

UNIVERSITY OF KWAZULU-NATAL

**Dealing with Conflict: A case of KwaZulu-Natal Christian Council (KZNCC)'s engagement
with the land-owners and land-dwellers.**

By

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Date submitted: March 2019

DECLARATION

I, Sifiso Johnson Dube declare that:

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DEDICATION

This work is humbly dedicated to the glory of God in thanksgiving for my ministry as a priest and leader in the church. The year 2019 marks the 20th anniversary to my ordination to priesthood for which I am forever grateful. I also dedicate this work to my dear wife Sanelisiwe and my children particularly Nomfundo, for giving me their full support during the course of doing the study. Last but not least, this work is dedicated to my mother Thembi, who has been ill during the course of doing the study. Thank you for your support, encouragement and prayers, these have sustained me during the worst of times.

ABSTRACT

The study investigated land conflict and the KZNCC's engagement with the landowners and land dwellers in Dannhauser. The study sought to explore the role played by the KZNCC in engaging with the landowners and land dwellers to resolve conflict, to determine the factors that promote land conflict and best conflict management strategies. The study used exploratory research as the main research design. The study used qualitative research techniques and data was collected using interviews as the main data collection tool. The study also found that the population of the municipality consisted of 102 161 people. The population densities were found to be higher in the traditional authority areas in the north-eastern of the municipal area and in the town of Dannhauser itself. A targeted sample size of 11 respondents were identified to participate in this study. Purposive sampling technique was used to select the respondents to participate in this study based on the qualities that they are better suited to respond to the questions. The qualitative data was analysed using thematic analysis. The qualitative results revealed that the nature of conflict is due to evictions, invasion of white farmers' property and farmers' insecurities. Furthermore, the results of qualitative results showed that the factors that fuelled conflict include non-availability for black people, land restitution and salary increments. The results of the study further showed that the KZNCC's role was not recognized and that it was not effective in dealing with conflict. In light of these findings, the study recommends that illegal evictions must be stopped, and the government must make alternative housing to the evicted victims. Furthermore, the government must speed up the process of land restitution so that land can return to black people.

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CHAPTER ONE

INTRODUCTION AND BACKGROUND OF THE STUDY

1.1 Introduction

Overthrowing what was understood to be greatest evil of all times the apartheid force which stood as an enemy segregating the people in terms of race, colour or creed, in 1994 was therefore just a beginning of a multifaceted process in transforming our land. For many if not all, this was it. We had finally made it, we had arrived. Freedom could now be felt in our finger tips. It was a course for which all could celebrate and enjoy the fruits of hard-won freedom. Yet there remained ahead of us quite a long mile still to travel. There was a lot more to be learnt along the way about our promised land.

This study seeks to examine the leadership role of the KwaZulu-Natal Christian Council as it sought to mediate conflict between the land-owners and land-dwellers of Dannhauser. This chapter presents a general introduction of the study. The “Land” issue has more than ever before become an everyday news headline. The pressure on the government to transform and alter policies making them poor people friendly is increasing tremendously. The significance of this power –shift without even it being spelt out in detail, it necessitated certain hallmarks being adhered to in the minds of the ordinary men and women on the street. Undoubtedly would have meant significant change being visible not only in power dynamics but in their livelihoods. All of this confusion may therefore be reduced to a single word; “conflict, with which the KZNCC in its efforts mediated between the land-owners and land-dwellers of Dannhauser.

Therefore, in the nutshell the researcher in chapter one begins by giving some pointers in the introduction to the issue of conflict between the landowners and the land-dwellers of Dannhauser. The background, motivation of the study is also discussed at this chapter. It shall be noted as well that the location of the study, where the research will be conducted is also provided in this very chapter. The chapter contains also the aims, the research question, the research sub-questions and objectives of the study. The chapter also covers the theoretical framework, research design & methodology. The concluding part of the chapter provides the limitations of the study, the breakdown of chapters and the conclusion of the chapter.

1.2 Background of the Study

It may very well be pointed out that the South African Constitution since its composition in 1996 following the first dramatic democratic elections stands as an epitome underlying and inspiring this study. It was for the very first time in the life of all South Africans that through a document of this kind people from all walks of life began to emerge as people who had a voice and dignity (Barry, Dewar, Whittal, and Muzondo, 2007).

Subsequent to the profound impression and impact in which the Constitution is said to have made, not only within the borders but also across shores Ngcukaitobi (2018, p. 1), contrary to this excitement was that, the voices of the marginalized and poor people continued to be at the mercy of the powerful decision makers (Lund, Odgaard, & Sjaastad, 2006). Lund and Boone (2013) acting through the mouthpiece of the KwaZulu-Natal Christian Council were able to exercise some form of leadership which on its own had to do with managing conflict between the emerging farmers and farm-workers while at the same time doing their best in trying to interpret the land-reform laws.

The leadership role that the KZNCC had to provide under the prevailing circumstances was to become an active listener; to provide its mediatory skills and became the empowerment house for all. Therefore, the living conditions of the landless people despite the fact that 1994 had come; their needs were not being adequately addressed by the government. On the other hand, landowners too had issues of their own that they were unhappy about ranging from the Land Reform Act and relations between them and those who work for them (Akinola, 2016).

Furthermore, the voices listened to in South Africa as elsewhere in the world are the voices of the decision makers. The KZNCC conceived of herself as having a task and a good track record of resolving issues related to human rights with an understanding of the kind of justice that pleases God as enshrined in the Holy Scriptures. With regard to land ownership and landlessness, the KZNCC holds the position that people in conflict should not use violence but rather dialogue to resolve their differences. Those who are poor are rarely heard. The legacy of the apartheid government cannot disappear even though South Africa became a democratic state in 1994. Challenges encountered in the past still exist and constructive measures have been put in place to address those challenges. The brutal system of the past had crippled the nation in several key areas that may be said to keep the communities together. Such areas may include economic justice, land rights and basic human dignity. Therefore, these areas remain unaddressed in a nation that is appreciating a democratic

change and progress within itself. Conflict among its citizens is an apparent results (Peters, 2013).

Moreover, South Africa is urbanizing in accordance with the trend in a number of developing states. Scholars assume that by 2030, more than 50% of population in Africa will have moved to urban areas. Poverty and unemployment still remain very high in urban areas because in 2010 more than 62% of South Africans moved to urban areas, an increase from 52% in 1990 (Hilson, 2002). In 2006, South Africa had an urbanization rate of 56.25% (the rate at which people move from rural to urban areas resulting in an increase in the population of urban areas) (Desai et al., 2016). In 2001 and 2006 urban population grew faster than the national population, and in rural areas population decreased from 48% to 38%. Much of South Africa's land reform has been focused on land claims and returning land to claimants.

There is no compensation of land where no claim is laid. Hence, although the government claim to have restored almost 95% of all claims of land, these amount to only 5% of the country's land (Akinola, 2016). Restitution becomes easier in rural areas since land ownership is usually easy to determine and land conflicts are easier to resolve. However, in urban areas, it is complicated to assess which piece of land belonged to which community since urban area land has gone through many hands (Barry et al., 2007). Therefore, it becomes even more imperative to investigate the whole question of a conflict between the landowners and land-dwellers of Dannhauser in the years culminating 2010-2015, the KwaZulu-Natal Christian Council playing a mediation role between the two parties.

This study is therefore an investigation of the nature of the conflict between the landowners and land-dwellers of Dannhauser. It is also to investigate the leadership role which the KZNCC played in mediating the process, which ultimately resulted in dignity being finally restored among all who were affected.

1.3 Motivation

The researcher's motivation for doing this study may be objectified into three-point form. The first of which being the academic work the researcher undertook at honours level in the School of Religion Philosophy & Classics (SRPC). The researcher's objective then was to investigate the use of a Reconstruction theology in rebuilding a specific community which was a focus of the study. The point of interest which may be noted as it suggests some level of connection between the study which was sought then and the study the researcher is pursuing at the present moment, is that there is a more attention given towards the dynamics of our democracy since 1994. It was noted in Dube and Chapman (2010), that while on the one hand, South Africa is a country that thrives in a democratic dispensation, yet rather sadly the young people are losing hope in matters of crucial governance, transformation and leadership issues. Furthermore, the government according to their understanding is supposed to give priority on and as such many of them are said to be drowning themselves in alcohol and substance abuse.

In light of the above reflection of the researcher's previous academic exposition, this has sought to broaden the researcher's horizons and the inspiration. Secondly, being a delegate in one of the community meetings motivated the researcher to do the study. It was in that meeting where a controversial topic of land debate was on the agenda.

When South Africa was in the process of transiting from the apartheid era to the democratic dispensation, the fundamental consideration that in one's view ought to have been adhered to was preparing and equipping the citizens about the change and the dynamics that came with it. The conflict with which the KZNCC inevitably found itself having to help –resolve between the land-owners and land-dwellers is a typical example of how South Africa seems to have welcomed the dawn of a new era without having dealt with evils of the past (Mpfungu-Walsh, 2017).

The land reform itself was not adequately taught nor was it even accessible to the people of South Africa. That itself may have adverse implications in how an ordinary citizen who after 1994 has been told that they are free, yet the terms of reference in relation to their being free have not been adequately been spelt out; what does that do to their dignity? This study, therefore, in addressing its objectives that are laid out will also make an attempt to build a

bridge that will close a gap between the previously disadvantaged and those understood to have been previously advantaged people in terms of knowledge.

Thirdly, the researcher's motivation is literature inspired. Much has been written and expounded on about the subject involving land. Yet, it does feel as if not much has been said, South Africa is going through many phases and changes ever since it entered a new dawn of democracy in 1994. Venter (2001) becomes a relevant companion in the first part of this study because he has a way of understanding the socio-political conditions that predominated the political landscape of South Africa in the post-apartheid era.

According to him (Venter, 2001) South Africa is faced with a series of revolutionaries namely; the political revolution which has prepared the way for the 1994 national elections, then the second one "The Social Revolution" which encapsulates the very question of land conflict which KZNCC intervened for mediation purposes. This so called; "Social Revolution" is not to be regarded as tragic for the country; Venter (2001) argues that it is necessary for change to happen.

Therefore, this study seeks to investigate the nature of conflict between the land-owners and land-dwellers of Dannhauser. It will also be an investigation of a leadership role played by the KZNCC in mediating conflict between the parties.

1.4 Problem Statement

All land conflicts yield negative consequences to people and the entire society no matter how violent or peaceful they may seem. "Land conflicts often have extensive negative effects on economic, social, spatial and ecological development" Desai et al. (2016) The developing world at large also perceives urban land ownership as a challenge and not only in South Africa due to the rate at which developing countries are urbanizing. Colonialism has also played a role since it forced black people having to move out from their most adorable places in order to make space for white people to own bigger pieces in richer areas.

Even 20 years after the demise of the apartheid regime in South Africa, many cities and towns still resemble the geo-economic structure set up by the colonial and apartheid regimes (Franco, Monsalve, & Borrás, 2015). This means that people who were poor and landless yesterday still remain poor and landless today, and if nothing is done to regulate this challenge of land redistribution and ownership in urban areas, this trend will continue and remain the same for generations and generations to come. However, markets are unable to

simplify and facilitate equitable and fair distribution of land. The government is now obliged to introduce new laws that aim to produce fair results not only favouring the rich, but also the poor too, so that the land in South Africa may belong to all who live in it as stated in the Constitution and Freedom Charter (Desai et al., 2016).

This study, therefore, seeks to investigate the leadership role of the KwaZulu-Natal Christian Council in its engagement with the land owners and land dwellers in Dannhauser.

1.5 Delimitation of the Study

The study is located in the small town called Dannhauser in the northern area of KwaZulu-Natal. This town is found midway between Durban and Johannesburg on the main railway line, about eight kilometres off the national road between the two cities. The largest coalproducing mines in the province are situated in the same vicinity where Dannhauser is. The area is fortunate to have multiple rivers flowing through it, the prominent ones being the Ngagane and uMzinyathi.

Historically, according to Mabaso (2014), the name Danhauser is named after an old farming family that lived in the area some years back. This may have some interesting bearing and implication in the way in which the study develops as its heart concerns the mediation of conflict within the farming community.

Dannhauser does not exist in isolation but belongs to one of the three local municipalities within the Amajuba District Municipality and covers an area of approximately 1516 square kilometres. The whole Municipality is said to be a small within a District Municipality comprising of the following towns: Dannhauser, Hattingspruit, Inverness, Kilegethe, Klipbenk, Milford, Normandien, Nyanyandu, Rutland, Tendeka, Witteklip.

According to John (2011) the population of the municipality is currently at 102 161 people. Moreover, the population densities are said to be higher in the Traditional authority areas in the north-eastern portion of the municipal area and in the town of Dannhauser itself. Therefore, Dannhauser functions as a small rural empowerment house; it provides commercial and service facilities and agricultural industries and services. Most of the citizens do not however find jobs from this sector and they move to the urban centres of Dundee and Newcastle.

1.6 Aims of the Study:

The aim of the study is to investigate the role of the KwaZulu-Natal Christian Council (KZNCC)'s engagement in resolving conflict between the landowners and land-dwellers.

1.7 Key research question

The following research question undergirds the study:

Between 2010-2015 what prompted conflict among the land-owners and land-dwellers of Dannhauser and what leadership role did the KwaZulu-Natal Christian Council play in seeking to resolve conflict and restoring the dignity among all who were affected?

1.7.1 Research sub-questions

1. What was the nature of conflict between the land owners and land dwellers in Dannhauser?
2. What was the role played by the parties in conflict?
3. What factors fuelled the conflict between the parties in Dannhauser?
4. What is the best management strategy between the parties?

1.7.2 Objectives

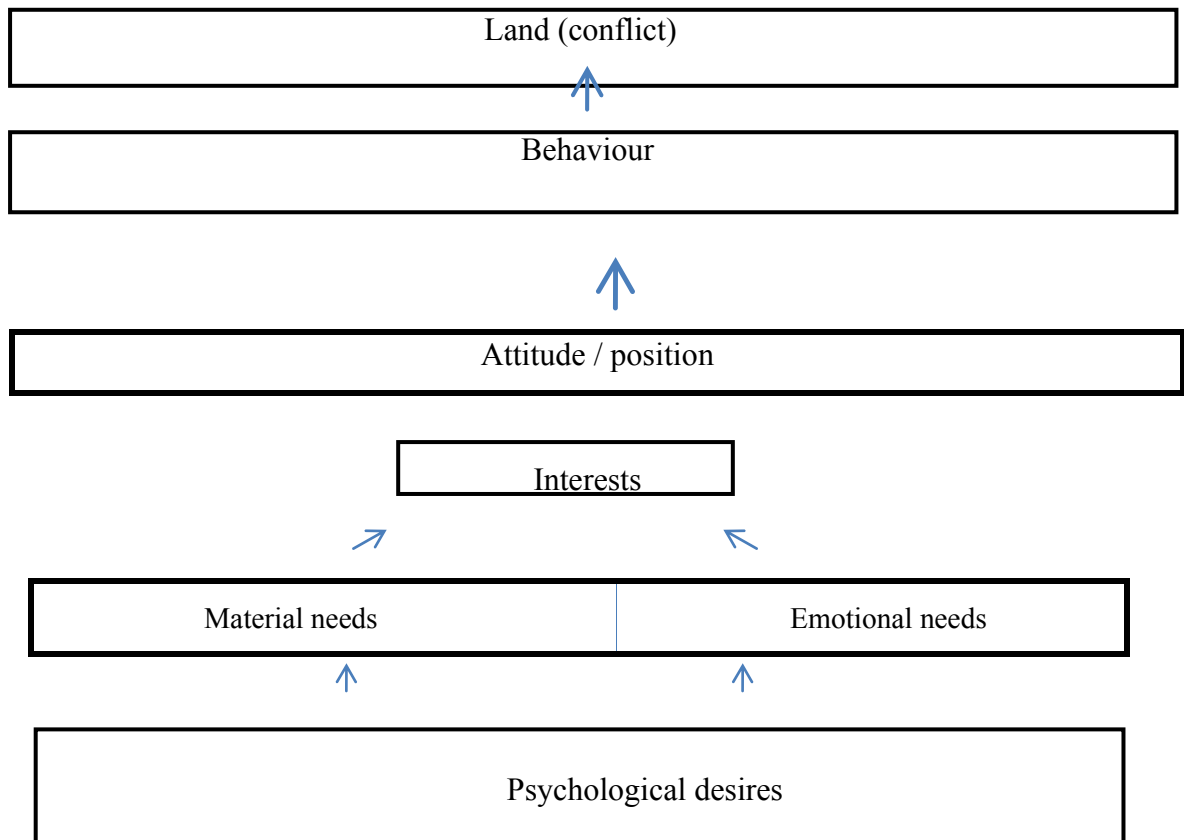
The objectives of this study are:

- To describe the nature of conflict between land owners and land dwellers
- To establish the role played by the parties in the regulation of conflict.
- To establish the factors fuelling the conflict.
- To recommend a conflict management strategy between the parties.

1.8 Conceptual framework, underpinning the study

The conceptual framework guiding the study is developed from Wehrmann et al. (2005) model which shows that, with emphasis on the field of conflict management and utilising different resources with which to analyse conflicts, it is quite obvious that psychological desires are at the root of conflicts (for example desire to be recognized , cared for and loved) resulting in material and emotional needs (need for shelter, need for a production base, longing for self –esteem or seeking power and wealth). The interests of people are then shaped by these needs, resulting in their attitudes and positions and consequently define their behaviour.

Figure 1.1the conceptual framework showing the roots of conflict



Source: Wehrmann 2005

As it may be seen from the diagram above Wehrmann et al. (2005) psychological needs have fundamentally been placed at the foundational bottom part of the drawing which seeks to illustrate the vital importance it has in all human beings. We note how as we slowly move up the structure how these psychological needs split between *material* to *emotional* needs again signifying the point that cannot be ignored that such needs are a necessity for everyone. It

would therefore undoubtedly mean that if under extreme circumstances these psychological needs are not being enjoyed fully by all, there will be a huge price to pay – as in the case of our study there will be land conflict indefinitely as a primary resource that safeguards the human dignity of all citizens.

The effects of land conflicts on economic, social, spatial and ecological development are often negative (Thambikeni & Sam, 2015). This is taken seriously especially in developing countries and states still in transition where there are still weak land market institutions, majority of people still lack access to land and illegal parties still have opportunities for economic gain. Most cities in developing countries are unable to absorb all people due to an increased rural-urban migration and growth in population. “People therefore tend to squat on public land as the chances of being evicted there are slightly lower than on private or common land” (Sekiguchi & Hatsukano, 2013, p. 13). The challenge is left with the city to effectively accommodate all people and the squatters living in doubt (Sekiguchi & Hatsukano, 2013).

Land conflicts that involve powerful people against poor people is difficult to resolve. Land conflicts are common when there is an opportunity to occupy land for free, no matter if the land is someone’s private property or state owned. People from the local environment who have owned the land for decades have genuine rights to their land but often lose their land to the powerful. In many countries, native people have been evicted or are at risk of being evicted from their land because they are either unable to recognize their rights to land or their rights have been invalidated by the state or their land have been expropriated by the state.

“Traditional chiefs too, increasingly enter into illicit practices, selling land they are supposed to hold in trust to non-group members or to the state, causing landlessness among their own people” (Sekiguchi & Hatsukano, 2013, p. 35). Traditional chiefs also play a role in the landlessness of people by entering into illegal acts of selling land they are supposed to keep. Numerous other land conflicts are because of multiple sales and double allocation of land either due to competing state agencies or undocumented customary tenure (Maxwell, 2012).

1.9 Limitations of the study

The researcher encountered the limitations in process of doing the study, time constraints due to the tight schedule within which to undertake the research restricted access to the secondary

data which relates to land conflict and land policies occurring time to interact with the land dwellers and land owners.

The study was limited to Dannhauser whereas the researcher could have discovered different results had other settlements been included.

A sample of 11 landless people were used as respondents whereas a larger sample size could have been used to generate more generalizable results.

The researcher will:

1. be very resilient and ensure that he does not deviate from the set timeline.
2. Network with acquaintance in the areas of study to get access to secondary data;
3. Pre-schedule appointments to determine the availability of the subjects in advance and ensure their responses to the asked questions and will apply for scholarship and also save personal income to fund the study requirements.

1.11 Outline of Chapters

This study consists of the following five chapters

1.11.1 Chapter 1: General Introduction of the research paper

This chapter presents an overview, the background and motivation for the study, its location, the main research question, research sub questions and objectives, the conceptual framework and research methodology. Limitations of the study and the structure of the entire dissertation is also described

1.11.2 Chapter 2: Literature Review

This chapter examines the key literature that addresses the main objectives of the study of the question of conflict as it affects the landowners and lad-dwellers of Dannhauser. The key terms in the study are briefly defined in this chapter in the light of the objectives of the study the researcher begins to address the theoretical framework in which the different theoretical strands of the study are explained. The researcher uses his own self-created model. The researcher is also going to utilize this space in describing the “Land Reform Act” as represented by Section 25 of the constitution which impacted in one way or the other in

confusing and frustrating all the parties involved in a conflict situation of Danhauser. The role of the KwaZulu-Natal Christian Council (KZNCC) is briefly explained in this chapter.

1.11.3 Chapter 3: Research Design & Methodology

In this chapter the researcher provides the research design and methodology for the study. Special attention has been paid to the research design, philosophy, and methods the population, sampling strategy and sampling size. The chapter also discusses the research instrument in terms of its nature. The researcher has also sought to discuss the following: data analysis, pilot study, validity and reliability of the research instrument, elimination of bias, ethical considerations. The study followed a qualitative method approach and using interviews for data collection (Zikmund, Babin, Carr, & Griffin, 2013).

1.11.4 Chapter 4: Presentations and Discussion of Results/ Findings

In this chapter the researcher presents the results emanating from the interviews sessions which were conducted in reference to the study objectives in relation to the question of conflict between the landowners and land-dwellers of Dannhauser. In this study data analysis is understood as the process of systematically applying statistical and or logical techniques to describe and illustrate, condense and recap, and evaluate data (Babbie, 2013). Content analysis is used to analyse data collected through interviews. Content analysis in this study refers to data analysis technique that help the researcher identify important data from data corpus. All interview recordings are transcribed verbatim by the researcher in order to analyse and process qualitative data from interviews (Wu & Heerink, 2016).

1.11.5 Chapter 5: Conclusion and Recommendations

This chapter the researcher presents the conclusion of the entire dissertation and summarizes the main points thereof. The effort has also been made to offer recommendations for future engagements in the field of leadership to benefit community leaders and government in innovative ways and means to address the challenge of “conflict” in a work place.

1.12 Conclusion

The Socio- economic climate change that took somewhat a dramatic change since 1994 is in one sense giving the researcher an inspiration to do this study. Both Venter (2001) and Ngcukaitobi (2018) are among those that play a pivotal role in motivating the researcher as they break down the fundamental twists and turns that makes up the whole structure. The role which the KZNCC play as they mediate this “conflict” between the land-owners and

land-dwellers is key in critiquing their leadership roles. This study, therefore, is in the whole provide a more consolidated investigation into the development of knowledge in the field of leadership. The intention is to avail empirical information/ evidence to help close the gap related to the conflict between land-owners and land-dwellers. The next chapter presents literature review.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The previous chapter outlined the background of the study as it seeks to address the situation of conflict which the KZNCC in its engagement with the landowners and land-dwellers of Dannhauser helped to resolve. It also in detail presented a motivation of why the researcher is embarking on the study. In this chapter therefore, the researcher defines the key terms which are used in line with and relevant to the objectives of the study. The literature review which follows immediately, obtains its lenses from these defined terms. The literature that speaks to land issues and landless people specifically is also given special consideration in this chapter. Issues of constitution, the bill of rights and land reform is also discussed in this chapter in light of the experiences of the conflict situation that transpired between the landowners and the land-dwellers of Dannhauser

Ordinarily, a conflict is explained by sociologists (Karl Marx, Max Weber) as a social circumstance involving at least two parties and whose differences originate either in interests or in social position of the parties (Lombard, & Rakodi, 2016). It may be of benefit if its occurrence is deemed to advance the organisational goal (Wu & Heerink, 2016). At the same token it may be seen as disruptive or not constructive in anyway if it stands in the way of those who seek to formularize a consented effort.

2.2 Land Conflict

A land conflict is understood as a social circumstance involving at least two parties, the root of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it. A land conflict, therefore, must be understood as the exploitation, restriction or dispute over property rights to land (Cundill, Thondhlana, Sisitka, Shackleton, & Blore, 2013). Such land conflicts can be very serious if the social positions of the parties involved differ significantly. Although conflict is often experienced as something destructive, nevertheless conflict can also perform positive functions. According to Van Leeuwen, and Van Der Haar (2016), the significance of conflict for social change is outlined in sociological conflict theories and land conflicts too have the potential to become

engines of change in policies and their implementation. As a result, land conflicts must be dealt with in a more constructive manner and not try to stop or ignore them.

In any occasion, conflict theorists concur that conflict is part of society that cannot be avoided but must be dealt with and handled accordingly. “Conflict is an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions” (Cundill et al., 2013, p. 178). On some occasions, conflict can be prevented and managed on others, but dealt with only if the term is considered to mean the fulfilment of obvious demands rather than the total eradication of underlying sentiments, memories, and interests. According to Van Leeuwen, and Van Der Haar (2016), only time has the potential to resolve conflicts, and even the wounds that time can heal leave their scars for future reference. However, despite such healing there is still much to be done so that conflict is reduced and thereby releasing needed energies to conduct more productive tasks.

Wu and Heerink, (2016), observe that often at times land conflicts in the African continent are sparked by change in land policies, land legislations and land reforms by which it is hoped that poverty would finally be dealt with.

This study, therefore, is an investigation of how the KwaZulu-Natal Christian Council (KZNCC) in its engagement with the parties sought to resolve the conflict between them.

The KZNCC’s leadership is crucial in determining the restorative justice element and dignity of the parties involved in conflict.

2.3 Landowners

Firstly, with the advent of the constitutional democracy in South Africa, it would perhaps need to be borne in mind that the constitution among other things, guaranteed the rights of existing property owners but also granted specific rights of redress to victims of past dispossession thereby setting legal basis for a land reform programme (Selinske, Coetzee, Purnell, & Knight, 2015). Landowners and landholding have its roots from the colonial past of the arrival of the white settlers in South Africa. It has been argued Selinske et al. (2015), that towards the end of the apartheid years, about 82 million hectares of commercial farmland (86% of total agricultural land or 68% of the total surface area) are said to have been in the hands of the white people who comprised only of 10, 9% of the population, and all of which was allocated to the small minority group of 60 000 landowners. In contrast to this statistical

analysis, about 13 million black people, were forced to live in poor conditions in homelands where rights to land were non-existent(Lahiff& Li, 2012).

It is against this backdrop that the purpose of this study is to investigate the extent in which the leadership role played by the KwaZulu Natal Christian Council (KZNCC)'s engagement with both the landowners and land dwellers in seeking to resolve the ongoing land conflict among them.

2.4 Land-dwellers

According to Berry (2018), the phenomenon of “land- dwellers” or farm dwellers seeks to describe a section of people who are historically and economically disadvantaged. Lombard, andRakodi, (2016), asserts that it was around 2001 when an idea of formulating an organization of landless people in South Africa came into fruition. It was to be called Landless People's Movement (LPM) in response to, among other things the Neo-Liberal Growth Employment and Redistribution (GEAR) macroeconomic strategy of 1996. Economic restructuring processes appeared to continue to promote the interests of the minority groups in the Socio-economic space of South Africa. Therefore, the newly formed “Landless Movement” envisaged to become a “voice” of its poor masses who continued to be disadvantaged from many fronts even though the country of South Africa had been liberated in 1994(Agbato, Adetokunboh, and Yusuf, (2018). In rural areas, farm dwellers/land dwellers were confronted with severe hardships of retrenchments and evictions as landowners began to respond to global market challenges and competitive rates.

As for Zammit (2013), landless people are faced with many challenges which are discussed in the following statements. Landless people who dwell in farms cannot tell the farmer what to do and farmers do not allow them to keep their livestock. The landless people could not attend school because their parents earned insufficient salaries. As a result, children are expected to leave school because they had insufficient funds to continue schooling. Men were required to sell their livestock when it was more than ten so that they do not exceed the required number. Men who never worked on a farm were not allowed to live with their families (Peters, 2013).

For the purposes of this study therefore, the researcher seeks to investigate the leadership role in which the KZNCC in its engagement with the parties sought to resolve conflict among them.

2.5 KwaZulu-Natal Christian Council (KZNCC)

Considering the fact that we are dealing with conflict, and as it has already been highlighted that sociologists Thambikeni and Sam (2015) allude to the effect that conflict is as a result of a social circumstance which may involve at least two parties whose difference originate either in interests or in social position of the parties. Since therefore, the conflict in Dannhauser appears to have been involving at least two parties who happen to be landowners and land-dwellers, i therefore it qualifies to be that of social interest. The KZNCC in this regard as the researcher seeks to define its role in the entire process, may be argued as that of resolving conflict through a process of mediation.

Thus, mediation is described in Thambikeni and Sam (2015) as an intervention process offered by a third party whose engagement is impartial and neutral at all cost in a perceived conflict between the parties. It is emphasized that the mediator in this regard must possess a variety of professional skills to be able to understand the dynamics of the process of mediation.

The difference in function is also drawn between a mediator and an arbitrator. The mediator once when the dispute is deemed to have been resolved, the parties themselves have the last word pertaining the future meetings and unfinished businesses. Yet, in terms of the arbitration process because of its legally binding nature, the third party has the final and last word and a discretion as to whether he/she wishes to inform the parties about the outcome of the proceedings (Peters, 2013).

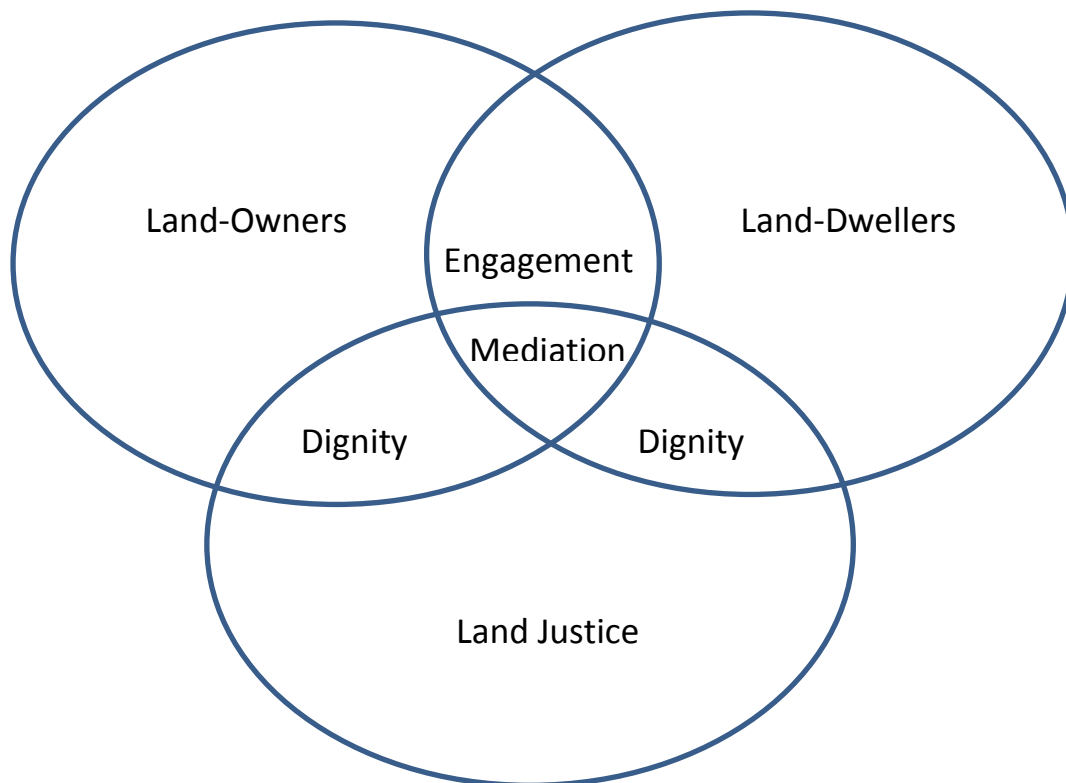
In keeping with the objectives of the study, this study therefore is aimed at critiquing the leadership role of the KwaZulu-Natal Christian Council (KZNCC) in applying its mediational engagement and leadership skills among the landowners and land-dwellers of Dannhauser in helping them finding a common ground on which they could resolve their conflict.

2.6 Theoretical Framework

Sorice, Kreuter, Wilcox, and Fox III (2014) argues that a theoretical framework is a set of interrelated constructs, definitions and propositions that present a systematic view of phenomena by specifying relations among variables with the purpose of explaining and predicting phenomena. Furthermore, it has been stated that a framework is a set of ideas that one uses when one is forming one's decisions and judgments (Lawrence & Dandy, 2014). Conflict theory best support this study.

The purpose of this study therefore is to investigate a case dealing with conflict. The KwaZulu-Natal Christian Council (KZNCC) is said to have played an important role in its engagement with the parties involved in conflict which were the land-owners and land-dwellers of Dannhauser. Now, therefore in terms of fulfilling the requirements of the theoretical framework there are key phrases or interrelated constructs coming out of the title which ultimately explain the fundamental purpose of this study. Such phrases are demonstrated in the following diagram developed by the researcher:

Figure 1.2: Diagram illustrating Land Conflict



According to Kamuti, (2018), it was only since 2001 when the land-dwellers constituted themselves under one umbrella body as Landless People Movement with the objective of unifying their efforts and actions together so that their concerns might be heard. On the other hand, the land-owners and the majority of whom were white farmers responded positively to the KwaZulu-Natal Christian Council (KZNCC)'s initiatives to dialog with the land-dwellers for the purposes of resolving conflict between them (Ngcukaitobi, 2002). As it can be seen from the diagram above therefore, the aim is to illustrate the interrelatedness and interconnectedness which may be found between the land-owners and the land-dwellers of Dannhauser.

In the middle-centre of the diagram there are two prominent words of engagement and mediation. As for Moolman, (2018), dialogues have proved to be effective methods of engagement in conflict resolution. Thus dialogue interventions according to Fontana (2014), belong to the broader definitions of ICR in that they are facilitated face to face activities in communication in designed to promote conflict analysis among parties engaged in protracted conflict.

2.7 KZNCC's Engagement with the Parties in Conflict

The position in which the KZNCC had put itself in terms of the leadership role they were to provide was crucial in determining the future of the dialogues that were being held between the land-owners and land-dwellers. Parties in conflict often at times develop a sense of negative perception of each other which in itself may create another delay in the process of conflict mediation. The role of the KZNCC was therefore through the medium of the dialogue's engagements with the parties, to resolve the conflict amongst them (Karambiri, and Brockhaus, 2019).

2.7.1 KZNCC's Process of Mediation with the Parties in Conflict

Mediation appears as somewhat a secondary terminology in middle-centre of the diagram seeking to define the theoretical framework of the study. Under the definitions of terms the researcher alluded briefly by way of defining what mediation is. It is perhaps proper to reiterate what was provided at that space for the purpose of broadening our understanding in the context of the role which the KZNCC is understood to have been playing in relation to the conflicting parties in Dannhauser. It is also important to emphasize that their "engagement" role as discussed above may only be limited to them as being in charge of the dialogues and communication facilitation between the parties involved in conflict. Whereas, in mediation as described by Hui and Bao (2013) as an intervention process offered by a third party whose engagement is impartial and neutral at all cost in a perceived conflict situation between the parties. The emphasis is that the mediator must therefore possess a variety of professional skills to be able to understand the dynamics of the process of mediation (Karambiri, & Brockhaus, 2019).

According to Moolman, (2018), the most important highlight in this process is the difference between the mediation and arbitration. In the mediation process the parties themselves have the last word once the process is over. On the other hand, the arbitration process allows the third party to make the determination because of its legality constraints (Chakravorty, 2014).

2.7.2 The Restoration of the Dignity of the Parties in Conflict

The third and perhaps the most fundamental purpose in the theoretical framework is to see to it that those that were affected are vindicated in some way. At the tip-bottom ends overlapping on both sides of the diagram one encounters the words “dignity” According to Peters (2013), the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world(Wiggins, Kirsten, and L lambí, 2010). Furthermore, The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, argued as having adopted in the wake of the Universal Declaration which in combination formulated the International Bill of Rights, go one step further in stating that; “the inalienable rights of all persons derive from the inherent dignity of the human person”(Junior et al., 2015).

The above assertion which points to the fundamentality of recognising and affirming the universalism of human dignity inevitably addresses what Balakrishnan (2013) referred to as psychological needs found amongst all of the opposing parties. For Hall, Wisborg, Shirinda, and Zamchiya (2013) it is imperative to create a space where the parties would begin to appreciate a sense of worthiness of the other by means of dramatizing what conflict does to human beings. In the end such a drama would also help those watching learn something out of it that the parties in opposition could once again have their dignity restored (Akinola, 2016). It must be argued that although in terms of the nature of inherent inequality in the space of the Socio-Economic life as informed by the apartheid laws, the land-owners did not have much to lose in the context of dignity. However, since the course of events would have included the process of conflict mediation, no one from the disputing parties could therefore claim to be conflict –free. They all have had their inalienable rights infringed as a result of land related conflict. Therefore, both parties through a process of engagement by a third party in seeking to resolve the conflict between them their dignity would be restored when the amicably solution is reached (Bottazzi, Goguen, andRist, 2016).

2.7.3 Land Justice

According to Moolman, (2018), the phenomena of land is fundamentally rooted into the identity of a people. A people without strong connection to land can easily become enslaved to political and economic exploitation. In many parts of the world there are examples of deadly conflicts linked to issues of unjust seizure of land. Contributing factors that prevent

land justice have among others be listed as poverty, inequality and land reformation processes (Bottazzi et al., 2016).

Consequently, the theoretical function of the “Land Justice” circle is to ensure that land justice in its ultimate sense is therefore a realized objective for all special those who had previously been handicapped by the system of apartheid. Verma (2014) recognise the problem of “asymmetry” in land conflicts for which are referred to the challenges that may be encountered in resolving conflicts that involve the powerful against the poor. The powerful in this regard always have a tendency to manipulate situations and systems to their advantage which then put the poor at a disadvantage position. According to Kamuti, (2018), the primary importance of the land Justice focal lens in the theoretical diagram has a fundamental function to play in ensuring that justice is restored for all those that are affected in conflict.

Over and above what appears on the diagram itself, the objectives of the study undergird the overall process of engagement with the parties involved in conflict.

2.7.4 Research Objectives

- To describe the nature of conflict between land owners and land dwellers.
- To establish the role played by the parties in the regulation of conflict.
- To establish the factors fuelling the conflict.
- To recommend a conflict management strategy between the parties.

2.7.5 Research Questions

- What was the nature of conflict between the land owners and land dwellers in Dannhauser?
- What was the role played by the parties in conflict?
- What factors fuelled the conflict between the parties in Dannhauser?
- What is the best management strategy between the parties?

2.8 Revolutions in the context of Land related conflict

As indicated in the latter part of the motivation of the study that Verma (2014) occupies the first dominant part of the discussion as the researcher seeks to unpack a range of other issues relating to the same topic of dealing with conflict and as the KwaZulu-Natal Christian Council’s engagement help to resolve the said conflict between the landowners and land-

dwellers of Dannhauser. The above subheading seems rather a fitting one to describe a scenario and the socio-political landscape which predominated South Africa during this time. It also serves to paint rather a somewhat a clearer picture with regard to these so called “revolutions” space with which the researcher seeks to transcend in. Needless to say that the key terms that have been identified and explained, play a major role in informing the study as the study proceeds. The land reform as it is often misunderstood and misinterpreted by many, which contribute immensely in causing conflict on the ground among the communities, within the confines of this chapter it shall be verified in the light of the experiences of the parties of Dannhauser as the objectives of the study are being articulated (Junior et al., 2015).

Ngcukaitobi (2018) notes that it was only in 1994 and the very first time that South Africans saw a “New Dawn” when they went to the polls to cast their mark to demonstrate their freedom to choose a government of their choice. It was a revolution on its own. Hence, Verma (2014) refers to it as the political revolution which made it possible for the country to enter into that transitional phase. The history of “Revolution” itself as (Ngcukaitobi, 2018) briefly traces its utilization since the days of French revolution. It has been argued therefore that in the minds of those living in the present, revolution reflects the images of societal uprising to overthrow those in power; the twentieth century too is no different in how he describes these uprisings, the “doughty bush fighter” as he calls them rise up on behalf of the lower class and overthrow the powerful dictators. However, he quickly points out that as much as these revolutions have as much power to turn the governing powers around; but it must be noted that these revolutions have not influenced us in anyway on information technology, industry as well as in agriculture. In other words, Venter (2001) is of the view that political revolutions have a sphere of their own and they have accomplished it, however, there is yet another space for the Industrial, Agriculture, Cultural and information revolutions which for him (Venter, (2001) inevitably, these are revolutions that must and are already underway shaping the country for the better.

Having outlined how the first revolution dominated mainly by political uprisings which ultimately led to the demise of the apartheid regime and subsequently the formation of a government of national unity(Babu, Bisen, Narayan, Soni, Tewari, & EP, 2019). It has also been pointed out that the “Second Revolution” that is the Social Revolution found the stage already prepared by the first. Venter’s (2001) prediction, therefore, was that by the time the second democratic president term of office reaches its peak, then almost about then social

unrests would begin to be felt in and around the country. In relation to the context of this study, the wide spread of social revolutions phenomenon which is raised in (Boone, 2014) appear to be speaking directly to the issue of conflict particularly as one of this studies' objectives whereby it is required that the researcher establishes what the nature of conflict was that confronted the parties involved in Dannhauser. From this premise therefore, the social unrests that would be said to have invaded the country during the second term of the democratic government presidency among them was land conflict Thambikeni and Sam (2015). To this end Thambikeni and Sam (2015) points out that the advent of the new dispensation did not empower the previously disadvantaged people in terms of land rights who were failed by the apartheid system of government. The tenure laws for example continued to pose serious security threats, political democratization and formal processes of deracialisation were too slow (Mpfungu-Walsh, 2017).

According to Spierenburg, (2019), the initiative taken by the KZNCC to assist the landless people who faced various challenges regarding the issue of land, was taken in 2009 along with four other joint partners who were to work hand in hand with the council. This bears testimony to the fact that, social tensions and conflict were now growing by the day and nobody could ever come up with solutions to resolve them.

Babu, et al., (2019) concurs with the above articulations stating that overthrowing apartheid regime was more like removing what he refers to as, "Berlin Wall", Yet, when everyone thought the worst was all over, but more was yet to come. In other words, South Africans were yet to experience another form of revolution. It is more like South Africa entered into a new dispensation without a vision for the future as to how they would turn the freedom into reality. In Mbeki's direct words; "The paradox of getting worse and better at the same time would bring South Africa into line with the mainstream of social and political development in the world as a whole. That, in turn, would mean a new set of forces would get to work in South Africa to shape its future, as in the rest of the world. Those forces have become the silent dynamics of South Africa's present-day politics" (Sekiguchi and Hatsukano, 2013)

Revolutions, therefore, in the context of this study refer to a state of conflict which predominated the socio-political landscape in South Africa in the second term of office of the democratic presidency. As Mbeki (in Venter, 2001) reiterates, this, by arguing that it is another warfare which South Africa should fight to win. If the gap between those who are rich and those who are poor continues to widen, South Africa is not doing any better than its

neighbouring African States. It is quite poignant that when South Africa had spent a decade at least being a democratic state, began to reflect rather deeply about the issues and the implications of being free. Venter (2001) makes an interesting observation when he points out that by the mid – term of president Mbeki’s term of office, the country will be seeing the social tensions getting in the rise.

Although conflict may be regarded as the major outcome of the tensions and perhaps needing the assistance of a third party in helping to resolve it, Mbeki suggests that it is rather imperative to understand the elements that contribute in the conflict situation first (Venter,2001). This suggestion falls in line with the objectives and questions of the study in seeking to address the question of land conflict as it affects the land owners and land dwellers of Dannhauser. The researcher, however, addresses that part of the research extensively in the following chapter under a conceptual framework. Mbeki (in Venter, 2001) has identified what makes up the contributing factors in a conflict situation in South Africa as follows:

2.8.1 Land of the Poor

Notably under this element, the select few South Africans appear to have been living rather expensive lives at the expense of the poor. Mbeki (in Venter, 2001) supports his argument by stating that the country is booming with shopping malls, expensive cars being driven but the irony of it is that people are getting poorer by the day instead of getting richer. Furthermore, an interesting observation is being made concerning the income of each household at the time then. According to Mbeki (in Venter,2001), the statistics therefore revealed that about R300 was what each household had to live on per month, all of whom were black who were to live under those poverty base lines. Moreover, the statistics also revealed that a quarter of households were actually dependent upon an income of the similar amount or less per month (Venter, 2001).

2.8.2 It is the gap that matters

Mbeki (in Venter, 2001) draws our attention to yet another element which indirectly or directly may have influenced a state of conflict within a broader South African society. His argument by way of reflecting invited his readers back to 1994 using the United Nations Human Development Index who measured about 174 countries. In short, the studies revealed that in comparison South Africans are marked by disparities. The gulf that exist between the rich and the poor as revealed by the study was that the rich was earning about 20 times more than the poorest 20 per cent, according to the UN’s 1996 HDI. A further interesting

observation made by Mbeki (in Venter, 2001) in relation to this gap matter, is that there seems to be a progress which South Africans were making apparently, the gap between the rich white and poor black is however narrowing, yet as things stand the change does not seem to be shifting, the gap between the rich and the poor is widening. Mbeki (in Venter, 2001) then argues that, the apartheid philosophy appears to be playing itself out yet again, this time it brings a class division which may be argued as being one of the main causes of conflict.

What Mbeki (in Venter, 2001) appear to be analysing in terms of the underlying dynamics that contribute towards a situation of conflict in South Africa is in one sense beginning to crack some sense in as far as this study as the researcher seeks to address a situation that is engulfed with conflict, where a community agency intervened for the purposes of seeking to resolve it through a mediation process and restoring dignity among the conflicting parties.

2.8.3 The population boom

Significantly, under this element Mbeki (in Venter, 2001) points out that the population then was notably growing at a size as big as that of Bloemfontein every six months. This was problematic for the government in terms of providing services. It also meant that the income had at least to increase at a rate of 6 per cent and remain there. Another feature which has been observed as having an adverse effect on the economy is the migration into the cities. Most of these migrants do not have proper housing facilities and end up squatting in and around the city which itself is unable to provide with reasonable shelters Karambiri, & Brockhaus, (2019).

Without having to focus too much on every element that has been put forward in Mbeki's arguments (in Venter, 2001), What the researcher has managed to access thus far is sufficient enough to assist in the process of investigating more evidence relating to the issue of land related conflicts between the more affluent landowners and the poverty-stricken land dwellers of Dannhauser.

Furthermore, the aim of the researcher is to follow more closely the approach and line of thought (Venter, 2001) is taking as he constructs his arguments in describing the history of revolutions in South Africa and how the issue of conflict is not a standalone phenomenon but appears to have its own allies that somehow helped to keep it alive. His arguments (Mbeki in Venter, 2001) suggests that while we may be assured that we have dealt with the past when

we got rid of the apartheid evil, but the cells of the same bacteria continue to spread perhaps in different form. Hence there was a part where he argued that the gap of the rich and poor is widening even though we are in a democratic era. A new form of classism and segregating people appears to have emerged and it may be one of the sources and perhaps even the causes of conflict in South Africa.

2.9 Current Studies on Land Conflict

Technically, doing a literature review in Peters (2013) guidelines; it has thus been pointed out that a researcher thoroughly ensures firstly that before undertaking to do a study on a particular topic, such a topic has not been the subject of investigation before; and if it has, what sort of information does a researcher intend on providing that has not been addressed by the first researcher/s on the same topic. Thambikeni and Sam (2015) further notes that it might happen that the researcher while reading a specific literature, could somehow notice some contradictions which may be of interest in the academic space and therefore wishing to take the investigation further as reconstructing or strengthening the earlier study. The third and perhaps the most fundamental point which is made under this literature review guide, is that its title or key words must be listed and accordingly acknowledged as an indication that this is not originally your own work but it belongs to somebody else's (Derman et al., 2007).

The above study seeks to investigate whether there has been land injustice in South Africa (Mwamfupe, 2015). The researcher then partially did his study under a theological discipline. The main issue as it seems, was also a social construct which was otherwise in ruins because of the unduly practices of the past (Peters, 2013). These unbecoming practices led to the uprooting of the non-white people from the land of their birth.

Rowan (2004) the following areas outline the key concepts of her study focus:

- (i) Dispossession of land of the people of colour.
- (ii) Land Act of 1913.
- (iii) Land Act of 1936
- (iv) Biblical / theological perspective

On the whole, the issues at stake were the same; they all seek to redress the injustices done by the apartheid system of the past. Obviously, the disciplines under which they are being pursued

also differ significantly. The current study which is being investigated as a case study of conflict, it also brings another layer of interesting players in the space of mediation process which was not a feature in the previous study focus that have been cited and reviewed.

The main gap that appears to be the area of interest in this study is the concept of conflict between the parties which must be investigated as to its causes, the role that was played by the mediator in restoring the dignity between the parties. In any occasion, conflict, theorists concur that cannot be avoided but must be dealt with and handled accordingly. “Conflict is an inevitable aspect of human interaction, an unavoidable concomitant of choices and decisions” (Conroy & O’Leary-Kelly, 2014, p. 69). On some occasions, conflict can be prevented and managed on others, but dealt with only if the term is considered to mean the fulfilment of obvious demands rather than the total eradication of underlying sentiments, memories and interests. According to Mwamfupe (2015), only time has the potential to resolve conflicts, and even the wounds that time can heal leave their scars for future reference. However, despite such healing there is still much to be done so that conflict is reduced and thereby releasing needed energies to conduct more productive tasks. In other words, under this discipline, the leadership role of the mediator among others, is one of the most crucial and critical of all the role players in the process in determining the outcome of resolving the said conflict and restoration of dignity among the participants (Conroy, 2014).

2.9.1 Makula’s Study on rectifying the injustices of the Past

The main thrust of this study according to Makula et al. (2000) was also concerned at investigating and raising a level of awareness in a way in which the rural communities were not treated justly and fairly by a government that was legitimately chosen by the people. This study too was conducted under the auspices of a theological discourse. Makula et al. (2000) therefore firmly asserted that the church ought to be given a space to play its role as a conscience of society. In this regard Makula (1998) made a remarkable observation that, policies on land distribution lacked a theological perspective which according to his point of view makes it profoundly biblical (Makula, 2000. p 110).

Makula (2000) furthermore, thoroughly engaged his readers in discussing Land act Of 1913 and Land Act of 1936 respectively, in which decisive decisions were taken and ruthlessly ruled against the “Black” African people on issues of land rights. Some of the issues that were highlighted in his study are:

- (i) Land Tenure – Eastern Cape
- (ii) Land reform
- (iii) Christianity and Justice
- (iv) Church and Politics

The issues that were raised in Makula's (2000) study and those that feature in Rowan's (2004) study sought to address the issues and struggles that confront the landless and landowners on a daily basis. Both Rowan (2004) and Makula (2000) presented their studies for a theological discipline. Makula (2000) paid special attention to a community of Craddock using the very lenses of a theological discipline to interrogate the injustices of the past. The church for Makula, (2000) was used in a general sense in its prophetic role which he argued that the church ought to be seen carrying out its mission in a society. The period at which these studies were investigated, is crucial and perfect for the purposes of this study. Venter (2001), argued that South Africa would begin to experience what he referred to as "revolutions" by the midterm of administration of the second democratic president (Hendricks, Ntsebeza, and Helliker, 2013).

Furthermore, in relation to the primary task of the study, as the study requires the researcher to investigate the question of conflict whereby the KwaZulu-Natal Christian Council (KZNCC) is said to have played a key role in its engagement with the parties. The study therefore seeks to take a step further in investigating not only with an intention to establish more about the conflict between the parties, but to critique the role of its leadership in engaging the disputing parties. Once that would have been satisfied, the researcher would in the process recommend a best conflict management strategy as per the objectives and questions of the study.

2.9.2 The significance of the Constitution in dealing with land in South Africa

It may seem almost like an out of date and irrational subheading to begin a discussion on considering the fact that South Africa have reached a twenty-four years mark on already in democracy. Scholars such as Uwayezu, and de Vries, (2018) and Maddex (2014) are of the view that the South African constitution stands as the monument not only for our country, but for the rest of the world. They all argue to the effect that the injustices of the past particularly relating to socio-economic issues can only be redressed through the lenses of the constitution. It would seem though, from what Ngcukaitobi (2018:1) argues, that despite the fact that South

Africans have at last, an assurance of protection of their rights enshrined in the constitution, yet it still lacked a great deal of implementation.

Uwayezu, and de Vries, (2018) concur with Ngcukaitobi (2018) as follows; “A century later after the 1913 Native Land Act, there remains a land crisis in South Africa.” Both these scholars Henndricks, Ntsebenza, & Helliker (2013), Ngcukaitobi (2018) concur to the effect that the work done in creating the constitution was incredible especially as they all acknowledge the fact that there was a 1993 interim one and then in 1996 a full version which contained everything that a constitution should have.

Therefore, South Africa became a constitutional democracy in 1994 and the country developed a constitution that as already been pointed out, the one admired by the world across the South Africa’s shores. According to Juswanto, and Kelkar, (2019), in actual fact this meant that the constitution created a space for South African democracy to not giving any preferential treatment to any particular religion or belief system, but structuring society on the understanding that the constitution itself would safeguard the rights of each individual or group falling under its authority (Benjaminsen and Lund, 2012).

Juswanto, and Kelkar, (2019) captures even more a decisive terminology in describing what was actually happening in South Africa during this time, in arguing that “The legal revolution witnessed the demise of a tradition of parliamentary sovereignty and its replacement with a supreme Constitution, a Constitutional Court and broad political support for democratic constitutionalism”. South Africa witnessed yet another dramatic revolution when a bill of rights was instituted or properly put in its place to ensure that the mistakes of the past are not repeated again (Clark & Worger, 2016). It was under this paradigm according to (Clark & Worger, 2016) where the economic justice had to be redressed, the bill of rights by the judiciary be safeguarded.

The revolutionary and dramatic change that occurred in the space of the constitution which gave rise to the Bill of rights being yet another road towards strengthening the democratic era in the South African history, Ngcukaitobi (2018:2) however, argues that the very bill of rights as others have attested, was rooted in the legal system of Europe. The adverse implications of this theory is that, if the bill of rights is not enforced what Ngcukaitobi (2018) referred to as “Independent and supreme judiciary” the efforts of liberating this country were going to be a futile exercise.

Lund and Boone (2013) state that people expected more from the leadership than just sheer policy change and constitutional revolution. The plight of the down trodden remained unaddressed as South Africa moved swiftly with the wings of change. Social revolutions / unrest as discussed in Venter (2001) were among the list of what was foreseeable in the future as becoming the culture of the Day to Day conflict in the land where there is no justice. According to Ngcukaitobi (2018) this was a major concern for those who had hoped that the “constitution” would bring the restoration of justice to their do The policies of segregating people according to race were laid down and nothing was done in the spirit of the bill of rights to protect the African people from losing their property rights under the law of 1909. Ngcukaitobi (2018), therefore argues that the situation as it stands and informed by a series of experiences faced by the African people, it warranted that a judiciary system was to be the only mechanism that could redeem the plight of the African people as long as it maintained its impartiality to the socio-politic issues of the day.

Moreover, the fact that South Africa entered into a new order of “Constitutional Democracy” it therefore presented serious revolutionary changes for the judiciary. The point has already been made that, historically the judiciary did not enjoy much of the public’s faith towards it due to the inaccessibility and shortage of resources that incapacitated the courts thus making them incapable of managing the challenges (Klug, 2000). According to Klug (2000: 2) the post- apartheid paradigm is itself in trouble and requiring a reconstruction which would put in line with its rightful project which was begun when South Africa entered a Constitutional democracy phase. (Klug, 2000), therefore lists at least three fundamental principles which align to the construction of democratic constitutional orders: They are:

- (a) Law, Globalism and Political Reconstruction;
- (b) The role of Law in Democratic Transitions ;
- (c) Political Reconstruction and Constitutional Change.

The underlying purpose in paying a close attention to what is being raised in Klug (2000) is to keep up with the researcher’s intentions to investigate the fundamental causes into the conflict situation between the landowners and land-dwellers of Dannhauser. Moreover, the purpose of this research is to investigate the role which the KwaZulu-Natal Christian Council (KZNCC) played in resolving conflict between the parties. Therefore, the literatures that are envisaged are such that they unpack relevant issues pertaining to the objectives of the study.

It is therefore, imperative and logic for one to begin by understanding the socio-political arena that govern the affairs of South Africa post-1994. It is equally important to understand the formulation of public policy as briefly alluded to in (Klug, 2000). The relevance of these policies is crucial in making the constitutional democracy a viably framework for any state.

What Ngcukaitobi (2018, p 1) referred to as “hallow hope” when referring to the failure in upholding to the constitutional demands by the judiciary, describes how distressing the situation was when on the one hand the country was thought to have already landed into a new era of futureof emancipation, yet on another level it still lacked a great deal of implementation of fundamental promises(Ngcukaitobi, 2018).

The unity which was being cultivated through the means of “rainbow nation” that everybody was invited to sing along seemingly appear to have watered down by the reality of the economic and social exclusion that even the new constitution could not wipe away (Ngcukaitobi, 2018). (Ngcukaitobi, 2018) argues to the effect that even the very Bill of Rights was brought under scrutiny by the people for whom it had been prepared, wondered whether the Bill of Rights still exist to protect individual liberties, was not in actuallyfact animated by what he referred to as “Eurocentric mind-set” which is not adaptive to the African people’s (Ngcukaitobi, 2018). In other words one might argue that, as much as the process of democratizing South Africa was a necessary requirement, however, it would seem from what the arguments that the scholars put forward (Klug, 2000), (Ngcukaitobi, 2018), the processes appeared to have undermined the very constituencies whose conditions it had hoped to redress as that would have meant dealing with the injustices of the past.

The question of conflict in terms of this study falls within the same framework of the injustices committed to humanity by the system of government of the past. At the same token, the present democratic government, as scholars Peters (2013) and Ngcukaitobi, (2018) have argued, appear to have implemented the policies that have not sought to address the root causes of conflict. The landless have had to embark on a process of creating their own constituencies so that land justice and land rights may be realized (Desai et al., 2016) The researcher therefore seeks to address the question of conflict by identifying the key role players affected by the conflict situation. The leadership and management strategy employed at resolving conflict is crucial and ground-breaking for the study as it would highlight the fundamental role which the leaders have had to do in engaging themselves with the community in conflict.

2.9.3 Law, Globalism and Political Reconstruction

According to Klug (2000) there has been a strong zeal globally since the beginning of the 1990's to instil a rule of law among all the branches of government and structures in the world. This system of law reform was also extended into economic circles and business centres expecting them to comply with the regulations and provisions promulgated by these law and ethical procedures (Klug, 2000, p. 2). Klug (2000) also notes that although the law reconstruction appears to have made a remarkable impression in transforming the socio-political landscape in the area of governance by enforcing the rule of law, however, the constitutional reconstruction is said to have made a significant inroad into the project of transformation. The emergence of the age of constitutionalism is according to scholars a way in which the people are being emancipated, "a commitment to limitations on ordinary political power" (Klug, 2000).

The sentiments expressed by this notion are well and good in theory, but in reality, it is something else on the ground. In Hendricks et al. (2013) similar expressions have also been echoed; "While constitutionally the state does not recognize ethnicity – the constitution is prefaced by the slogan, "One Law for One Nation". The point that is being made in connection with the above extract is that, as much as the hope is to bring all people to a stage where South Africans begins to share one constitution, but there remain many unresolved problems associated with accessing property(Hendricks et al., 2013).

In retrospect ,Chakravorty, (2014) idea of democratic constitutionalism capacitates political reconstruction which will in turn address the conflicts arising from day to day political demands. The next section treats the role of law in democratic transitions.

2.9.4 The Role of Law in Democratic Transition

Firstly, the attention is drawn to the fact that when the notion of political transition is addressed, an error of not taking into account that law plays a crucial role in the reconstitution of the state is often made (Klug, 2000). Klug (2000:6) cites Bruce Ackerman's argument that in South Africa the collapse of communism undermined the appeal of the Bolshevik model within the ANC, thus allowing Nelson Mandela to make the negotiation of a constitution, not the consolidation of ANC rule, the fundamental act of a new beginning in South African political identity. Inherently the judiciary prior to 1994 was operating in a way that did not have any regard for the constitutional framework of the law. It would therefore appear from the alleged new identity of South Africa ensuing with Nelson Mandela's negotiation of a new

constitution that a new path of reconstructive model was entered into form that day onwards Klug, 2000).

Significantly, the role of law in a democratic transition ought to have been translated itself in the protection of the fundamental rights of every human being belonging into the particular state. That is why perhaps, Ngcukaitobi (2018) has had to refer to the lack of protection of the Bill of rights as the constitution directs as “Hollow hopes”. The existence of the constitution in a state is to ensure that there is an equitable share in land accessibility as a first priority (Hendricks, Ntsebenza and Helliker, 2013).

The conflict which is being investigated in terms of this study between the landowners and land-dwellers of Dannhauser is presumed to have occurred in the years commencing from 2010- 2015, the transitional phase however long it might last, is adhered to under this reconstructive model; the role of the KZNCC’s engagement in the process is ensuring that the basic human rights on both sides are protected under the law.

2.9.5 Political Reconstruction and Constitutional Change

According to Chakravorty, (2014), enlightenment is marked and credited not so much on political revolutions, but on written constitutional documents. In fact, according to Ngcukaitobi (2018, p.1) “the magnitude of the South African constitution’s vision and ambition is unprecedented”. There is a remarkable improvement made by the introduction of state reconstruction paradigm as opposed to the earlier transformational processes in that it has for the first time taken very seriously the participation and inclusion of all persons in a democratic making process. It has also recognised the need for the economic emancipation for all. The rights of all workers have also been enhanced. The struggles faced by women in industry and the legacy of apartheid had to come to an end. Lombard, and Rakodi, (2016) state that all of these legacies which characterised the twentieth century interstate conflict zone, were reversed by none other than the reconstructive model which brought forward a constitutional framework which served as an empowerment instrument for all.

It is therefore during this reconstructive model where new dawn of change in the entire globe appears to have been significantly taken shape. Arguably, Bill of Rights, Constitutional courts, legislative organs of state and other competent bodies commissioned in terms of the constitution to perform certain functions of the state, were empowered in terms of this reconstructive and constitutional change which brought about a new meaning of

enlightenment in the socio-political space of the State (Lombard,2016). The theory stands to be tested against the experiences which the land-dwellers/ landless people have had to endure under the government who supposedly was endowed with all of the required tools for transformation. Interpreting and implementing the principles of the land reform will according to Venter (2001) “leave more people better off than before, and contribute meaningfully to a sense of national healing”.

In the subsequent sections the researcher has briefly sought to define key terms which are playing a major role in the study. The next section returns to the land-dwellers /landless people. Since this is a major part of the study quest, their experiences in the post-apartheid era are being elaborated in light of the broader context of the question of the study which seeks to address the question of conflict that affects not just their plight in question, but the landowners as well.

2.10 The Land-dwellers’ Experiences with the Land Reform

Despite the emergence of a political reconstruction which culminated into constitutional change in the sphere of governance throughout the global politics in the twentieth century, in South Africa the plight of the poor remained unchallenged by these revolutionary changes. Chakravorty, (2014)examines the extent in which the circumstances faced by the so called “landless people “were in one way shaped by the negligent handling of the land reform act of 1913 and subsequently, came together to form one umbrella body through which they had hoped that they could lift their banner on high so as to be heard. The attempt is being made therefore in this section to sift through Juswanto, and Kelkar, (2019) arguments to find as much information about what some of their experiences were in relation to the purpose of the study. Before we could tackle the issues making the main resolutions and struggles, they had to face and perhaps which they continue to face on a daily basis, terms pertaining to this section are therefore defined first so that some clarity and better insight on issues at stake particularly as they fulfil our objectives of the study.

2.10.1 Class and Power

Within the Landless Movement which formally constituted itself in 2001 in order to put together an agenda that sought to address their problems as a group of marginalised landless people.Juswanto, and Kelkar, (2019), therefore argues that there were defining features that

stood out to distinguish them from the rest of the community. One of these features was Class and Power dynamic.

About this feature Greenberg (2004:24) their structure is influenced structurally by the principles of the NGO. Central to this ideology is that the “professionalization of the NGO stratum, since the early 1990s in parallel with the shifting political terrain from resistance to reconstruction – led to the dissipation of activist relationships with the grassroots and the rise of a technocratic developmental approach in the NGOs” Though on occasions technical expertise and management skills were readily available to impart knowledge as to how NGO workers are supposed to interrelate with the grassroots, however the same grassroots were often left behind. The LPM in this instance could not see it coming, the NGOs saw the opportunity and designed the entire policy framework and lobbied for positions(Uwayezu, and de Vries, 2018).On the extreme left, Venter (2001) points out that with the advent of democracy, a new form of segregating people emerged in South Africa, this time it was not so much in colour and racial lines, but the black middle class versus the down trodden. Notably, therefore this was to become another divisive factor which could cause severe conflicts of class and power dynamics in South Africa.

2.10.2 Land and Race Consciousness

The majority of those who belonged to the Landless People’s Movement (LPM) are easily identified as black.Spierenburg, (2019), connects a historically dispossession which he argue as having had direct impact mainly on a specific race – that is black. However, the point has been made that the movement’s affiliates do not always exclusively constitute of black members; this is evidenced by the way in which those who insist upon the black consciousness of the movement would want those of a different race to cancel their membership in the movement Greenberg (2004:27).

As a matter of principle, the movement has adopted in their constitution an anti- racism attitude, however there are those who felt that whites by virtue of their skin colour stand to benefit as they did even under the previous regime. It is almost as if one could argue that, as long as they (whites) could always remember to uphold the values of transformation whereby the previously disadvantaged ought to be given priority in terms of accessing the primary resources or addressing the issue of resources,

In defining and linking the movement into race, Kamuti, (2018) argues that it is not at all an easy task as in the movement itself there is what he referred to as many strands thought on the same issue. There are those who represent it from the ideology of the social identity; then there are those who come from the frontier of the struggle for land. (Greenberg, 2004) gives a hint also about the international community whom he argues as having had connections with Mbeki's vision of globally integrated Africa via Nepad.

All of these different strands however, their ambitions and aspirations may be with regard to the movement, our main interest is the local connection of the movement in how it has had to shape the lives of the poor and marginalized people of this land.

2.10.3 The Embryonic Women's Struggle in the Movement

There are unique and somewhat peculiar circumstances that were faced by various groupings within the wider movement of the landless people as together they were pursuing for the emancipation for all. To unpack and define some of those struggles that affected the minority groups within the greater majority will assist us a great deal when discussing matters pertaining a collective movement. According to Vos, R. E. D. (2016), women members of the landless movement found themselves having to confront "patriarchal tendencies" on issues to do with accessing land. One of the fundamental resolutions and approach of the land reform is to reverse the inequalities created by the system of government of the past.

What seemed to have been an observation on the part of the scholars, (Kamuti, (2018; Ngoetjanaand Denis, 2015), in this specific regard is that not much attention appeared to have been given to the gender space when addressing matters of the past discrimination and dispossession. In fact, they go further to state situations where even community meetings that would have been held under the auspices of transformation, the issue of women's representation on those meetings would be overlooked as immaterial (Kamuti,2018).

While there were burning issues that were being tackled upfront by a collective body of the landless people's movement, however, there are other issues on the side that demanded rather a swift and decisive turnaround of the movement within itself and dealt with; issues of gender discrimination.

2.10.4 The formation of the Landless People's Movement (LPM)

It was in 2001 when a forum of land-dwellers was created under one name of "Landless People's Movement. They came from a greater part of South Africa. They saw a need to join forces so that together they could raise their banner on high in relation to the struggles that confronted them. They were still experiencing some form of marginalization from among those in power, as most of them constituted the majority of the masses. The adoption of what has come to be known as the neo-liberal Growth, Employment and Redistribution (GEAR) macroeconomic strategy in 1996, the revolutionary demonstrations which led to the national elections of 1994 ought to have dramatic enough to transform the state's economic policies to cater for everyone's needs. The contrary, is that under this policy – "neo-liberal" approach, white farmers were not going to get affected in any way by circumstances of expropriation of land by the state. A pronouncedly market-led land redistribution program remained operational and subject to review by the state as it saw it fit Hendricks et al. (2013). However, Vos, R. E. D. (2016) states that the landless movement's concerns was that the country's economy continued to breed for those in power, and the poor remained poorer.

In rural areas it was even worse, the living conditions were at least expected that under the new administration would improve, but since the economic policies were not so much in favour of the working class, their situation became as hopeless as ever. Most of them are said to have been living as farm-dwellers and labour tenants.

According to Clark and Worger, (2016), land dwellers are confronted with sudden rent increases, evictions and some were even retrenched as landowners had now had to adjust to demands placed towards them by an external economist and a global market.

This period of post-apartheid government saw a widespread of these landless movements whose outcry was against the government who failed to deliver to his promises and mandate of 1994. Failure of government in this regard would include the Reconstruction and Development Program (RDP). In retrospect this would have meant tenure security for all; and a transfer of at least 30% of agricultural land within the first five years of democracy

Greenberg,2005). To paraphrase what Klug (2000) argued, "Cultivating a paradigm of reconstruction and constitutionalism is a fundamental core value of making a democracy a viable entity in a state" It would therefore seem that on the basis of what the landless people's movement are putting forward as having been the failures of government in honouring up to

their promises is a failure to acknowledge the underlying political and legal principles guiding the engine of governance in its totality.

As a united voice, the Landless People's Movement (LPM) called for redistribution of land to the landless and secure tenure for all. Since the government had failed on its mission -

“Willing seller, willing buyer model of land reform, the LPM therefore is calling for a review of this policy and its replacement with a new and effective process(Boone, 2017).

They also called for an end of evictions, whether on farms or in informal and other settlements.

2.10.5 The Nature of Conflict

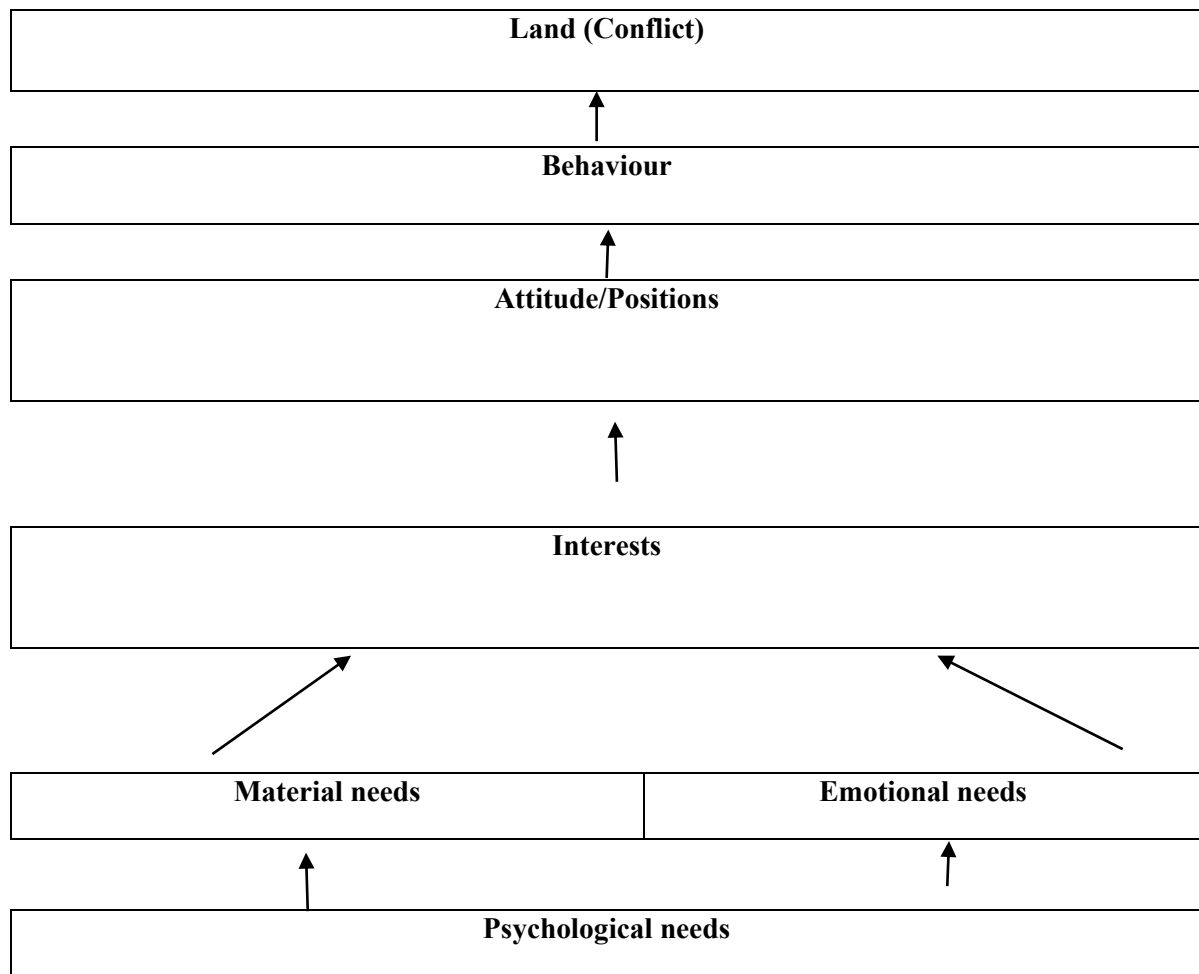
Even though the researcher has made a brief attempt to explain under the definition of terms in relation to the “Land Conflict” that in general terms a conflict is explained by sociologists as a social circumstance involving at least two parties and whose differences originate either in interests or in social position of parties (Thambikeni& Sam, 2015). On the other handKreitnerandKinicki, (2001) states that conflict is prevalent within organization due to the following changes:

- Ongoing change and transformation
- Enhanced workforce diversity
- Greater use of teams
- A decrease in face to face communication due to electronic communication
- Competition within a global economy which requires cross-cultural dealings.

To this end Wehrmann et al. (2005) argues that land conflicts are a widespread phenomenon and they can occur anywhere and at any given time. In most cases land conflicts occur when is a chance that conflicting parties may obtain land for free irrespective of whether the land is state, common or someone's private property (Wehrmann et al., 2005)

The following diagram illustrates the above statement clearer in showing the sources of conflict:

Figure 2.1the conceptual framework showing the roots of conflict



Source: Wehrmann 2005

Although the researcher has in terms of fulfilling the requirements of the theoretical framework in the immediate preceding section whereby a diagram seeking to illustrate land conflict has been produced. The first diagram only served to illustrate the theoretical function of the study in so far as providing a highlight on the predominant theories guiding the study in dealing with the conflict.

Therefore, engagement, mediation, dignity and land justice have been in terms of the first diagram communicative of the theoretical framework in dealing with a conflict situation that involved the land-owners and land-dwellers people of Dannhauser.

The above diagram Wehrmann et al. (2005), goes a step further in that it uses different management tools with which to analyse conflicts. According to Wehrmann et al. (2005) at almost every conflict situation there are psychological fears and desires. Examples cited in

this regard are; fear for existence, fear of insecurity, desire to be recognized, cared for and loved.

Concerning the material and emotional needs the following was noted and illustrated in the diagram as affecting all who are involved in conflict: need for shelter, need for a production base, longing for self-esteem, or seeking power and wealth (Wehrmann et al., 2005).

According to Wehrmann et al. (2005), these constitutes people's needs that ultimately shape their interests. Therefore, Kreitner & Kinicki, (2001) put it more aptly in defining conflict as a process in which one party perceives that its interests are being opposed or negatively affected by another party.

2.10.6 Functional and Dysfunctional Conflict

Boone (2017) assert that conflict is not always dysfunctional and does not always lead to negative outcomes. The conflict in terms of this argument has a potential to stimulate creative resolutions of problems and corrective actions and to keep people and organizations from slipping into complacency. On the other hand Mabaso (2014) argues in contrary to Cook & Hunsaker (2001) that all land conflict yield negative consequences to people and the entire society no matter how violent or peaceful they may be. Sekiguchi and Hatsukano (2013) further notes that the effects of land conflicts often have negative consequences on economic, social and ecological development.

However, negative conflict may seem, as perhaps radically understood in terms of what has been outlined in (Mabaso, 2014). Sekiguchi and Hatsukano (2013) on the other hand reiterates that conflict needs to be understood as a dynamic which should be effectively managed rather than eliminated.

2.10.7 Functional Conflict

Cook & Hunsaker, (2001) argues that functional conflict has positive results for an organization in that it stimulates innovation and production. The benefits which can result from functional conflict thereof may include:

- Managers and employees become more aware of problems and are more able to cope with problems as a result of discussing existing and potential conflicts. In other words one might argue that in the case of the land-owners and land-dwellers in a land related conflict situation, the land-owners together with the land-dwellers would act together

in addressing the challenges that threaten to break down their good working relationship. They would not be afraid to sit down and discuss potential conflicts.

- Organisational practices are challenged and improved. In this instance according to Cook and Hunsaker (2001), situations could arise where certain policies and practices may perhaps not be in line with the current transformational principles which could cause an unnecessary conflict, they would therefore be improved in accordance with the current and acceptable practices of the day.
- Cook and Husaker (2001), also points out that relationships between team, department and / or organizational members are strengthened as a result of releasing the tension and achieving a win-win solution.
- Furthermore, they argued that personal growth and development occurs as individuals learn about how they handle conflict (Cook and Hunsaker, 2001).
- On the whole, conflict can stimulate fun as managers and staff engage in solving interesting problems (Cook &Hunsaker, 2001).

2.10.8 Dysfunctional Conflict

According to Lombard, and Rakodi, (2016), the most underlying outcome of the dysfunctional conflict hinders the achievement of the organization's goals. A conflict of that nature as it may be argued prevailed as a hostility between the landowners and land-dwellers in the greater region of the KwaZulu- Natal province and which therefore made it necessary for the KwaZulu-Natal Christian Council (KZNCC) to intervene (Ngoetjana& Denis, 2015). Intergroup problems may include the following:

- Hostility between groups and the establishment of an “us – and- them” mentality (Cook &Hunsaker, 2001).
- Distorted perceptions which emphasise the negative traits of a particular group.

- Negative stereotyping which results in decreased communication which is also distorted.
- Decreased communication as a result of the distorted perception and negative stereotyping (Cook &Hunsaker, 2001).

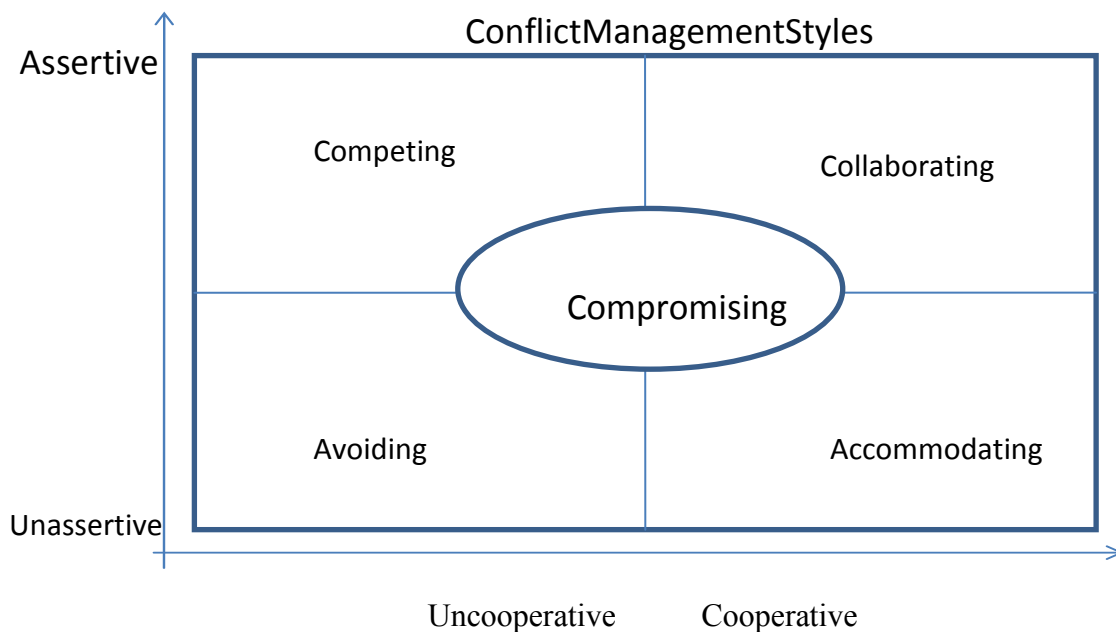
There are consequences that may be experienced in relation to dysfunctional conflict according to Cook &hunsaker (2001). These may include the following:

- Lack of trust
- Decline in cooperation
- Decreased communication
- Decline in productivity. In relation to land related conflict, this particular challenge as pointed out (Cook and hunsaker, 2001) is therefore felt not only within the farming community the entire nation get to experience the impact of the conflict as the production base is stalled.

2.10.9 Conflict Management Strategies

The following diagram illustrate the conflict management strategy that may be used when seeking to resolve land related conflicts.

Figure 3: Conflict management styles



Source: K. Thomas cited in Robbins, 2001

Having made an attempt to address the requirement of our objectives of the study by way of describing the nature of conflict as has been pointed out primarily in (Thambikeni& Sam, 2015) that is a social circumstance involving at least two parties in dispute over resources. The researcher has also cited the role which was played by the KwaZulu-Natal Christian Council (KZNCC) in its capacity as a neutral engager and mediator between the parties who happened to be the Landowners and Land-dwellers of Dannhauser (Benjaminsen& Lund, 2012). The psychological factors, socio-economic issues as well as gender inequalities were among those that appear to have fuelled the conflict between the parties in Dannhauser which were briefly alluded at (Greenberg, 2004).

Therefore, in keeping with the requirements of the study and its objectives, in the face of the prevailing circumstances of conflict between the landowners and land-dwellers of Dannhauser, a proper conflict management strategy is firstly, reflective of the leadership managerial role which is fundamentally played by the KZNCC in its engagement with the parties involved in conflict.

The diagram above (Thomas cited in Robbins, 2001) seeks to illustrate how those involved with dealing with conflict management could respond utilizing a wide range of styles available at their disposal. The leadership especially those playing a mediation role could adapt the following guidelines of the diagram (Thomas cited in Robbins, 2001) in the context of managing conflict.

2.10.9.1 Competing Style

According to Berry, (2018), this style is assertive and uncooperative and is evident where individuals or group seek to project their own interests above that of the entire group. However, there are instances where the competing style is found to be of benefit where if a quick decision has to be taken which would impact positively to a wider group or community.

2.10.9.2 Collaborating Style

Boone, (2017), argues that this particular style differs from the first, in that although it is also assertive, but it is cooperative. Parties to a conflict seek a mutually beneficial outcome through cooperative. Cook &Hunsaker, (2001) on the other hand draw our attention to the fact that a bit of patience with regard to the collaborating style is necessary because those that are involved in conflict take a little longer to gain a good understanding of the other parties' needs, incorporating their concerns and working through hard feelings to achieve an optimal

solution. At the same token Berry, (2018) hasten to give caution that due to the fact that collaborating style require more time on their side, such time need not necessarily be spent on addressing unrelated issues.

2.10.9.3 Avoiding Style

This style is completely different from the first two that have been discussed above. Berry, (2018) argues of it as being unassertive and uncooperative. It is argued that those who adopt this style do not pursue the goals of the other party nor do they pursue their own (Robbins,2001). In these circumstances, parties are usually aware that conflict exists, but instead of seeking to address it, attempts are made to ignore or suppress the conflict (Robbins, 2001). Cook &Hunsaker, 2001) point out at least two scenarios where this style appears to be more apparent. Parties involved in conflict would ignore conflict (pretending it isn't there). Secondly, they would avoid individuals and groups with whom they disagree (Cook &Hunsaker, 2001).

2.10.9.4 Accommodating Style

Van Leeuwen, and Van Der Haar (2016), argues of this style as being unassertive and cooperative. Those who adopt this style tend to put the interests of their counter-parts first and above their own. Cook &Hunsaker, 2001) maintains that this style is appropriate when the issues at stake are of much greater importance to the other party. This particular style is relevant to when addressing the land related conflicts as a sense of accommodating one another would be a collaborative move on itself as Robbins (2001) pointed out in the other style that collaborating style ,

“Parties to a conflict seek a mutually beneficial outcome through cooperation. Kamuti, (2018), note that within the accommodating style, relationships are well maintained.

2.10.9.5 Compromising Style

Karambiri and Brockhaus, (2019) argue that this particular style is falling between the assertive and cooperative behaviours. People who demonstrate a compromising style are prepared to give something up in the interest of reaching a compromised outcome. Often in these circumstances, people would be prepared to settle for less than what they deserve such as accepting a R5 instead of a R10. In the context of land related conflicts, a compromised style may be challenged as perhaps only occurring in circles where the powerful and poor are the conflicting parties. Wehrmann (2005) states that in many instances the powerful in social circles often get away with murder as they would because their influential privileged

positions in society, suppress those who are poor and voiceless in court. The poor in this case would be the ones seeking out to reach a compromise, giving up something.

2.10.9.6 KwaZulu-Natal Christian Council (KZNCC)'s Conflict Management Strategy

Moreover, apart from the above analytical systemic attempt (Robbins,2001) through which the researcher has been describing the conflict management strategies, to address the ongoing conflict situation between the landowners and land-dwellers, the KZNCC devised the following strategies:

- The KZNCC created a space through which they made it possible for the emerging black farmers to share their stories. Thambikeni and Sam (2015) argued that the advent of democracy in South Africa appear to have not benefitted everyone in relation to the land-redress question – Only those who were white continued to enjoy the fruits of democracy. The very first undertaking on the part of the KZNCC and its partners was to create a book through which they were to capture the issues that confronted the length and breadth of the Province.
- The second part of the conflict management strategy falls within the wider initiative which was taken by the KZNCC and its partners to improve the living conditions of land-dwellers and landless people. According to Ngoetjanaand Denis, (2015) since 2009 a variety of platforms that have been created to share information on land issues in a spirit of dialogue have made a significant impact in the lives of the people.
- Furthermore, the KZNCC has had to ensure that the land issues summit which takes place every year in KwaZulu-Natal benefits the people on the ground. On the other hand, locally it is noted that workshops were organized to allow the land-dwellers and landless people and especially women who were given a platform to share their stories and grievances. It is also argued that at these workshops because of the extent and nature of the situation it would often be necessary to include Michael Lapsley's Healing of Memories methodology- "Michael Lapsley himself a victim of trauma during apartheid" (Ngoetjana& Denis, 2015).
- Lastly, the strategy which was employed by the KZNCC in their attempt to address and manage conflict was to engage the government bodies and other public

institutions on a subject involving land-dwellers and landless people bringing to their attention the issues that are pertinent to their situation.

2.11 The Land Reform Act, As Implemented in Section 25

The researcher has already made reference and noted under Klug (2000) that South Africa in 1994 entered into a new paradigm of “Democratic Constitutionalism” what it means in essence is that South Africa was no longer going to have to be dictated by any other voice except that which is stipulated under the principles of the constitution and within the perimeters of the law (Ngcukaitobi 2018).

Van Leeuwen, and Van Der Haar (2016), argues that while the land reform has been recognised as a positive undertaking in almost all countries in Sub-Saharan Africa, however, at the same time it has been seen to be the cause of many unresolved conflicts. On the other hand, Lahiff (2007), notes that a concept of willing buyer and willing seller has proved to be a failure and causing a lot of pain and unnecessary conflicts, because the very poor people whose lives it hopes to improve, they are discriminated through a market led approach. Therefore, Section 25 of the constitution falls within that category of the framework and it has been used to promote the interests of justice since 1994 and at the same time it has been seen to have halted those very objectives and principles of justice as implementation has not been effective enough to address the needs of the previously disadvantaged group/s of the past.

Furthermore, the researcher is carefully laying out what section 25 entails with regard to issues of the land rights as it directly impacts on issues of the study about the conflict between the landowners and land-dwellers of Dannhauser.

According to Pienaar (2014:174) section 25 exclusively deals with property clauses in the constitution of South Africa. It therefore has two fundamental principles upon which it bases its functional objectivity; **(i)** Section (1) – (3) has traditional outlook that serves to protect existing property interests against constitutional interference. **(ii)** Section 25 (4) – (9) serves to provide authority for state action to promote land reform and other related reforms.

Interpretation of this section plays a major role in defusing as were some of the underlying tensions and conflicts that are found to be embodied in section 25 (Pienaar, 2014:175). For this reason the following quotation has been asserted by Judge Albie Sechs:

“The blatant disregard manifest by racist statutes for property rights in the past makes it all the more important that property rights be fully respected in the new dispensation, both by

the state and private persons. Yet such rights have to be understood in the context of the need for the orderly opening-up or restoration of secure property rights for those denied access to or deprived of them in the past” (Pienaar,2014:175).

Regarding to the above interpretative approach, the recommendations are that courts should open themselves to a teleological framework which will assist them in interpreting the complexity of section 25. In that way they (Courts) would ensure that the process is protective and reformative which will be to abide by the underlying principles of the two fundamental clauses of Section 25. Van der Walt (in Pienaar, 2014) draws our attention to the fact that although it may be possible to address the requirements of the two broad clauses of section 25, i.e protective and reformative; and each of the four clauses in section 25 will be analyzed as follows:

These elements of section 25 are:

Deprivation 25 (1)

Expropriation 25 (2 & 3)

Interpretation 25 (4) Land& other related reforms 25 (5)

The evidence as expressed through the formation of the landless people’s movement suggest that there was a complete disregard of at least the two fundamental core clauses outlined by Van de Walt (in Pienaar, 2014) of protecting and reformative . In accordance with these principles the landless / land-dwellers ought to have enjoyed the protection rights given to them by the state that understood its role and constitutional obligation as sanctioned by section 25.(i).

According to Karambiri, and Brockhaus, (2019) it is then transpired that the landless people were subjected to severe hardships which they experienced as a result of unfair labour practices metered against them.

Some were, retrenched, others lost their jobs through being forcibly evicted out of the farm where they were living and working at the same time.

Therefore, the interpretation for example, of each of these elements of section 25 is of paramount importance. Not only is the interpretation vitally important, but the application as it must be seen to be carrying out what is being envisaged in the judges' historical context of the interpretative of the section (Pienaar, 2014). Each of these elements is discussed in light of what they stand for and seek to achieve as per the constitutional mandate.

2.11.1 Section 25 (1) "Deprivation"

Deprivation under this section serves to represent two main functions:

1." It confirms that the property clause does not render property absolute or inviolate"

2. It ensures that necessary and legitimate regulatory limitations are not imposed on property rights arbitrary or unfairly". Consequently, in terms of this element, deprivation is understood to mean that property may be subjected to certain limitations and if so, regulatory limitations could be lay down to legitimize and validate the property. Taking into account that there were unduly practices which were imposed as a result of the apartheid injustice system of the past and many other related unfair practices, a formulation of this nature is said to be of a greater necessity to enable the proper functioning of the state. In this regard the protection of individual rights and the restoration of order within the social functionality is guaranteed (Peters, 2013).

2.11.2 Section 25 (2) and (3) "Expropriation"

As the researcher is discussing the contents applicable in this particular section especially with regard to expropriation the parliament is currently holding an extensive debate in which it seeks to explore the question of whether the country is ready to implement this question and the public has been invited to make contributions and comments as the intention is to amend specific areas of this section.

The area which at the moment is of grave concern is whether expropriation should be carried out without compensation. However, it must be noted that at the moment the researcher is addressing the description and discussion of section 25 as it was laid down prior to the above revisions that are said to be taking place.

Section 25 (2) regulates that if law provisions have been satisfied and other legitimate requirements of expropriation, the process may be carried forward. Among these requirements it must be ensured that it is done to secure the public interest, for the public purpose and a fair and just compensation be paid in lieu thereof. In terms of section 25 (3) the emphasis is according to (Pienaar, 2014) on compensation which must be equitable; it must also be listed for the benefit of the public clearly indicating the balance between the interest of those affected and having regard to all the relevant factors. It is further been attested that this particular element of expropriation has serious implications for the land reform. However, at the base level Van de Walt (in Pienaar, 2014) draws our attention to the tension between deprivation and expropriation. He (Van de Walt) argues that often at times the intended action of deprivation is confused with that of expropriation. Cases under such scrutiny require that the claimant be in a position that he/she proves that the state would have acquired what was duly deprived of by the claimant. If not, the claim will under those circumstances deem invalid (Sekiguchi&Hatsukano, 2013)

2.11.3Section 25 (4) “Interpretation”

On the core, this element of the entire section 25 provides the interpretative framework of the section. In terms of the principles guiding the interpreting of this section it is therefore been stressed that the public interest be taken into consideration; (ii) commitment to land reform as a Nation and ensuring that all have equitable access to the country’s natural resources. Interpreting this section of the land reform necessitates that the gross inequalities of the past in relation to wealth and land distribution be taken into account. In terms of redressing the imbalances of the past, job creation the advancement of the social and economic goals for all is envisaged by the interpretative lenses of this section (Pienaar, 2014). This section 25 (4) is also said to be intrinsically linked to section 39 (1) which asserts that the interpretation of any fundamental human rights must be seen to be promoting the values of a democratic society, but more importantly it must also be done to enhance human dignity and freedom. (The aspect of human dignity is further discussed at length in the next chapter as the researcher teases out the conceptual framework of the study)

Therefore, in terms of this element of section 25 (4) the nation is afforded to fulfil its obligation to bring about equitable adjustments through the land reform process in its transformational outlook. When carrying out the expropriation resolute, this section allows the state to apply the process without fear or favour and ensuring that compensation is requirements are also dealt with as per book guidelines (Peters, 2013)

The attention has also been drawn to the fact that section 25 (4) is not restricted to land affairs only; therefore outline that property comprises of at least three meanings within the property clause:

- Physical property – things essentially within the law context
- The set of rules governing the relationship between individuals and physical property –property rights
- Any relationship or interest having an exchange value including for example the market value of a house.

Furthermore, when one seeks to address the clause that includes “property” section 36 (1) and section 38 (2) as both have been enlisted under the Bill of Rights. There are minor technicalities that are essentially important that are needing to be recognized in the context of interpreting section 25.

2.11.4Section 25 (5) to 25 (9): Reform measures

According to Pienaar (2014) section 25 (5) to (9) addresses matters related to land reform and other reform measures in a general sense. Pienaar (2014) goes on to point out that at the initial stage section 28 and section 25 during the phase of the interim constitution of 1993 these respective sections fulfilled what is understood to be a common purpose under the clause of property to redress the imbalances and discriminations of the past. Section 25 in its present formulation is described as having emerged with a more detailed and focused approach to the task. Section 25 (5), (6) and (7) thus is argued to contain the constitutional basis for the three sub-programmes of the overall land reform programme (Pienaar, 2014).

Its functionality within the framework of the state therefore is to place a responsibility upon the state to discharge legislative functions within its available resources to foster conditions which promote accessibility to land to all without discriminating any on the basis of past restrictive laws. Essentially, this subsection (25 (5) is therefore an embodiment of the redistribution programme (Pienaar.2014: 184). Section 25 (6) places a responsibility upon the state to ensure that security of tenure applicable to individuals or communities whose tenure or land is deemed insecure in terms of the past discriminatory laws, to put in place mechanisms of providing security for such persons or community affected this sub-section 25 (6) caters for tenure requirements.

It is further argued (Pienaar, 2014) that tenure reform programme is also found under subsection 25 (9) where the parliament is directed to put in place a legislation to reinforce the implementation of sub-section 25(6). Section 25 (7) opens up a space for any person or community who may have been dispossessed of property after 19 June 1913 due to the racially discrimination laws to restitution or equitable redress as provided in legislation. Subsection 8(3) (b) of the interim constitution is thus been reformulated under sub-section 25 (7). Section 25 (8) stresses the importance of adhering to the provisions laid down in accordance with section 25 of the constitution and under no circumstances should the state fail to apply its legislative authority in relation to land reform (Conroy & O'Leary-Kelly, 2014)

Understanding the fundamental principles applicable to the land reform act is a step in a right direction and bearing one of the major components of this study. One of the key objectives outlined when the drafting of both section 28 and 25 in the early days of the interim constitution was to carry out the redress of the imbalances created by the discriminatory laws of the past (Pienaar,2014:182). The experiences of the landless/ land-dwellers up to a point where they resorted in formulating a body under which they thought their voice would be heard as they constituted themselves as; “ Landless People’s Movement” inform us that the existence of the land reform act made no difference in their lives because on almost on a daily basis they continued to find themselves struggling for survival under what could be argued as having been very difficult conditions and trying circumstances of their lives(Lund et al., 2006).

It is further argued that while the land reform act under section 25 appears to be neatly written out as a protective mechanism against those who were previously abused by the system of government of the past, there is a greater chance that the landowners (as most of them still are white) their property rights are guaranteed and protected under the same constitution is deemed to seek to be looking to find alternative ways to redress the inequalities created by the system of government of the past (Hendricks et al., 2013).

2.12 Conclusion

This chapter essentially has been looking to unpack issues relating to the literature review. The researcher has made an effort in bringing into the fore scholars who are recognized as playing a key role in this quest as the study focused on the issue of conflict where the KwaZulu-Natal Christian Council is playing a central role in its engagement to resolving

conflict between the landowners and land-dwellers of Dannhauser. Venter, 2001 occupied somewhat a foundational space in providing a sense of direction with the kind of issues and dynamics which in his view (Venter, 2001) predominated the socio-economic and socio-political landscape of South Africa in the first decade of the democratic dispensation. The researcher developed a theoretical framework in which an attempt was made to communicate various theories with which the study will be driven. A researcher's own theoretical framework was created showing the main contesting parties in conflict and how the third party were to utilize its leadership role in resolving conflict by making use of the available themes. Current studies were reviewed (Makula, 1998; Rowan, 2004) the researcher drew some parallels and differences from those studies which enabled him to proceed with the study.

The nature of conflict was also discussed in detail. Functional and dysfunctional conflict were also demonstrated Diagrams showing the root cause of conflict (Wahrman, 2005) and conflict management (K. Thomas cited in Robbins, 2001). The land reform Act with special emphasis to section 25 was extensively discussed and analysed in relation to the experiences of the landless people. The next chapter presents the research methodology

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter reviewed the literature on issues related to land conflict as they affect the landowners and land-dwellers of Dannhauser. In this chapter therefore, the researcher seeks to document the means used to conduct the study that includes research design, the sampling, strategies, population, probability and non-probability sampling, and sample size, data collection instrument, interviews, validity and reliability and ethical considerations.

3.2 Research Design

Yin (2013) stated that the research design is the concrete plan of how to proceed with the study; it defines what the researcher is going to do with the respondents and responses with the intention to reaching a conclusion about the research problem. For the purposes of this study, the research design refers to the overall strategy that the researcher chooses to integrate the different components of the study in a coherent and logical way, thereby, ensuring that the researcher will effectively address the research problem (Babbie, 2013). According to (Creswell & Poth, 2017), a blueprint or plan for the intended research study is used to guide data collection and analysis. In actual fact, the research design focuses on the kind of study being planned, kind of results being aimed at and the evidence required in adequately addressing the research questions. These are generally four main types of research design, which include exploratory, explanatory, descriptive and causal designs. (Creswell & Poth, 2017). Mitchell and Jolley (2012) contend that the design of a particular research has the potential to influence the choices of data sources as well as the types of data gathered. What follows, are the various types of designs:

3.2.1 Exploratory Research

This design provides insight into, and an understanding of, the problem confronting the researcher (Maxwell, 2012), the design seeks to develop a clear review of the problem through a literature analysis augmented by an interview of participants to gain detailed knowledge (Hakim, 2012). The design is popular for being flexible, with a bit of modification of the research process

3.2.2 Causal Research

According to (Merriam and Tisdell, 2015), this design seeks to inquire the link between variables by way of analysing the extent to which variables influence the change among variables. It is further attested (Iacobucci and Churchill, 2009), that the primary method of this type of design is experimentation in which hypotheses are tested.

3.2.3 Explanatory Research

Explanatory designs seek to investigate a problem towards, establishing the relationships between variables (Saunders, 2012) According to Cooper & Schindler, 2003), these studies have no other basis, apart from that which had already been studied and the intelligent answers to explain new development Explanatory studies are suited to research where the area being investigated is new or ambiguous and the variables may not be clear enough to develop hypothesis (Cooper & Schindler, 2003) the objective of this research design is develop a clear understanding of the problem, which is usually done through a search of available literature, interviews with specialists in the topic or focus group interviews (Saunders et al., 2012:171). In addition, flexibility in exploratory studies, counts as an advantage on the researcher's side, as it enables the researcher to modify ones focus during the research process (Creswell & Poth, 2017).

3.2.4 Descriptive Research

Descriptive study design seeks to “describe” certain characteristics or functions that management is likely to be interested in, such as market conditions, customer's opinions, purchase behaviour (Lambert & Lambert, 2012).

For the purposes of this study, an explanatory research design was used because the discovery of answers to questions relating to the fundamental issue of dealing with land conflict was sought in conjunction with the objectives of the study. Explanatory research design studies seeks to investigate a problem towards establishing the relationships between variables (Saunders et al., 2012) Silverman (2016) states that in explanatory research design studies , behaviours, attitudes and experiences are explored through methods such as interviews or focus groups. Subjective approach is employed on this study to describe the life experiences of the respondents as far as land conflict is concerned and give them meaning (Silverman, 2016). Based on these reasons, the explanatory research design was chosen.

3.3 Research Methods

There are two primary research methods available for use in research studies which are quantitative and qualitative. It has thus been argued that the quantitative research is associated with the positivistic paradigm, while on the other hand the qualitative research is said to be associating itself with the phenomenological paradigm (Zikmund et al., 2013). Quantitative research methods are argued to be designed to generate information using statistical analysis that can be projected to represent the population as a whole (Luck & Rubin, 2007). Qualitative research method on the other hand requires a great deal of information gathering on the part of the researcher (Babbie, 2013)

Qualitative research method is therefore more systematic, subjective approach towards problem solving and tends to be less structured than quantitative research (Bell, Bryman, & Harley, 2018).

Data is defined as the information that is gathered throughout the research whereas data collection methods are the devices used by the researcher to collect data (Bryman, 2015). Data can be obtained either from primary or secondary sources. Primary data is obtained when the researcher gathers information directly from his/her subjects (Babbie, 2013). Examples of primary data include getting information directly from the individuals (could be via one on one interviews) and focus groups. Secondary data involves the collection of information from sources that have been recorded or sources that are already in existence (Bryman, 2015). Examples of secondary data include the archives and organizational records, newspaper articles and websites that contain useful information to be used by the researcher. In this study primary data was used to collect the required data. Primary data was collected using interviews as the main data collection method in this study.

Qualitative research technique was used to get responses using interviews. This study followed a qualitative research method because according to Silverman, (2016), the research approach explores behaviours, attitudes and experiences through methods such as interviews or focus groups. Subjective approach is used in this study to describe the life experiences of the respondents as far as land conflict is concerned and give them meaning (Silverman, 2016).

3.4 Research Philosophy

According to Hughes and Sharrock (2016), the term research philosophy refers to a system of beliefs and assumptions about the development of knowledge. Although this sounds rather profound, it is precisely what one is doing when embarking on research developing knowledge in a particular field.

The knowledge development which the researcher is embarking upon may not be as dramatic as new theory of human motivation, but even answering a specific problem in a particular organization, the researcher is nonetheless, developing new knowledge. Scholars (Babbie, 2013; Creswell & Poth, 2017; Maxwell, 2012; Zikmund et al., 2013)), identify at least three research philosophies perceived to exhibit the worldviews with opposing assumptions about reality. These include assumptions about human knowledge (epistemological assumptions). Concerning the realities, one encounters in the process of doing research (ontological assumptions). The extent and ways in which one's values influences the research process (axiological assumptions). These assumptions inevitably shape how one understands the research questions, the methods employed in the process and the findings ought to be interpreted (Glaser & Strauss, 2017).

3.4.1 Ontological Assumptions

Ontology refers to assumptions about the nature of reality. To address the ontological assumption, the researcher went back to the research questions and objectives with special reference to question one which sought to inquire about the nature of conflict between the parties in Dannhauser. Scholars (Mark & Fernandez (2013), Gabriel et al. (2013), point out that ontological assumptions shape the way in which one sees and study one's research objects. The main advantage of ontology in business and management is that the researcher is able to separate the research objects into their respective categories.

3.4.2 Epistemology Assumptions

Epistemology concerns assumptions about knowledge, what constitute acceptable, valid and legitimate knowledge and how such knowledge can be communicated to others (Silverman, 2013). Whereas, ontology may initially seem rather abstract, the relevance of epistemology is more obvious. The multidisciplinary context of business and management means that different types of knowledge – ranging from numerical data to textual and visual data, from facts to interpretations and including narratives, stories and even fictional accounts - can all be considered legitimate. Consequently, different business and management researchers adopt

different epistemologies in their research, including projects based on archival research and autobiographical accounts and fictional literature (Tesch, 2013).

3.4.3 Axiology Assumptions

Heron (1996) axiology as referring to the role and ethics within the research process. This incorporates amongst others, questions about how researchers deal with both their own values and those of their research participants. Heron (1996) further alludes to the fact that the researcher's own values have a pivotal role to play in all the stages of the research process if the research result are to be credible. Moreover, it is through by demonstrating the axiological skill that the researchers become able to articulate their own values as basis for making judgments about what research they are conducting and how they go about doing it (Heron, 1996). Therefore, choosing one topic rather than another suggests that the researcher perceives one of the topics to be more important. According to Heron (1996), the researcher's choice of philosophy is a reflection of their values, as is their choice of data collection techniques.

For the purposes of this study therefore, the researcher opted for the epistemological assumption because scholars argue about it as being excellent in dissemination of information and knowledge to others (Barrel and Morgan, 1979). The fundamental role of the KZNCC's leadership in ensuring that the parties received sufficient information and knowledge necessary for resolving conflict, affirmed epistemological assumption as the relevant one for the study (Ngoetjana& Denis, 2015).

3.5 Research Strategies

A research strategy is a plan of action that the researcher will make a conscious effort in answering the research questions (Maxwell, 2012). According to Krause (2005), on the other hand, a research strategy is described as means used by the researcher to solve the research questions.

Yin (2013), stated that the research design is the concrete plan of how to proceed with the study; it defines what the researcher is going to do with the respondents and responses with the intention to reaching a conclusion about the research problem. For the purposes of this study, the research design refers to the overall strategy that the researcher chooses to integrate the different components of the study in a coherent and logical way, thereby, ensuring that the researcher effectively addressed the research problem (Babbie, 2013).

3.5.1 Research approaches/ Paradigms

Qualitative research technique was used to get responses using interviews. (Sekaran&Bougie, 2016) describes the interview process as enabling the researcher the flexibility to ask both the open ended and closed ended questions. The researcher as interviewer, have the advantage of control, of time management and the order in which the questions are asked and answered and allow for interpretations on the part of the participants (Sekaran&Bougie, 2016). This research used qualitative approach because according to Silverman, (2016), the qualitative research approach explores behaviour's, attitudes and experiences through methods such as interviews or focus groups. Subjective approach was used in this study to describe the life experiences of the respondents as far as land conflict is concerned and give them meaning (Siverman, 2016).

3.6 Study Population

A target population refers to units for which the findings of a survey will generate (Lavrakas, 2008). In this study the target population refers to land dwellers who are comprise of landless poor masses of black people of Dannhauser north of KwaZulu- Natal. The sample was selected from the employees who reside and work at Dannhauser and who have experienced land conflicts

3.7 Sampling Strategy

Sampling is a procedure by which persons that fit the parameters of the study are chosen to represent the entire population (Sekaran&Bougie, 2016). Non-probability sampling was used since the research is exploratory in nature. In exploratory research the aim is to find out if a problem or an issue exists in a quick and inexpensive way (Levy & Lemeshow, 2013). There are many different types of non-probability sampling, but in this study convenience sampling has been used. Convenience sampling is understood in this study as the availability sampling, a specific type of non-probability sampling method that was used to collect data from members who were conveniently available. Land owners were selected using convenience sampling because of their tight work schedule which makes them busy most of the time and difficult to meet. Land dwellers were sampled using the cluster sampling because homogeneous, yet internally heterogeneous groupings are evident in a statistical population (Babbie, 2015).

3.7.1 Sampling Technique

Non-probability sampling represents a valuable group of sampling techniques that can be used in research that follows qualitative and mixed methods (Bryman, 2016) an example of this is where researchers select units from a population that they are interested in studying. A distinguishing feature of non-probability sampling methods is that samples are chosen based on the subjective judgment of the researcher, rather than random selection, which is the foundation of probability sampling technique. Whilst some researchers may view nonprobability sampling technique as inferior to probability sampling techniques, there are several theoretical and practical reasons for their use as follows (Maxwell, 2012).

Non-probability sampling is mostly used since the techniques used to select units for inclusion in a sample are much easier, quicker and cheaper when compared with probability sampling.

Where it is not possible to use probability sampling, non-probability sampling provides an alternative. Populations that seem hidden or hard-to-reach (for example, drug addicts and prostitutes) where a list of the population simply does not exist non-probability sampling can also be particularly useful in exploratory research where the aim is to find out if a problem exists in a quick and inexpensive way. One may have a theory that such a problem or issue exists, but there is limited or no research that currently supports such a theory. Here the objective is to find out if such a problem or issue even exists, the potential sampling bias of certain non-probability sampling techniques can be used as a tool to help the researcher. The researcher may choose to select only those units to be included in the sample which would exhibit the problem or issue the researcher is interested in finding.

It was necessary therefore, for the purposes of this study to use non-probability sampling drawing on the data from the land owners and land dwellers. Subjective approach played a fundamental role in this study in describing the life experiences of the respondents as far as land conflict is concerned and give them meaning (Silverman, 2016).

3.7.2 Sample Size

According to Kolb (2008), a sample size refers to the number of participants that reflect a true representative of the population. Babbie and Mouton (2009), note that it is not possible for researchers to gather data from the large a population due to administrative tasks and challenges that might be encountered when collecting data. Hence, researchers are left with

no other option but to select a representative sample. (Saunders, 2012) points out that samples for quantitative studies are generally large so as to make provisions for a wide data collection. On the other hand, samples for qualitative study are smaller so that the researcher has adequate time to gather in-depth data.

On the extreme end, purposeful sampling whose sample size is argued as varied depending on the breadth and nature of the study, concurs with the above assertion (Zikmund et al., 2013), that samples requirements for qualitative research are usually smaller than those of the quantitative research. Therefore, purposive sample sizes arguably are determined on the basis of theoretical saturation which indicates that data collection has reached a stage when data no longer provides new insights for the research question (Creswell & Poth, 2017). Consequently, for this study, theoretical saturation was reached after 12 participants were involved (Merriam & Tisdell, 2015).

3.8 Pilot Study

In relation to a pilot study, Saunders et al (2012) asserts that a study pertains to a smaller version of a full study that is conducted in preparation for the complete version of the study.

It is of paramount importance that the researcher includes a pilot study as it would among other things inform him/her as to whether the research has reached its readiness or not so as to avoid the unforeseen circumstances such as failure to gather the needed data at the middle of the research process therefore causing an unnecessary confusion. There are however, benefits of conducting a pilot study noted as follows:

- The need to provide more clarity with regard to the role of research in the community and the fact that the study is voluntary and there is no financial compensation for anyone who chooses to be part of it thereof.
- The process also helped in the case of unclear questions in the questionnaire to be clarified better.
- The reaction of the participants in the pilot study to the study itself as it relates to the land conflicts, gave a researcher some idea as to what he could expect when dealing with the actual participants whom the study is about.

A pilot study, therefore, was conducted on 7 participants who were not part of the study sample. The study revealed that some questions in the questionnaire were not as clear, which

meant that they appeared to be asking one and the same question. For example, question 3 & 5 of the interview questions, asked “what factors fuelled conflict between land owners and land-dwellers.” And question 5 subsequently inquired in the following manner; what were the challenges faced by the people who were landless...” For these two questions the respondents sought to give what appeared to be similar answers as they could not appreciate any difference between the two questions. The pilot study helped to broaden our understanding and to prepare more for an engaging type of session when the researcher interviewed the participants at Dannhauser. Maxwell (2012) had pointed out that interviewing in qualitative research is perceived as being closer to conversation than to a question and answer session.

3.9 Research Instrument

For the purposes of this research, it was necessary for the researcher to construct a questionnaire which was going to be used during the interview sessions whether in the case of focus groups or individuals. As much as this study followed a qualitative research approach method, the questionnaire as the research instrument to be utilized to collect the data was found to be an appropriate tool to use (Saunders, 2012), as long as the researcher would ensure that the quality of life of the respondents is not harmed in anyway by the interview process but is preserved.

For this study, the questionnaire was designed in view of the objectives, the research questions and literature reviewed on the leadership role played by the KwaZulu-Natal Christian Council in seeking to resolve conflict between land owners and land dwellers of Dannhauser. Questions were divided into two sections A & B.

- Section A comprised of a biographical information.
- Section B enlisted 8 questions objectives friendly type of questions in hoping to find more about the nature of the conflict in Dannhauser.

3.10 Administration of Research Instrument

The researcher administered the research instrument which comprised of a questionnaire on the same day when the interviewing was scheduled to take place at two community centres appointed by the participants of Dannhauser. The questionnaire was therefore distributed to the participants by the researcher which had a covering letter, a consent form and a list of questions which had to be filled by the respondents. The purpose of the survey or research

was briefly explained in a way that the participants felt at ease and willing to participate (Saunders, 2012).

3.11 Data Analysis

This study was conducted under the auspices of the qualitative research techniques methods using interviews. It was therefore imperative to use a non-quantifying approach in the process of analyzing data and no statistical data analysis was much of a requirement (Sekaran & Bougie, 2016). In terms of the requirements of the qualitative approach, it seeks to explore behaviours, attitudes and experiences by using interviews and focus groups (Silverman, 2016). Thus data analysis method used in this study was thematic analysis which enabled the researcher to move the analysis from a broad reading off the data collected from interviews towards discovering patterns and developing themes (Babbie, 2013). Levy and Lemeshow (2013), assert that thematic analysis has a capacity to enrich and reorganize data in a way that a researcher did not imagine before.

The advantage of having considered purposive sampling, qualitative interviews and epistemological approach to this study, allowed data review and analysis to be done together with data collection (Mitchell & Jolley, 2012). There was therefore an additional space for the researcher to include his comments in the column for data analysis arising from the interview which would be linkable to other sources such as the literature review. When the process of identifying emerging themes from the data collected and categorized accordingly as it sought to address the fundamental questions and objectives of the study (Saunders, 2012). The categorized data in terms of emerging themes from the study was therefore displayed in a table format clearly stating which one linked to which objective of the study. Placing them in tabular format also assisted the researcher to follow an orderly manner in discussing and analyzing data.

3.11 Validity and Reliability

Validity is the degree to which results of a study can be generalized or correspond accurately to the whole population (Creswell & Poth, 2017). Non-probability samples by nature are not truly representative since a random approach is not used. The validity of non-probability samples can be increased by trying to approximate random selection and by eliminating as many sources of bias as possible (Maxwell, 2012). Reliability refers to the overall consistency of a measure. A measure is said to have a high reliability if it produces similar results under similar conditions. Reliability cannot be measured in non-probability sampling;

the only way to address data quality is to compare some of the survey results with available information about the population. Still there is no assurance that the estimates will meet an acceptable level of error (Zikmund et al., 2013).

Mitchell and Jolley (2012), contend that in qualitative research, validity and reliability are not always to be depended upon, trustworthiness is however ascertained based on credibility, transferability, dependability and conformity.

3.11.1 Credibility

According to Bryman (2016), credibility refers to a situation in which a study's findings represent the meanings of the research participants. In this study therefore, the researcher ensured that credibility was obtained by ensuring that data collected and findings from the study intimately link back to participants in relation to their own experiences with the land conflict (Silverman, 2016). It was important for the researcher to have clearly articulated the key phrases for the participants, as it was expected of them to describe what they believed constituted the nature of conflict in their community. To ensure that credibility is maintained, the researcher used the objectives of the study as a guide so that nothing would be done outside the space and the framework of the study. For example, participants were requested to explain what they thought would make a best management strategy between the conflicting parties. Moreover, for referential integrity, the researcher made extensive interview notes and where there was further engagement with participants after the interview, any insights that participants, which eventually would come forth, would be confirmed through emails.

3.11.2 Transferability

Babbie (2013), asserts that transferability is the extent in which results of the research may apply to other contexts, settings or respondents. Consequently, findings of this study and recommendations thereof, will add value to the existing knowledge about the sources or factors that lead to land conflict and the possible strategies of dealing with conflict. The study will provide knowledge as to how land conflict influences the economy of South Africa. The study will also add knowledge on the function of workplace discipline in the employment context and how workplace discipline ensures that employees contribute effectively to the goals of the organization.

3.11.3 Dependability

(Lambert & Lambert, 2012), points out that dependability refers to a situation where evidence is reflective of the study if the same study is repeated in the same context, methods and participants, similar results are likely to be obtained. In the case of this study the researcher endeavoured to provide the necessary information detailing what the study is about and what it seeks to achieve, the full description of the participants involved, background, data collection methods and analysis.

3.11.4 Conformability

Silverman (2016) had insisted upon the utilization of the subjective approach within the qualitative research paradigm as a means to probe inner life experiences of the respondents as far as land conflicts were concerned. Therefore, in relation to conformability, it is a state in which the findings of a study are the results of the experiences, insights and ideas of research participants, rather than the researcher's own characteristics and preferences (Sekaran&Bougie, 2016). Conformability was ascertained in this study by ensuring that keeping record of valuable data on which the findings are based. Among these, were raw data interview notes, and researcher's personal notes, data reduction and analysis notes, compilations of themes that emerged from the data and interview guide used. To ensure that data collected from interviews was intrinsically linked to the study, it connected to the literature review.

3.12 Elimination of Bias

According to Sekaran and Bougie (2016), bias is any tendency that seeks to influence participant's responses. It is argued therefore, that when conducting research, bias often occurs when systematic error is introduced into sampling or testing to influence the end results with a particular outcome. To this end Yin (2013) makes reference to a few research bias which include design bias, measurement bias, sampling bias and procedural bias. To eliminate bias, the researcher sought to align the interview questions to the objectives of the study.

3.13 Ethical Consideration

According to (Silverman, 2013) it is solely on the researcher's responsibility to ensure that the ethical principles in research are adhered to Brotherton (2008) asserts that research ethics deals with the moral principles that coordinate planning, collection and conducting research. To this end thereof, interviews were only done after ethical clearance had been

obtained (Appendix C: Project reference number HSS.) After obtaining permission from the UKZN Research Ethics committee, the researcher held a brief meeting with land dwellers and land owners to familiarize them with the study to notify them of their rights including a pledge by the researcher to ensure the anonymity and confidentiality of the data to be collected. A signed informed consent letter was signed by each interviewee and the researcher undertook to guarantee the confidentiality of the information given.

3.14 Conclusion

The researcher has made an attempt through this chapter which purports itself to articulate the research methodology requirements. Recognizing the fact that there are two research methods in which data may be collected and classified by the researcher either as quantitative or qualitative, in terms of this study requirements the researcher opted to use the qualitative research method (Babbie, 2015). For that reason, the research instrument (questionnaire) proved to be the ideal tool for data collection between the land owners and land dwellers of Dannhauser. The questionnaire also sought to address the objectives and questions of the study. The following chapter presents the results, discussions and interpretations of findings which is used to formulate conclusions and recommendations for the study.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF QUALITATIVE RESULTS

4.1 Introduction

This chapter presents and discusses the results of a qualitative study. Twelve respondents agreed to participate on interviews and eleven of them finally took part in the study which accounted for a 98% response rate. All the participants agreed for the interviews to be audiotaped and the interviews were conducted at the convenience of the participants. The audiotaped interviews were later transcribed verbatim by the researcher. The interviews were also conducted in isiZulu and were later translated to English language. Each of the interviews lasted between 30 and 40 minutes. Broad and sub-themes were identified using thematic analysis under each of the interview questions. The following were the results of the qualitative study starting with the first objective.

4.2 Biographical information

The interview schedule consisted of biographical information about the respondents in relation to their gender, marital status, age, and academic qualifications. The demographic characteristics of the sample were presented in Table 4.1.

Table 4.1

Composition of Sample

Biographical Variable	Frequency	Percentage
Gender		
Male	7	63.6%
Female	4	36.3%
Marital Status		
Never married	7	63.6%
Married	4	36.3%
Divorced	0	
Widowed	0	
Age		
18 – 29	1	9%
30-39 years	2	18.1%
40-49 years	2	18.1%

50+	6	54.5%
Academic Qualification		
No formal education	6	54.5%
Some schooling	2	18.1%
Matriculation	3	27.2%
TOTAL	11	100

From Table 4.1 above it is clear that the majority of the respondents were male (63.6%) and females (36.3%). With regards to marital status, it is evident that most of the respondents were never married (63.6%) while 36.3% of the respondents were married. 54.5% of the respondents were above the age of 50 years, 18.1% of the respondents had some schooling and 27.2% had matriculated.

Summary of Emerging Themes

Table 4.1

Objectives	Themes
1. To assess the nature of conflict between the parties	1. Evictions 2. The farm owners insecurities 3. Invasion of farmers property
2. To investigate role played by the KZNCC in regulating conflict	4. Non-effectiveness of the KZNCC 5. Non-regulation of KZNCC by conflicting parties
3. To examine factors that fuelled conflict	6. No availability of land for black people 7. Land restitution 8. Salary increments (Wages)
4. To identify best management strategy	9. Community oneness 10. The Courts

Results aligned to objectives: The nature of conflict between the parties

As mentioned in chapter one, the first objective of the study was to investigate the nature of conflict between the land owners and land dwellers in Dannhauser. Using the thematic analysis, three themes were identified as the causes of conflict between the parties, namely: unfair labour practices (evictions), and invasion of someone's private property.

4.2.1 Unfair labour practice (Evictions)

The respondents expressed the view that the nature of conflict between the parties was due to unfair labour practices between the parties. The respondents are of the view that unfair labour practices had the potential to create conflict between the parties. Below are some of the illustrative voices which support the notion that unfair labour practices resulted in conflict between the parties.

The farmer here freely evicts workers as he wishes without giving any notice of the dismissal. There are also given letters to sign after they have been fired from the farms without warning or any valid reason of the dismissal. Personally, I think this type of behaviour automatically affect the relationship between us as the community and them (white farmers). We can't allow to be treated like we are not humans in our land! (R1).

The workers here are evicted without notice and no one asks because they might be next in line. We work under very harsh conditions where we do not enjoy our rights as workers. What normally happens is that we work under fear because we now work on the mercy of the farmer (R3).

I personally think the evictions are due to the fact that the farmer somehow feels threatened by some of the employees and automatically unfairly dismiss them especially those employees who seem to be problematic are dismissed. But most of these evictions are forced evictions and unfair (R2).

4.2.2 The farm owner's insecurities

The findings of this study also suggested that the farmer's insecurities led to conflict between land owners and land dwellers. The following were some of the illustrative voices of the respondents in this regard:

- *Our relatives are not allowed to visit us on farms, even when they visit us the land owner closely monitor them, and they sometimes feel uncomfortable or do not feel free. I believe that the land owner therefore do not trust our relatives or they feel threatened that they might do something bad to them (R1).*
- *We, as the farmers we are closely monitored, and all our steps are monitored closely as if we have stolen something or want to steal something from the farms. It is clear that the farmers do not trust us as the workers and our relatives.*
- *They closely check our moves. Our neighbours do not feel comfortable when they come to visit us in the farms. I think they feel scared when our relatives come to visit or maybe they think we are going to attack them.*

4.2.3 Invasion of someone's private property

Invasion of someone's property was found to be another factor that contributed to the nature of conflict between land owners and land dwellers in Dannhauser. Below are some of the illustrative voices which supported this finding.

- *The farmers here do not allow us to build houses using block/bricks on their land. Even though the land still belongs to white farmers we feel we have a right to also use blocks when we build our own homes even though the farmer does not want that in his land. He always says that the land still belong to him and we cannot do as we wish in his land (R2, Male).*
- *We also want routes to our houses re-opened as he closed them. Some of us who have cattle cannot have our cattle graze freely on the land and there is lack of development especially that which comes from the government. We are only allowed to be in informal settlements, and we are not allowed to build using blocks or bricks. When the farmer was asked about this, he said we are invading his land and we cannot do as we wish (R4, Male).*

From the quotes above, it is clear that unfair labour practices (evictions), the farm owners' insecurities and invasion of someone's property appeared to be the three main themes that created conflict between the land owners and land dwellers.

4.3Section C: The KZNCC's role in dealing with conflict

As mentioned in chapter one above, the second objective of this study was to identify the extent to which the role played by the parties helped in the regulation of conflict in Dannhauser. The researcher used thematic analysis and identified the following three themes, namely: non-effectiveness of the KZNCC, non-recognition of the KZNCC by the conflicting parties.

4.3.1Non-effectiveness of the KZNCC in dealing with conflict

The majority of the respondents ($n=5$) expressed the opinion that the KZNCC have not been effective in dealing with conflict between the parties. The following were some of the quotes which supported these findings.

I believe the KZNCC has failed to engage effectively with the land owners and land dwellers in dealing with conflict. White farmers still treat us bad and do not want to have talks with us as the community. I believe maybe if the KZNCC was able to play its role some of our issues could be resolved (R3).

The KZNCC does not do any follow-up on the issues we are facing as the community and does not engage with us as the community and the land owners. It is therefore not effective in dealing with our issues (R4).

The KZNCC was never successful in handling disputes between us and the farmers.

The community's ability to unite played a big role in the regulation of conflict.

There is still chaos even today on farms which means the KZNCC could not play its role of bringing peace in our land. The KZNCC is as good as dead. It is not functioning at all. It has failed to play its role as a mediating structure between us as the community and the landowners.

Our fellow brothers and sisters are still tortured harshly and the KZNCC is doing nothing about that. We, as the community do not recognize its role and what it stands for. We are living in horrible situations because the land owners treat us like we are not humans (R7).

4.3.2 Non-recognition of KZNCC by conflicting parties

With regards to non-recognition of KZNCC's role (n=4) the respondents indicated that the KZNCC was not visible when it comes to regulation of conflict between the parties. The following were some of the illustrative voices of the respondents in this regard.

Well, I have not heard of the KZNCC and its role. We are on our own as the community and deal with issues as a unit. I don't even know what the KZNCC stand for and what role it's supposed to play to assist us deal with bad treatment from our employer (R2).

Well, I sincerely do not recognize the KZNCC's roles as it has not addressed any of our issues. We are facing the same challenges we faced before, and we are on our own.

I do not recognize the KZNCC because of its failure to regulate conflict between us, land dwellers and land owners. It's has not been effective in regulating conflict between us as the community and the land owners.

What is KZNCC? What does it do? I have not heard of it since I have been working on this farm. We are receiving harsh treatment as before nothing has changed. We do not recognize KZNCC because we solve our issues as a unit in this community. (R 4).

The above quotes helped the researcher to draw the general conclusions that majority of land dwellers did not recognize the KZNCC and its role in dealing with conflict and perceived it to be non-effective in handling disputes.

4.4 Section D: Factors that fuelled conflict

As outlined in chapter one above, the third objective of this study was to identify the factors that fuelled conflict in Dannhauser. Three themes were identified as the factors that fuelled conflict between land owners and land dwellers, namely: non-availability of land to black people, the government's policy to expropriate land without compensation and salary increments.

4.4.1 Non-availability of land for black people

The majority of respondents (n=4) expressed the view that the main factor that fuels land conflict between land and land dwellers is that black people do not have land available to them. Below are some of the illustrative voices of the respondents who indicated that nonavailability of land for black people fuelled conflict between land owners and land dwellers in Dannhauser:

- *They don't want us to use the land. They want to use the land alone and for themselves and when we want to take legal actions, there is always chaos. They force us to leave our land which they think is theirs and if we don't leave, they destroy our homes. They don't want development coming from the government in their land (R3).*
- *What's bothering so much is that our cattle cannot even graze freely and some routes to our homes have been closed because they (white farmers) do not want routes passing in their farms. We are not even allowed to have as many livestock as we want. We can only have a certain number of cattle and that's number is wanted by the farmer. The point I am trying to make here is that we do not have land where our cattle can graze freely or even to build our own houses (R4).*
- *We do not have land to grow food. Our kids are starving because we do not have land to grow food and yet the land belongs to the white farmers and this land is originally ours (R6).*
- *We do not have enough land as black people to build houses or to grow food. We would like government to intervene because some of the farmers have land which they don't use. How are we supposed to survive if we don't have land? We want land now! We cannot live like that where even the number of cows we have is determined by the farmer. So, we want our land back.*

4.4.2 The government's expropriation of land without compensation (Land restitution).

In relation to expropriation of land without compensation, majority of respondents (n=4) expressed the view that the government's policy to expropriate land without compensation fuelled conflict between land owners and land dwellers. The government's law to expropriate

land without compensation was found to be another factor that fuelled conflict in Dannhauser. The following were some of the illustrative voices which supported this finding.

- The passing of the government's expropriation of land without compensation has made conflict to be worse between us and the farmers. Ever since the law was approved farmers are more cautious and they feel under threat that they are going to lose their land. As a result, they have become more violent and harsh towards us as the workers. They are under pressure, and they are threatened by the policy (Respondent 3).
- *We want our land back! The farmers are not willing to give up land which they also believe that they have worked so hard for. They are shaken by the government's policy to give land back to us as the original owners. Farmers are not willing to give us our land back and they are under a lot of stress (R2).*
- *In my personal view, I believe that majority of the farmers are against the expropriation of land without compensation and they see it as the government directly provoking them. They believe the land rightfully belong to them and they never stole it from anyone, now expropriate to give it back to us they feel threatened and are unhappy about it (R5).*
- *I think getting our land back as black people's the main cause that makes conflict even worse between us as the community and farmers. White farmers are not prepared to let go of the land they think they rightfully own and we as the black people won't stop until we have our land back (R4).*

4.4.3Salary increments

The study found that salary increments is one of the factors that fuelled conflict between land owners, who are mainly white and land dwellers who are mainly black. From the interviews conducted in this study, the majority of the respondents (n=3) were of the view that salary fuelled conflict between the parties. The following are some of the quotes in this regard:

- *In my own personal view, I think the government's policy to increase minimum wages made conflict very bad between us and the farmers because they do not want to*

increase our salaries. We are paid peanuts on the farms, and we are exploited at the same time. It is useless often useless to raise these issues because no one is prepared to help us. We are in trouble (R3, Male).

- *Usually, just like any other employer white farmers are also not prepared to increase our salaries even though the government has passed the bill that no employee should earn below a certain threshold. We are struggling to feed our families because the salary is just not enough (R2).*
- *I think that the problem is not handling too well the issue salary increments by the government. Now that salaries must be increased it means it means farmers must pay us even more wages and they never want to increase our salaries. (R7).*

From the findings above, it is clear that non-availability of land for black people, the government's policy to expropriate land without compensation and salary increments were the factors that fuelled conflict between land owners and land dwellers in Dannhauser.

4.5Section E: Conflict management strategy in the regulation of conflict

Using the thematic analysis, two themes were identified as the best conflict management strategies to deal with conflict.

4.5.1Community unit

- In my own view, the unity of the community was important and was a best strategy to deal with conflict. We, as the community we deal with issues as one and assist each where we can. As mentioned above, the KZNCC did not play its role of engaging with farmers and us as the community. From a long we always knew unity is power (Respondent 3).

4.5.2 The Courts

- We will go to Courts because the farmers know our complaints and they still treat us bad. We believe it is time that the matter of land conflicts be resolved by the Courts because we have no one to help us.

From the illustrative voices above, the researcher concluded that, in order to deal with conflict community members' unity was significant and the Courts.

4.6 Discussion of themes in relation to literature. Each of the themes is discussed below with the findings linked to literature

4.6.1 Unfair labour Practice (Evictions)

The results of a qualitative study found that the nature of conflict resulted in them being evicted from the farms. Similarly, Hall et al. (2013) found that majority of the workers are not aware of their rights or have no access to legal recourse when they are faced with evictions. Although it is a crime when owners of farms illegally evict farm dwellers from the land, authorities do not usually take legal action. Furthermore, majority of evicted adults have no quality education or only have primary education and therefore cannot find employment in urban areas. Likewise, Home (2012) also found that farm evictions are common in South African landscape. However, even when farmers follow the right procedure to evict land dwellers, that procedure does not guarantee that the evicted people have other alternatives to housing, as a result majority of them end up being homeless.

Even though farmers may pay financial compensation prior to evictions, the compensation not enough to pay for rent or build up new houses. Municipal governments are not willing to help evicted farm dwellers, and it is not clear as to which government entities are responsible for doing what. Despite the efforts to make better living conditions on farms, however, the South African government has not been successful in monitoring and enforcing legal protections that guarantee housing conditions for farm dwellers and other dwellers in general. For example, a family was evicted from the farm that has been a home to them for decades when a European investor bought the farm create a game reserve. Sarah and Zacharia were compensated with R20 000 which they spent within six months on the costs of moving in and building a new home (which remains unfinished) on a communal area (Hall et al.013).

On the other extreme, Van der Walt &Pienaar (2017), insists on the fact that the constitution lays no basis for anyone to be evicted from a home except if a court order is issued with all relevant circumstances been taken into consideration. The study has howeverfound that in many instances the above outlined procedures were not followed, as participants attested to various evictions that took place without notice. It would further appear that landowners may have transgressed Act 62 of 1997 and the prevention of illegal eviction and the unlawful occupation of land Act 19 of 1998 which otherwise have to comply with to justify the eviction order in view of the relevant circumstances. Relevant circumstances in this regard may be understood to include vulnerable children and elderly people who may be among

those to be evicted. In the first instance, the study found that evictions were sometimes carried out in a manner that was dehumanizing to participants. In other words, circumstances involving small, vulnerable children and the elderly were denied the most fundamental basic human rights (Van der Walt & Pienaar, 2017).

Furthermore, evictions were found to be justified if situations in question were involving an illegal occupier. In this regard Van der Walt & Pienaar, (2017), ascertain that the rights and interests of a land-owner were of a primary concern and needing protection. In view of the above assertion, the study has found that in 2005 the constitutional court took a decisive decision and handed down a judgement on a very crucial matter. The court concluded that it is a matter of constitutional compelling circumstance, that reasonable and just balance between the rights of land-owners and the interests of even unlawful occupiers. It continued to juxtapose that unlawful occupiers do not have occupation rights according to the common law, but their vulnerable position and human dignity must still be taken into account.

In chapter two the researcher has sought to address this phenomenon of restoration of dignity in the context of land related conflicts among the parties (Kreztner & Klein, 2002). According to Kreztner & Klein, (2002), the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

The constitutional court must have been operating from this premise in, 2005 when it legislated that equal rights must be seen to be afforded both the land-owners and illegal occupiers to foster human dignity. On the contrary, the study found that the rights of the land-dwellers were grossly violated against as most of them expressed alarming circumstances of evictions that did not take any relevant circumstances into account – thereby denying their inherent inalienable rights.

4.6.2 The farm owners' insecurities

In this study, the researcher found that the farm owners' insecurities led to conflict between farm dwellers and farm owners. From the findings of this study above, farmers usually monitor very closely relatives of farm dwellers who come to visit on the farms. In contrast, DiDominico, (2012) found that farms are places where people live. Farms provide homes in quite a number of ways and with numerous implications for different people and their wellbeing. For some people, farms are their only homes and their families may have lived there for years. They have every right to go and visit them on farms whenever they wish

to. While some may have temporary homes in town, farms are their primary homes and yet others it is their secondary home since they are there as workers and are aware the termination of contract means that they have to vacate the farms and live elsewhere. Therefore, in most of their lives, farms are where they seek physical protection and social interaction with their relatives and friends Hall et al (2013).

4.6.3 Invasion of someone's property

The results of a qualitative study found that the invasion of farmer's property contributed to the nature of conflict between farm dwellers and farm owners. The researcher is of the view that allowing farm owners to build houses using blocks on the farm owner's land could be the invasion of their property because some are expected to leave the farm after their contracts have been terminated. Similarly, Hall (2013), found that majority of workers and farm dwellers usually stay in rented accommodation from the land owners. Some often build their own round thatched huts which can be destroyed easily. They cannot build their own houses using blocks/bricks rather they can be moved into farmer-built houses in compound settings. As one farmer from Limpopo farm mentioned: *the farm owner destroys our own houses and we are moved into the new farmer-built compounds. Our huts were destroyed, and he made us live together in a compound setting. Now, for us to stay in the compounds we have to be working, and those who do not want to work vacate the compound.*

However, quite a lot of workers expressed sadness for the loss of their huts which impact on the sense of belonging on the farm. Majority of workers expressed that they cannot perform rituals and honour their ancestors on houses built with zinc roof, now they need to travel back to the village to perform the rituals. Therefore, the findings of this study concur with literature that farm dwellers cannot build their own houses with brick, rather they can live in farmer-built compounds that belong to the farm owner. The observation complies with the fact that housing on South African commercial farms is closely related to employment. Workers have access to housing for a long as they are employed by the farmer (Wiggins et al., 2010).

4.7 The KZNCC's role in dealing with conflict

The results of the study found that the KZNCC together with its four partners have since 2009 been involved in land related conflict issues that affect in particular the community of the landless people and land-dwellers (Ngoetjana & Denis, 2015).

4.7.1 Non-effectiveness of the KZNCC

The results of the qualitative study found that the KZNCC was not effective in handling conflicts between land owners and land dwellers. In contrast, research conducted by Bollaert and Maharaj (2018) found that the KZNCC is largely responsible for coordinating, fundraising and healing memories and reconciliation programmes throughout KZN. In contrast, Akinola (2016) found that the KZNCC is assisting the land stakeholders to find amicable solutions through promoting dialogue among them. The starting point is noting that land conflict is very complex issue and can be resolved where both parties full participate and engage including church leaders. The KZNCC promotes healing and reconciliation through processes like “healing of memories”, “Alternatives to Violence” (AVP), “Non-violent Communication”, and “Managing Diversity”(Franco et al., 2015).The KZNCC also hosts annual provincial summit for the stakeholders concerned in order to share their experiences, explore new opportunities and find common ground. The KZNCC therefore facilitate constructive dialogue between farmers and farm dwellers and focuses on women in particular who live on farms and who are affected by land issues. The KZNCC works closely with other organisations who are involved in land issues and responds to human right abuse raised by any group. The KZNCC has been very effective in addressing these issues. The KZNCC empowers the affected communities and addresses challenges related to increased pain and “multiple wounds” which result from apartheid, including criminal and gender-based violence between farmers and farm dwellers. There is also a need for teams of volunteers who must conduct counselling to the affected communities (Bollaert & Maharaj, 2018).

4.8 Factors that fuelled conflict

4.8.1 Non-availability of land for black people.

The results of a qualitative study further revealed that non-availability of land for black people fuelled conflict between farm dwellers and farm owners. Similarly, McManus, Dickman, Gaynor, Smuts, and Macdonald (2015) also found that stories about farm workers and dwellers who lost their homes and livelihoods are common in South Africa. For example, a farm worker, Grace and her seven children were evicted from a Limpopo farm which she had lived for over twenty years. It was strictly the cattle owned by Grace that was evicted as the land owner wanted to reserve all the grazing for his own cattle. Grace moved to a nearby village with her cattle and children and her husband remained on the farm as a worker without any cattle. However, because of harsh conditions on the nearby village, Grace’s

cattle died. The children also never spent time with the father who remained on the farm and later died on the farm. The above scenario concurs with the results of this study which found that black people do not have land where their stock can graze freely and where they can grow food. Likewise, Hall (2013) found that elderly people have spent decades on the farms, they have owned livestock and accessed land for themselves for years yet when they are told to leave, they have no option but to comply because the land they have been using was not initially theirs.

4.8.2 The government's expropriation of land without compensation (Land restitution)

In this study, land restitution was found to be a factor that fuelled conflict between land owners and land dwellers. The South African Growth and Development strategy notes that over 70% of the commercial farm land is subject to land claims. The South African government is proposing that land that is not transferred under restitution should be made available to black farmers. Atuahene (2014) found that "it is mainly concerned land that had once been acquired for incorporation into the Bantustans but was now leased or transferred to small-scale commercial farmers". The restitution is therefore likely to remain a feature that determines the future of South African people. Similarly, Derman and Hellum (2016) found that farm owners are threatened by the increased number of black South African who are claiming their land back.

4.8.3 Salary increments (wages)

The results of a qualitative study found that wage increments were found to be a factor that fuelled conflict between land owners and land dwellers. The study conducted by Franco et al. (2015) concurs with the results of this study that, in the majority of the farms, the introduction of the minimum wage was reported to be significant by both the workers and the farm owners. Wages have been increased – though it was not clear whether this increment was immediate or whether wages are increased gradually over time in relation to the regulated level. The previous minimum wage was R1090 or an hourly rate of R5.59 for workers who work less than 45 hours per week, which rose to R1232 per month or R6.31 per hour as 2009 – 2017. However, the South African Department of Labour increased the minimum wage for farm and forestry workers at 5.6% and the current monthly pay is R3169.19, yet, as some commentators have warned it is striking that the minimum wage had become the maximum wage", at least for unskilled workers. Farm workers complained that they could no longer live on the minimum wages especially because food prices have gone up. However, farm owners

and managers noted that it was difficult to increase wages due to economic pressures. At some other farm's wages range substantially between general workers, foreman and supervisors (Franco et al., 2015).

4.8 Conflict management strategy

In this study, community oneness was found to be among the best strategies of regulating conflict between the parties. The research conducted by Peters (2013) found that conflict is an unavoidable part of employment relationship and learning how to deal with it is crucial rather than avoiding it. Conflict can cause great harm to the employment relationship if it is mismanaged, but when handled in a positive way, it can strengthen the employment relationship. According to Fontana (2014), there are numerous ways to deal with conflict, namely, facilitation, moderation, consultation, socio-therapeutic consultation, conciliation, mediation, arbitration and decision by a powerful authority. The facilitation helps the parties to engage and try to solve the issue by themselves. Facilitation must be applied very early to avoid the escalation of conflict or defuse it in early stages. In the moderation stage, the moderator helps the parties clarify and settle minor differences by themselves. The „tutor“ in the consultation stage handles the process, working on internalized attitudes and behaviours of the parties to cool them down. Consultation is also useful approach during the pre-conflict stage to avoid the escalation of conflict into a full-blown crisis. In the conciliation process, the conciliator helps the parties to negotiate while, while addressing internalized perceptions and behaviour's with the intention of minimizing prejudices and hostility. Decision by a powerful authority should always be a last resort (Junior et al., 2015).

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The previous chapter provided the presentations and discussions of the results of the study in accordance with the objectives of the study. This chapter provides the conclusion and the recommendations of the study based on the findings from the previous chapter. These recommendations are directed to farm owner, farm dwellers, farm workers, governments and the KwaZulu- Natal Christian Council (KZNCC) and other stakeholders that can play a role in dealing with land conflicts in South Africa. This chapter also provides the recommendations for further research.

5.2 Summary of objectives

- To assess the nature of conflict between the parties
- To investigate the role played by the KZNCC in the regulation of conflict
- To examine the factors fuelling conflict
- To recommend best conflict management strategy between the parties

5.3 Conclusions

5.3.1 Conclusions aligned to objective 1: To assess the nature of conflict between the parties.

With regards to objective one, it is clear that unfair labour practices (evictions), the farm owners' insecurities and invasion of farmer's property appeared to be the three main themes that created conflict between the land-owners and land dwellers

5.3.2 Conclusions aligned to objective 2: To investigate the role played by the KZNCC in the regulation of conflict'

Concerning objective two, it is clear that majority of land dwellers did not recognise the KZNCC and its role in dealing with conflict and perceived it to be non-effective in handling disputes.

5.3.3 Conclusions aligned to objective 3: To examine the factors that fuelled conflict

Regarding objective 3, the study found that non-availability of land for black people, the government's policy to expropriate land without compensation (Land restitution) and salary increments (Wages) were the factors that fuelled conflict between land-owners and land dwellers in Dannhauser.

5.3.4 Conclusions aligned to objective 4: To recommend best management strategy between the parties

The researcher concluded that, in order to deal with conflict community members' unity or oneness and the Courts are significant measures to deal with conflict.

5.4 Recommendations

Recommendations are significant because they provide relevant guidelines to be used in future. Below are some of the recommendations based on the results of the study:

- The study found that the nature of conflict was due to illegal evictions from farms at the Dannhauser. Therefore, the study recommends that illegal farm evictions must be stopped and that a farm worker and farm dwellers can only be evicted in terms of the Court order and once the Court has justified that the eviction is just and equitable. The current study does not support illegal evictions where farm dwellers lose the land that they have occupied for decades. Evictions come with great hardship and social instability. The government still needs to address its failure to protect the rights of farm workers and farm dwellers due to poor enforcement of the labour laws. The municipalities also fail to provide alternative housing to the evicted victims.
- The study found that the KZNCC was not effective in dealing with conflict between farm owners and farm dwellers. The study recommends that the KZNCC must conduct more workshops that are intended to inform the public about its roles and duties. The study found that farm dwellers do not know the KZNCC, which means that it must make itself more accessible to the public. Healing workshops must be conducted on a regular basis so that the public is well informed.

- The study found that non-availability of land is a factor that is fuelling conflict between farm owners and farm dwellers in Dannhauser. Black people in South Africa still do not own land yet they are natives of this country. Therefore, the researcher recommends that the government must speed up the process of land restitution so that land can return to black people. The Land Claims Court and the Land Claims Commission established in 1995 must deal with the administration of land claims and compensate the rightful owners of land if need be. The Land Claims Court must speed up the process of settling disputes that are not solved by the land claim commission. All land claims must be screened by the land claim commission and identify those that qualify in terms of the Constitution and attempt be made to resolve these claims through mediation or administrative procedures.
- The study found that community members come together and deal with issues as a unit. The study recommends that both parties must engage effectively to deal with conflict. When the community come together as a unit, they are able to come up with a one strong voice against the harsh conditions upon which they live. Even though conflict involves two parties, however the other party may not be willing to engage.

Limitations of the study

The researcher encountered the limitations in process of doing the study, time constraints due to the tight schedule within which to undertake the research restricted access to the secondary data which relates to land conflict and land policies occurring time to interact with the land dwellers and land owners.

The study was limited to Dannhauser whereas the researcher could have discovered different results had other settlements been included.

A sample of 11 landless people were used as respondents whereas a larger sample size could have been used to generate more generalisable results.

5.5 Recommendations for future research

The respondents who participated in this study were only restricted to farm dwellers. The findings of this study are therefore not balanced because the researcher has engaged with the farm owners. For future research purposes, the interviews must be conducted for both farm owners and farm dwellers in order to obtain a broader perspective and make generalizations

of the land conflicts. Insights from both parties must be sought and obtained by the researcher. Furthermore, the research should not only be confined in Dannhauser, but must cover other farms to make further comparisons and generalizations.

The researcher only focused on the role of KZNCC in mediating conflict between the parties and ensuring healing processes for the affected. Future research must also consider the role of government and other stakeholders in making sure that the land restitution program is quickly adhered to.

The study used a sample of 11 respondents who are farm dwellers in Dannhauser, however, for the purposes of future research and accurate generalizability of the findings, a large sample size must be used.

5.6 Conclusion

This chapter presented the conclusion and recommendations based on the objectives of the study. The first part of the chapter concludes that the nature of conflict was due to evictions, farmer's insecurities and invasion of someone's property. The chapter concluded that evictions are main causes of conflict between land owners and land dwellers. Furthermore, the chapter concluded that the KZNCC's role in dealing with conflict was not effective and most farm dwellers were not aware of the role of the KZNCC. It was noted that the consequences of evictions lead to homelessness as most farm dwellers do not have alternative housing after evictions. On the other hand, the chapter concluded that the non-availability of land was among the major factor that fuelled conflict between the parties. The other factors that fuel conflict are the government's policy to expropriate land without compensation, and salary increments. Again, the chapter found that the best conflict management strategy is to engage effectively with the other party. The findings of the study revealed that the majority of community members believed in unity in dealing with land conflicts.

The study also recommended strategies to address land conflict in Dannhauser. In general, these strategies include stopping illegal evictions and coming up with alternative housing to evicted victims, speeding up the process of land restitution, making the KZNCC easily accessible to people by conducting more workshops, and finding ways to engage more effectively between the parties to deal with conflict.

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Appendix A: Letter regarding the study

UNIVERSITY OF KWAZULU-NATAL
Graduate School of business and leadership

M.Com Research Project
Researcher: Sifiso Johnson Dube 0731004191
Supervisor: Dr Mtambare
Research Office: Ms. M Snyman (031 260 8350)

I, **Sifiso Johnson Dube** an **M.Com** student, at the **Graduate School of Business** of the University of Kwazulu Natal. You are invited to participate in a research project entitled: **Dealing with conflict: A case of Kwa-Zulu Natal Christian Council (KZNCC)'s engagement with the land owners and land dwellers.** The aim of this study is to: **describe the nature of conflict between land owners and dwellers and to establish the role played by the parties in the regulation of conflict.**

Through your participation I hope to understand the factors that fueled conflict in Dannhauser and to recommend conflict management strategies between land owners and land dwellers. The results of the survey are intended to contribute to the better understanding of the factors that fueled conflict in Dannhauser.

Your participation in this project is voluntary. You may refuse to participate or withdraw from the project at any time with no negative consequence.

There will be no monetary gain from participating in this survey. Confidentiality and anonymity of records identifying you as a participant will be maintained by the Graduate School of Business and Leadership, UKZN.

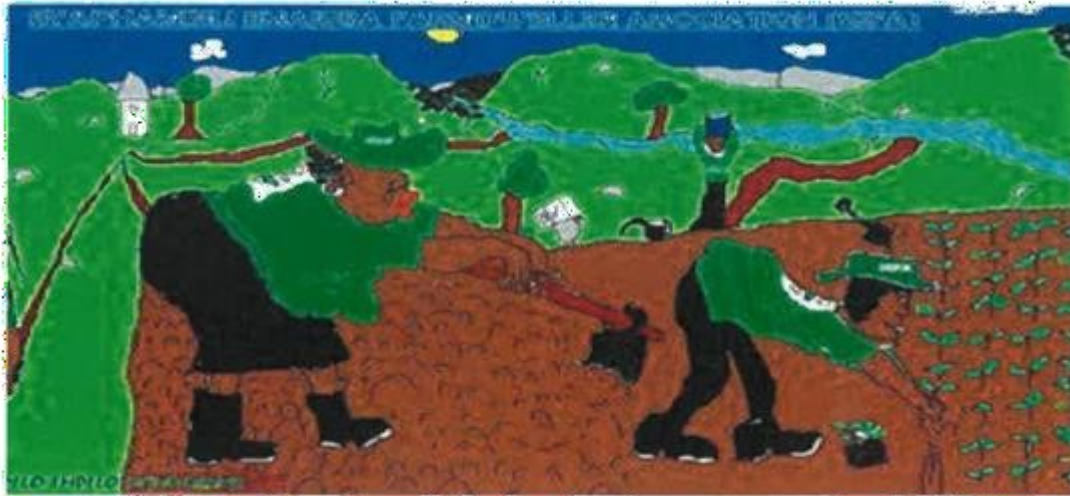
If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact me or my supervisor at the numbers listed above.

The survey should take you about 10 minutes to complete. I hope you will take the time to complete this survey.

Sincerely

_____  _____ *Sifiso Johnson Dube*

Appendix B: Gatekeeper's letter



**Siyaphambili Emajuba Farmdwellers Association
P O Box 661
Dannhauser
3080**

LETTER OF CONFIRMATION

We as Siyaphambili Emajuba Farmdwellers Association(SEFA), it a CBO organisation based at Amajuba District. We deal with problems that people living and working on farms are facing problems like evictions, pounding of stocks, conflict between farm owner and farm dwellers ect.

We like to confirm that Rev Sifiso Dube student no: 962112608 can do his studies with us we more than welcome to assist where he need help.

You can contact our chair person for more information.

Yours faithfully

Mrs N Mthemba



Position: Chairperson.

Thulani nkosi



Position: Organiser

Appendix C: Ethical Clearance



18 October 2018

Rev Sifiso Johnson Dube (962112608)
Graduate School of Business & Leadership
Westville Campus

Dear Rev Dube,

Protocol reference number: **HSS/1182/018M**

Project title: Dealing with conflict: A case of KwaZulu-Natal Christian Council (KZNCC)'s engagement with the land-owners and land-dwellers

Approval Notification – Expedited Application

In response to your application received 02 August 2018, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol has been granted **FULL APPROVAL**.

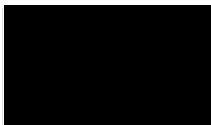
Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully



/ms

Cc Supervisor: Dr Emmanuel Mutambara
Cc Academic Leader Research: Professor Muhammad Hoque
Cc School Administrator: Ms Zarina Bullyraj

Humanities & Social Sciences Research Ethics Committee

– Professor Shenuka Singh (Chair)

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College of Law and Management Studies
Graduate School of Business & Leadership

Supervisors Permission to Submit

Name: SIFISO JOHMSON DUBE	No: 962112608	
Title: Dealing with conflict: A case of KwaZulu-Natal Christian Council (KZNCC)'s engagement with the land-owners and land-dwellers.		
Qualification: Masters of Commerce	School: Graduate School of Business and Leadership	
	Yes	No
To the best of my knowledge, the Proposal is primarily the student's own work and the student has acknowledged all reference sources		
The English language is of a suitable standard for examination without going for professional editing.		
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