

# THE NATIONAL LAND COMMITTEE, 1994 – 2004: A CRITICAL INSIDER'S PERSPECTIVE

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*The ANC, and Hanekom (First Minister of Land Affairs) in particular, relied for substantial part on the expertise that had developed in the progressive non-governmental land sector, in which the National Land Committee and its affiliates like the MRA were dominant players. These NGOs had performed an important role in putting the plight of the rural people on the national and international political agenda.... To put it more boldly, the NLC and its affiliates were regarded as "comrades" by the ANC. Comrades who have supported the "struggle" of the "people" and the underground ANC....*

Wiebe Nauta<sup>1</sup>

Two years after the arrival of the Dutch East India Company in 1652 at the Cape, the first battle for land started and continued with differing intensities, spanning approximately three centuries. A conversation between 'Herry die Strandloper' (so named by the settlers), the leader of the indigenous people's first resistance against colonial conquest and most likely the first political prisoner on Robben Island, and his captor, Jan van Riebeeck, the representative of the invading force, sets the tone of the whole battle for land, autonomy and life, which only ended with the defeat of the African people at the end of the nineteenth century.<sup>2</sup> Herry was brought from Robben Island prison to participate in "peace" negotiations. Van Riebeeck impressed upon Herry that there was not enough land for the company and the Khoi. He was clear that peace could only be achieved if the Khoi accepted the company's land interests. Herry asked van Riebeeck:

If the country is too small, who has the greater right, the true owner or the foreign invader?<sup>3</sup>

Van Riebeeck responded indignantly, without any sense of irony:

We have won this country in a just manner, through a defensive war and it's our intention to keep it.<sup>4</sup>

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<sup>1</sup> Wiebe Nauta, *The Implications of Freedom: The Changing role of land sector NGOs in a Transforming South Africa* (Vrije Universiteit: Amsterdam, 2001), p. 222

<sup>2</sup> E. Roux, *Time Longer than Rope* (Victor Gollancz: London 1948)

<sup>3</sup> Sampie Terreblanche, *A History of inequality in South Africa, 1652 - 2002* (Natal University Press: Pietermaritzburg 2002), p. 164

<sup>4</sup> Ibid

This research project is inspired by a desire to understand two seemingly unrelated “crises” in the land sector in South Africa. The one crisis revolves around the National Land Committee (NLC)<sup>5</sup>; the other addresses the failed land reform programme ten years after its inception. The NLC crisis threatened the very existence of the almost 20-year-old land rights NGO network with its proud history of struggle against apartheid and forced removals and, later, lobbying and advocating for pro-poor land reform programmes in post-apartheid South Africa.

### **Ten Years After Democracy**

The NLC crisis played itself out in the context of a bigger crisis; the land reform programmes of the government had hit an impasse. After ten years of freedom only 3% or 3 million hectares of the land have been redistributed to black South Africans. The Reconstruction and Development Programme (RDP) had set a target of 30% or about 25 million hectares of agricultural land to be redistributed to blacks in the first five years (1994 -1999) of democracy.<sup>6</sup>

These failures are further accentuated by the emergence of new patterns of dispossessions and land alienation under a democratic dispensation. The democratic government, which is perceived by the landless<sup>7</sup> as supposedly addressing the problem of land hunger, is instead protecting current, mainly white farmers and corporate landowners and a handful of blacks while the bulk of the black landless population remain without land. We now see a new round of “primitive accumulation”, signified by the “enclosures of the commons” for the exclusive benefit and privilege of the old and new elites further threatening the livelihoods of the impoverished rural blacks. These developments have driven the Landless People’s Movement regional leader in the Southern Cape to declare: “These Europeans come in with their big money, sell our land back to Europeans, and keep the profit. It’s not right”.<sup>8</sup> Benjamin Joffe-Walt further reported that: “Selling Africa to non-Africans is becoming an institution. At exhibitions, shopping malls and estate agencies across Europe, people are buying up the South African coast”.<sup>9</sup> These conversions of land uses run counter to expectations and are of great concern to the

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<sup>5</sup> The National Land Committee (NLC) comprises seven independent land rights NGOs, and is the only national network of land rights organisations in South Africa.

<sup>6</sup> ANC, Reconstruction and Development Programme (RDP), Umanyano Publications: Johannesburg 1994)

<sup>7</sup> In this study, ‘landless’ is defined as all those people who as a result of colonialism and apartheid are without land, or have precarious land tenure rights. There is no attempt to disaggregate the “class” distinctions amongst the landless, because where they exist they are so minuscule that it really does not matter. It is also because the land question remains primarily a national question in South Africa.

<sup>8</sup> Randall Rossouw, LPM leader Southern Cape – *Mail & Guardian*, 16 - 22 April 2004.

<sup>9</sup> *Mail & Guardian*.

landless. Mama Sambo, a veteran land activist from the Southern Cape currently employed by the Southern Cape Land Committee, says: "Here in George there are a lot of golf meccas. George is becoming a golf mecca but there are still landless people".<sup>10</sup>

### **Farm Dwellers are not free!**

Ten years of "freedom" have not freed the seven million farm dwellers, or more than 15% of the population, who continue to be semi-slaves on white-owned farms, unprotected by democratic changes, constitutional rights and new legislation from arbitrary evictions, denial of burial rights, brutal assaults, racism and a litany of human rights violations.<sup>11</sup> Thus, Zanele Xaba, an AFRA fieldworker in KwaZulu-Natal, is still able to report in 2004 that:

Farm Dwellers still face evictions in the same manner as they happened 40 years ago. Houses are demolished, livestock impounded, water access points closed, schools closed down. Even though the Extension of Security of Tenure Act (ESTA) provides for procedures that can be followed, in many cases they are not followed.<sup>12</sup>

In some ways the "crisis" in the NLC was an NGO image of a more fundamental crisis faced by the 26 million landless people for whom the period from 1994 to 2004 has neither helped to expand access to land or opportunities for sustainable livelihoods and food sovereignty nor brought about tenure security. There is no clear break with colonial and apartheid relations of oppression, exploitation and indignity for these landless, less so with capitalist property relations and ownership of land. The resolution of the land question is fundamental to redressing the historical injustice predicated upon land dispossession. It is the irony of history that the NLC, an NGO, was burdened with the struggle for the return of the land, a responsibility that rightfully belonged to the liberation movement.

The "mission" of the NLC as articulated in 1995 remains woefully unfulfilled; the central aim of the mission commits the NLC to "...the promotion of social justice in South Africa in relation to access to and control of land and related resources".<sup>13</sup> The NLC's Land Reforms Policy Proposals adopted in 1995 after three years of research and discussions were meant to guide its lobbying and advocacy

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<sup>10</sup> Mama Sambo Interview, October 2003.

<sup>11</sup> For a detailed account of the atrocities perpetuated against farm dwellers, see the South African Human Rights Commission Report on Human Rights on Farms, the Human Rights Watch Reports 2001 and 2004, also see AFRA News, no 57 May, 2004.

<sup>12</sup> Zanele Xaba, 'Living in the Shadow of Democracy', AFRA News, no 57, 2004. p. 16

<sup>13</sup> National Land Committee, 'Land Reform Policy Proposals', 1995, p. ii.

efforts during the early period of democratic dispensation. Building on the NLC mission, this policy document further develops the NLC's approach:

We argue that comprehensive land reform is necessary for social, economic and political development, and suggest proposals to ensure that people who are entitled to land, and those who most need the benefit of land reform, are indeed the ones who will receive such relief.<sup>14</sup>

It is important to note that even at this early stage the NLC network further committed itself to supporting the building of land social movements. In this regard the document states:

Strong rural organisation is essential to ensure that popular constitutional rights to land materialise and are given their broadest and deepest interpretation. The NLC will actively assist rural organisations to achieve these objectives....<sup>15</sup>

This is a significant development because the issue of how and what kind of "social mobilisation" the NLC needs to support is one of the central factors contributing to the NLC "crisis". For almost a decade the interpretation of what this support means has been a source of debate and disagreement in the NLC network. At the centre of this question is what attitudes the NLC should adopt towards the democratic government, and the pressures a land movement creates for choosing sides.

### **Theoretical Frame**

Nauta<sup>16</sup> identifies three "consecutive eras" which roughly correlate to the changing character of land sector NGOs: The "struggle era" covers the 1980s and the height of the anti-apartheid struggles. The "freedom and consultation era" spans the period between 1993 and 1996. The third, the "new realism era", deals with the period after the adoption of the Growth, Employment and Redistribution (GEAR) policy in 1996. These "eras" are a useful organising tool to help us understand some of the changes taking place within the land sector NGOs and the relative influence on policymaking or even just access to policymakers the NGOs enjoyed over different periods. However, the three eras tend to over-emphasize the external force as critical in shaping the character of NGOs. Such an approach runs the risk of denying the agency of NGOs. For our purpose we will add a fourth era, which focuses specifically on the "rupture"; this would help us focus on the dynamic between the

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<sup>14</sup> National Land Committee, 'Land Reform Policy Proposals', 1995, p. 1

<sup>15</sup> Ibid

<sup>16</sup> Wiebe Nauta, 'The Implications of Freedom', op cite, p. 75

external and the internal environments which shape the extent and nature of the crises suffered by the NLC network.

The argument we shall try to sustain here is that there are always choices. However, in acknowledging the possibility of choice we are not doing this within an a priori Manichean polarization of social movements as “good” and NGOs as “bad”. We recognise the contradictory and complex reality of NGO existence, as pointed out by Pithouse:

...many NGOs are a site of contestation. Consequently a false binary between social movements and NGOs is utterly unhelpful. But what is useful is a distinction between projects, however organised, that pathologize the violence on which capitalism depends while valorizing resistance and those that pathologize direct resistance while pursuing a limited reformism that effectively normalises the bulk of capital’s violence.<sup>17</sup>

Taking into account the choices between resistance and acquiescence the NLC has made over time, we shall try to understand the nature of the contestation for “hegemony” within the NLC. Have these choices been consistent with the mission of the NLC? We shall also attempt to understand what “structural” limitations land sector NGOs face in pursuing a radical land reform agenda. Do these limitations tell us something more about the general shortcomings of NGOs? In addressing these questions we will attempt to separate what is desirable for seeking radical change from what is possible given the nature of NGOs and the history and context within which they exist and operate. The NLC stands in a unique position of being one of the few civil society organisations to have straddled the great divide between the apartheid and post-apartheid eras. Furthermore, the NLC finds itself in the unique position of being associated with the emergence of one of the key social movements in post-apartheid South Africa, the Landless People’s Movement (LPM). There are lessons to be learnt from this long and often tortuous history, the challenges it has generated and the roles it has defined for the various players. This is important for, at times, it appears that the NLC seems to negate its own historical memory, driven by impulse without an awareness of its place, not only in history, but in the current context of neo-liberal plunder. We hope this study will contribute to creating awareness around some of these questions.

The question of “complicity” of the land sector NGOs in the failures of land reform throws up a myriad of complex sub-questions, which run through the life of the NLC. Amongst these questions we can isolate the following: state/civil society relations; NGOs and social movements’ relations and roles. Quite clearly there is no

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<sup>17</sup> Richard Pithouse, ‘Solidarity, Co-option and Assimilation: The necessity, promises and pitfalls of global linkages’, Development Update, 2004, forthcoming, p. 8

way we can understand the “crisis” in land and agrarian reform without actually going through these related sets of themes. This project attempts a double move by reflecting on the two “crises”: on the one hand, the “crisis” in the NLC, and on the other, the “crisis” of land reform. It is through this that we facilitate a critical review of the land civil society sector in the past decade.

## Methodologies

A few comments on methodology are necessary at this point. Various sources were used to collect the data, including open-ended interviews (about 30), three focus group discussions, numerous informal conversations, archival searches, consultation of documents such as annual reports, and literature reviews. But this project also relies on my personal experience as an employee of the NLC and as a land activist over the past seven years. This report pays no heed to the many theoretical formulae that purport to frame “knowledge production”. Instead, this work is at best an eclectic intervention.

It is therefore fair that I declare my interest from the onset. This project does not pretend to be “neutral” or “objective”. The need to understand the NLC network and its role in the advancement of the resolution of the land question is a deeply political, partisan and emotional matter for all involved. The very foundations of the NLC are implicated in these political and social questions, which make an inquiry into it impossible without declaring my position. However, to hold a position is not the same as to manipulate data to arrive at some pre-ordained desired outcome. As far as possible one tries to allow sources to speak for themselves without displacing oneself from the scene of the crime where one also has agency. The history of the NLC spans over two decades of struggle with ebbs and flows, victories and setbacks. This is just one of the many stories that must be told.

I share Hilhorst’s<sup>18</sup> view that the dominant literature and theoretical sign post on the study of NGOs is too self-serving to be useful. In a sense, the NGO world has developed a pervasive ideology of self-legitimation through its literature. According to Nauta, the main problem with this ‘NGO literature’ is that it has features of a “jargon” and requires some kind of decoding to get to what it really means, but more importantly it serves to justify the everyday life of NGOs. Instead of relying on this literature, both authors call for a move away from what they call “development anthropology” or the “insider perspective” trapped within pre-established discursive frameworks, and invite us to do “ethnographic” studies of NGOs. While accepting the obvious problem with the NGO-generated self-serving literature, it would be a mistake to favour “ethnographic” studies by “outsiders”. It seems a more profitable area of labour would be to try combining the two with an

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<sup>18</sup> Dorothea Hilhorst, *The Real World of NGO's*, (Zed Books: London 2003)

eye on the underlying political project. In the South African context it cannot be said that there is a homogenous body of writing coming from within the NGO “world”, except perhaps for the odd donor report and mandatory evaluation reports by consultants, which tell us very little about NGO dynamics, but do serve the same ideological function of “masking”, as the “NGO literature” does.

Shivji provides a useful perspective on the question of “knowledge production”:

Our novels, stories and anecdotes, our popular jokes and sarcasm, and our newspaper stories of woe and deprivation, tell us more than the economist’s statistics or the politician’s slogans.<sup>19</sup>

Being true to this line of investigation, I find the characters and storyline in the little celebrated novel *Cause Celeb*,<sup>20</sup> from the pen of Helen Fielding, the author of the much celebrated novel *Bridget Jones’s Diary*, a more enriching study of the “life” of NGOs. *Cause Celeb* succeeds where most “serious” studies of NGOs fail in the understanding of “NGOing” because it follows the life rhythm of the NGOs and is not “guided” by a pre-established theoretical framework. This novel, in a sense, takes us beyond the declared “missions”, “visions” and NGO organogram focused explanations. Instead, *Cause Celeb* focuses on the rather complex, and in some ways mundane, reality of the “NGO world”, which is riddled with unending contradictions playing themselves out in a macabre combination of sacrifice, self-interest, vanity, status, power and compassion.

The memoirs of Terry Eagleton contribute immensely to the “everyday story” as powerful medium of knowledge production, and a means to help us understand how our world is structured and functions, and perhaps more importantly why we do the things that we do. Very few people in the contemporary South African left would fail to find characters similar to themselves in the quixotic characters so beautifully depicted in these hilarious memoirs.<sup>21</sup> This report pays homage to the storytelling technique without necessarily degenerating into simply stringing anecdotes together.

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<sup>19</sup> Issa Shivji, ‘Critical Elements of a new Democratic Consensus in Africa’ *Debate, Voices from the South African Left* (Vol. 2, No.1, 1998), p. 38

<sup>20</sup> Helen Fielding, *Cause Celeb*, (Picador: London 1994)

<sup>21</sup> Terry Eagleton, *The Gatekeeper: A Memoir*, (Penguin Books: London 2001)



## The Making of South Africa

*To save forty million inhabitants of the United Kingdom from a bloody civil war, we... must acquire new lands to settle the surplus population, to provide new markets... if you want to avoid civil war, you must become imperialists.*

Cecil John Rhodes, 1895

The South African social, political and economic realities of today are founded on the long colonial conquest and, later, apartheid land dispossessions, oppression and exploitation of Africans. Imbedded in these is the race issue linked to the objectives of Rhodes and his predecessors, later perfected by crude Apartheid ideologues into a policy of racially based accumulation and control. Therefore, to try to understand the possibilities and limits of change in the South African context we have to focus on the land question. It can legitimately be argued that the measurement of transforming this society from its colonial and apartheid past to a more democratic dispensation directly correlates with the extent of land redistribution to blacks. This section does not seek to provide a full historical account of land dispossession, on the contrary it advances the argument that fundamental transformation of South Africa can only occur if the land question is addressed. Basically, I argue here that racist South Africa is built on the foundations of land dispossession.

The struggle for land encompasses the competing meaning systems between the Settlers and the Africans, and the third force – capital, over land rights. This great divide in understanding what rights the colonialists could claim on the land of Africans permeates all subsequent encounters between the settlers and the Africans. Where Africans understood their right to land derived from being African, the settlers imposed their rights through their superior fire-power and legitimated the land theft through concepts of private ownership, hostile and alien to African worldviews and communal ownership, access and utilisation of land hitherto practiced. The history of dispossession and colonial settlement was thus also about a struggle over competing worldviews and conceptions of land rights. Husy makes this observation on this question:

White settlers brought with them the idea and practice of private property in land, while the African communities believed land was a communal resource. Even where settlers ‘negotiated’ rights to land from African rulers, it is unlikely that the latter had any specific authority over the land concerned.<sup>22</sup>

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<sup>22</sup> Dave Husy, ‘Policy-making and the Corporatist State: Three Case Studies of Rural Policy Engagement in South Africa’, unpublished memo, February 2001, p. 153.

The land dispossession was not only carried out by force of arms, but also included elements of coercion and deception.<sup>23</sup> The Africans did not lose their land without a fight; heroic resistance battles of the indigenous are well documented.<sup>24</sup> What is significant here is that the establishment of contemporary South Africa's social, political and economic structure ultimately rested on the defeat of the African's worldview and the loss of their ownership, control and utilisation of land, and on turning them into landless labourers to satisfy the labour needs of settler agriculture, mining, industry and households.

### 1913

The defeat of Africans was now codified into laws. Hendricks makes the following observation: "By 1913 the wars of dispossession were being replaced by many laws of dispossession ... there was a battery of laws designed to enforce territorial segregation".<sup>25</sup>

The 1913 Native Land Act saw the legal reduction of the African into "not actually a slave, but a pariah in the land of his birth"<sup>26</sup>. Cecil John Rhodes' vision of subjugating the African had been accomplished:

(to) prepare these people for change. Every black man cannot have three acres and a cow or four morgen and a commonage right. We have to face the question and it must be brought home to them that in the future nine-tenths of them will have to spend their lives in daily labour.<sup>27</sup>

Without land, the African became a labourer serving the interests of the settler colonialists in the development of "modernisation" of South African mining, agriculture, and industry. This change in status of Africans from independent producers to 'a pariah in the land of their birth' labouring for colonial interests defined blacks outside of "civil society". They were now by and large just another factor of production. Some scholars have shown how even when Africans were able to hold on to some land and tried to maintain independence this was virtually impossible.<sup>28</sup> The colonial project driven by "modernisation" and white "progress"

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<sup>23</sup> Ibid

<sup>24</sup> A. Eveleth & A. Mngxitama, 'The Struggles of South Africa's Landless', (Development Update: Vol. 4, No. 2, 2003); Paul la Hausse, 'The Message of the Warriors': *Holding their Ground*, eds, Philip Bonner et al (Witwatersrand University Press, Raven Press Johannesburg 2001)

<sup>25</sup> Fred Hendricks, 'Does the South African Constitution Legitimate Colonial Land Alienation?', paper presented at RAU, Anthropology and Development Studies Seminar, March 2004, p. 7

<sup>26</sup> Sol Plaatjie, *The Native Life*, (Raven Press: Johannesburg 1936) p. 33

<sup>27</sup> Quoted in Fred Hendricks 'Does the South African Constitution Legitimate Colonial Land Alienation?', paper presented at Rau, Anthropology and Development Studies Seminar, March 2004, p. 7

<sup>28</sup> Colin Bundy, *The Rise and Fall of the African Peasantry*, (David Philip: Claremont 1988)

logic was dependent on the extraction of surplus value in the “reserves”. Harold Wolpe has shown how the “non-capitalist” mode of production was “articulated” within the “capitalist” mode of production. This equation was based on the existence of the “non-capitalist” mode in the reserves, later known as “homelands” and “Bantustans” subsidising the white “capitalist” mode. In this “articulation” of modes of production, the biggest burden of subsidising the “capitalist” mode fell on the shoulders of African rural women who worked the barren land in the reserves.<sup>29</sup>

This separation of the independent African producer from the means of production poses the same dilemma as that posed by slavery to the “civilization” of the United States of America. Can liberation be attained without obliterating these new identities? To end the identities of “workers” and “black Americans” (former slaves), is to ask for the end of the civilization that was built on the production of those identities.<sup>30</sup> Wilderson III postulates that slavery places the Afro American outside of “civil society”, in fact, their emancipation threatens the very basis of “civil society”, and hence the black body confronts the coordinates of “civil society” more or less as a scandal. Wilderson further argues that liberation for Blacks in America can only be attained if America itself ceased to exist.<sup>31</sup> This seems to be at the heart of the resolution of the land question in South Africa. Neo-Marxist and liberal thinkers agree with the bulk of the colonial and apartheid beneficiaries that it’s better if we accept that “history” has happened. The question is at whose expense?

To raise the land question is to dispute history. From this point of view, to call for “workers rights”, as in the case of minimum wages for farm workers and attempts to “secure” tenure for farm dwellers is to accept the position of Africans designed by Rhodes.<sup>32</sup> The “workers rights” discourse limits the possibility for far more liberating processes of life, which must by definition be linked to the redressing of the historical process of destruction of independent existence of the African. The end to the current position of the majority of Blacks as mere factors of production is the price to be paid for a re-articulation of a different civil society. This “other” civil society, which carries the promise of liberation, must of necessity arise out of the destruction of the current civil society and the civilisation upon which it is based. Thus, to confront the history of land dispossession is to ask for an end to South African “civilization”. This dilemma is at the heart of the land question today, which of course now must take into account all the formerly oppressed and

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<sup>29</sup> Harold Wolpe, ‘Capitalism and Cheap Labour in South Africa: From Segregation to Apartheid’, *Economy and Society*, 1971

<sup>30</sup> Frank B. Wilderson, III, ‘The Indifference of Marxism to the Black Subject’, [www.ocf.berkeley.edu](http://www.ocf.berkeley.edu)

<sup>31</sup> *Ibid*

<sup>32</sup> For detailed discussions on the creating of the farm dweller “identity”, see Andile Mngxitama, ‘Farm Dwellers - Citizens without Rights: Unfinished National Question’, and [www.oxfam.org.uk](http://www.oxfam.org.uk)

excluded people who themselves were reduced to mere labourers by the cruel machine of Settler Colonialism.<sup>33</sup>

The impact of land dispossession has implications far beyond those relations still linked to the land. The historical land dispossession has created a situation of “accumulated privileges of being white”,<sup>34</sup> and also feeds into the ideology of “development” that legitimises the continued colonial settlement and preservation of the white supremacist societal structures and patterns of accumulation and consumption. Hendricks shows the legacy of settler colonial conquest:

Land dispossessions accompanied by racist policies of segregation and apartheid combined in the construction of society where 55 000 white farmers own virtually all farm land outside the designated reserves and 20 million rural blacks barely survive on minute allotments in the communal areas. White power and privilege were underpinned by this unequal access to land and the legacies of colonialism and apartheid have remained etched on the political and social landscape of contemporary South Africa.<sup>35</sup>

### **Freedom without land**

The dramatic dialogue between Herry die Strandloper and Jan van Riebeeck, which unfolded in the Cape Colony more than three hundred years ago, was to repeat itself in the early 1990s between the descendants of Herry and those brought to the Cape to work for the company by Van Riebeeck. If Herry was a defeated man, he at least seems to have chosen to stand on principle. It’s debatable whether Herry’s descendants in the Kempton Park<sup>36</sup> “negotiations” stood on a principled position in their dealings with the descendents of Van Riebeeck’s workers - at least in as far as the land question was concerned. It would appear that the ushering in of the new South Africa was based on accepting the terms of Van Riebeeck, “We have won this country in a just manner, through a defensive war and it’s our intention to keep it”.<sup>37</sup> These developments raise the question, ‘what authority did the “representatives” of the oppressed in Kempton Park have to negotiate the land away?’ (Just as previous African rulers did not have any authority to sell or give land to the settlers, because land was a communal asset). As we shall show later, the terms of the Kempton Park

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<sup>33</sup> Often the debate on land rights, if focusing on the “African” dispossessed, can be read to mean the exclusion of people of Asian descent and the so-called coloureds. This is a function of a section of the liberation movements’ understanding of the national question in SA, which accepts the artificial “different nations” thesis proffered by the Afrikaner neo-Nazi ideologues.

<sup>34</sup> Fred Hendricks, *op cite*, p. 8

<sup>35</sup> *Ibid*

<sup>36</sup> The negotiations for a democratic South Africa were undertaken in Kempton Park, Johannesburg in the early nineties.

<sup>37</sup> Quoted in Sampie Terreblanche, *op cite*.

settlement were simply an exchange of land rights for political power. Land stolen from Africans would not be returned.

The resolution of the land question is not just significant for “nation building”, but perhaps more importantly for the re-articulation of a different “civil society”. A key starting point for such a civil society would be the extension of rights for Blacks, so that they become agents of their history. Given that the history of land dispossession is closely linked to and is a function of exclusion of the dispossessed from what we can call “effective citizenship”, it therefore becomes imperative that the extension of citizenship is not only a formal matter. Hart, observing the brutal suppression of the first massive post-apartheid land occupation in Bredell, Johannesburg, was moved to observe:

The vision of a new democratic society is under threat. Citizenship alone does not guarantee living rights, and without basic livelihood guaranteed, the promise of citizenship remains hollow”.<sup>38</sup>

Hart went on,

... (It) should not take an occupation of land by several thousand desperately poor people to bring home to South African society that something is seriously wrong, and that there is an urgent responsibility for serious and decisive action<sup>39</sup>.

The Bredell land occupation and its brutal suppression was a dress rehearsal of the future encounters between the democratic state and the landless. The Bredell saga was also a clear statement of failure to extend “effective citizenship” to the historically excluded or, in our formulation, a step towards the re-articulation of a different civil society. Predictably and inevitably, the failure to confront the foundations of the civil society built on black subjugation led to societal tensions, where the “democratic” state has to resort to apartheid suppression mechanisms to keep the excluded from disrupting the settlement reached during the negotiations for “democracy”. Bredell also foretold the dilemmas land civil society organisations were to encounter in their relationship with the democratic state on the one hand and the landless poor on the other and the strategic choices made available by this environment.

The situation has become so bad that while South Africa celebrates ten years of freedom many activists and analysts agree that land reforms have failed. Let us take some views from the field:

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<sup>38</sup> Gillian Hart, *Disabling Globalisation: Places of Power in Post Apartheid South Africa*, (University of Natal Press: Pietermaritzburg 2002)

<sup>39</sup> Gillian Hart, *op cite*, p. 325.

Land reform is in a bad state and over the past 10 years it's very well known that the government has failed to realise any of its own targets in terms of land reform. The government initially shifted its own goal post from over a very short period of time within 5 years delivering 30% of the land to a period of 30% over 15 years which amounts to about 26 million hectares.<sup>40</sup>

My view is that nothing much has changed over the past 10 years and in fact the processes have increasingly deteriorated. Most of the acts and legislation that were put into place in '94 have been eroded and there is currently a more narrow focus by government, particularly, post '96 after the macro-economic framework was introduced. With this in mind one can conclude that the past 10 years have done very little.<sup>41</sup>

Well, look, it hasn't moved. It's very clear that 10 years later there's been stop-start processes. I think the only one that's had any movement really on the ground has been restitution. And that's been quite spotty... Redistribution has been minimal. It's been laughable in some ways.<sup>42</sup>

These perceptive conclusions about the failure of the government's land reform programme are unanimous amongst the spectrum of interviews, including senior members of the Department of Land Affairs. These failures, setbacks and shifts are occurring within the broader policy environment and the land sector NGOs are part of these shifts. The role and character of the NLC is located within these environmental changes. Some of the explanations for these failures directly implicate the NLC, and question the whole liberation movement's grasp of the land question as it relates to "effective citizenship". As we shall see, the task of confronting the land question was to a great degree left to the NLC network, an indication of the importance the liberation movement attached to the question.

### **The National Land Committee: Origins and futures**

*Four NGOs, the Association For Rural Advancement (AFRA), the Transvaal Rural Action (TRAC), the Surplus People's Project (SPP), and the Grahamstown Rural Committee (GRC), had formed the National Committee Against Removals (NCAR) in 1985. NCAR campaigned for communities under threat to be reprieved and for the return of communities that had been removed from their land. With the unbanning of the ANC in 1990 and the start of negotiations, the NCAR, now*

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<sup>40</sup> Peter Jacobs, An Economist and a land activist based in Cape Town, Interview, September 2003

<sup>41</sup> Ricardo Jacobs, a land activist based in Cape Town, Interview, October 2003

<sup>42</sup> Dave Husy, former Deputy Director of the NLC, Interview, July 2004

*known as the National Land Committee (NLC), joined the debates about restitution and redistribution of land.<sup>43</sup>*

The origins of the National Land Committee are found in a rather contradictory situation. On the one hand the impetus driving the birth of the NLC were white liberal, “welfarist” concerns, directly linked to the Black Sash tradition of ameliorating the suffering of blacks without a real clear emancipatory project. In some ways this tradition simply attempted to cushion the blows of apartheid on the one hand and contained an ambivalence about the “permissible” extent of Black Liberation on the other hand.<sup>44</sup> UDF-driven “mass action” anti-apartheid struggle challenged this liberal tradition, positing a significant variation to the liberal tradition but arguably not a total break with it. The NCAR operated in a difficult political environment as a report by former NLC Vice Chairperson Josette Cole shows:

NCAR operated in the context of escalating political repression, regional and national states of emergency, and repressive forced removals throughout the country. Through much of the period staff in the NCAR affiliates were either detained, or in “hiding”. The office staff played a critical “watch dog” role on human rights abuses related to forced removals....<sup>45</sup>

The NLC network grew from four organisations into ten land NGOs within seven years, each more or less representing a province. Thus the NLC network became the only segment of civil society with a national presence struggling for land ownership patterns to change.

The importance of the NLC in the historiography of national liberation does not so much derive from its political positions, or approaches, but from its de facto position of representing perhaps the only current within the broad democratic movement which focused on the land questions and organised resistance based on the everyday struggle to cling to land by the oppressed during the last decade of apartheid. That the NLC, with its “welfarist”, liberal tradition, had come to occupy a centre stage around the struggle for land is an indictment not so much of the liberals, but of the liberation movement’s failure as a whole. This failure, I argue, points to the inability to firmly understand the relationship between liberation and the resolution of the land question. The liberal tradition, with its limited conceptions of

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<sup>43</sup> AFRA, ‘20 Years in the Land Rights Struggle’, Association of Rural Advancement Booklet, p. 122

<sup>44</sup> See Andile Mngxitama, ‘Supporting People’s Organisations: Danger of Paternalistic Vanguardism and Romantic Idealists’, unpublished memo, March 2002

<sup>45</sup> Josette Cole, ‘Internal Background Discussion Document on the NCAR/NLC for the Period of 1984 to 1993’. Document in my possession.

how the land question connects with black liberation, was left to fight the land struggles at the height of resistance against apartheid almost single-handedly.

The liberation movements at this time had long ago switched from a rural focus, to a land focus, as the resistance was now more “visibly” driven in the urban centres. The NLC policy document was pointed on this front:

The liberation struggle, largely fought and won under the aegis of the African National Congress (ANC), and culminating with negotiations in the 1990, failed to develop a programme of resistance centring on land production and organisation in rural areas. Consequently, urban mass struggles and political unions inspired the national liberation movement rather than rural interests. As a result the liberation movement had a clear urban bias in terms of strategies, tactics and real gains.<sup>46</sup>

The document further concluded:

the entrenchment of property rights in the interim Constitution, for example, reflects the class and urban-biased character of the Mass Democratic Movement (MDM).<sup>47</sup>

The importance of the NLC network in the eighties is shown by the production of comprehensive research reports on forced removals and relocations of people. This research was published in four volumes known as The Surplus People’s Project. This tome of relocation remains the most authoritative and comprehensive record of the apartheid forced removals.<sup>48</sup> The Surplus People research was itself inspired by the pioneering work of the radical Pan Africanist Cosmas Desmond who published *The Discarded People*, looking at the impact of forced removals during the seventies.<sup>49</sup> These works proved beyond a doubt the devastating impact of apartheid on blacks, and provided the liberation movement with valuable information to mobilise for international support.

### **NLC and four phases of development**

Out of Nauta’s three “eras” in his study of the South African land NGOs, the third era is signified by the government’s adoption of GEAR in 1996 as its programme for the reconstruction of post-apartheid society, representing a shift away from the Reconstruction and Development Programme (RDP) commitments adopted two years earlier. Nauta argues that, “when GEAR was introduced it suddenly became clear that the honeymoon was over. The ANC government stepped out of its pink

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<sup>46</sup> National Land Committee, ‘Land Reform Policy Proposals’, 1994 p.6

<sup>47</sup> Ibid

<sup>48</sup> L. Platzky and C. Walker, *The Surplus People: Forced Removals in South Africa* (Raven Press: Johannesburg 1985)

<sup>49</sup> Cosmas Desmond, *The Discarded People*, (The Christian Institute of South Africa: Braamfontein 1971)



cloud after two years of governing the country and being exposed to the harsh realities of the world markets. It is the beginning of what I have termed a 'new realism era', which also yielded a new political discourse".<sup>50</sup>

As indicated earlier, Nauta's three "eras" suffer from a form of "structural determinism". They seem to suggest that the changes the land NGOs were undergoing are a direct product of the broader environmental changes, denying these NGOs any agency. Nauta is not alone in this conceptualisation. Habib also relies heavily on the external environment as a determinant of the character of civil society.<sup>51</sup> A more useful view is one that sees a relative autonomy of the NGOs (and their agency), which are shaped by and impact upon this environment. The NLC is "shaped by the environment, but it also helps to shape that environment, it's more of a dialectical relationship", as Thevan Naidoo, the Organisation Development Manager at the NLC explains.<sup>52</sup> This is much more dynamic and accurate. What the Nauta typology also suffers from is a lack of acknowledgement of the role of key individuals; every shift in the character of the NLC over time has been accompanied by the key individuals' perceptions and agendas.<sup>53</sup> Taking into account these weaknesses of Nauta's exposition, we maintain the typology as an organising framework. However, we add a fourth "era", that of "impartial disintegration and re-composition"; this "era" is characterised not so much by the broader environment but by a "dialectical" interaction between the "external" and "internal" factors which make up the realities of the NLC network over the past decade. We will discuss this in the following sections.

### **Land Civil Society in the "End of Struggle Era"**

It is important to note that the National Committee Against Removals (NCAR) was launched in 1985, the same year that the Apartheid state declared a state of emergency. This shows that the NCAR, which later became the NLC, was affected by the broader struggles and the state's responses to it at the time. The main method of engagement by the NLC at this stage was to support communities facing removals through publications of their ordeals, organising legal representation, and taking advantage of the "political opportunity" created by the limited liberalisation of civil society spaces.<sup>54</sup> Also, at this time, the element of "resource mobilisation"

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<sup>50</sup> Wiebe Nauta, 'The Implications of Freedom: The Changing Role of Land Sector NGOs in Transforming South Africa', (Vrije Universiteit: Amsterdam 2001) p. 75

<sup>51</sup> Adam Habib, 'State - Civil Society Relations in post-Apartheid South Africa', RAU Sociology Seminar Series, October 2003.

<sup>52</sup> Thevan Naidoo, Interview, August 2004

<sup>53</sup> Ibid

<sup>54</sup> Adam Habib, op cite

had become easier with the loosening of fundraising legislation.<sup>55</sup> These methods fell well within what is known as lobbying and advocacy; they are not anti-systemic, even if they provided some generalised moral and material support for the liberation movement's project, which was aimed at taking over the state.<sup>56</sup>

The NLC, through the period of its formation until the early nineties, was by and large still driven by the "liberal tradition" in its overall outlook and strategy. I have argued elsewhere that the key weakness of this liberal tradition is that it patronises the oppressed. The main issue is that it is unable to conceptualise and support a thoroughgoing transformation process. In other words, it cannot conceive of the destruction of South African civilisation; it hopes for integration of the excluded without fundamentally changing the order of things. I will show that the essential features of this liberal tradition have survived, and have continued to influence the work of the NLC over the two decades of its existence:

By 1992, the dominance of the liberal tradition was challenged from within and often these challenges were manifested in the sharpening contradiction of race, class and gender within the NLC network. The challenge came from the UDF aligned activists who were gaining ascendancy in the leadership structures of the NLC.<sup>57</sup> By 1997, all of the senior strategic positions in the NLC's national office were occupied by people with UDF allegiances and most were in some leadership capacity in the ANC Youth League and the South African Communist Party.<sup>58</sup>

### **Two traditions in one**

These developments within the NLC show an uneasy accommodation of basically two strands of the same liberal tradition. One, the overtly welfarist and reformist, represented by the Black Sash liberal strand, and the other, the "mass action" oriented UDF strand. The tension between these two strands was already apparent during the early 1990s around two issues. Firstly, the position of the NLC on land occupations, which were on the rise as the landless were "returning" to their land without waiting for the new government to "return" them. The second contentious issue was around the attitude the NLC needed to take towards the incoming democratic state. These two standpoints explain to some extent the seemingly contradictory approaches of the NLC over the decade of democracy which is under discussion.

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<sup>55</sup> Ibid

<sup>56</sup> Ben Cousins, and Lynette Maart, 'The Sea is the Limit: An Evaluation of the National Land Committee', Programme for Land and Agrarian Studies and Community Development Resource Association, 1997

<sup>57</sup> Conversation with Maureen Moleya and Elizabeth Kgwadi, August 2004

<sup>58</sup> Brendan Pearce, Interview, August 2004

## Land occupations

The liberal school seems to have generally frowned upon land occupations as a legitimate strategy of engagement by the landless. The KwaZulu-Natal based affiliate of the NLC, AFRA, held a clear “rejectionist position” on this question; “...while AFRA rejected land invasions, it supported their communities in these symbolic protests”.<sup>59</sup> It is important that the AFRA discourse around land occupation is understood in the context of “land invasions” with all the negative connotations this labelling carries. Furthermore, it is also significant that AFRA saw land occupation as a “symbolic protest”. It is not clear whether the communities who “invaded” their land were simply engaging in “symbolic” activity or were merely returning to their land. Evidence from other parts of the country shows that at the height of the anti-apartheid struggle leading up to the conclusion of the negotiations there were widespread land occupations occurring throughout the country.<sup>60</sup> The Land Charter adopted by landless communities in 1994 also contradicts the notion of the “symbolic” nature of land occupations. The oppressive paternalism of the liberal project is demonstrated by the possessive discourse of “their communities” to depict the reality of the subjugation of the black people. The possessive “my people” is part of the racist lexicon used by racist settler farmers. This “their communities” is not in tension with the relegation of Africans to the role of part of the productive processes, which yielded the South African civilisation.

Whereas the liberal strand saw these so-called land ‘invasions’ as symbolic, the UDF strand saw it as ‘strategy’ to achieve other broader political objectives. Land occupations were seen as a mechanism to further render the country ungovernable and hasten the fall of the apartheid regime on the one hand, and on the other, to strengthen the hand of the negotiators. There were “informal” discussions in the NLC at the time about developing a “how to do land occupations manual”.<sup>61</sup> The fact that these discussions were “informal” shows that the UDF strand was not confident of winning the debate within the NLC. It may also have been their lack of confidence in the efficacy of land occupation as a method to redistribute land, or this reluctance was an indication of the expectations and confidence the UDF current had in the new democratic state’s commitment and ability to resolve the land question.

The reticence towards land occupation by the welfarist strand is indicative of the limits of the liberal tradition. Jean du Plessis who worked for AFRA articulates the position of the liberal strand when he reflects on the land occupations:

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<sup>59</sup> AFRA, ‘20 Years in the Land Rights Struggle’, AFRA Booklet, Pietermaritzburg, 1999, p. 134

<sup>60</sup> Conversations with Connie Mogale, Director of the Land Access Movement of South Africa (Lamosa), one of the oldest social movements on land, which was started by one of the NLC affiliates.

<sup>61</sup> Brendan Pearce, Interview, August 2004

It was correct then, and it's correct today, for any land organisation to be opposed to the land invasions, just because the prospects of mass invasion of land is too ghastly to contemplate. Land invasions, the ones that happened, generally result in vulnerable and disorganized groups of people settled in inappropriate land, often subject to highly suspect leadership. It is a sign of failure not a sign of success.<sup>62</sup>

For the liberal patronising tradition, mass struggle is 'too ghastly to contemplate'. For them land occupations would be supported only on two conditions; firstly, if they are limited to "symbolic acts" and only meant to highlight the frustration of the landless, and secondly, as a lobbying mechanism. On this point, Jean du Plessis makes the following observations:

Of course in the early 1990s, people engaged in symbolic land occupations... those people did not intend to stay there, at that stage... AFRA actively involved itself with such cases, and I think that strategy was quite correct. From such initiatives, we got momentum to lobby for a Restitution Act, and a Land Claims Court...<sup>63</sup>

### **The state debate**

The second area of disagreement between the "Liberal" and "Mass Action" strands was on what attitude the NLC should take towards the new democratic state-in-waiting. The liberal current seemed to have favoured a distant but supportive role, the justification for this at times taking a radical left sounding phraseology and posture.<sup>64</sup> Part of the explanation for the autonomy from the state by the liberal current can be accounted for by an "innate" fear of a black majority government. The UDF aligned tradition simply wanted to work with "our government", and was suspicious of the seemingly critical stance taken by the white liberal voices even before the democratic forces had been give a chance to govern.<sup>65</sup>

### **Key elements that make up the NLC orientation**

Three clear elements, which combine in a complex web to give shape to the overall orientation of the NLC as it evolved historically, can be gleaned from the forgone discussion.<sup>66</sup>

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<sup>62</sup> Quoted in AFRA, '20 Years in the Land rights Struggle', AFRA Booklet, Pietermaritzburg, 1999, p. 134

<sup>63</sup> Ibid

<sup>64</sup> Brendan Pearce, op cite

<sup>65</sup> Ibid

<sup>66</sup> Andile Mngxitama, 'Supporting People's Organisations', op cite, provides a detailed account of these elements.

### *Instrumentalism*

The first element is the instrumentalist conception of the role of communities in the struggle for land. Both the UDF and the Welfarist strands share this element. The former sees people's initiatives such as land occupation as important to fulfil a "strategic goal" defined not by the landless but by political vanguards. The latter sees the people's actions to be only legitimate if they contribute to strengthening the lobbying efforts for legislative and policy changes. People's initiatives are not seen as legitimate actions in themselves that should be encouraged. This instrumentalism is pervasive, its crude form is discernable in the South African Communist Party's (SACP) rationalisation of its Red October Campaign: Land! Food! Jobs!. The campaign is aimed at building a "rural motive force" under the "vanguard leadership" of the SACP.<sup>67</sup> More subtle forms of this instrumentalism abounds in ideas and acts of "activism" by mainly left leaning white activists in the new social movements, and have the effect of reproducing forms of racial domination.<sup>68</sup>

### *Pluralism*

The second element is a conception of the state and civil society relations as being defined by "pluralism". The main thrust of this conception is a liberal celebration of "plurality" and multiplicity of players born by a distrust of the state. This element dovetails well with the neo-classical liberal school's conception of power, articulated by the liberal sociologist Talcon Parsons, but feeds into the "swart gevaar" tendencies. Key to this view is the need for checking the power of the state against trampling fundamental societal norms such as freedom of expression and right to property. Parsons, furthermore, saw "civil society" as superior to the state.<sup>69</sup> In South Africa, writers such as Steven Friedman<sup>70</sup> and Adam Habib<sup>71</sup> celebrate this idea of plurality of civil society. To this end, Habib argues: "The plurality of civil society and its diverse sets of relations that it engenders with the state is thus the best guarantee for the consolidation of democracy in South Africa".<sup>72</sup> This conception of power is devoid of a Gramscian problematisation of "civil society" as

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<sup>67</sup> South African Communist Party website, [www.sacp.org.za](http://www.sacp.org.za)

<sup>68</sup> Andile Mngxitama and Amanda Alexander, 'Race and Resistance in post-apartheid South Africa: Towards a Progressive Race Narrative', paper presented at the York University Race, Racism and Empire Conference in Toronto, May 2004.

<sup>69</sup> Andre Gothenburg, 'Regionalisation of the Social and Economic Justice-Sector in Southern Africa - A critical study of regional behaviour of Civil Society Organisations in South Africa, Mozambique and Zimbabwe', Masters Thesis in International Relations, University of Gothenburg, Sweden, 2003

<sup>70</sup> Steven Friedman, 'Golden Dawn or White Flag? The State, Civil Society and Social Policy', Centre for Policy Studies, also at [www.ukzn.ac.za/ccs](http://www.ukzn.ac.za/ccs)

<sup>71</sup> Adam Habib, op cite

<sup>72</sup> Adam Habib, op cite, p. 11

the extension of the state.<sup>73</sup> This masks the other ways in which “civil society” provides cover for the accumulative project of capital facilitated by the state.

### *Statism*

The third element is a “statist” view. This element credits the state as the prime agent of transformation. The roots of this “statist” element are the shared history of struggle against apartheid with those who now have captured the state power. The “statist” element was driven by the UDF current. It is important to remember that the UDF’s primary concern was the capture of state power and transforming it in line with the ethos of the “mass democratic movement” led by the African National Congress. Whilst there were serious debates about how to conceptualise “people’s power”,<sup>74</sup> it is clear that a centralist discourse of power won the day and was promoted in the main by the exiled militarised wings influenced by Leninist and Stalinist notions of the vanguards.<sup>75</sup> But as Brendan Pearce, one of the key leaders to emerge from the UDF in the NLC network, says: “We were excited about the new government, it was our government, we struggled to bring about ‘people’s power’”. Shivji shows how the UDF conceptions of people’s power are different from those held by the ANC, which came to eclipse it.<sup>76</sup> The strategic implications of this “statist” element was that the NLC would be a “partner” in transformation, helping the new government to realise the dream of the African National Congress, which had by this time subsumed the UDF dynamism and established its hegemony over the question of how power would be organised once captured.

These three elements cannot be read in a mechanical fashion because they represent the sum total of the factors which more or less characterise the NLC network. A configuration of these elements at different intervals shaped the attitude and approaches the NLC took in relation to the landless people’s struggles and its relationship to the state. These elements continued to be in a dialectical tension within the NLC network requiring “complex managing”. As we shall see later, these elements in some ways place the NLC outside of the neat categorisations of civil society as presented by Habib, that civil society in the post-apartheid society are to be found in three “blocks”. The first is the “formal NGOs” that benefited from the policy and legislative changes in the post-apartheid era and consequently tend to

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<sup>73</sup> Antonio Gramsci, *Selections from the Prison Note Book*, eds. Q. Hoarse, G. Smith, (Lawrence & Wishart: London)

<sup>74</sup> Issa Shivji, ‘State and Constitutionalism: A New Democratic Perspective’, *State and Constitutionalism: An African Debate on Democracy*, (SAPES Trust: Harare 1991)

<sup>75</sup> Ran Greenstein, ‘State Civil Society and the Reconfiguration of Power in the post-Apartheid South Africa’, paper presented at Wiser Seminar, 28 August 2003

<sup>76</sup> Brendan Pearce, Interview, August 2004

have a “collaborative” relationship with the state; survivalist welfarist organisations and social movements populate the second and third block. The former are too pre-occupied with everyday challenges of staying alive to enter into anti-systemic discourses and actions. The latter are said to have explicit political aims to counter the negative effects of neo-liberalism and globalisation processes promoted by the post-apartheid state.<sup>77</sup>

The NLC has occupied all three blocks at once with varying degrees of emphasis. It is in understanding the complex interface of these elements that we can begin to shed some light into the inner workings of the NLC, and have a more nuanced understanding of the choices and options open to the NLC in the past decade. The NLC entered the era of “Freedom and Consultation” with more or less formed identities defined by the three elements residing uncomfortably with each other. The next phase was also a period of the triumph of globalisation, anti-statist development paths and the privileging of “civil society”.<sup>78</sup> This is the context within which we must analyse developments in the NLC.

### **The freedom and consultation era**

The period from the unbanning of political parties through the negotiations and up to the adoption of the RDP and the first democratic election shows a flurry of activities aimed at policy changes for the new democratic state. In as far as the development of land policies was concerned, three important forces were at play: firstly, the established South African white industrial interests, representing the property owning classes in general; secondly, the landless communities represented by the voice of the NLC; and thirdly, the World Bank, in the main representing the interest of international finance capital and sharing the same concerns with the land owning classes. It is important to note the “absence” of the ANC in these “interest equations”. The ANC had, de facto, carved for itself the role of a government-in-waiting and could not be seen to promote sectional interests, despite the rhetoric of “transformation” and residual Freedom Charter-inspired sloganeering such as the “land shall be shared amongst those who work it”. An observer of the process at the time, land reform expert Ruth Hall explains that the ANC itself did not seem to have placed the land question very high on its agenda:

The liberation movement returning to SA had nothing on the table in terms of an alternative vision for rural areas and agrarian reform programmes. I think within the land sector specifically these early negotiations with the World Bank were bizarre situations in which the bank was telling the ANC you have to engage with land

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<sup>77</sup> Adam Habib, op cite

<sup>78</sup> Michael Edward, David Hume, *Making a Difference: NGOs and Development in a Changing World*, (Earth Scan: London 1993)

reform and you have to do land reform. The primary reason was not about equity or growth but rather about political stability.<sup>79</sup>

The debates around the land question were framed in the main by the “property clause” debates. Liberal scholars, the land owning class supported by the World Bank and the representatives of the apartheid regime argued for the protection of private property in the Bill of Rights. The apartheid negotiators were very clear that the basis for a democratic change depended on the protection of private property. The NLC and others argued that the protection of property in the Bill of Rights would actually ensure that historic land theft would be legitimised by the new Constitution, thereby limiting the possibilities of land reforms in the post-apartheid era. Ruth Hall recalled those debates:

I remember going to the Constitutional Assembly debates on the property clause and it was clear that this was part of the terms of the political settlement. So whether it was going to be enshrined in the Constitution or not, the terms of the political settlement were that property relations would not be disrupted. And my understanding is that the battle at the Conference for a Democratic South Africa (Codesa) at Kempton Park was fought primarily not so much from the commercial farming lobby but by the industrialists. So this is about big white capital in SA and trans-national capital ensuring that property rights would have a secure future in SA, and that land reform would not interfere with that.<sup>80</sup>

The NLC launched a campaign against the property clause and for the inclusion of the Restitution Clause in the Constitution. The campaign was aimed at forcing the hand of negotiators to resist including the protection of property in the Bill of Rights. In the absence of an organised landless lobby the NLC substituted for a rural voice pitted against the powerful interest of industry and international capital. The NLC, as a lobbying entity, had no chance against the national and international capital forces ranged against it. The World Bank by now had come to play an influential role behind the scenes having won the confidence of ANC decision makers. In the end, the Bill of Rights protected property, but the formulation did open some possibilities of expropriating land. Thus the NLC and its allies had gained a partial victory:

The final Bill of Rights includes amongst others the lack of strong positive right to property, the inclusion of public interest as a valid justification for expropriation, and an explicit reference to land reforms as a form of public interest and the inclusion of

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<sup>79</sup> Ruth Hall, Interview, December 2003

<sup>80</sup> Ibid



a strong clause on the right to tenure security. Many of these clauses reflect positions fought for by the NLC and its allies.<sup>81</sup>

Observing the power of the land owning lobby, the NLC spearheaded the “Back to the Land Campaign” in 1993, with the hope of pushing for the rescinding of the decision to include the Property Clause in the final Constitution. Following news reports at the time, it is clear that this campaign was meant to be another lobbying tool and not a strategy to actually return to the land. The campaign seemed to have been a flash-in-the-pan accompanied by threats of land occupations and mass action. There is little doubt that these were part of the “symbolic” liberal thread. This campaign also clearly shows that the landless were just instrumentalised to achieve the aims of the NGOs, which were to pressurise “power” to do something instead of relying on the power of the landless to actually go “Back to the Land”.<sup>82</sup> The differing intentions between the NGOs and the landless communities in interpreting the “Back to the Land Campaign” was made clear by the numerous land occupations linked to communities that were part of the campaign. At the time, the North West province saw no less than four communities returning to their land through re-occupation of their land. This inspired similar actions in the Mpumalanga and KwaZulu-Natal provinces. These communities were amongst the first to get “title deeds” from the new government, thereby proving the social weight of people-driven action to affect material change as opposed to “symbolic pressure for lobbying” to affect policy changes.<sup>83</sup> It is not clear why the NLC did not pursue both options instead of relying on making policy a key strategy to return land.

In August of 1993, the NLC made good on its threat of “mass action” and got 80 rural communities to protest outside the World Trade Centre in Kempton Park, the venue of negotiations. The protest was against the inclusion of the Property Clause in the Constitution. The second demand was that restitution be guaranteed in the Constitution. In February 1994, the NLC organised one of the biggest gatherings of the landless in Bloemfontein, in what was called the “Community Land Conference”, which was attended by 700 delegates representing about 350 landless

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<sup>81</sup> Ben Cousins, and Lynette Maart, ‘The Sea is the Limit: An Evaluation of the National Land Committee, Programme for Land and Agrarian Studies and Community Development Resource Association, 1997, p. 4.

<sup>82</sup> *Natal Witness*, 1 April 1993.

<sup>83</sup> Numerous discussions with Connie Mogale, Director of Land Access Movement (Lamosa), an activist whose community went back to their land at the time of the ‘Back to the Land Campaign’. She tells of the stories of land occupation, resistance, and violence of the police and white farmers against the community. There was clear support from the South African Council of Churches, which provided transportation. When the repression from the police and attacks from the farmers got severe some NGOs advised the community to reverse the occupations, but the community refused.

communities throughout South Africa. The Conference adopted a Land Charter, which states that: "The land that was stolen from us must be returned..."<sup>84</sup>

A delegation from the conference managed to meet the President of the African National Congress and the country's first black President-in-waiting, Nelson Mandela. The delegation put forward the demands of the charter, one of which declared:

... the Property Clause must be scrapped because it makes the expropriation of land for community purposes too expensive. The Property Rights Clause will make the lives of those who have been dispossessed worse than before.<sup>85</sup>

The President-in-waiting made promises. However, the reality was that the basis of the "transference" of political power from the racist minority regime to a black majority was based on the agreement that land would not be taken from the settler colonialists and the Property Clause guaranteed this understanding. In a sense the descendents of Van Riebeeck's workers won the debate against Herry's progeny. The "reworked" version of the Property Clause remained included in the Bill of Rights, and on the positive side for the "Back to the Land Campaign", the restitution of land rights was also included in the Bill of Rights.

The combined instrumentalism of the Welfarism and "mass action" - not for land but for regime change tendencies - ensured that the three most promising initiatives did not spark a lasting rural revolt, and, in fact, did not carry on the impetus of struggle already occurring in the countryside that could have fundamentally transformed land reform policies.<sup>86</sup> The "Back to Land Campaign", the World Trade Centre protest, and the "Community Land Conference", were very promising initiatives but unfortunately were all aimed at getting attention and legitimising the voice of the NLC at the lobbying and advocacy tables.<sup>87</sup> However, these initiatives could also be seen as disempowering and demobilising for the landless communities. The lobbying and advocacy gains around the Property Clause and restitution were achieved at the expense of popular autonomous actions for accessing actual land instead of policy changes. The Surplus People's Project, an NLC affiliate, lamented the distance policy work had created with community work: "... a related problem has been the extent to which policy research and interventions, and networking through the NLC and other NGO formations, have

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<sup>84</sup> National Land Committee, 'Land Charter', 1994

<sup>85</sup> Ibid

<sup>86</sup> Stephen Greenberg, 'Post-Apartheid Development, Landlessness and the Reproduction of Exclusion in South Africa, [www.ukzn.ac.za/ccs](http://www.ukzn.ac.za/ccs)

<sup>87</sup> Brendan Pearce, Interview, August 2004. Also see Ben Cousins and Lynette Maart, op cite

drained staff capacity away from field work”.<sup>88</sup> The engagement with policy furthermore defined the modus operandi for the next decade around policy engagement.

Once the Constitution was adopted with the compromised formulation on the Property Clause, another round of legislation development started. A flurry of Bills for land reform laws was drawn up and the NLC played a key role during this period, which was also punctuated by the RDP euphoria of “consultation” and “participation”. The NLC had become poised to play the professional lobbyist role with a marginal involvement of the landless. In a sense, the position of the NLC as the spokesperson of the landless in South Africa was established and recognised by policymakers. But this access to policymakers, and a reliance on lobbying instead of social weight of the landless in struggle created a dilemma for the NLC. Dave Husy, one of the key players within the NLC at the time, articulates the problem:

In a sense NGOs were almost immediately seen as a counterweight to social forces on the right of the political spectrum so this notion of balancing social forces across a spectrum almost immediately placed a burden on NGOs. I think whichever way they took, they were damned almost from the beginning. If they took a more centrist view of working within the structures, focusing on technical processes, supporting people’s entry into the reform process, but in a much more formalised systematic way, that would always be constrained by balancing those particular interventions of some right, or rather a block of right forces.<sup>89</sup>

The results of this corporatist approach to policymaking had a very limiting effect on the possible gains that could be yielded from the policy and legislation making processes. Dave Husy, with the benefit of hindsight, says:

It’s like corporatist, it balances out the social forces so you’re never taken as a legitimate player in your own right, you’re always seen as a counterweight to something else. And I think that that’s been the case in every piece of legislation tabled so far, is that that balancing process has always led to a compromised set of legislation where rights are conferred but immediately constrained. It’s always been the case. If you read any piece of legislation, the first objective is conferring a right; the second objective sets in place the restrictions on that right.<sup>90</sup>

Once the NLC was set on the formal lobbying role, other options seem to have been discarded even with the clear evidence that the type of formal committee forms of engagement were yielding undesirable compromises. The NLC was in a multiple

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<sup>88</sup> Surplus People’s Project, ‘Information File, Prepared for the NLC Donor Conference. September 1995

<sup>89</sup> Dave Husy, Interview, July 2004

<sup>90</sup> Ibid

bind, at once it wanted to advance the interest of the landless; towards that end, law making was seen as important, and this necessarily places a huge premium on having the ear of the lawmakers who were mostly former comrades. On the other hand it could not afford to be seen to be rejecting proposals from the government – even if they were flawed – because of its commitment to a partnership with the new democratic state. The political parties of apartheid which had positioned themselves to play the permanent opposition to the ANC further narrowed the space for the NLC to manoeuvre, lest it be seen as being on the side of these forces.

The NLC seemed to have been sucked into to a process which limited its options so much that an air of “there is no alternative”, or “TINA”, seemed to have come to dominate its cause of actions. The only obvious action was one of linking up with the rural landless, and driving campaigns directed not at the democratic state but at those who held property. At best, this would have strengthened the hand of any genuine intentions of the ANC to redistribute land; at worst, it would have put the ANC government into a situation where it would have to choose sides, and repression of the landless would be a costly political option. This sense of “TINA” is best demonstrated by a sense of apprehension to take the “radical option”, which was basically working from where the communities are, as Husy explains:

Now if you took the other view, which is the more radicalised view, which is to organise directly and more integrally with the most vulnerable or the most disenfranchised group of people, then you were seen to operate more on the fringes of the spectrum. And what that does is immediately place you outside of the bounds of legitimacy, in the sense that not so much the legitimacy as a civil society actor but more as a serious quality player. So you begin to be seen outside those boundaries. You need to be managed, you need to be regulated, you need to be balanced out against the looney right, as a looney left. But certain doors will immediately be closed to you in the sense that those technical committees that draft legislation and regulation are not necessarily open to NGOs that facilitate a more radical view of reform.<sup>91</sup>

The above comments by a leading NLC voice at the time shows the self-imposed limiting of strategies of engagement based on the two traditions of liberalism. During the era of “Freedom and Consultation” two very seductive discourses helped to maintain the fidelity of organs of civil society to the new state. These seductive discourses are “National Liberation” and “Developmentalism”. The former requires “unity” and thereby limits possibilities of “dissent”. This was best articulated by then deputy president Thabo Mbeki in 1996 in an internal ANC discussion document. Mbeki considered the imperatives of liberation to be achievable only as

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<sup>91</sup> Ibid

part of serving the “interest of the people as a whole”.<sup>92</sup> In the same document Mbeki argues against the spectre of “ungovernability”, which may be sparked by “sectional interests”. This way of seeing transformation leads to a vanguardist state, and relegates the role of civil society to “implementers”<sup>93</sup> of state-designed programmes.

Developmentalism, on the other hand, is based on the promise of “improving the lot” of the excluded. Shivji has shown the dangers of Developmentalism; amongst them is the banishment of people’s agency from politics and turning people into “beneficiaries” of neo-colonial states – “development” from above.<sup>94</sup> The RDP, despite its promises of “consultation” and “participation” became the embodiment of these discourses, and all “progressive civil society” swore by the letter and spirit of the RDP.

The NLC was so bewitched by the discourses of the RDP that even after the launching of GEAR its engagement with the state was still couched in the discourses of the RDP. In 1998, in line with the commitment to the already defunct RDP, the NLC started negotiations with the Department of Land Affairs (DLA) to “institutionalise” relationships between the two entities. A draft memorandum of agreement was drawn up, which basically committed the NLC to refrain from attacking the DLA publicly, and the DLA would make sure that the NLC became its main “partner” and would be consulted in all policy matters. This process was scuppered when Minister of Land Affairs Derick Hanekom was replaced by current Minister Thoko Didiza in 1999. The new minister’s modus operandi where civil society is concerned was to basically ignore it.

The NLC approach of engagement is surprising if we take into account that in all the major policy engagements of the period between 1994 and now the government simply ignored the most important suggestions. This was true with the entrenchment of the Property Clause in the Bill of Rights in the early nineties, the enactment of the Labour Tenants Act in 1996, the Extension of Security of Tenure Act in 1997, and the most controversial piece of legislation – the Communal Land Rights Act – enacted in 2004, which gives land rights and control to the unelected and accountable Chiefs in former homelands. Certainly, the NLC was invited to make submissions, but its central proposals did not make it to the final texts of these laws. The very laws were themselves highly compromised as instruments for change. There is little doubt that the NLC derived immense stature and satisfaction

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<sup>92</sup> ANC, ‘The State and Social Transformations’, 1996

<sup>93</sup> Krista Johnson, ‘State and Civil Society in the Contemporary South Africa: Redefining the Rules of the Game’, in Sean Jacobs and Richard Calland (eds), *Thabo Mbeki’s World* (Zed Books: London and New York 2003)

<sup>94</sup> Issa Shivji, ‘Fight My Beloved Continent: New Democracy in Africa’, 2<sup>nd</sup>.Edition (Harare: SAPES Trust 1990)

from being part of these historic developments, however limited they may have been in as far as their indented objects were concerned. In a sense, “social mobilisation” was sacrificed for very limited policy changes.

### **Turning labour tenant revolts into “policy”**

An example of a landless struggle that was reduced to “policy” was the labour tenant’s revolt, which broke out in the Southern Highveld region of the Mpumalanga Province from 1993 and culminated in 1996. The revolt included burning of fields and commercial forests, blocking of roads and massive marches by labour tenants.<sup>95</sup> These struggles were filtered into producing a piece of legislation by NGOs, the Labour Tenants Act – an unworkable and highly compromised piece of legislation. Labour tenants remain landless, vulnerable to human rights abuses, and are still without security of tenure. This is true for farm workers as well. The NLC led a lobbying process at the time that was clearly split between a current which favoured the realisation of labour tenants’ demands and another current which favoured a more conciliatory approach between labour tenants and landed white farmers. As a result of these differences the KwaZulu-Natal-based affiliate of the NLC developed a joint submission to the draft land reforms (Labour Tenants Bill) in 1995 with the “enlightened” KwaZulu-Natal Agricultural Union, a white farmers organisation. The content of the joint submission departed significantly from that of the NLC and the outcomes of the labour tenants’ meeting in Natal. However, AFRA later formally retracted the submission, ascribing the mishap to work of inexperienced, naïve staff.<sup>96</sup> A more useful interpretation of the “discrepancies” between the NLC, AFRA and the tenant communities is a reflection of the “often difficult role of the NGO to both translate the ‘voice of the people’ into policy, while acting on its own vision and understanding of solutions to complex problems”.<sup>97</sup>

### **The new government or the landless?**

Informed by an approach of partnership with government, the NLC had to almost choose between the demands of the tenants and maintaining a relationship with the new political establishment. At the height of the lobbying process and pressure from labour tenants, the Minister is said to have put pressure on the NGOs to accept a compromise with the white farmers for the “sake of progress”.<sup>98</sup> A dilemma was created since the NLC understood that increasing pressure on the Minister was part of “bolstering his political influence”, but the Minister was trapped in his role as a

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<sup>95</sup> Abie Dithlake, Interview June 2004. Also see Stephen Greenberg, *op cite*

<sup>96</sup> Dave Husy, *op cite*

<sup>97</sup> *Ibid*

<sup>98</sup> Dave Husy, *op cite*, p. 99

“referee and mediator”<sup>99</sup> (in line with the corporatist model of policymaking favoured by the ANC) and an underlying new patriotism in the name of reconciliation. The dilemma for the NLC was articulated as: “on the one hand to remain true to the perceived ‘radical’ and uncompromising position of the communities themselves, and risk alienating and undermining a perceived political ally in the minister, or accept a compromise solution which risked weakening the communities’ position and their relationship with the NGOs”.<sup>100</sup> This “dilemma”, of course, is mainly a dilemma of the liberal traditions which form part of the NLC approach to “NGO-ing” and how the relationship with communities was based on instrumentalist and welfarist approaches.

In the longer term, it would appear that the NLC had only succeeded in alienating both the government and the landless communities by taking this middle of the road approach, even when the overwhelming evidence pointed to the need to err on the side of the landless communities. As a result, after the emergence of the LPM, views of the communities on the role of the NGOs are diverse but coalesce around feeling alienated from NGOs and that NGOs are not reliable allies. At least, these views emerged from the focus group discussions with members of the LPM:

The NGOs are now an extension of government because they get contracts from government. That makes it difficult for them to support the landless truthfully. I have no more desire to work with NGOs. They must go their way and we’ll go ours. And anyway, they don’t support us. The LPM must become truly independent. We must meet with donors to tell them that the funds are no longer being used for community development; they are being used for things that we no longer understand.<sup>101</sup>

I think the NGOs must continue to assist us. They must give us information; they must give us funds, but they must not speak for us. We will do that ourselves.<sup>102</sup>

If we assess the NLC against its efforts at policymaking in the post-apartheid scenario, we would agree that its intervention was not only necessary but also represented progress from political exclusion under the apartheid regime as far as land policy development was concerned.

What is at question, though, is whether the course of action – the choices and approaches decided upon – was bound to produce limited results. Despite the “knocks” the NLC suffered in the period between 1992 and 1999 in the policy-

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<sup>99</sup> National Land Committee, ‘Minutes of the Labour Tenants Task Group’, 10 October, 1994

<sup>100</sup> Dave Husy, *op cite*, p. 99

<sup>101</sup> LPM Focus Group 1, March 2004

<sup>102</sup> LPM Focus Group 2, October 2003

making arena, that period can still be seen as the period of uncontested “partnership” between the NLC and the government. And in some ways the NLC had not only worked to make policy but also implemented the same. As a result, one of the affiliates of the NLC, AFRA, was to observe that, “in many ways, our relationship with the state to date has been very explicitly that of ‘partnership’, almost to the extent sometimes of shouldering vast amounts of work which really properly belonged to the state”.<sup>103</sup> The report warned that that situation was not sustainable and that the era of “critical partnership” had arrived. It seems to have been a rather pre-mature announcement of the end to “partnership”.

### **The new realism era**

Nauta sees the “new realism era” as ushered in by the adoption of GEAR in 1996 and the pressures of globalisation, all of which were linked to the challenges of being in control of the state. It is not clear that the NLC actually saw GEAR as a threat to meaningful land reform; for instance, the NLC was trying to institutionalise its relations with the state in 1998, two years after GEAR became policy. A careful analysis of the land reform policy articulated in 1994 shows that it was driven by the same ideological imperatives which came to drive GEAR. The three-legged land reform programme was based on respecting the market; hence the primary policy instrument for doing land reforms was the “willing buyer, willing seller” approach. The NLC only took a clear policy stance against GEAR in its 2000 Annual General Meeting (AGM), and all subsequent AGMs have reflected on how GEAR was placing hurdles in front of the possibility of a thoroughgoing land reform programme.

The age of “new realism” was forced on the land NGOs by an influential report, “A Seed Not Sown”,<sup>104</sup> published in 1998. At a workshop held in September 1998 to discuss the report the NLC Director, Brendan Pearce, argued that, “The GEAR strategy was now the major development strategy of the country, a country that has to cut back on social expenditure”.<sup>105</sup> Pearce continues:

Current government policy frameworks will not bring about fundamental rural transformation. If we look at land policy no one is under the illusion that it will bring far-reaching land redistribution.<sup>106</sup>

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<sup>103</sup> AFRA, Annual Report, 1995, pp. 14 –15

<sup>104</sup> Adele Wildschut and Stephen Hulbert, ‘A Seed Not Sown: Prospects for Agrarian Reforms in South Africa’, Deutsche Welthungerhilfe and International Fundraising Consortium (Interfund: 1998)

<sup>105</sup> Op cite, pp. 105

<sup>106</sup> Ibid



This “critical” talk was beginning to gain ground in the NLC in relation to GEAR, however, it did not lead to the rejection of GEAR or to the articulation of a strategy to challenge or undermine it. At best the “anti-GEAR” rhetoric became mandatory for the “progressive” organs of civil society. The GEAR discourse had become hegemonic amongst civil society organizations, and NGOs especially, during the build-up to the 2000 SANGOCO NGO Week where clear anti-neoliberal and anti-GEAR resolutions were adopted. There was also a growing awareness of a global anti-neoliberal and anti-globalisation movement after the failed WTO Seattle meeting in 1999. As these ostensibly anti-GEAR statements were made, the NLC was also drafting the memorandum of an agreement with the DLA which would have rendered any serious challenge to GEAR impossible.

The “A Seed Not Sown” report raised three issues very sharply. It confirmed that there was a crisis of delivery in land reforms and that no meaningful agrarian transformation was happening five years after democracy. Secondly, the report showed that the land civil society organisations were “economically” illiterate. And thirdly, it outlined four possible scenarios for the future of land reforms.

In the area of economic illiteracy, the report recommended:

In the first instance, the land sector NGOs need to increase their economic literacy. The ability to understand and authoritatively engage in the sustainable livelihood, rural development and agrarian reforms debates, to understand the impact of globalization and the impact of macro economic policy, and to develop convincing alternative scenarios has become critical if they are not to be taken lightly to be dismissed as alarmist “non experts”, and a few (if any) NGOs currently within the sector qualify in this respect.<sup>107</sup>

The recommendation for “economic literacy” and the need for a “convincing argument” were taken seriously by the NLC and consequently became the most important point of debate between 1998 and 2001. Any criticism of the land reform of government that was not couched in the GEAR speak was not seen as part of the search for a “convincing argument” within the NLC network. The NLC argued at the time that only a discourse that carried its message informed by economics would “deliver us from all evil”. The issue, as it was seen then, was that the NLC needed to show the economic rationale of doing land reforms, since the government’s chosen macro-economic framework (GEAR) only responded to a language of economic costs and benefits.

Two developments bear testimony to this assertion. The first was a debate about the causes of violence against white farmers. The NLC Programmes Manager at the time, Abie Dithlake, argued that the violence was political, and needed to be

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<sup>107</sup> Op cite, pp. 90

understood within the historically developed relations of violence on farms. Abie Dithlake remembers those days of heated debates in the NLC network:

One of the things that nearly broke the NLC network in the middle of '98 to '99 was the emergence of the concept of farm killings. That divided the board and the affiliates. Some believed that people who are trapped under the boot of the white farmers and those who might have been kicked out of their homes are finding a democratic space in the manner that they want to inflict the pain that they have experienced. There are those who are saying that it is just criminality and this was also the position of the state.<sup>108</sup>

The historical interpretation of the farm violence caused so much unhappiness from some quarters in the NLC that public statements were withdrawn and redrafted to move away from the political and historical analysis of farm violence, and to posit it as simply "crime" driven by economic deprivation. This was the view government promoted. The "economics" of farm violence removed the focus from the culture of violence which drives production and reproduction in the agricultural sector. Economics in this sense serves to mystify the violence, which should correctly be attributed to the historical injustices of land and labour theft.

The second, and perhaps most important, indication of how the "economic rationale" argument was used to silence serious debate came as a result of a research report commissioned by the NLC and written by Dr Bonti-Ankoma, also published in 1998. Bonti-Ankoma concluded that alternatives to the current land reform programme were to be political, and would require a serious change of strategy on the part of the NLC.<sup>109</sup> The report articulated a series of "non-market" land reform options. The proposals put forward were out of kilter with the dominant thinking within the NLC at the time, and were shot down as not being grounded sufficiently in "economics". The proposals from that research, authored by an accomplished agricultural economist, remain the only rigorous alternative land policy proposals to emerge from civil society to date. The saga around the proposals of the Bonti-Ankoma report saw some senior NLC members siding with the director general of the DLA in attacking the validity of the research findings, and thus destroyed any possibility of the NLC adopting the proposals (which would have placed the NLC's orientation outside of the market-oriented framework buttressed by the demands of GEAR).

The dominant view within the NLC highlighted the need for an "economic" argument. The other view – which really looked attractive but was not taken seriously – was one that insisted on understanding the impasse in terms of power

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<sup>108</sup> Abie Dithlake, Interview 2004.

<sup>109</sup> Sam Bonti-Ankoma, 'Land Redistribution Options for South Africa', National Land Committee, 1998.

relations. This view argued that those who had power were defining the direction of land reforms in South Africa. Such a perspective located the land question in history instead of the economic imperatives of the day. This alternative view was again reflected at a workshop by the then NLC Director:

The issue of power relations is key to transformation. It's about who has power to unlock creativity, to use and control resources, and to control their own destiny. The vast majority of rural people don't have power. They have no organisation, and no political voice... We have to work with rural communities to empower them to put pressure on government.<sup>110</sup>

All available data shows that the awareness of this other route did not necessarily lead to working towards a process to actualise a strategy based on this conclusion; in fact, this view was used at times as a mechanism to do nothing. It was only in 2000 that the NLC AGM rejected GEAR and took some tentative steps towards challenging the government's macro-economic framework.

Four possible future scenarios for land reforms were articulated by the "A Seed Not Sown" report. The first scenario (which the report deemed very unlikely) was that the land reform programme would be abandoned or de-emphasised. The second scenario was the "maintenance of the status quo", a very likely scenario; in fact, with the benefit of hindsight, this prediction was correct. The third very unlikely scenario was a "radical policy shift". This was attributed to the emergence of "a strong leader or a group of leaders". The last scenario was "the middle way"; this scenario would require some modification of existing policy and a more proactive state role.<sup>111</sup>

In the next five years after the scenario mapping it would appear that scenarios two and four correctly predicted how the state would progress with land reforms. Where the predictions seem to have gone wrong – because of a lack of understanding or analysis of the emerging "energy points" amongst the landless poor, rather than the "strong leader" thesis – was the emergence of a fairly critical land social movement, in the form of the LPM. It is, however, still too early to preclude the "strong leaders" thesis that would push for a radical agenda, perhaps even from within the ruling party. Peasant revolts have been known to respond well to "strong leader" methods; or, as in the case of Zimbabwe, a party of liberation struggle may at a certain point choose a radical land agenda for political survival. We must also emphasise that in the South African context, this is unlikely in the next while.

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<sup>110</sup> Op cite, pp. 105

<sup>111</sup> Op cite

### **End of the honeymoon era of land occupations, what position to take?**

The 2001 NLC AGM occurred after two important events, and hence in the context of a different mood than previous meetings. The biggest post-apartheid land occupation had just occurred in Bredell, near the Johannesburg International Airport, and the state responded with a brutal repression (the appeals of the NLC, church leaders and other organs of civil society notwithstanding). The violent suppression of Bredell land occupations showed very clearly that the democratic state would not use kid gloves to deal with the landless when they dared take land, irrespective of how desperate they may be. In a very cold week of July 2001, the state (relying on a court order which it had sought) declared war on the landless of Bredell. The police, bolstered by the army, started a massive forced removal – about 10 000 people were removed. Scenes of wailing women visited national television screens for days, newspapers carried pictures of mothers and small children watching hopelessly as their only homes were destroyed. The innocence and expectations from this democracy came to a shuddering end for many who witnessed this unfolding struggle, but particularly for those at Bredell.

At the same time as Bredell, the landless in the Northern Cape, tired of waiting three years to be resettled under the restitution program, re-occupied the land from which they were forcibly removed by the apartheid regime. The landless of Grootvlakfontein occupied their ancestral land; this led to their arrest, including the arrest of staff from the NLC affiliate, the Association of Northern Cape Rural Advancement (ANCRA). At the AGM the discussion of land occupation as a legitimate strategy could not be avoided. Two diametrically opposed views emerged, the one condemning land occupations as an irresponsible strategy, the other arguing strongly for occupations. The ANCRA staff – fresh from the jail cells – were able to show that the validation of the Grootvlakfontein claim was done in three weeks after the land occupation; this was after a three-year waiting period without progress. In the end, the NLC sought a compromise position on land occupations. The AGM resolved that the NLC would neither organise nor condemn land occupations. This position has been characterized by Hendricks as a “non-position”, which “appears to represent a compromise within the network between those keen to promote land occupations as a mechanism towards greater redistribution and those who would prefer to work more closely with the government in trying to ensure the implementation of the land reform programme”.<sup>112</sup> According to Hendricks, this explains the “schism” and “the major fracture” in the NLC.

A third element of this changed mood was the international scenario, particularly the land “fast tracking” happening in Zimbabwe, and the exposure of

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<sup>112</sup> Fred Hendricks, op cite, p. 19

some of the NLC staff to the success of the land occupation strategy of the Movimento Sem Terra (MST) of Brazil. They found the MST model particularly inspiring. The last two factors account for the birth of the LPM with the political, strategic and financial support of the NLC. Also at the 2001 AGM, serious debate was held over the emergence of the LPM. One view argued that it was top down development which had no legitimacy in the eyes of the landless in the provinces; others argued that it was pre-mature; and a third current argued that the LPM was a reality and the NLC needed to support it. But, the fissures were beginning to appear within the NLC network. The liberal traditions of the NLC were unravelling and questions were asked not only of the political direction but also of the transformation of the network itself. The stage was set for a rupture.

### **From activism to professionals**

We shall now discuss the actual mutation of the NLC from its activist origins to the more “professional” advocacy and lobbying organisation it had become by the late nineties. The one characteristic of the NLC, which perhaps is unique, is that in the early stages in the mid-eighties up to the mid-nineties, the bulk of the field workers of the NLC were activists, some coming directly from the affected communities. There was also the racial divide between the coordinators and these “field workers”, the former being white and the latter being black. This division of labour created serious tensions that were never really resolved; the leadership of the NLC remained white for a long time. With the intensification of the lobbying and submission processes in the immediate post-apartheid era, the status of “researchers” was hugely enhanced within the NLC network. Of course, the “field workers” were not seen as researchers, and the bulk of “researchers” were white.<sup>113</sup>

The second development, which naturally came with “professionalisation”, was the building of a hierarchy. Whilst in the struggle era there were coordinators and field workers, in the post-apartheid era there developed a hierarchy that gave rise to positions such as directors and managers. This hierarchy was bound to raise the classical questions between labour and capital, even if these relations were not rooted in the production environment. Both the professionalisation and building of hierarchies of power and privileges within the NLC network occurred at the expense of perhaps the most important quality of the NLC, its community-based fieldwork:

In this sector we had field workers to work within communities. There was a contradictory effect because most field workers were black and the directors were white at that time, and this is very significant to understand the transition. In the ensuing period since 1994, you started seeing a social shift, in the sense that we

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<sup>113</sup> Dave Husy, Interview, August 2004

started shedding them and employing the so-called graduates and researchers, people who are trained in the methods of extracting information using high technology. By 2000 the different tendencies within the NLC network began to unravel. This unravelling could be accounted for by the external environment, which was markedly different from the '80s. The scene was set for a rupture since there was no possibility of resolving the emerging contradictions by way of perpetual "managing of diversity".<sup>114</sup>

Developments on the ground dictated that the NLC take a stand. "Difference" has become a short hand for maintaining the status quo, and this was rendering the NLC network ineffective as a player in land reforms. An evaluation in 2001 summarized the dilemma:

Strategically, the network needs to create and establish an identity for itself, clarify its philosophical stance with regards to land reform. It has a choice to choose a leftist position on policy issues, and be seen to be adopting a radical stance and approaches to land reform, or be seen as being moderate and accommodating.<sup>115</sup>

The report also asks a key question which must be factored into the discussion of the implosion which followed a year later: "Where is the network positioned, is it on the left, the middle or right of the government policy?"<sup>116</sup> The choices opened to NGOs cannot be so easily posited in old Marxist terms, but this question is important at least in as far as it speaks to how the NLC network was positioned in relation to the state and the emerging land social movement, how its own sense of "directionlessness" was rooted in the position it had occupied for a long time. But there are costs for taking one stance as opposed to another.

### **Rupture!**

In July 2003 the *Sowetan* newspaper ran a piece on the NLC crisis under the heading "Land Rights Champion Bites Dust". If the *Sowetan* prematurely announced the death of the NLC network, the announcement was correct as an indication of the extent of the crisis, which had engulfed the NLC and ultimately led to the dismissal of the NLC office director. This was after a two-year period of intense internal dialogue, disagreements and contestation for the direction of the NLC vision. All of a sudden the contradictions could no longer reside side by side in peace. No longer could a sophisticated management of different views hold the tide. It was as if the floodgates had been opened; the "crisis" played itself out publicly and at times

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<sup>114</sup> Abie Dithlake, Interview, August 2004

<sup>115</sup> Simon Matsvai and Thandabantu Ngqaleni, 'An Evaluation of the National Land Committee', December 2001- Mimeograph at NLC Resources Centre, p. 2

<sup>116</sup> Ibid

became downright ugly. However, the NLC crisis was one of the multiple dramas unfolding in the broader civil society.

Three important factors are illuminated which partly explain the NLC crisis, and these raise sharply the old question of state/NGO relations and NGO/social movement mutual support. The first is the external environment within which the NLC existed in the previous decade. The second is the contestation of the NLC vision. The third is the internal contradictions within civil society, which speak to the broader societal challenges of transformation, including the race, class and gender dynamics. In this section we try to deal with these elements.

### **The NLC in the era of globalisation**

The NLC's character and relation to the new state was shaped by its relationship to the old white liberal tradition, which had merged with the UDF aligned current, connecting the NLC to the new state in ways which made a sustained critical engagement almost impossible. The NLC was trapped into a loyal partnership role as we have shown. The seduction of "partnering" with the new democratic state was too compelling. However, another current was sweeping the world as South Africa marched to "freedom" after three and a half centuries of settler colonial oppression: corporate globalisation. The advent of corporate globalisation hegemony placed severe limitations on possibilities of transformation, by and large, and proscribed the space of manoeuvre for the state and shaping the emergence of "civil society".

Some radicals have argued that NGOs have become the battering ram for corporate globalisation, and only help to sustain the anti-state project of the "evil triad" composed of the World Bank, International Monetary Fund and the World Trade Organisation. Yash Tandon, for example, argues that NGOs are "missionaries of the new era".<sup>117</sup> James Petras, in an earlier work on NGOs in the era of neo-liberalism, takes a more dismissive position:

Unfortunately many on the left focused only on "neo-liberalism" from above and the outside (International Monetary Fund, World Bank), and not on neo-liberalism from below (NGOs, micro-enterprises).<sup>118</sup>

The Philippines peasant movement coined the problem of "piece meal" and "top down" development promoted by NGOs as the "Malady of NGOism". This phenomenon is described as:

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<sup>117</sup> Yash Tandon, 'An African Perspective', in David Sogge (ed), *Compassion and Calculation: The Business of Foreign Aid*, (London/Chicago: Pluto Press 1996) p. 182

<sup>118</sup> James Petras, 'Imperialism and NGOs in Latin America', 1997 see <http://www.rebellion.org/petrasenglihs.html>

A state of being engrossed in unholistic developmentalism leading to bureaucratic tendencies in dealing with people NGOs have sworn to serve. NGOs afflicted by this malady have a concept of development segregated from the people's movement, focused on welfare, productivity and sustainability concerns and unmindful of challenging the base structures responsible for people's immiseration.<sup>119</sup>

Whilst this kind of characterising of NGOs is too Manichean, it is not entirely off the mark in certain instances; it does speak to the reality of "NGOism" in the era of neo-liberal hegemony. The South African NGO scene in the past ten years can be characterised, to some extent, as afflicted by the "Malady of NGOism". Like the Philippine NGOs, the South African NGOs were not necessarily the creation of external forces; the NLC was part of the liberation movement, and mutated towards "NGOism" as the new democratic state voluntarily embraced a neo-liberal paradigm. It is arguable whether the NLC has ever adopted an anti-statist position, though it would seem that its engagement with "implementation" was rather a function of being trapped in the discourse of development as articulated by the RDP and demanded by the imperatives of nation building, new patriotism and reconciliation. The effect is nevertheless the same: "patching holes left by government neglect", as James Petras has argued.

The "patchwork" is evident in national implementation programmes of the NLC such as the Farm Dweller Programme, which seeks to intervene in "Farm Evictions" and to lobby for "secure tenure" outside of an understanding of how the current overall political economy entrenches the historically evolved rural power dynamics. These interventions are not primarily informed by the need to undermine the identity of the farm worker as a product of historical plunder. Farm dwellers continue to be evicted and abused despite the presence of these programmes. The NLC and other land civil society organisations have even gone further and established a Rural Legal Trust, to assist farm dwellers with legal representation. The solution to the farm worker problem would require a radical departure from these forms of intervention. Without a strong people's movement and an enabling policy environment, the NGO work ends up being little more than a welfarist intervention, seeking to substitute for what the state should really be doing (informed by the desires of the people).

Professor Sam Moyo has pronounced the role of land NGOs in the Southern African region as being anti-land reforms:

NGOs in Southern Africa have limited involvement in, and impact on, land reforms in terms of promoting greater land redistribution to the poor and disadvantaged

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<sup>119</sup> Quoted in Dorothea Hilhorst, op cite, p. 63



groups, or in protecting and defending their land rights. In fact, in the current context, most NGOs can be said to have been generally against re-distributive land reforms.<sup>120</sup>

The debates at the 2001 AGM around the land occupations were an indication of the tendency of land NGOs to be too cautious on action to the extent of being impotent, if not directly anti-land redistribution by the landless themselves. Those debates were also a precursor to the impending implosion within the NLC network. The birth of the Landless People's Movement in July 2001 was to be the ignition.

At the height of the NLC "crisis", three of its affiliates placed a motion of "dissolution" of the network before the board of directors. The motivation for the proposed "dissolution" pointed to at least four difficulties. It argued that the NLC network had lost its connection with the landless communities. It pointed to the "indiscipline" of the NLC office under the leadership of the then director, and pointed out that the LPM was a political weapon to attack the ANC government. And lastly, the motivation pointed to the emergence of the National Staff Forum as an undesirable influence on the traditions of the NLC.

The event that set these processes in motion was the Week of the Landless, where the LPM forcefully placed the land question on the national agenda through its "Land! Food! Jobs!" campaign, supported by the NLC. The campaign saw the convergence of about 5 000 landless people, which coincided with the United Nations' World Summit for Sustainable Development (WSSD) held in Johannesburg in 2002. The LPM, with the support of the NLC, constituted one of the biggest contingents of the about 30 000 marchers against the failures of the WSSD.

The Week of the Landless and the Alexandra to Sandton march raised sharp questions around the efficacy of the NLC's old praxis of "lobbying" and "advocacy" by submissions, committee dialogue and negotiations, which had become the primary means of engagement since the advent of the new democracy. But the visibility of the LPM further presented the question as to the relevance of the NLC as the historical mouthpiece of the landless. The institutional survival and prestige of the NLC was perceived to be under threat from some quarters.

Immediately after the march, despite state repression, both the mainstream media and the director general suggested that land expropriation for land reforms was a legitimate policy option. This had been a central demand of the NLC for a long time and was now taken up on the streets, and it seemed that both policy and opinion makers were pushed to seriously consider this demand. The second most visible gain from the landless protest was the official declaration from the WSSD, which placed land much higher on the agenda than was expected. These gains

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<sup>120</sup> Sam Moyo, [www.landweb.org./su-sa%20reports.doc](http://www.landweb.org./su-sa%20reports.doc)

showed that it was necessary to lobby in the traditional way in order to get results. Lastly, the impetus of the Week of the Landless was the result of the self-activity in the rural areas by the landless.<sup>121</sup>

With the media giving the LPM's views greater weight and the state and landowners clearly nervous, the NLC's role as the spokesperson of the landless was eroded. The NLC office was viewed by some within the NLC network as having brought the NLC network too close to an antagonistic and a counter hegemonic force in the form of the Landless People's Movement.

The controversy emerging around the LPM points to the challenges of whether NGOs can in fact constantly support a counter hegemonic people's movement. It would seem like the NLC network had conjured up a sorcerer they could not control. A view from one of the focus group discussions captures the dilemma:

Most of the NLC affiliates do not support the LPM. These NGOs do work, but they work for themselves. Most of them thought that when we started the LPM that we were building a wheelbarrow, that is why they supported us. They can push the LPM into any direction. But to their surprise the LPM is not a wheelbarrow. That is why today the people who support the LPM are facing expulsion from the NLC. We are no longer children; we no longer need to be held by the hand. We see where we are going, we can stand on our own feet.<sup>122</sup>

The truth is that even those individuals who were facing expulsion from the NLC for their support of the LPM had not grasped fully the extent of the anti-wheelbarrow sentiment within the LPM. Activists who bore the brunt for being on the side of the LPM held onto the paternalistic belief that without their role as "advisors" the LPM could not achieve what they perceived to be its "historic" mission, with the result that within a short period they substituted themselves for the NGO role in relation to the LPM. The dissolution of the Advisory Team<sup>123</sup> by the national council of the LPM points to just how out of sync the advisors were with the mood of the LPM, driven by a desire for "independence".

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<sup>121</sup> A group of landless women inspired by The Week of the Landless and the Alexandra to Sandton March organised a land occupation in the Mpumalanga Province, confronting the landowners and demanding land with a renewed militancy.

<sup>122</sup> LPM Focus Group 2, March 2004

<sup>123</sup> The Advisory Team was constituted of about eight intellectual land activists who provided advice to the National Council of the LPM. It was an offshoot of another formation, the Technical Team. Many ideological battles were fought in these structures around the direction and approach the LPM should take on a number of questions. The differences were manifested in sharp disagreements along race and gender lines.

## Evils in civil society!

The NLC, as part of the “civil society” operating in the era of neo-liberal hegemony, shares some of the “evils of civil society”, as the poet Mbongeni Khumalo tells us:

... even in ‘civil society’!  
    comrades vying for positions  
& material acquisitions  
Racists  
Leading the march against racism  
... there is evil in ‘civil society’!...<sup>124</sup>

The professionalisation and bureaucratisation of the NLC over time, as a result of the demand to make it an “effective” land policy advocate, brought with it the consolidation of hierarchy based on race and gender. This hierarchy manifested itself in terms of a corporate-like distinction between management and staff. A corollary was the impetus to ensure “institutional interests”. This hierarchy was also populated by individuals with clear political and career interests, who were threatened by the emergence of what seemed like a radical land movement. The race question manifested itself as part of resistance to the movement-based mode of engagement, since this rendered obsolete the fetish of research, lobbying and advocacy, which had become the forte of whites in the NLC. A strong perspective which emerged from staff around the crisis was one which argued that the crisis should be understood as a reaction of two forces. On the one hand, there was a black middle class with political connections to the ANC, harbouring career ambitions within government. On the other, there was a racist liberal force, which was being displaced and which never really supported a genuine self-activity of the landless or respected black leadership of the network.<sup>125</sup> In a sense, these contradictions speak to the failure of the NLC to orientate towards the landless as primary agents for land redistribution, and to see land return as a prerequisite for change.

The interests of a layer of NLC staff coincided well with the institutional interests of the NGOs to produce self-censorship, which curtails the possibility of challenging power; this is further complicated by donor funding:

NGO workers’ interests make it impossible to challenge government, but what makes it even more impossible is that we are relying on foreign funding and some foreign governments have bi-lateral agreements with the SA government and that is why it is so critical that the distinction between us and communities needs to be very

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<sup>124</sup> Mbongeni Khumalo, *Apocrypha* (BILA: Polokwane 2003) p. 7

<sup>125</sup> At the height of the crisis, numerous written analyses emerged from within the staff of the NLC network and the general analysis enunciated by those reports pointed to a strange alliance between a conservative African elite and racist liberals. Documents in possession of the author.

clear. Otherwise we are either going to mess up community struggles or just change the whole thing and make the lives of communities difficult in terms of other things because we want to retain our own interests, and that is the major challenge in this whole thing and that is the monies we get from overseas, the relationships of those governments with the SA government and what we're doing inside the country.<sup>126</sup>

These are the dangers of the “NGOisation of resistance”, of which Arundhati Roy writes.<sup>127</sup> This “NGOisation of resistance” turns people into “... dependent victims and blunts the edges of political resistance”. Roy goes on: “The NGOisation of politics threatens to turn resistance into a well-mannered, reasonable, salaried, 9 to 5 job. With few perks thrown in. Real resistance has real consequences. And no salary”.<sup>128</sup> In the context of the discussion on the NLC, it must be kept in mind that the very anti-apartheid tradition was itself in a major way being “NGOed” even before it could even “capture” the state, and the NLC is a product of that struggle. Therefore, the crisis in the NLC must be accounted for partly by the threat that the new land movement posed to the entrenchment of the malady of “NGOisation”; but has the new movement itself escaped this trap? We shall return to this question latter.

The key question raised by these observations is whether it's possible to transform an NGO such as the NLC to be anything more than just a sterile gesture towards transformation. Whilst avoiding the mechanical Manichean formulation of ‘NGOs are bad, social movements are good’, as advised by Pithouse, we need to ask whether in fact NGOs are not structurally disabled and cannot be more than a platform, sometimes towards a libratory option and most of the time actually an able defender of power. The life of the NLC does point to moments where the interest of the landless and the NLC's own connection to it threatened not only the landowners, but also the institutional survival of the NLC as an NGO. The question becomes: can the NGO self-destruct? This question becomes more urgent if seen against the backdrop of a failed and failing land reform process despite the existence and interventions of the NLC.

Three clear options present themselves for examination: the NLC remains a lobbying and advocacy network with a distinct identity from the landless movements and its struggles. Secondly, the NLC increasingly sees itself as a “front” for people's movements and struggles and absolves itself from responsibility as a conduit of resources. The third option is one were the NLC actively works towards

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<sup>126</sup> Phumi Booysen, a land activist and Manager at the Southern Cape Land Committee, Interview, October 2003

<sup>127</sup> Arundhati Roy, ‘Tide? Or Ivory Snow: Public Power in the Age of Empire’, [www.ukzn.ac.za/ccs](http://www.ukzn.ac.za/ccs)

<sup>128</sup> Ibid

its complete subordination to the landless people's movements and ceases to exist as an NGO.

The first option can only entrench the "NGOisation" dimension whilst it secures the institutional interest of the NLC, and occasionally challenges the status quo as a reflex towards self-legitimation, but without the possibility of foregrounding real change. This, in fact, becomes an effective mechanism to avoid confrontation with power and the foreign donor interests. Accordingly, this option would continue to hold workshops, do political education, and even undertake campaigns, which may lead to some policy changes, but this route has been travelled in the past decade without any real results. This is the option of business as usual.

The second option has in some ways been tried and yielded mixed results. On the one hand, the internal struggles threatened the very possibility of effective resource mobilization through "fronting" and distribution of the same towards supporting the landless formations. A related problem is the entrenchment of paternalistic relations between the resource holder and the landless; but, more importantly, the NGOisation influence is greater, when the landless movement has come to see its "independence" from the NLC increasingly as a matter of directly dealing with donors, with little or no attempt at articulating autonomy in terms of their own resources, politics and struggle. Incidentally, this is a view supported by some land activists, who posit the NGO "influence" as a bigger problem than donor or so-called partner funding. This tendency of independence from NGOs but dependence on donors came out in the focus group discussions:

The landless of the Eastern Cape have not been supported by the NGOs since the WSSD. Such that our NGO for the first time has been able to invest about a million rand, which would not have happened if this money was used to support the landless. So the landless need to raise funds directly from donors.<sup>129</sup>

Another view from the focus group discussions was widely supported by others:

To improve our relations with donors we need to make sure they come to see where we live and how we live. The every day problems of evictions, human rights abuses and denial of burial rights. It is only once donors see our problems that they'll understand our "no land no vote" campaign. So the NGOs must stop talking on our behalf with the donors.<sup>130</sup>

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<sup>129</sup> LPM Focus Group 1, October 2003

<sup>130</sup> Ibid

What is disturbing is the lack of a critical conception of how the donor funding is also linked to broader agendas and has a disempowering effect in itself. The result of this thinking, which is inherited from NGOs, is that without donor/partner funding there can be no possibility of struggle. In numerous meetings and encounters over the years with these donors and so-called partners, the author has found that this dependency-breeding syndrome is actively promoted; this includes absurd situations such as trying to “build” the independence of the LPM from the capitals of the First World through deciding with whom and how the movement should do its business.

The third option speaks to the need to actualise the (unfortunately not sufficiently popular) saying within NGOs, “to work yourself out of the job”. This option would require great commitment to ideals of land redistribution and building of a fairer society, and by definition it calls for an end to the distinction between the NGO and the social movement, client/patron relations. Glimpses of this possibility were displayed during the NLC crisis when the non-management staff of the entire NLC network placed their jobs on the line to stand on the side of principle. Some even lost their jobs as a result of their struggles; in the process they strengthened the National Staff Forum (NSF) and built connections with the landless not as beneficiaries of their benevolence but as comrades in a common struggle. The NSF was finally recognised by the NLC network in 2003 as the legitimate representative of the non-management staff. It functioned as a trade union within the NLC network.

In the literature on NGOs this option is not really teased out but there are moments when NGOs choose the side of anti-hegemonic struggles, however fleetingly. This explains why the ultra-conservative Bush administration has declared war on some NGOs. Naomi Klein characterises this war against NGOs thus:

The war on NGOs is being fought on two clear fronts. One buys the silence and complicity of the mainstream humanitarian and religious groups by offering lucrative reconstruction contracts. The other marginalizes and criminalizes more independent-minded NGOs by claiming their work is a threat to democracy.<sup>131</sup>

The Bush administration is not merely over-reacting; NGOs have at times displayed affinity to counter-hegemonic projects particularly in times of crisis such as war. This role of NGOs has led to the somewhat modified position by James Petras, who now identifies three groups of NGOs:

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<sup>131</sup> Naomi Klein, ‘Now Bush wants to buy the complicity of Aid Workers’, June 23, 2003. *The Guardian*, UK

(1) NGOs which are active promoters of neo-liberalism, working with large sums from the World Bank, USAID, and other international and state funding agencies on a “sub-contracted” basis to undermine national comprehensive welfare institutions.

(2) Reformist NGOs which receive middle range funding from private social democratic foundations and progressive local or regional governments to fund ameliorative projects and to correct the excesses of the free market. The reformists try to “reform” the WTO, IMF and World Bank and regulate capital.

(3) Radical NGOs are basically involved in the anti-globalization, anti-racist, anti-sexist and solidarity movements. Among the radical NGOs there are differences in tactics (civil disobedience, direct action), goals (anti-capitalist, anti-corporate, anti-speculative capital), and alternatives (communitarian, deep ecology, socialist, self-management).<sup>132</sup>

Our interest is really in the “radical NGOs”, because this form is closer to our option three. The question remains whether NGOs qua NGOs can in fact play the radical role Petras has outlined. In this vein, we pose the challenge whether the NLC can in fact radicalise whilst maintaining its NGO identity. We are sceptical about the results and possibility of resolving the contradiction between NGOs and progressive movements such as the Zapatistas, and hence we find the suggestion that “...NGOs must democratise their structures, convert to forms of organization compatible with their movement partners”,<sup>133</sup> not a sufficient basis for a consistent possibility of resistance. We argue that the NGO form must cease to exist. But this cannot be decreed nor can it be a moralistic anti-NGO position, which leads to substitutionalist practices by self-declared progressive activists; this must be an act of struggle and resistance, which must of necessity narrow the distance between the people’s movement and NGOs.

The same limitation of the “radical NGO” that we observe in Petras is present in Shivji’s analysis of Tanzanian NGOs. Shivji identifies five weaknesses in Tanzanian NGOs: firstly, they are top-down, urban-based and elite-dominated. Secondly, they are not constituency-based. Thirdly, they rely on foreign funding. Fourthly, they are anti-theory and therefore have no grand vision for societal change. And lastly, NGOs undermine the traditional forms of peoples’ organization such as trade unions, peasant associations, etc.<sup>134</sup> It is useful to note that the

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<sup>132</sup> James Petras, ‘Non-Governmental Organisations in a Conjunction of Conflict and War Psychosis, p. 3 [www.rebellion.org/petras/english/ngo](http://www.rebellion.org/petras/english/ngo)

<sup>133</sup> Op cite, p. 4

<sup>134</sup> Issa Shivji, A Key Note Address to the Gender Festival organized by the Tanzanian Gender Networking Group in September, 2003

characterisation goes beyond the Tanzanian borders and can, with slight modification, be applied to some of the South African social movements as well.

### **Conclusion**

The role that the NLC has inherited as a land and agrarian transformation player presents huge challenges in terms of moving beyond the impasse of the past decade. Principally, the NLC needs to relocate its own conceptions of transformation in a historical perspective and undertake an uncompromising stance against the logic of turning the natives into labourers. The failure of land reforms and the emergence of new forms of dispossession – despite the presence of policy and efforts on the part of the NLC – is an open invitation to a re-evaluation of how civil society understands its role, and particularly that segment which calls itself the ‘non-governmental organisation’.

We have shown in this review that the contestation for meaning and vision which has plagued the NLC is perhaps just reflective of the broader NGO sector crisis. We are convinced that the period between 1994 and 2004, and the attendant disappointing levels of transformation it has yielded, points to a re-examination of the NGO form in relation to the counter hegemonic project which of necessity must be located in resistance by the most affected. The poor and landless must be supported in their efforts to take matters into their own hands. This review points to the clay feet of the NGO form as a vehicle for a consistent challenge to forces which continue to defend and encourage the colonially-constructed civil society. There are no easy answers. The option of “going back” to traditional forms of organisation is neither viable nor desirable.