of this section, an occupier's right of residence may be terminated on any lawful ground, provided that such termination is just and equitable, having regard to all relevant factors and in particular to-

(a) the fairness of any agreement, provision in an agreement, or provision of law on which the owner or person in charge relies;

(b) the conduct of the parties giving rise to the termination;

(c) the interests of the parties, including the comparative hardship to the owner or person in charge, the occupier concerned, and any other occupier if the right of residence is or is not terminated;

(d) the existence of a reasonable expectation of the renewal of the agreement from which the right of residence arises, after the effluxion of its time; and

(e) the fairness of the procedure followed by the owner or person in charge, including whether or not the occupier had or should have been granted an effective opportunity to make representations before the decision was made to terminate the right of residence.

(2) The right of residence of an occupier who is an employee and whose right of residence arises solely from an employment agreement, may be terminated if the occupier resigns from employment or is dismissed in accordance with the provisions of the Labour Relations Act.

(3) Any dispute over whether an occupier's employment has terminated as contemplated in subsection (2), shall be dealt with in accordance with the provisions of the Labour Relations Act, and the termination shall take effect when any dispute over the termination has been determined in accordance with that Act.

(4) The right of residence of an occupier who has resided on the land in question or any other land belonging to the owner for 10 years and-

(a) has reached the age of 60 years; or

(b) is an employee or former employee of the owner or person in charge, and as a result of ill health, injury or disability is unable to supply labour to the owner or person in charge,

may not be terminated unless that occupier has committed a breach contemplated in section 10 (1) (a), (b) or (c): Provided that for the purposes of this subsection, the mere refusal or failure to provide labour shall not constitute such a breach.

(5) On the death of an occupier contemplated in subsection (4), the right of residence of an occupier who was his or her spouse or dependant may be terminated only on 12 calendar months' written notice to leave the land, unless such a spouse or dependant has committed a breach contemplated in section 10 (1).

(6) Any termination of the right of residence of an occupier to prevent the occupier from acquiring rights in terms of this section, shall be void.

(7) If an occupier's right to residence has been terminated in terms of this section, or the occupier is a person who has a right of residence in terms of subsection (5) -

(a) the occupier and the owner or person in charge may agree that the terms and conditions under which the occupier resided on the land prior to such termination shall apply to any period between the date of termination and the date of the eviction of the occupier; or

(b) the owner or person in charge may institute proceedings in a court for a determination of reasonable terms and conditions of further residence, having regard to the income of all the occupiers in the household. [Sub-s. (7) substituted by s. 23 of Act 61 of 1998.]

[a62y1997s15]15 Urgent proceedings for eviction

(1) Notwithstanding any other provision of this Act, the owner or person in charge may make urgent application for the removal of any occupier from land pending the outcome of proceedings for a final order, and the court may grant an order for the removal of that occupier if it is satisfied that-

(a) there is a real and imminent danger of substantial injury or damage to any person or property if the occupier is not forthwith removed from the land;

(b) there is no other effective remedy available;

(c) the likely hardship to the owner or any other affected person if an order for removal is not granted, exceeds the likely hardship to the occupier against whom the order is sought, if an order for removal is granted; and

(d) adequate arrangements have been made for the reinstatement of any person evicted if the final order is not granted.

(2) The owner or person in charge shall beforehand give reasonable notice of any application in terms of this section to the municipality in whose area of jurisdiction the land in question is situated, and to the head of the relevant provincial office of the Department of Land Affairs for his or her information. [Sub-s. (2) added by s. 26 of Act 61 of 1998.]

Appendix 3

Farm Dwellers Principles

AFRA News N0 64, November 2008

New legislation must recognise that:

- 1. Farm dwellers are a distinct group of people, with particular needs – they need targeted transformation programmes.**
 - The unequal relations established by apartheid laws need redress and transformation.
 - Farm dwellers have citizenship rights distinct from farm workers rights.
- 2. Farm dwellers live as families – they require protection of family life and protection of tenure rights for all household members.**
 - Family life must be recognised and protected as a whole. Farm dweller residences on farms are homes not houses and families are varied in size and identity.
 - Homes provide a necessary social identity for families and their associated cultural practices – including birth and death. Women and wives must receive equal tenure rights.
- 3. Farm dwellers are dependent on natural resources for survival – they require secure access to agricultural land for food production.**
 - Because of our history, many farm dwellers are economically vulnerable – they need access to natural resources for survival.
 - Access to food is a citizens right. Use of land for food production, at whatever scale, is a form of farming.
- 4. Farm dwellers are insecure as a result of multiple tenure rights – they require the right to exclusive real rights to land.**
 - Unequal power relations and multiple tenure rights are the cause of ongoing conflict on farms, and must be redressed.
 - Farm dwellers' require exclusive real rights to land to change the unequal power relationships in farming areas.
 - In the interests of development and economic growth multiple tenure relationships on land must be addressed.
- 5. Farm dwellers are equal citizens – they need access to fundamental rights**
 - Access to social services and basic infrastructure are fundamental rights of all citizens including farm dwellers.
- 6. Farm dweller matters must be addressed urgently**
 - An interim moratorium on eviction of farm dwellers is necessary to rectify the failed recognition of farm dwellers as equal citizens.
 - Alternative legislative framework in the form of a Farm Dwellers Citizen Bill must be drafted.