LAND REFORM, SPACE AND POWER IN MAKHADO MUNICIPALITY, LIMPOPO, SOUTH AFRICA

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Doctor of Philosophy

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I hereby declare that this thesis has not been and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature:……………………………………………………………………….…

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SUMMARY

This thesis explores the role of land reform in the production of space and relations of power in rural South Africa after 1994, based on a case study of a cluster of restitution farms in Makhado municipality in Limpopo province in northern South Africa. It uses Henri Lefebvre's theory of the production of space, which proposes that space is a dynamic social construction and that spatial and social – and hence power - relations are mutually constitutive. Land reform processes are considered using three components of the production of space identified by Lefebvre, namely the material, the conceptual and the lived. These components are applied to three core themes in land reform which emerged from the research: authority and land governance; property relations; and land use (production and settlement).

The investigation was based primarily on interviews with inhabitants in the research area affected by land reform, with individuals with some historical knowledge of the area, and with various individuals from government and other support organisations with some relation to land reform in the area. The methods included an element of participant observation and some archival research.

The research indicates that land reform had an uneven impact on the production of space and power relations in the area of study. Contradictions emanating from within the state in particular exacerbated this unevenness. The retention of the private property framework and the entrenchment of pre-existing forms of authority and relations of power – private landowners and traditional authorities – constituted limitations on the role land reform could play in altering rural spaces and power relations. However, land reform simultaneously facilitated openings for subterranean shifts through new practices, rooted in everyday activities at the micro-spatial level, which signalled potential broader shifts in spatial and power relations over time.

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ACRONYMS

ANC	African National Congress
CASP	Comprehensive Agricultural Support Programme
CONTRALESA	Congress of Traditional Leaders in South Africa
CPA	Communal Property Association
CPA Act	Communal Property Associations Act 28 of 1996
DAFF	Department of Agriculture, Forestry and Fisheries (national)
DLA	Department of Land Affairs (former)
DoA	Department of Agriculture (provincial, district and municipal)
DRDLR	Department of Rural Development and Land Reform
GIS	geographic information system
LRAD	Land Redistribution for Agricultural Development
MEC	Member of the Executive Council
MST	*Movimento dos Trabalhadores Rurais sem Terra* (Landless Rural Workers' Movement, Brazil)
NGO	non-government organisation
NSDP	National Spatial Development Perspective
PLAAS	Institute for Poverty, Land and Agrarian Studies, University of the Western Cape
PTO	permission to occupy
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commission
SADT	Southern African Development Trust
SANAC	South African Native Affairs Commission of 1903-1905
SANCO	South African National Civic Association
SLAG	Settlement/Land Acquisition Grant
ZAR	*Zuid Afrikaanse Republiek*

"A revolution that does not produce a new space has not realised its full potential: indeed it has failed in that it has not changed life itself, but has merely changed ideological superstructures, institutions or political apparatuses."

(Lefebvre, 1991:54)

CHAPTER 1:   INTRODUCTION

1.1   Introduction: Space, power and land reform

Land reform is a fundamentally spatial project. It aims to reorganise space to fit into a new set of political and social priorities. In South Africa, capitalist space was historically racially structured. Systems of authority, property regimes and land uses intertwined to form this structure. White-owned land was constructed as private property under the authority of individual landowners backed by the state, where commercial production took place. Land set aside for blacks was constructed as communal property under the control of traditional authorities (with oversight by the white state). The land was used as a dumping ground for the black population surplus to the needs of the racial-capitalist economy, and there was settlement and some survivalist, subsistence production. Capitalist space in South Africa was thus inherently racialised. With political democratisation in 1994, land reform was one intervention that sought to break this racialised spatial structure. However there was a profound ambivalence, both in the conceptualisation and the practice of land reform, regarding the relationship between racialised space and capitalist space.

The ending of racial oppression and the realisation of racial equality was at the core of the African National Congress (ANC)-led project after 1994. However attempts to resolve racial inequality were situated within a framework of capitalist continuity. The Constitution protected private property rights, and laws and policies sought the capitalist modernisation of the economy on deracialised lines. This posed the question about the relationship between racial oppression and class exploitation, about whether it was possible to retain the latter while eliminating the former. The contradictions that emerged from this logic were laid bare in the land reform programme. In this light, the restructuring of rural space serves as an indicator of the depth of transformation brought about by land reform.

The meaning of space needs to be clarified. Spatial transformation might mean a restructuring of capitalist space to eliminate the inefficiencies of apartheid planning. Or it might mean the transfer of ownership that breaks down the racialised spatial structure inherited from apartheid. Alternatively, it could mean a fundamental shift in power relations that underpin the way space is organised. Space is therefore a contested terrain, with different social forces laying claim to what space is and how it is produced.

This thesis aims to bring to the surface some of the contested ways of seeing and organising space. Whose purposes do they serve, and what social relations of power lie behind these different views? I have adopted Henri Lefebvre's theoretical framework of the production of space as a useful avenue for investigating these issues. Lefebvre (1991, Brenner and Elden, 2009), the grandfather of the field of study that focuses on the social construction of space and spatial relations, shows how capitalism as a system has moved from the production of things in space to the production of space itself: the structuring of the totality of space. Space is progressively commodified under capitalism (i.e. it is turned into a thing that can be bought and sold) and the way it is structured more than merely carries, but actually generates, capitalist social relations. The production of space is simultaneous with the production of society and social relations; there is a dialectical relationship between them. The core of Lefebvre's theory is that social relations and spatial relations are generated through the interconnection of the organisation of material things in space, the way space is represented, and people's daily lived reality. These three components in the production of space – the material, the conceptual and the lived – form the analytical basis of my thesis.

Insofar as social relations are unequal, i.e. some social actors have greater power than others to shape society, spatial relations are also unequal. Unequal relations of power are inextricably intertwined with the production of space – the power to change things, the power to do things. But while capitalist relations dominate space, they are always and everywhere open-ended and both contestable and contested in big and small ways. Gillian Hart (2002:33) refers to "multiple trajectories of socio-spatial change" that are rooted in specific geographies and histories and the inter-relations between external and internal factors. That is, contingent, historical factors play a significant role in shaping the limits and possibilities of social and spatial change. Structure conditions agency, which conditions structure. The 'second nature' (Schmidt, 1971, Smith, 1984) of past human activity is fixed in space, shaping the way space is organised and channelling ways of thinking about how it might be organised in the future. At the same time, what people do today shapes the conditions of future action.

This thesis considers the intersection between two bodies of thought that have remained quite distinct from one another in the past: those of space and land reform. Both have long, but largely distinct, intellectual histories. This relative isolation from one another is surprising, given the inherently spatial character of land reform. Land is very closely allied to space. It is the fundamental material base for spatial practices and for the daily lived experiences of all

life. Representations of land as a commodity are closely allied to representations of space as a commodity. The organisation of space and the use of the land are intertwined, with the political territory of the state and private ownership of land predominating (Sack, 1986).

Explicit considerations of the spatial implications of land reform are scattered in the international literature. Wolford (2003, 2004) shows how 'spatial imaginaries', or the way the spatial structured the social, shaped resistance and the rise of the Brazilian *Movimento sem Terra* (MST). She shows how specific socio-spatial contexts shaped decisions to join the MST. Simmons (2005) also emphasises the unique socio-spatial configurations that resulted in the emergence of resistance around landlessness in Brazil. Garcia-Colon (2002, 2006) looks explicitly at the production of space and changing power relations emerging from land reform in Puerto Rico. Closer to home, Motzafi-Haller (1997) considers the politics of space and land in Botswana through Foucauldian lenses, and looks at how spatial change led to changes in power relations. Moore's (2005) book on land, space and power in Zimbabwe employs Lefebvre's spatial triad with a strongly ethnographic approach, again with an emphasis on how context shapes spatial and social arrangements. Spierenburg (2005) evokes lived practices and their role in stymieing land reform in Zimbabwe without explicitly discussing the production of space, although it is implicit in the analysis, especially given the close interconnections of space and power. Also in Zimbabwe, Hammar (2001, 2002) considers the production of rural space with particular emphasis on the role of state violence.

Reflections on space, power and land reform are almost non-existent in the South African literature. Considerations on rural space tend to be technocratic in orientation, with an emphasis on dominant conceptions of space, i.e. spatial planning and how it is implemented (Rogerson, 1998, Sadiki and Ramutsindela, 2002, Hall *et al.*, 2007, Quan, 2007, Ramutsindela, 2007, Parnell and Crankshaw, 2008). Although Lefebvre's work is known and used in urban studies in South Africa (for example Dierwechter, 2004, Breed, 2008, Farber, 2008, Dirsuweit, 2009), there are virtually no attempts to translate it into a rural context, apart from Gillian Hart's (2002) seminal work in KwaZulu-Natal which this thesis hopes to build on. Hart shows how specific forms of dispossession and the site-specific responses to it potentially threaten dominant efforts to reconstruct rural space after 1994. Fraser (2006) emphasises the role of place in Levubu in Limpopo, treating it as a conditioning factor in the way restitution unfolds but not necessarily looking at how space itself is produced nor how space was altered as a result of restitution. Ramutsindela (2007) considers macro-level spatial consolidation as a result of restitution but without approaching the issue of lived space. Other valuable

ethnographic or field work on the social and power dynamics on land reform farms does not consider space in any explicit way (James, 2007, Lahiff *et al.*, 2008, Walker, 2008).

Some of the fairly extensive literature on land reform in South Africa looks at changing power relations as a result of land reform, especially from a gender point of view. Jacobs (2004) found that needs for independent income, health and personal security were of higher priority for rural women than land rights, although this did not mean land rights were not important. Women may have different priorities to men in land reform processes. Where men might emphasise the direct economic benefits of land access, women may stress aspects of land access with a positive impact on other facets of their lives, for example increasing their personal security (Agarwal, 2003, Jacobs, 2004). In South Africa, a number of studies have found that women emphasised land for housing and food gardens rather than agricultural production, indicating connections to livelihoods issues that went beyond immediate economic interactions in the market (Marcus *et al.*, 1996, Cross and Hornby, 2002). Cross and Hornby (2002:11) argue that this represents a "feminisation" of land demand. This relates to the changing agrarian structure, 'deagrarianisation' (Bryceson and Jamal, 1997) and the prospects for land-based economic activities.

Women, especially poorer women without the status or resources to assert claims to land rights, are often disadvantaged in land reform programmes. Collective tenure, when modelled on colonial distortions of indigenous tenure systems where chiefly control is accentuated, disadvantages women (Claassens, 2005). But individualisation of titling, especially when this is targeted at household heads (who tend to be men), does the same (Lastarría-Cornhiel, 1997). This raises fundamental questions about the way the South African land reform programme was structured. Although individual titling offered greater opportunities for women to access land in their own right, this would act against resource-poor women in the context of land and agricultural markets (Jacobs, 2004). Nevertheless, there is general agreement that women's independent control of land, their entry into 'non-traditional' areas of production (e.g. livestock production), and their active participation in decision-making structures would be indicators of changing social relations (Cross and Hornby, 2002).

A body of literature deals in some detail with traditional authority and the contested ways it is being reclaimed in post-1994 South Africa (van Kessel and Oomen, 1997, Ntsebeza, 2005, Oomen, 2005, Crais, 2006) and the related impact on land governance systems, especially in the former homelands (Claassens, 2005, Claassens and Cousins, 2008). This has extended into

the role of traditional authorities in the post-1994 land restitution process, where land was transferred to groups of people dispossessed under racially discriminatory laws after 1913 (Levin, 1996, Hellum and Derman, 2006, Claassens, 2008a, Fortin, 2008). Another body of literature on rural authority and land governance relates indirectly to the authority of white land owners and commercial farmers. This is indirect because there has been very little consideration on how white authority has shifted as a result of land reform or of the wider democratic changes in rural areas. Fraser (2006) deals with white farmer responses to restitution in Levubu. Hellum and Derman (2008) also look at the continuing power of white landowners in the joint venture approach used in Levubu. But apart from these, the emphasis has been on on-going evictions and efforts by white land owners to reduce the impact of tenure reform for farm workers by externalising the farm labour relationship (du Toit and Ally, 2001, du Toit, 2003, Wegerif *et al.*, 2005). The literature suggests that despite land reform, pre-existing rural elites retain significant authority and control.

Some work has also been done on the new legal entities – like the CPAs – established to hold and manage collectively owned land mainly (but not exclusively) transferred through the land reform programme, especially restitution. The Legal Entities Assessment Project has done a number of case studies over the past decade, looking at the dynamics of the new institutions and their interaction with older structures of governance and forms of authority.[1] A number of other studies have considered the role of the new institutions in altering power relationships (Derman *et al.*, 2006, James, 2007, Lahiff, 2008b, Walker, 2008). Women were given equal statutory rights in the constitution of the CPAs, which marked an advance over historical rights where women's land rights were subordinated to those of men. Nevertheless, these rights were mediated by prevailing social conditions. Bob (1999:180), for example, found that 80% of women land reform 'beneficiaries' who she interviewed were not even aware that they were listed as formal beneficiaries. Despite statutory requirements for women's representation on decision-making structures, women's participation tended to be muted as a result of broader social – in particular patriarchal - constraints that acted to silence them (Pharoah, 1999, Walker, 2003). This muting of women's participation also extended to use of the land, where women did not feel confident to challenge gender roles both within households or more broadly (Cross and Hornby, 2002). The thesis adds to this body of literature by bringing new case studies, but also by offering a description and analysis of the intersection of these three

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[1] See www.leap.org.za.

forms of authority – traditional, white landowner and new collective institutions - in a single geographical location, and the ways land reform impinges on them.

The main body of the land reform literature considers the relationship between land reform and socio-economic change. In particular, there is an emphasis on the impact of land reform on economic development and on livelihoods and the reduction of poverty (May *et al.*, 2002, Shinns and Lyne, 2004, Aliber *et al.*, 2007, Centre for Development and Enterprise, 2008). This essentially economic dimension of land reform is used as the primary indicator of the success or failure of the programme. This is understandable in that a central goal of land reform is to improve the material conditions of the rural African population. More recently, there has been some emphasis on increasing class differentiation amongst land reform groups and small holder farmers, aimed at breaking down homogenous notions of these categories (James, 2007, Aliber *et al.*, 2009a, Hall, 2009b, a, Cousins, 2010b). Another strand in the literature considers the 'multi-dimensionality' of land reform, giving credence to social and cultural aspects of land reform in conjunction with the economic (James, 2007, Walker, 2008, Cousins, 2010a, Cousins and Scoones, 2010). I have situated this thesis in this strand of the literature, both to add to it but also to show how the socio-cultural and the economic are mutually constitutive. They are not just different angles on land reform but are intermeshed with one another.

Finally, there is an important thread in the literature that concentrates on changing property relations as a result of land reform, both in terms of shifting conceptions of private property rights (van der Walt, 1995, 1999, James, 2007) and in terms of new collective forms of property ownership resulting from land restitution and redistribution (Lahiff, 2008b). Collective freehold was prefigured in the 'black spots,' and restitution resurrected these forms (James, 2007, Walker, 2008). The intersection between private property and indigenous tenure and efforts to convert the latter into titled property has also been the subject of some analysis (Cousins, 2002, Cousins *et al.*, 2005). There are very few if any other studies that show practically how property relations, or their spatial connotations, have altered as a result of land reform. This may be because of the general acceptance that land reform is comfortably ensconced within a framework of private property and therefore the transfer of land does not alter property relations. Such a view, however, produces a static view of property as either private or not private, with little dynamism or contestation. My thesis is that land reform has unfolded in a way that has produced some stresses in the way property relations are conceptualised and practically manifested.

The value of a spatial analysis based on Lefebvre's triad is that it can assist in connecting the various dominant themes in the land reform literature with an integrated, multi-dimensional approach to land reform. In particular, greater attention to the lived, everyday activities and experiences of inhabitants on and around land reform farms reveals a more complex relationship to issues of poverty reduction and economic advancement. At the same time a spatial analysis allows us to connect land reform into the broader structure of society, into the dominant capitalist social relations, exposing the power relations that underpin the way land reform unfolds. Lefebvre provides a framework that both enables us to see the structural constraints to rapid change – in particular the abiding power of property relations and the state - but can simultaneously pinpoint the practical, daily practices that both produce and contest these relations and structures of power. It creates a framework for considering the planning and implementation of land reform while incorporating into the theoretical structure the way that inhabitants interact with and shape land reform in their everyday lives. This opens up the possibility of connecting the socio-cultural and economic aspects of land reform with broader considerations of the interplay between structure and agency in the processes of land reform in South Africa. Ultimately, the framework can enable us to think about how land reform is shaping rural space and social relations beyond the individual land reform farms.

1.2   Background to land reform in South Africa

It is commonly estimated that 87% of land in South Africa was under direct control of whites, including state ownership, at the end of apartheid (James, 2007:3). The South African land reform programme was initiated after 1994 to address the vast inequalities in land ownership in the country, especially in racial terms, and to make inroads into the extreme poverty found in the rural areas. The programme has three pillars: restitution, redistribution and tenure reform. The restitution programme is the focus of this study, given that three of four properties transferred in the research area were through the restitution programme. The overall land reform programme is based on a 'willing buyer, willing seller' model, which meant land is bought and sold as a commodity using the market as a mechanism for its distribution.

The programme simultaneously is fundamentally state-driven, with land transferred outside state processes (e.g. private transactions, or land occupations) not considered to be land reform. The state's presence and legitimation is required at every stage of the reform process, from claim making to post-settlement land use. This immediately signals the importance of

understanding the state and the market as interlinked spheres in the reproduction of capitalist relations, rather than as opposing spheres (in the form, for example, of private vs. public). As the thesis will show, the restitution and redistribution programmes had potentially far-reaching spatial implications, since transfer of ownership would both alter the racial distribution of land and population and would open the way for new owners to determine how the land was used. However, it was also contained within a framework of private property which played a key role in securing pre-existing spatial arrangements.

The goal of restitution was to return the land to those who were dispossessed as a result of racial laws and actions after 19 June 1913, the date of the passing of the Natives Land Act. The Constitution and the Restitution of Land Rights Act[2] conferred the right to restitution of land (or financial compensation in lieu of land) to anyone who made a claim to having being dispossessed of land, where the validity of the claim could be proven. Procedures were established to verify and confirm claims, including the creation of a national Land Claims Commission, Regional Land Claims Commissions (RLCCs) covering the provincial level. Around 95% of the 79,696 rural and urban claims lodged by the cut-off date at the end of 1998[3] were settled or in the final stages of settlement at the end of September 2009.[4] Around 84% of the 1,042 claims lodged in Vhembe district, where the research site is located, were settled in 2008. Around 72% of the total was rural (Vhembe District Municipality, 2008:101). These figures did not accord well with a survey conducted by Aliber *et al.* (2009b:23) on redistribution and restitution projects in Vhembe and Capricorn districts, which only identified 117 projects across the two districts (81 redistribution and just 36 restitution projects). 'Ground-truthing' is rarely if ever done in the official process, and this poses a major challenge to the validity of official statistics (Walker, 2005b).

Unlike the restitution programme, the redistribution programme is discretionary. Qualifying individuals can apply for state assistance to purchase and own land. Initially a small fixed grant, known as the Settlement/Land Acquisition Grant (SLAG), was made available to black South Africans who earned below R3,500 per month. The size of the grant meant applicants had to pool their grants to buy land together, resulting in large groups becoming owners on single

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[2] The Constitution of the Republic of South Africa Act 108 of 1996; Restitution of Land Rights Act 22 of 1994

[3] The numbers do change from time to time as some claims are separated into more than one claim during the verification process and others are scrapped because they are invalid. This figure comes from the end of September 2009.

[4] Department of Rural Development and Land Reform M&E Unit, via Karin Kleinbooi, 2 November 2009

farms. Small additional grants were made available to support settlement and some capital investment, but not enough for sustained production.

Two key problems dogged land reform from the start: a very slow pace of transfer of land, and limited productive use of transferred land. Just 7% of agricultural land was transferred by the end of September 2009[5], compared with a target of 30%, initially set for 1999, then shifted to 2014 and then pushed back to 2025 (Ensor, 2009). Insufficient money was made available to meet the government's redistribution targets and although budgets increased quite sharply in real terms after 2003, so did land prices (Aliber and Kleinbooi, 2009:4). The Department of Land Affairs (DLA, now Department of Rural Development and Land Reform, DRDLR) did not have the internal capacity to meet the targets, and in many years did not even spend the budget it had. Efforts were under way in 2011 to make it easier and cheaper for the state to acquire land for land reform, but there were constant delays as a result of internal differences (Leppan and Sibanda, 2011).

According to the land reform ministry, 29% of redistribution farms had failed outright by 2009, and another 22% were in serious decline (South African Press Association, 2009). Elsewhere, government officials were quoted as saying up to 90% of land reform farms had failed (Bleby, 2010, Groenewald, 2010). It is notable that this estimate was made purely on the basis of economic efficiency, revealing the extent to which this term was hegemonic in the field of land reform. An early response by the state to the failure of productive use of transferred land was to reorient the redistribution programme away from poverty alleviation towards commercial production. Redistribution to large groups and lack of agricultural support were seen as the two most important causes of lack of productive activity on transferred land.

In 2000, the Land Redistribution for Agricultural Development (LRAD) programme replaced SLAG. The new programme established a sliding grant that matched state financial support to applicants' contributions. Those with their own resources could therefore get more support from the state, up to a maximum of R100,000 (which increased over the years). The grants allowed individuals in the same household to each acquire grants which could be pooled together. This was aimed at discouraging group ownership because of the perceived negative impact on commercial possibilities. From 2008 concerted efforts were made to integrate land reform with agricultural support, especially through the Comprehensive Agricultural Support

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[5] *Ibid.*

Programme (CASP), the core farmer support programme run by the Department of Agriculture, Forestry and Fisheries (DAFF) and the provincial Departments of Agriculture (DoA). Up to this time, the programmes did not work closely together, with the result that those benefiting from land reform seldom received adequate 'post-settlement' support. The agricultural budget had experienced deep cuts in the mid- to late-1990s, which left decaying infrastructure and weak services in its wake. These changes aimed to increase productive use of transferred land.

There is an apparent divergence in the way the land reform programme was set up between the two imperatives of speeding up land transfer and using the land productively. At the outset, popular expectations were shaped by a 'master narrative' of rural dispossession and restoration, framed as an issue of justice (Walker, 2005a:823). This narrative, carried into the Constitution and subsequent legislation, established the right of people to return to their land, regardless of the economic consequences. Set against this was a 'modernisation' trajectory that insisted that future-oriented development is more important than restoring people's previous rights and practices (James, 2007:45). There is no reason, in principle, why redress of historical injustice and future-oriented development should be incompatible. But the narrative through which land reform is debated in South Africa set up an opposition between these. A simple example relevant to the research is the use of space for large-scale commercial agricultural production and the replication of pre-colonial spaces, in particular as defined by traditional authorities. The thesis provides a detailed consideration of these tensions.

The third leg of the land reform programme, tenure reform, was designed to meet the constitutional obligation to provide secure tenure for those with tenure insecurity as a result of past racially discriminatory laws. On white commercial farms, laws were passed to secure tenure for farm dwellers and labour tenants. However, land owners retained significant control over inhabitants on their property. In particular, the law allowed for continued evictions in the name of economic efficiency. A national survey conducted in 2005 found, as a result, that more people had lost land rights through evictions after 1994 than had been granted land rights through the land reform programme (Wegerif *et al.*, 2005).

Tenure reform also sought to secure tenure for inhabitants in the indigenous tenure areas where land allocation was effectively controlled by traditional authorities. The Communal Land Rights Act (CLRA) was passed in 2004, ostensibly to secure tenure rights on communal land but in reality giving traditional authorities greater control over land access than before. In 2010 the Constitutional Court struck it down on the basis that "it undermines security of tenure and

gender equity, and grants authority to traditional leaders who have not been elected and whose interests do not reflect those of the communities" (Legal Resources Centre, 2010:1). This had potentially far-reaching implications for land governance and for the structuring of space, although much depends on the concrete relations between land owners and inhabitants in specific contexts. Nevertheless, the Court's decision did establish boundaries regarding the extent to which land governance institutions had to consider the interests of inhabitants before making decisions about how land would be used, and hence how space would be structured.

Land reform is confronted by these questions about the character of property rights and the authority that goes with ownership and control over land, about land use and the role land reform can play in responding to rural poverty, about the relationship between racial redress and the imperatives of production, and about the role of the centralised state. Private property, individual ownership and commercial agricultural production, controlled by the landowner and regulated by the bureaucratic state, are tightly packaged together in conceptions of the way the core of land reform should proceed. Restitution is constitutionally bound into a restoration paradigm (although there were state challenges to this in places like Levubu, near the research site). This places restitution land and the older SLAG group 'projects' in a kind of 'no-man's land': between communal tenure and private property; between commercial agriculture, subsistence agriculture and settlement; between liberal democratic authority and traditional authority. The research inserts itself into this ambiguous region between categories and considers what role land reform has played - or may yet play – in the transformation of rural space.

1.3   Core questions and research site

The thesis sets out to explore what contribution land reform has had on the transformation of rural space in South Africa. This was done through case studies of a set of geographically contiguous but contrasting farms in northern Limpopo province, with varying levels of formality and external support, varying levels of commercial and subsistence production, residential settlement and freedom of land use, and varying systems of governance and authority. Restitution was the dominant type of land reform in the area, and is therefore emphasised in the thesis. Despite statist desires to control all land reform processes, the centralised state was unable to totalise its control, and land reform in practice emerged as a product of numerous forces in society (ranging from markets to individual inhabitants), of

which the state was but one (albeit a powerful one). It is this emergent practice of land reform, rather than just the official land reform programme, that is the focus of the research.

In this thesis, the analysis of land reform is broken into three key dimensions in an attempt to reach a more complex understanding of land reform that goes beyond its economic impacts, while still incorporating these. These dimensions emerged in the process of doing the field work but also arise from contemporary debates about land and agrarian transformation in South and southern Africa. The dimensions are systems of authority and land governance (how materially consequential decisions are institutionally channelled and who benefits); changes in property relations (including the redistribution of material resources and the terms of this redistribution); and changes in the way land is used (how and by whom resources are used). In combination these capture both the structural forces that shaped land reform and the practical activities, the agency, of inhabitants in shaping land reform. The combination of these three dimensions of land reform capture core aspects of the production of space in its conceptual, material and lived aspects. On this basis, the core questions are:

i) What representations of space arose from land reform, and how were these materialised in spatial practice?

ii) What conceptions of authority and land governance, property relations and land use were generated in the processes of land reform?

iii) What contestations around authority and land governance, property relations and land use emerged as a result of land reform in practice?

iv) How did these conceptions and contestations manifest in spatial practice and lived space?

The PhD research candidacy was linked to the Livelihoods after Land Reform research project, a comparative study of the livelihood impacts of land reform in South Africa, Zimbabwe and Namibia led by the Institute for Poverty, Land and Agrarian Studies (PLAAS) at the University of the Western Cape (Aliber *et al.*, 2009b). In South Africa, Capricorn and Vhembe districts in Limpopo were selected as sites on the basis of agro-ecological similarities with the sites in the other countries. After discussion with the South African team leader, we agreed the depth PhD research could offer could add the most value in Vhembe. My specific research site is 26km south-east of Louis Trichardt/Makhado[6] town in Makhado municipality, Vhembe district in the

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[6] White residents of the town were opposing a change of the town's name from Louis Trichardt to Makhado on procedural grounds. At the time of writing, the name was still Louis Trichardt. Inhabitants in the research area (both black and white) referred to the town as Louis Trichardt (or 'Louis', or 'LT')

north of Limpopo province, the northernmost province of South Africa bordering on Zimbabwe (Figure 1).[7]
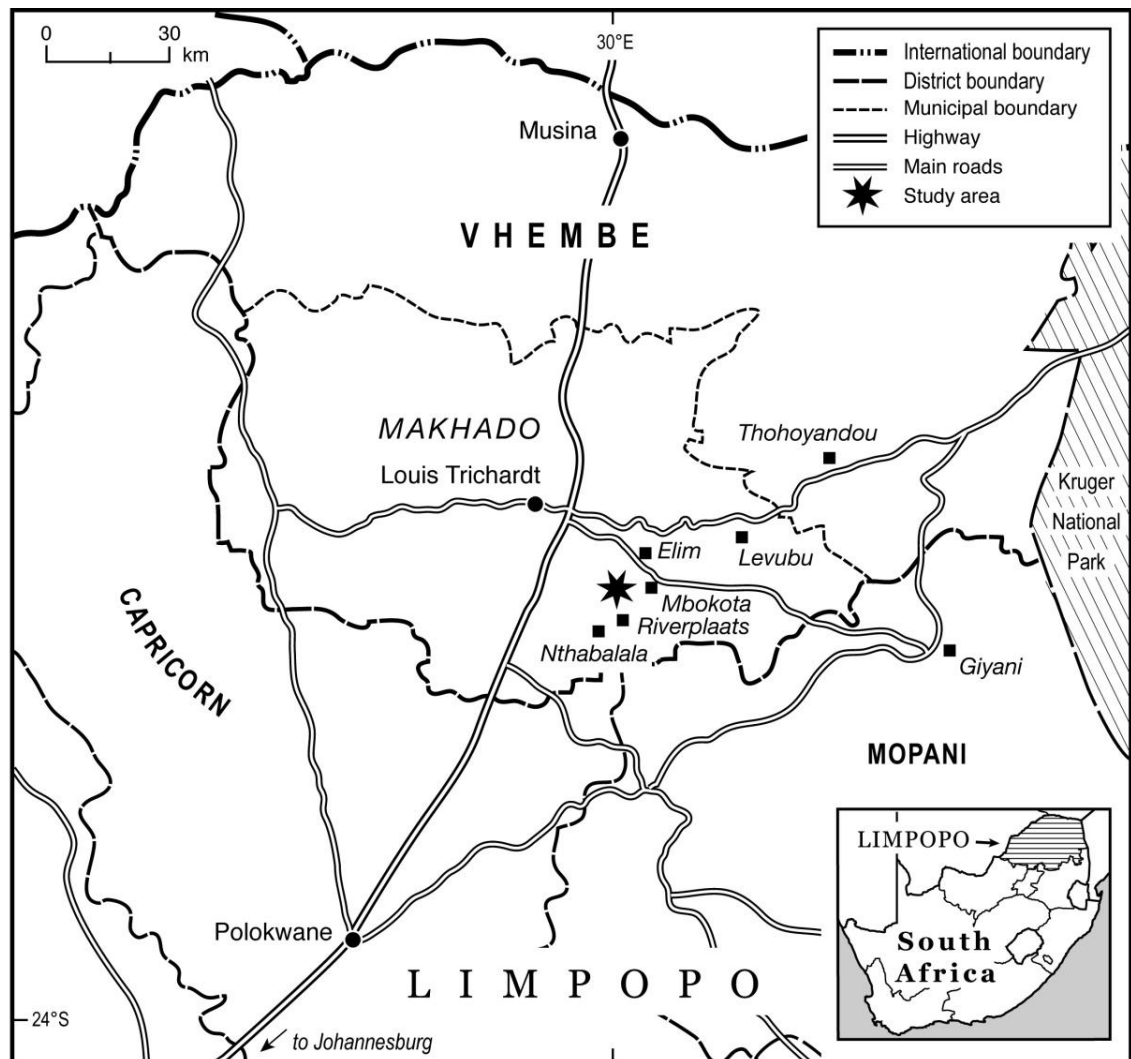
Figure 1: The study area in regional context

It became apparent early on that the district was much too large as a unit of analysis, at over 21,000km^2 in extent with about 570 settlements (Vhembe District Municipality, 2007:13). It also became clear that the interface between inhabitants and the state happens at a municipal rather than a district level. The district performs more of a co-ordinating role and, although district officials occasionally relate directly to citizens, there are many instances where they explicitly do not have the mandate to do so without municipal authority. So the district is too

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and to avoid using both names all the time, I refer to the town as Louis Trichardt throughout the thesis. Reference to Makhado is to the municipality and not the town.
[7] All maps are derived from official South African maps, 2329BB, 2330 AA and 2330 AC in the 1:50 000 series. I took all photographs.

high as an institutional level, and the specific farms are too insignificant at that level. For these reasons I opted to bring the frame of reference down to the municipal level.

Table 1: Basic parameters of restitution and redistribution on the farms

Claimant group	Farm name and portion	Farm also known as…	Size (ha)	No. of claimant households	Grants due
Mavungeni redistribution	Vleyfontein 310 LS portion 1	Lovedale Park	561	98	none
Mavungeni restitution	Vleyfontein 310 LS portion 2 (eastern)	Sweetwaters	745	200	R1.139m
Munzhedzi restitution	Vleyfontein 310 LS portion 2 (western)		519*	477	R2.664m
	Diepgezet 390 LS		459		
	Zwartfontein 392 LS		274		
Shimange restitution	Syferfontein 85 LT	Efrata, *Vudyodyodyo*	719	366	R1.88m
	Uitschot 84 LT**		288		

Not clearly specified in documentation
**Not transferred
Sources: Aliber et al 2009, Northplan, Agriconcept, Kenneth Maluleke and Associates

The research focuses on three restitution groups: Mavungeni, Shimange and Munzhedzi. Five farms (see Figure 2 and Table 1) were returned to these groups through the restitution programme in 2002. The farm land surrounds Vleifontein, a rural township on the edge of the former Venda homeland, established on the farm Vleyfontein 310 LS[8] as a relocation settlement following forced removals of the Venda population from Tshikota outside Louis Trichardt in 1982. The state expropriated the farms from their white owners between 1968 and 1982 with the aim of incorporating them into the Venda homeland. The farms were initially under the ownership of the central state through the Southern African Development Trust (SADT), and were transferred to Venda in 1986. On being relocated, Vleifontein residents were told the surrounding land was available to them to use for production and for eventual expansion of the township, and some residents did engage in low level cropping and cattle grazing. When the restitution programme was launched after 1994, the former inhabitants of the farm claimed the land back. For Vleifontein residents, the restitution process threw a spanner in the works, since the land access they had enjoyed until 2002 was suddenly removed when the claims were settled. Vleifontein residents had their own claim to land at Tshikota and Masangani (where people were removed to Tshikota even prior to being moved to

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[8] I have retained the distinct spellings of the township and the farm. The township is on a portion of the farm, as is a part of Munzhedzi and both portions of Mavungeni. I use 'Vleifontein' throughout the thesis to refer to the research site as a whole, since the township is at the epicentre of the area of which Vleyfontein farm is just one part.

Vleifontein) on the edge of Louis Trichardt town. However, there were delays, not all residents of Vleifontein were claimants, and it was not even certain if claimants would move back even if the claim was settled.
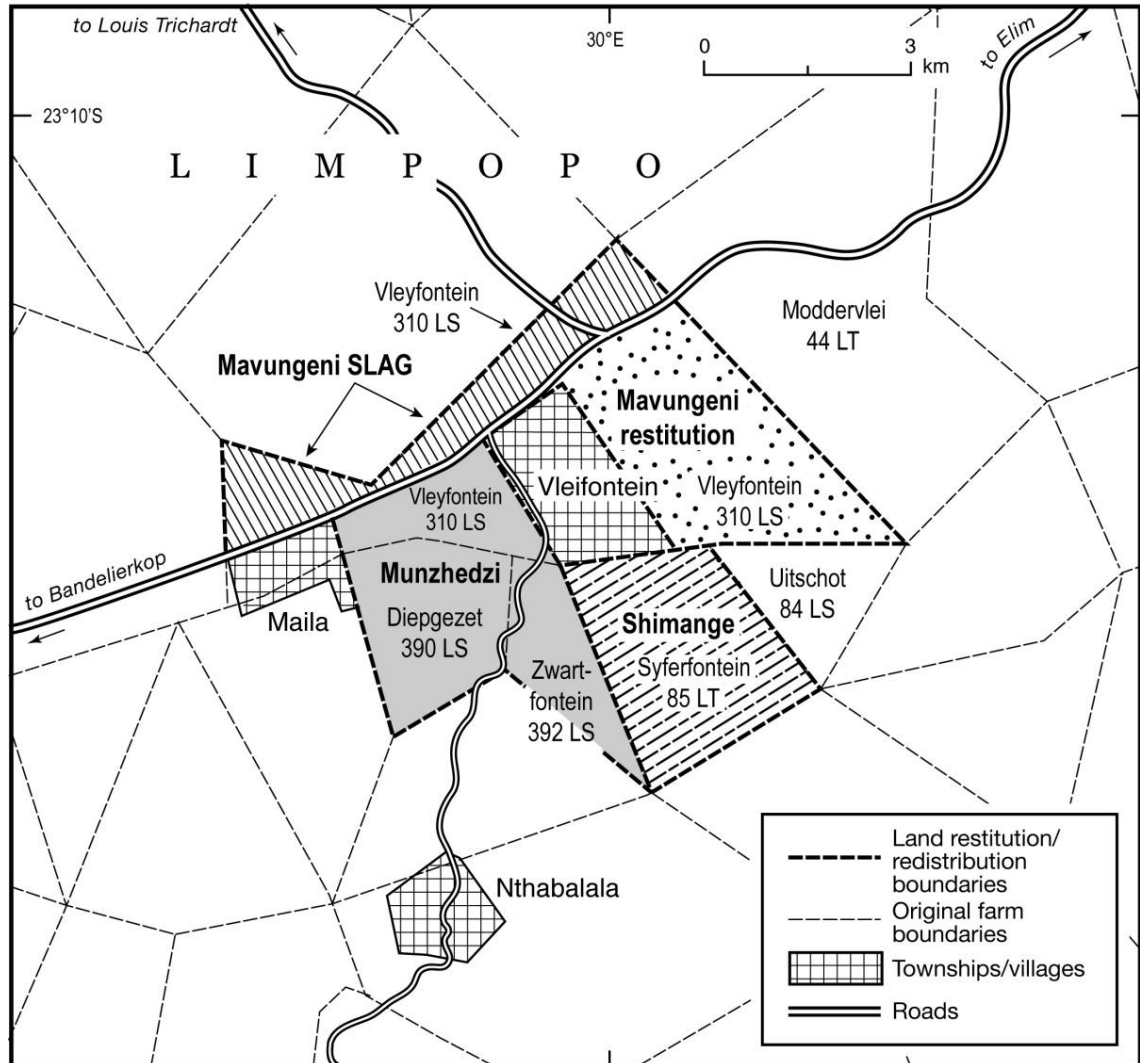
Figure 2: Close-up view of the study area, with farms

In discussions between the claimant groups – Mavungeni and Munzhedzi – it was agreed that Mavungeni would put in a claim for the 745 ha eastern portion of Vleyfontein 310 LS (known as portion 2), while Munzhedzi would put in a claim for the western part of the same farm. The land on which Vleifontein was situated was excised from the claim and the Munzhedzi claimants (on whose land it was located) received the neighbouring Zwartfontein 392 LS in compensation, along with Diepgezet 390 LS which was part of their original claim. In 2000, two years before the claim was settled, the Munzhedzi claimants occupied the farms as a defensive measure against local government plans to extend Vleifontein onto Munzhedzi land. Diepgezet, Zwartfontein and the portion of Vleyfontein 310 LS, with a total area of

approximately 1,204 ha, were restored to Munzhedzi CPA in 2002 (Aliber *et al.*, 2009b:66). There were 477 registered claimants in the Munzhedzi claim (Kenneth Maluleke and Associates, 2004:13). Today Munzhedzi is essentially an informal extension of Vleifontein, with thousands of households settled on the land. There is a fairly high degree of back yard food production, but very limited agriculture of more than a hectare anywhere in the settlement. Services are very poor, and apart from a school, and a few *shebeens* (informal bars) and *spaza* shops (informal retail outlets) scattered around, residents get most services from the neighbouring Vleifontein. To the south of Munzhedzi, moving towards Nthabalala village in the former Venda homeland, settlement peters out and the land is steeply hilled with dense bush.

Because of uncertainty about the restitution process, 98 households from amongst the 200 claimant households at Mavungeni also applied for a redistribution grant for the 561 ha portion 1 of Vleyfontein 310 LS, on the west side of the Elim-Bandelierkop road (Figure 2). The redistribution and restitution portions were both transferred to the Mavungeni CPA within months of one another in 2002 (Agriconcept, 2000:14, Mavungeni CPA, 2004, Aliber *et al.*, 2009b:58). Part of the Mavungeni land was under servitude for an existing graveyard and sewerage works for Vleifontein. Mavungeni sought the neighbouring Uitschot 84 LT as compensation, but since the Shimange claimants had already laid claim to Uitschot, the Mavungeni CPA requested financial compensation for the land lost because of the servitudes. This was not forthcoming, but the approval of the redistribution land on portion 1 of Vleyfontein 310 LS might have been considered by the state as adequate compensation. The redistribution of portion 1 of Vleyfontein 310 LS enflamed tensions with Munzhedzi, who laid claim to that land and felt their legitimate claims were ignored.

At Mavungeni, in contrast with Shimange and Munzhedzi, agricultural production continued after expropriation in the 1980s, as white farmers and Venda Ministers leased the land for production at various times. AgriVen, the former Venda Agricultural Development Corporation, also involved some Vleifontein residents in an agricultural project on the land in the 1990s. The combined Mavungeni land had a dairy, two farmhouses and two commercially viable orchards (macadamia nut and avocado). Later the Limpopo DoA invested in a hi-tech commercial poultry house on the redistribution part of the farm and negotiated a sub-contracting arrangement with a commercial poultry processor in the province. The CPA selected ten claimants to work on the project. Mavungeni is fairly sparsely settled, although the unauthorised Xikopokopo settlement at the entrance to the farm next to the main road was expanding fairly rapidly over the period of the research (Figure 3). Moving further into the

farm, there are large stretches of land without any settlement, interspersed with some areas of 10 ha or more under agricultural production. These portions of land under cultivation or orchards are noticeably larger than those found on the other transferred farms in the area.

Figure 3: New houses dot Mavungeni as the unauthorised Xikopokopo settlement expands, 2010

Like Munzhedzi, Shimange land fell into disuse from an agricultural point of view after the apartheid expropriations. Shimange was used as a base for the Venda Department of Water Affairs and, while inhabitants and Vleifontein residents used the land for some basic agriculture, natural resource harvesting and cattle grazing, this was not systematic or organised. The Shimange claim, representing 366 claimant households, was initially made on two farms, *viz.* Syferfontein 85 LT and Uitschot 84 LT with a total area of approximately 1,030 ha (Northplan, 2004:10). However, when the land was transferred the Uitschot claim was inadvertently excluded. The RLCC convinced the CPA leadership to sign off on Syferfontein and promised to follow up with Uitschot after the handing over ceremony in March 2002. The claim for Uitschot subsequently seemed to have been lost, to the dissatisfaction of Shimange CPA members whose families originally resided on that farm. Shimange is very sparsely settled. A few families and individuals occupy the old farmhouse buildings (Figure 4), and there are a few shacks scattered near the boundary with Vleifontein. There is some production

immediately around the farmhouses, as well as in a cleared area about half an hour's walking distance through dense bush. There are also a few cattle kraals near the farmhouses, which expanded in size over the period of the research. There is a core group of permanent inhabitants, perhaps 10 to 15 people, and a smaller number of other claimants who use the land and come to the farm regularly, but who do not live on the farm.

Figure 4: Shimange's farmhouse looms out of the mist

The state appointed consultants to develop land use and development plans on each of the restitution farms, and each group was to receive a further grant from the RLCC as part of the settlement to set the plans in motion. Each group received a tractor and a trailer from the DoA on settlement of the claims, but the RLCC grants were not forthcoming. The groups therefore had the land and plans for how to use it, but inadequate resources to carry the plans out.

The Mavungeni and Shimange claimants were overwhelmingly Tsonga-Shangaan, who settled on the land as clans with the Baloyi family as one of the dominant families (shown in Chapter 4). Munzhedzi and Vleifontein were both Venda-dominant, but from different clans. Underlying ethnic tensions between Shangaan and Venda occasionally flared up into open

conflict, but settlement was ethnically mixed despite apartheid attempts to segregate people by ethnicity.

This is typical of a borderland in South Africa, a buffer zone between distinct racialised spaces, incorporating both forced removals out of and into the area. This offers insights into the effects of forced removals from both angles. The presence of white farmers on the edge of the research site enables us to understand the on-going racial and class dynamics in the present. In essence, the research site is a microcosm of the fundamental dynamics that shaped rural space under apartheid. The introduction of land reform into the area completes the picture in opening the possibility of exploring how land reform had an impact on a range of different dynamics, including urban-rural interfaces, racial relations, class relations, relations between different forms of tenure and land governance, relations between different property regimes and between different trajectories of land use. All of these have contemporary relevance in South Africa.

A few other farms and settlements have relevance to the study. Impinging directly on the research site is the farm Moddervlei 44 LT, neighbouring Mavungeni on the east of the research site (Figure 2), which was sold to the state during apartheid and put under the authority of AgriVen. The former owners, the Hennings, entered into a management contract with the state under the name of Mununzwu Newco, which was still in place at the time of writing. The farm produced macadamias and avocadoes commercially. The Hennings had a long history in the area, having at various times owned and leased parts of Vleyfontein, Uitschot and Syferfontein. They had their own claim for the return of Moddervlei, and a group of former farm workers had a separate claim for the same farm.

On the other end of the research site is Maila, a village on the western border of Munzhedzi under the authority of headman Keith Nthabalala. On both these edges, there were simmering boundary disputes between neighbours which will be elaborated on more fully in the thesis. Off the beaten track, but with a relatively strong influence on the research site is Nthabalala, a village in the former Venda homeland which is also the seat of the Nthabalala Tribal Council which claimed (disputed) authority over the space of the research site. When people were forcibly removed from the five farms under apartheid, many of the Vhavenda were moved to Nthabalala, while Shangaans were dispersed to Riverplaats, Mbokota and further afield in the former Gazankulu homeland. Chief Munzhedzi mobilised people from Nthabalala to participate in the pre-emptive occupation of 2000.

Panning out from the research site, a number of nodes structure the site's position in relation to the regional space (Figure 1). Elim is a sprawling conglomeration of settlements about 7 km north-east of the research site that resulted from the merging of several villages and settlements over the years. It is centred on a Swiss Mission hospital and, more recently, the Hubyeni shopping mall, and also has a thriving informal fresh produce market (Figure 5). Elim is a key transport, retail and services node for inhabitants at the research site, standing at the intersection of the Thohoyandou-Bandelierkop and Louis Trichardt-Giyani roads. Given Elim's historical position in the former Gazankulu homeland, it remains underdeveloped in comparison with Louis Trichardt.

Figure 5: Informal fresh produce market at Elim crossroads

Historically the homelands were very underdeveloped, while white rural towns had a high level of quality infrastructure. Those who were not long distance migrants generally commuted from the homelands to white urban areas to work every day and then returned home at night. Subsidised transport was mostly provided by the state to maintain this spatial segregation. The completion of the tarring of a final 10km stretch of the Bandelierkop road connecting Elim directly to the national N1 highway (and going directly past Vleifontein) is likely to divert

traffic, especially going to Thohoyandou, through Elim. This is a shorter route than going via Louis Trichardt, and is likely to see the further growth of commercial activity in Elim. Thohoyandou is the main town in the former Venda homeland, and became the Vhembe district capital.

En route to Thohoyandou is the Levubu irrigation scheme, established in the 1930s using state resources, but becoming fully functional in the 1950s with the building of the Albasini Dam. The black inhabitants were forcibly removed to make way for the scheme which was handed to white commercial farmers. The scheme had up to 420 properties on 29,520 ha of land, and employed up to 10,000 workers (Derman *et al.*, 2006:5). It was a major producer of subtropical fruit and nuts, and was at the epicentre of the agricultural economy of the district (Vhembe District Municipality, 2007:19). Almost the entire valley was under restitution claim. A number of these claims were already settled, mainly through a 'strategic partnership' approach where the land was only returned to the claimants on condition that they did not tamper with the inherited commercial agricultural land use (Derman *et al.*, 2006, Fraser, 2006).

The research site is marginally located in the broader economy, but central to debates about land reform, rural development and poverty reduction. Limpopo is the most 'rural' province in South Africa, with 87% of the population considered to be rural, compared with 45% for the country as a whole (Aliber *et al.*, 2009b:11). Vhembe was ranked as the fifth most vulnerable district in South Africa in terms of functionality, socio-economic profile and services backlog status (Department of Co-operative Governance and Municipal Affairs, 2009:25). In turn, the research site is located in a marginal part of the district: Vleifontein is ranked low, as a 'local service point', in the municipal hierarchy established by the National Spatial Development Perspective (NSDP) (The Presidency, 2006). Services at Vleifontein consisted of a (private) clinic, a post office, a small general dealer, a school, a police station, a pension pay point, a sports field, a public bus terminus and a petrol station. Bulk water and electricity infrastructure was inadequate for residents.

Agriculture was the third biggest employer in Vhembe district behind community services (government) and trade (wholesale and retail), with about 15% of the formally employed population in the district in 2006 (Vhembe District Municipality, 2008:47). Agriculture's share of total employment in the district was declining, down 25% in the past decade (Vhembe District Municipality, 2008:45). The overall agricultural economy in the district slumped significantly over the decades, with the amount of land under commercial farming falling by

about two-thirds between the 1960s and 2002 (Aliber *et al.*, 2009b:16). The arid area in the western parts of the district was historically a cattle farming area. On the east side of Makhado the former homelands start, and they are densely settled with basically no government support for commercial agriculture historically. This left Makhado municipality as the main agricultural production area in the district, thanks primarily to Levubu. More than two-thirds of formal agricultural employment in the district was in Makhado municipality. Nevertheless, small-scale agriculture is practiced in the former homelands in Thulamela and Mutale municipalities east of Makhado, and district support was increasingly focused on this. Agriculture was one of the weakest economic sectors from a value-adding point of view, with almost no processing in the area, and inputs mostly purchased from outside.

The research site is situated on a series of spatial fault lines. It is at the intersection of private property (white-owned farms), former nationalised state land, and the indigenous tenure regimes of the former Venda and Gazankulu (Shangaan) homelands, and the accompanying border between (racially exclusive) liberal democratic governance and the private governance of commercial farms, and traditional authority. It is located precisely on the boundaries between private commercial agricultural production, state 'project' agriculture, and homestead agriculture. And it is at the interface between rural farmland, 'urbanised' township and rural village settlement. Each of these lines cuts through the research site, and the site thus captures, in a microcosm, the core dynamics that have shaped rural space in South Africa. This offers the potential for insights into the dynamics underlying the production of rural space with pertinence beyond the research site.

1.4   Methodology

Research is caught in a constant tension between relevance and rigour (Smith, 2001). On the one hand the knowledge should be relevant, even practically useful. On the other hand the information and knowledge generated from research should be as accurate as it can be. 'Research fatigue' is fairly common in some South African rural settlements, where initial research in a particular place stimulates others to follow up. When the research does not generate any practical changes in the lives of research participants or the inhabitants of the area, some people may eventually become tired of taking time to talk to researchers but getting no benefit. I encountered this amongst some individuals early on in the research, people who questioned my motives and why they should spend time responding to my questions.

I sought to adopt a critical-emancipatory approach in the research, promoting emancipatory praxis and "a critical consciousness which exhibits itself in political as well as practical action to promote change" (Grundy, 1987:154). I aimed to build a bridge between academia and 'development activism': using detailed, in-depth research and theorising as the grounding for considered interventions. On the one hand, academia forces nuance whereas activism tends towards crude binaries. On the other hand, activism forces concreteness and practicality whereas academia tends towards abstract argument with no practical consequences. In the words of Wendy Brown this is "the tension between the political necessity to fix meaning, to 'suture' textual drift in a formal principle which can only guide us in action, and theory's permanent 'deconstruction' which cannot ever be recuperated in a new positive programme" (quoted in Zizek, 2008:103). I attempted to manage this tension in the research, keeping both these components alive.

Practically, I sought to integrate my research into on-going processes of development being carried out particularly through Nkuzi, a land rights non-government organisation (NGO) with an office in Elim and a history in the area stretching back to 1997. Nkuzi assisted many claimant groups to work through the restitution process, including the three groups that form the research focus. Nkuzi was respected in the area, and I was able to envelop myself in the organisation's 'colours' to gain acceptance. But Nkuzi was also struggling as an organisation. The Elim office suffered heavily, with inability to pay for basic communication infrastructure or transport for fieldworkers. The result was a steady attrition of staff and inability either to provide services to community members or to go out into the field to do the 'community facilitation' work at the core of their mission. The logic of my approach was to work with Nkuzi, using the research to provide a basis for specific interventions that would emerge in the research process in collaboration with active participants from amongst the inhabitants of the area.

In this I used a combination of methodologies, primarily participant observation, semi-structured interviews and focus group discussions. Appendix 1 provides a list of interviews and field trips. These were mostly with inhabitants on the farms and in Vleifontein, but also included people who knew the area and people in and out of government who were working with or interested in land reform in one way or another. I recorded most but not all interviews. In a 'scoping' phase I got to know the lie of the land a bit better, and met some of the key respondents. The issues that emerged during this process set the agenda for the research: the

conflict between the Xikopokopo group and the Mavungeni CPA; tensions between Munzhedzi and Nthabalala, and between the absent Shimange CPA members and the 'pioneers' settling on the land; and the abandoned and landlocked Vleifontein residents. I wrote a diary and took field notes, and occasionally tried to identify themes and patterns in relation to my conceptual framework of space and power.

I had planned to carry out various participatory research and planning activities. These methods have proven effective in involving people actively in research and of shaping the agenda around their own concerns and interests (Archer and Cottingham, 1996, Chambers, 1997). However, participatory methodologies must be connected to practical action, otherwise there is a danger of mobilising the energy of participants and then letting it dissipate, with potentially damaging consequences for future attempts to do joint work (Alcorn, 2000). My use of participatory methodologies was therefore dependent on the availability of resources to carry the results forward into practical action. Nkuzi initially indicated resources were available, but these dissolved as Nkuzi faced internal challenges, and the process could not be undertaken. Interactions with government were positive, in particular at the municipal and district levels, but the processes required to link into government planning and budgetary cycles proved too much for me and Nkuzi to realise any tangible movement. Consistent time needed to be put into facilitating interactions between Nkuzi and government, and as an individual I did not have that time available. I live in Johannesburg, which is about four and a half hours from Vleifontein and Louis Trichardt. Personal and work commitments meant travelling back and forth between Johannesburg and the research site. As mentioned, capacity in Nkuzi was also weak and, without resources to get the ball rolling, there was little to offer in a partnership with government. There was neither a local driver of the process, nor the resources to drive it.

The result was that the action part of the action research faded, and I made a decision to emphasise interviews and a kind of semi-involved observation. I walked on the farms with inhabitants who identified key historical and current points of interest, and I used a geographic positioning system to construct maps showing these (Figures 7 and 15). I spent time on the farms, to get at least a glimpse of daily life. I attended meetings when possible. For example, I attended a meeting of the Nthabalala land claims committee and subsequently accompanied them to a meeting with the DLA in Polokwane, where I observed the process and had an opportunity to speak to some of the residents of Nthabalala about their histories and land issues. I also attended meetings of CPA committees and tribal gatherings as an observer, and

given a chance to make comments and suggestions. I found the process useful, and I think the participants in these meetings did too.

The area has two main languages, Tshivenda and Xitsonga. These are notoriously difficult languages to learn, and are spoken by less than 7% of the national population.[9] I did not attempt to learn the languages, given the constraints I faced in having to travel and not being in the area full time. I was fortunate to have Sipho Baloyi as a research assistant, who is conversant in both languages, although he is a native Xitsonga speaker. He is well-known in the area, and his presence did not prove to be a hindrance, even in potentially sensitive situations, for example at the Nthabalala tribal gathering or at Munzhedzi when discussions turned on the tensions between Munzhedzi and Shimange, where he lives. Mike Mokgalapa, a Tshivenda speaker, also assisted me with translations when I stayed at Munzhedzi/Maila. I was surprised that many people spoke English fluently in the area, and I needed translation assistance in less than half the interviews (Appendix 1). Nevertheless, it is possible and even likely that this resulted in some bias in the people I spoke to and the information and ideas I consequently was able to get.

I am a white, urban, middle class male in South Africa. Different people will have their own views about what that means. For some, it meant the possibility of resources (hence overstating the lack of resources or support). For others, it meant suspicion or distrust which I could not at all times penetrate, in particular with regard to gender issues and when talking to women. Few African rural women will be willing to talk forthrightly about gendered power dynamics with a white man from the city, and why should they? I specifically sought women to speak to, but my presence as a white man was not the only obstacle. The internal power relations on the farms also resulted in me constantly being redirected towards men. The CPA committees were overwhelmingly dominated by men, as were the claims committees and the DoA. Ultimately, about a quarter of the overall respondents were women (Appendix 1). This aspect of power in the research site remained closed to me and constitutes a limit of the study. The analysis, the findings of the research, is a product of my interaction, as a subjective individual, with a range of respondents with their own views about the world, themselves and me. All any researcher can do is acknowledge this fundamental subjectivity, and try to mediate it through gathering multiple viewpoints.

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[9] http://www.southafrica.info/about/people/language.htm

So while I set out to make the study relevant to the needs and concerns of the inhabitants of the area, I had little immediate success in practical terms in the actual research process. However, there is a question about whether research relevance can only be measured on the basis of its contribution to immediate, practical outcomes. This is an important aspect of relevance, especially to people who are living in poverty. However, if the research is to take the form of critical-emancipatory research, there may be a broader relevance both in raising structural issues that precisely prevent the success and even possibility of immediate practical interventions, and also of bringing the voice of inhabitants themselves, in their own words, into the story about what is happening in land reform. Bringing the history of dispossession out of the hidden depths and improving our theoretical understandings also make a contribution, partly at a broader societal level but also amongst the direct participants in the research process. I found a passion about the history that surprised me, shared by many people across the racial and class spectrum. If the research contributes to facilitating dialogue about those issues, it has relevance. The process was not ideal, because the analysis still resided with me as the researcher, and I chose and selected what to put in and how to interpret it.

Qualitative research as a whole has attracted criticism for a lack of rigour in comparison with more controlled, quantitative forms of research. The extent to which epistemic claims beyond the practice setting can be made is questioned. Action research, in these terms, is acceptable as a guide for practical action, but is less valid as a method for advancing theoretical knowledge (Herr and Anderson, 2005:52). Validity refers to "the reasons we have for believing truth claims" (Moghaddam, cited in Newton and Burgess, 2008:22). This conception is dependent on the nature of the truth claims being generated. I think this argument about validity can be short-circuited by focusing more on the rigour of the information gathering process than on the validity of the 'truth' that is presented in the final research. This thesis is an interpretation of events, and does not claim to be the truth in some absolute sense. Readers may not even agree with my interpretation. That in itself does not invalidate the research. Some issues in the research are subjective by their very nature. For example, what were the Hennings' motives in trying to secure a 25 year lease at Mavungeni after the claim was settled? Or did Chief Munzhedzi's grandfather sign away his rights to the chieftaincy to Chief Nthabalala, and why? These are subjective issues that are central to the story of Vleifontein and the surrounding farms, but which are complex and multi-faceted and have no definitive answer.

The important thing is that the reader has enough trust in the data I have used as the basis for my interpretation. I can show the reader that I have listened to and incorporated different relevant points of view. Triangulation is thus a critical method in ensuring a rounded view of the story. The nature of the research is qualitative and interpretive. To supplement this, I drew on surveys conducted on the same farms by other researchers in the Livelihoods after Land Reform project.[10] I also used archival material (mainly from the Historical Papers archive housed at the William Cullen Library at Wits University in Johannesburg, but also from documents and maps that people in the area gave me, including from Nkuzi and Sam Shirinda in particular) to verify the history of the area. The transect walks and maps strengthened my understanding of the history of the area, and the way the history intersects with the present materially, through representation, and in everyday practice. They helped to reveal how the past remains present on the land, even if often hidden by thornbush and undergrowth, in memories of how the space was used and visions about how it might be used.

I began the fieldwork in earnest in October 2008 and continued through to May 2010, thinning out towards the end as I started to write. While writing, I continued going to the research site at intervals, to keep the dialogue going and to work with Nkuzi to plan the way forward beyond the PhD. Seeing space as produced does not come naturally. We take space as given, and it takes some intellectual effort to see the social relations that lie behind space and its dynamic reproduction in everyday reality. As I moved through the spaces of the research site, I had to become conscious not only of the social relations underpinning those spaces, but also my own preconceptions about where I was and what I was seeing. From this perspective, the research pushed me to examine my own thinking about space, my unquestioned assumptions about what space is meant to be used for, how it is materially organised, how that organisation is sustained and how people live it.

1.5   Chapter synopsis

Chapter 2 of the thesis starts by locating Lefebvre's theory of the production of space in the broader literature on space, and provides a more detailed conceptual exposition of the theory and the spatial triad – material, conceptual and lived space – that underpins it. The Chapter continues with a consideration of power as situated in social activity, and the implications of this for the production of space. An important part of this section is a consideration of the role

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[10] 'Livelihoods after Land Reform Munzhedzi survey data clean', Excel database provided by Michael Aliber, 14 July 2010

of the state in managing the production of space, including the limits to state control over this production. Chapter 3 then applies this conceptual framework to the South African rural context, looking in particular at the broad relationship between the production of rural space and authority and governance, property relations and land use (production and settlement on the land). This Chapter establishes these key themes and their relationship to the land reform programme.

Chapter 4 uses the spatial triad as the basic framework to consider how space was produced historically in the research site around Vleifontein in Makhado municipality. It does this through an historical overview of the production of mechanisms of authority and land governance, property relations, and production and settlement patterns in the research site. It considers the changing representations of space and spatial practices that created the structural context out of which land reform emerged and with which it interacted. This is at a broad historical level and establishes the context for the following three chapters which look in detail at the three themes, developed earlier, in the research site following the transfer of land on the farms around Vleifontein.

Chapter 5 considers how dominant conceptions of authority and land governance were formulated in the process of land reform and how they altered the institutional channels through which space was produced. It looks at what situated social forces and social dynamics shaped these conceptions and how these forces influenced the materialisation of these conceptions. Finally it contemplates how the situated social activity of the everyday life of inhabitants in the research site intersected with and shaped dominant conceptions of authority and governance and their translation into spatial practice. This chapter establishes the changes in the institutional framework introduced by the processes of land reform through which power was channelled in the production of space. It indicates the changing institutional architecture, the form, through which the content of property relations and land use were filtered. Chapter 6 follows a similar analytical logic with regard to property relations and Chapter 7 looks at agricultural production and settlement using the same framework.

Chapter 8, the concluding chapter, pulls the analysis together and reflects on the implications for land reform and how we understand it in the broader context of capitalist restructuring and agrarian change in contemporary South Africa.

CHAPTER 2:   CONCEPTUAL FRAMEWORK: THE PRODUCTION OF SPACE AND POWER

2.1   Introduction

The basis of Lefebvre's theory on the production of space is that social and spatial relations are mutually constitutive. This chapter provides the broad theoretical framework drawing heavily on Lefebvre, but also on other Marxist geographers. It details the thesis that space is a social product that is both reproduced in the everyday activities of human inhabitants in interaction with one another and with the natural and built environment, and is simultaneously structured into enduring forms that transcend individual human actions. Being a social product, space is inextricably interconnected with social relations of power. I therefore spend some time elaborating a theory of power as emerging from situated social activity. Of great importance here is the role of dominant power, of the power wielded by capital and state. But I seek to go beyond an approach to power that produces a rigid division between those with power and those without. Rather, power is distributed throughout society and is produced in action, even while there are concentrations of power. The state is central to the production of space, but it has its own limits and contradictions which open the door for individual and collective agency in everyday life.

2.2   The production of space

Lefebvre (1991) starts from the position that space is socially constructed. A dialectical relationship exists between space and society, with each one structuring the other. According to Doreen Massey (1994:268), "spatial form can alter the future course of the very histories which have produced it." Until the 1970s, space was taken for granted as a universal of human existence in which objects existed and events occurred on a passive ground called space. Spatial sciences like cartography and geometry sought to establish the relationship between objects in space and represent them accurately on maps. But in the 1970s human geographers (including Lefebvre) began to consider the power dynamics which underpinned this seemingly objective process of representation, and raised issues about how space itself was a construction (Gregory, 2000:768). Lefebvre was part of a Marxist strand of theorists who attempted to apply a political economy approach to the production of space based on historical materialism. He extended Marx's work on commodity production to show how space had become a commodity with a use value and an exchange value. Lefebvre argued that space is produced in the same way as other commodities are produced, using available natural resources and employing human creativity to transform these resources into something with

greater value to human beings, but which had to be exchanged (bought and sold) to liberate that added value.

An economistic reading of the Marxist approach was later critiqued for focusing solely on class relations and for ignoring the dialectical relationship between space, race and gender, or the role of cultural practices in the production of space (Gregory, 2000:769-770). Later still there was a movement against dualism that highlighted the hybridity of spaces and opposed the dichotomies of time and space (Massey, 1994), absolute space and relative space (Gibson-Graham, 1996), and between material, concrete space and imagined, symbolic space (Gregory, 2000:771). These critiques were not levelled at Lefebvre in particular, but rather were part of the development of thinking around the production of space and its relationship to the social that Lefebvre was instrumental in introducing.

Lefebvre conceptualised a spatial triad consisting of spatial practice, representations of space and representational spaces as a way of thinking about how this social construction happens (Lefebvre, 1991). These can best be understood respectively as the material, the conceptual and the lived dimensions of space. An analogy of the heart is useful in understanding the difference between these elements in the production of space. Spatial practice, or the material element, is analogous to the heart as a physical organ in and of itself. 'Representations of space', or the conceptual, is analogous to the way we think about the heart, with particular reference to the scientific knowledge about the role of the heart in the body. There are also non-scientific representations attached to the heart, such as conceptions of love. However, these are not codified and they are subordinated in dominant discourse (the medical-scientific discourse in this case). However, they are widespread in popular discourse and are integrated into the third element in the production of space, viz. representational spaces or lived space. Lived space is analogous to the actual experience of living with a heart beating in your chest, how it feels. It is the daily existence of being alive with a heart. This is something different from scientific knowledge of the heart, and is also different from the heart as a physical organ. At the same time, these aspects are inextricably interconnected. The feeling of moving around in the world with a heart is premised on the existence of the heart as a physical organ. The material is the basis without which no lived space can exist. Likewise, the scientific knowledge about the utility of the heart is based on a detailed analysis of its physical functioning.

To return to the production of space, then, spatial practice refers to the material configuration of things in space, "the directly experienced world of empirically measurable and mappable

phenomena" (Soja, 1999:265). It is what exists tangibly. This material underpinning of spatial practice has two components to it: the natural base (mountains, rivers, air, the land itself) that establish both the limits and possibilities for human activity; and the human infrastructure, or 'second nature', created in relation to this base; the built environment of roads, dams, bridges, houses, orchards, fences. Spatial practice is hence a 'co-production' between humans and the natural environment (Goodman, 1999). 'Second nature' is built up over time as new layers are placed on the landscape, and old infrastructure decays or is destroyed, adapts or survives intact in earlier forms. The deeper the infrastructure is located in time, the more significance it has in space and social relations. In this way time is embedded in space because, rather than just disappearing, new and past infrastructure articulate with one another, bringing the past into the present through the built environment (Merrifield, 2006:105).

This material aspect of the production of space, with the accompanying human activity, can be seen as the 'conditions' Marx refers to when he says humans make their own history, but not in conditions of their own choosing. The underlying material base of spatial practice opens some pathways and closes others. It is the context in which actions take place, actions which can transform or reproduce those conditions within the practical limits imposed by the same conditions. I concur with Thrift's (1996:3) notion that 'context' should not be taken to mean "an impassive backdrop to situated human activity." Rather, Thrift continues, context should be taken "to be a necessary constitutive element of interaction, something active…" Presumably Lefebvre uses the concept of spatial practice rather than 'the material element of the production of space' not only because it is less unwieldy, but also because what exists tangibly goes beyond the material to incorporate the social practices that flow from and into the existing physical configurations of things in space. The other two elements of Lefebvre's triad are integrated into spatial practice in this way, because social practices are both what people do every day, but they are also discursively constructed so that specific meanings are attached to specific spaces that shape the way people think about and use those spaces.

Institutions are a key part of the second nature underpinning spatial practice. That is, second nature refers not only to the tangible things produced in space but also to the social relationships which enable that production. An institution is any structure or mechanism of social order and co-operation that transcends individual human lives and intentions.[11]

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[11] http://en.wikipedia.org/wiki/Institution#cite_note-0

Conventions, social norms and roles are constitutive of institutions.[12] Organisations are institutions, but so are systems of organisations like the capitalist system as a whole. Like space, institutions appear to be part of the natural order, although they are produced through everyday activity. Bourdieu's concept of habitus can usefully be deployed here. Habitus, says Bourdieu, "makes it possible to inhabit institutions, to appropriate them practically, and to keep them in activity, continually pulling them from the status of dead letters, reviving the sense deposited in them, but at the same time imposing the revisions and transformations that realisation entails" (Bourdieu, cited in Thrift, 1996:15). Institutions are manifestations of spatial practice, and the 'sense deposited in them' (in Bourdieu's phrasing above) is the meaning attached to them through representations or conceptions of space and the way that inhabitants co-create, manipulate and alter these meanings in their everyday lives. These manifestations can die away if inhabitants stop using them, and Lefebvre refers to the decay of spaces abandoned by those who created them. Human activity and application of meaning are required for the constant activation, the bringing to life, of the artifacts of past human activity.

Lefebvre provides a brief history of the production of space that reveals the inextricable interconnection between the natural base and social activity in the production of space. He refers to 'absolute space' as the social space created by the early interaction between humans and the natural environment. "Absolute space was made up of fragments of nature located at sites which were chosen for their intrinsic qualities (cave, mountaintop, spring, river) but whose very consecration ended up by stripping them of their natural characteristics and uniqueness. Thus natural space was soon populated by political forces" (Lefebvre, 1991:48). Absolute space was thus a symbolic structuring of the natural environment which resulted in the emergence of a social space. Over time it grew into a relativised and historical space, which also marked the emergence of the division between town and countryside, both conceptually and in practice. The key point to note here is that the attachment of meaning to particular sites forms the basis for the production of space. The formulation of these meanings, of these conceptions of space, is the second element of the triad, representations of space or the conceptual.

Following the growth of historical space (at the same time as capitalism was emerging as a global system in the time of Dutch and British imperialism) (Arrighi, 1994), space began to be conceptualised as a commodity, whose use value could only be liberated through the

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[12] Stanford Encyclopaedia of Philosophy 2007 'Social Institutions'
http://plato.stanford.edu/entries/social-institutions/

realisation of its exchange value (i.e. sale on the market). Lefebvre (2009d) identified three driving characteristics in the commodification of space under capitalism: homogeneity, fragmentation and hierarchy. Homogeneity abolishes specificity and converts space into a uniform commodity that can be broken up and sold, where "all the elements are exchangeable and thus interchangeable" (Lefebvre, 2009a:192). The logic is the erasure of distinctions between different spaces and the imposition of uniformity in the service of accumulation. At the same time, the growth of private property as part of the capitalist mode of production "unsettled, atomised and pulverised pre-existing space, tearing it into pieces", reconstituting it in spaces that were "differentiated according to use" (Lefebvre, 2009b:249). Homogeneity is thus an imposed unity over fragmented spaces with separate functions of production and reproduction (e.g. housing, exchange, transportation). Fragmentation simultaneously poses a problem for the coherence and unity of the system and provides the basis for the exchange of discrete parcels of space. It is also an instrument of political power; "it divides and separates in order to rule" (Lefebvre, 2009d:215). Amongst these fragments, some are considered to be more important than others; they are arranged in a spatial hierarchy, broadly with urban centres at the top of the hierarchy, through second and third order towns, productive rural land and finally the rural peripheries that are marginal to circuits of capital accumulation (spaces identified as non-productive in capitalist terms). In South Africa, the latter largely incorporates the former homelands where almost 40% of the national population still lives (Hemson *et al.*, 2004:5).

Lefebvre referred to the commodification of space under capitalism as the growth of 'abstract space'. The abstract character of space under capitalism refers to the generalisation of its commodity form. A false binary is sometimes set up between the terms 'abstract/space/global' on the one hand and 'concrete/place/local' on the other hand and a lot has been written on this (see Gregory, 2000). Lefebvre does not have this in mind when he talks about abstract space. He is not trying to set abstract space against concrete place, but rather to show how new conceptions of space emerged under capitalism that generalised how space should be organised beyond any specific case. But those conceptions still have to be materialised to have any effect and thus abstract space "has real ontological status and gains objective expression in specific buildings, places, activities, and modes of market intercourse" (Merrifield, 2006:111-112). Abstract space is "'real' in the sense in which concrete abstractions such as commodities and money are real" (Lefebvre, 1991:27). The commodification of space is built on the base of what exists materially, the absolute space of the past. Absolute and abstract space are not separate either spatially or temporally, but rather are "two translations of the same sentence"

(Bourdieu, cited in Thrift, 1996:14), two different ways of seeing and structuring the same space.

Lefebvre emphasised dominant representations of space in the second element of the triad. This refers mainly to formalised and codified representations, in the form of official planning and mapping in particular, which accompanied the capitalist mode of production and the associated rise of science as the dominant knowledge structure. Lefebvre described representations of space as a combination of scientific knowledge and ideology used to justify the application of this knowledge. Power relations are central here. Science can claim a certain type of objectivity (for example, it describes laws of physics that are applicable anywhere on earth), and this objectivity supports abstraction since it means generalising from the specific. The application of scientific knowledge to space, therefore, leads to abstraction from the particular, the effacing of local specificity. Yet the kinds of scientific knowledge pursued, and the uses they are put to, are socially structured. Certain types and parts of knowledge – those that best serve the purpose of the practical realisation of capital accumulation and private surplus extraction - are privileged and others are suppressed or ignored. Knowledge is constructed and channelled in favour of sectional interests, regulating the relationship of humans to the environment (Boddington, 1978). Consequently certain spatial forms are conceptualised to facilitate these goals. Homogeneity, fragmentation and hierarchy characterise dominant representations of space under capitalism.

This is not to say there are not other representations of space. But these tend not to conceive of space as a whole but only the part that is captured in immediate experience. Abstract space is precisely the separation of spatial conceptions from immediate experience. It opens the way to a technocratic approach to space that rests on a narrow focus of what physically exists and how to alter it, i.e. it only considers spatial practice and representations of space to the exclusion of lived space (Soja, 1999:267). This is where Lefebvre introduces the third element of the spatial triad, lived space. Subordinated representations of space are incorporated into lived space from a conceptual point of view, since they are not codified or systematised and they are inextricably linked to everyday experiences of space. Official maps codify certain features of the natural and built landscape and provide a scientific representation of them. What official maps entirely ignore, however, are the social activities and relations that exist in those spaces so represented. For example, a map of Vleifontein shows a road going past a small central area that includes a post office, a general dealer and a clinic. But what the map does not show is the buzz of social activity around this central area on pension day, when

inhabitants come from all around to set up stalls to sell and to buy live chickens, vegetables, airtime, clothing, baskets, medicinal herbs and dozens of other goods, many of which are locally produced and others which are traded in from further afield. People walk around engaging in countless individual economic and social interactions. This is a lived space with significance for inhabitants that arose from the on-going interactions between the built environment and inhabitants' daily lived experience and practice. Yet the importance to the inhabitants of that blank space on the map between the dot representing a post office and the dot representing a clinic is completely effaced from the dominant representations of that space.

Both lived space and representations of space are integrated into spatial practice. Dominant representations of space significantly structure the built environment, even though there are limits to how far this can go, a theme which I will turn to shortly. Capital investment is the process of materialising dominant conceptions of space. Lived space, everyday practices and experiences, brings the physical element of space to life, imbuing existing space with meaning, and in so doing both reinforces and transforms those meanings and the space itself. Lefebvre counterposes what he calls 'differential space' to the abstract space of capitalism. According to Lefebvre, this refers to everyday practices that challenge the commodification of space and its homogeneity, fragmentation and hierarchy and shift towards the primacy of use over exchange (Lefebvre, 2009a:192). Differential space is presented as an alternative to capitalist space, and necessarily also requires alternative social relations. The architect Lucien Kroll describes alternative space as favouring and expressing "living relationships and activities that spring from diversity, unexpected initiatives, and above all, that something in social man [*sic*] that leads to the creation of community" (quoted in Milgrom, 2002:87). Dominant representations of space, under capitalism, will tend to reinforce the commodification of space. This means that alternatives must emerge from lived space, from the everyday activities of inhabitants.

One strand of the literature on everyday life tends to emphasise how it is caught up in dominant structures, and will thus reproduce dominant conceptions of space and spatial practices (Marcuse, 1968, Adorno, 1991, Bourdieu, 1994, Debord, 1994). However, not everyone agrees that a conscious awareness of domination and power relations is necessary to alter structure. A number of theorists suggest that practical activity, even in the absence of a total consciousness, is the lifeblood of structure and inhabitants in their everyday life constantly influence the reproduction and alteration of social relations and of space, more as

an on-going negotiation of space and social relations than the seamless dominance of capitalist space and relations. De Certeau (1984) talks about how people do not merely passively absorb dominant cultural products, but reinterpret and adapt them for their own use, thereby changing their meaning and the way they influence social life. Scott (1990) suggests that people express opposition to dominant power in hidden ways that may subvert that power without appearing to do so. Bayat (2010) theorises how large numbers of people, even when fragmented from one another, can have a significant impact on norms and rules in society when they engage in common, yet contentious, practices in everyday life. He calls these "non-movements," which are action-oriented rather than ideologically driven, overwhelmingly quiet rather than audible, based on a politics of practice rather than protest (Bayat, 2010:19-20).

Others suggest this is not enough, and that more conscious efforts are required to bring into being and maintain alternative spaces. Bell hooks (1990) talks about the need to select a site of resistance and to have a community of resistance, both which require the conscious political act of appropriating and using space. Gardiner (2000:6) argues the need for a critical awareness that can lead to questioning routine, everyday life, "expos[ing] its contradictions and teas[ing] out its hidden potentialities, and rais[ing] our understanding of the prosaic to the level of critical knowledge." This is not so much an argument about a 'true' (as opposed to 'false') consciousness as it is about the possibility of shattering the routines that regularly reproduce subordination through their very enactment, opening spaces for alternative ways of doing to emerge. Soja (1999:272) emphasises the radical nature of alternative spaces: they are "radically open and openly radicalised." It is not just a gradual transformation of space that is required, but "an open challenge to capitalist space, a strategic choice that is aimed at constituting a community of resistance" (Soja, 1999:275).

I think it is possible to occupy a position that recognises the ultimate necessity of a rupture, a sharp break between one mode of production and another, while also recognising the dialectical process of small, incremental changes gradually converting into large qualitative shifts even without necessarily consciously trying to orient these small changes in the direction of the 'one goal' of a revolutionary rupture. In physics this is called a phase transition, a sudden global change in behaviour arising from many short-range, local interactions (Ball, 2004:119-120). Ball makes a convincing case that such transitions also occur in society. This conversion of quantity into quality is also one of the 'laws of the dialectic' as formulated by Engels (1940). Zizek (2008:389-90) refers to "hidden evental sites" where apparently minor measures, comfortably located within the prevailing hegemonic framework (like land reform

contained within a framework of the capitalist mode of production), can set in motion processes that can lead to a major transformation in the entire field. Rather than a single event, revolution may better be understood as a "lengthy, complex, contradictory process of systemic transformation" in which each of these individual measures or events "are themselves components of an immense historical dialectic, invisible and absent as an empirical perception at every one of those points, but whose overall movement alone gives them their meaning" (Jameson, 2007:68). A revolution in spatial form may almost be seen to be a consolidation, a tangible manifestation, of changes that have already taken place in the society below the surface.

2.3   Space and power

The above shows that space is the product of relations of power, and certain spatial practices reinforce unequal relations of power. I start from the understanding that power is not a thing that can be possessed, stored and distributed at will, but is rather a potentially unlimited product that is generated through agency; it emerges out of processes of situated social interaction and must be looked at relationally (Long, 1992:27). This implies that every person has some power as long as they are alive. Even if they are not aware of it, every action a person takes ripples beyond them into the world (although to an unequal extent). Power is thus dynamically distributed throughout society to a greater or lesser extent depending on the concentration and fluctuation of social activity. For this reason cities have greater social weight than the countryside, because there is a greater concentration of social activity in cities. Power is not transferable in space. The product of action, power operates in specific, concrete circumstances rather than in general, abstract ones (Wickham, 1983). Power acts where it is produced. Hence I will talk about power emerging from situated social activity.

This should not be taken to mean control over power is in the hands of those who produce it, i.e. those who engage in the situated social activity. Lefebvre (1991:48) talks about how the growth of absolute space (natural space populated by human, political forces) resulted in the separation of those who produced space (peasants or artisans) from those who managed it and those who used it to organise social production and reproduction (warriors, scribes and princes). This is a result of an appropriation, either on the basis of outright violence or on the basis of hegemony (the 'velvet glove' of consent masking the 'iron fist' of coercion) (Gramsci, 1991). Hegemony refers to 'consent to be ruled', but always has the physical force of the state as ultimate arbiter of the terms of consent. Hegemony includes the formation of alliances of

varying durability that may incorporate subordinate interests in order to widen social support. Consent to be ruled either means accepting the legitimacy of the separation of control over power from the producers of power or it means recognising the conjunctural limits to challenging that state of affairs, or a combination of these. Informal and explicit resistance signals a (mostly partial) rejection of consent to be ruled. Spatially speaking, it means a (partial) rejection of the dominant structuring of space and of the dominant meanings attached to space and things and relationships in space. I say partial because there always remains a mix of consent to be ruled and consent to the dominant structuring of space, deriving from the fact that dominant ideas and hence practices necessarily integrate and compromise with at least some of those ideas and practices they have subordinated, and sometimes reflect wider interests too. It is the only way of eliciting consent without resorting to blatant and open violence. The work of ideology is to induce consent to be ruled, and in particular the acceptance of the legitimacy of the state as a mediator of social relations. The emphasis placed on the role of the state in land reform is accepted by most inhabitants in the research site. The research will show how even the most open contestations seek to bring the state in to resolve local differences.

We might go so far as to extend the notion of the production of commodities to the production of power. It is produced under specific social conditions but may be appropriated from its producers for private or sectional use. Thus, for example, the power generated in drawing together the necessary resources to engage in agricultural production was ceded to institutions of land governance which increasingly had come to represent sectional interests in the research site. Latour (1987) points out that the centre is as much situated as the peripheries it dominates. The centre's power to control and channel social activity derives from its accumulation of information from many locations and the compression of this information, which enables state actors at the centre to identify commonalities and differences and to get a representation of the whole at a glance. Inhabitants at locations in what are represented as the peripheries are peripheral precisely because they are not recipients of information from all locations but only generate their own information which is sent to the centre. This underpins the weakness of municipal and even district agricultural officials in relation to strategic planners at provincial and national levels although, as we will see, this is not entirely a one-way process.

Representatives of capital, including state actors, seek to deploy their 'power-over' (Holloway, 2005) to produce spaces conducive to the reproduction of social relations that permit private

accumulation through the production and appropriation of surplus value. The capitalist state and private owners of capital, especially those organised into corporate entities, are dominant both in conceptualising space and of materialising those concepts through the construction of the built environment. This includes the production of ideologies based on power-over that can justify private ownership and private accumulation of socially-produced wealth. The materialisation of these concepts in the landscape alters the context in which on-going social activities are performed, strengthening control over social activities and the power generated from them. For example, state investment in the high-tech Mavungeni poultry house strengthened the hand of corporate agro-processors and channelled the daily activities of members of the poultry co-op in the direction of reinforcing the unequal relations of power that underpinned the contract.

However, there is no direct translation of concept into practice. The production of space in the service of accumulation is mediated on two primary counts. First, there are internal tensions between different units of capital which means there is no single, unified capitalist interest. Although there may be overarching, general, interests in common in the ordering and commodification of space, at any particular time and place, capital at different phases of the accumulation cycle (i.e. in money, labour process or commodity form) may, and almost inevitably does, have different material interests in the organisation of space (Harvey, 1993, 2006). In the concrete context of Limpopo, the diversification of farmers' activities into ecotourism and game farming, or the willingness of the state to allow the rail system to disintegrate, indicate shifting social and economic relations, which benefit some while others lose from these shifts.

Different 'fractions' of capital (Poulantzas, 1978) across and within sectors (e.g. mining, finance, manufacturing) may also have different short-term interests, notwithstanding a high degree of integration at times. For example, the recent debate in South Africa about whether to drop the 'willing buyer, willing seller' land reform policy in favour of a more state-driven model emphasising the possibility of expropriation of private land is illustrative. 'Capital' was not a unified force in this debate. Those with limited access to land were in favour of expropriation below market value, while those who own and control most of the land wanted the retention of the willing buyer, willing seller model of market-based exchanges. In South Africa, fractions of capital are largely split along racial lines.

It is commonplace in Marxist theory that the role of the state under capitalism is understood as being to ensure the general interests of the capitalist class as a whole are secured despite the sibling rivalries between individual capitalists (Marx and Engels, 1965, Lenin, 1976). According to Aglietta (1987:235-236) the state fulfils functions that cannot or will not be performed by any individual capitalist (e.g. maintaining the homogeneity of space), but which are necessary for the overall functioning of the system. Lefebvre concurs, and places a great deal of emphasis on the role of the state in regulating capitalist space, preventing fragmentation from spilling out of control and turning into a 'space of catastrophe', which represents for capitalism "an antagonistic and ruinous tendency" (Lefebvre, 2009b:248). Not only must the capitalist state prevent space from tearing apart under these pressures, but it must also monitor and suppress or abolish the emergence of other spaces (Lefebvre, 2009b).

It is therefore necessary to recognise that the state and its institutional orientation are driven by the needs of the dominant economic class, and that this has spatial consequences. The state regulates space through law, policy and practice, and this regulation is by-and-large shaped in the interests of private accumulation and surplus appropriation. The state secures the private property framework and defends it against attack. The state confers authority and legitimates particular structures and institutions, and establishes the parameters of legitimate contestation. The state provides conceptual and material support for the realisation of profitable land use activities.

Yet the state is not purely an instrument of the capitalist class, a position Lefebvre undoubtedly tends towards (see Brenner and Elden, 2009). First, institutions and processes of the state are part of society and therefore, to some extent, reflect the broader balance of forces in society (Poulantzas, 1978). Although institutionalisation and authority to control power give state structures some stability, different fractions of capital must nonetheless continuously compete with one another for influence over the state without a guarantee of success. Again, this is evident in the prevarication of the South African state with regard to the 'willing buyer, willing seller' model. Different capitalist fractions are engaged in an on-going ideological struggle to bend the state to their interests. In the process, the agendas of other subordinate groups may become more significant as they can sway the state decisively in one direction or another. Civil society organisations, certainly not closely tied to the agenda of any capitalist fraction, first put the issue of scrapping the market-driven land policy on the agenda in the years leading up to the Land Summit in 2005 where it was agreed that the policy should be reviewed. The outcome is not purely based on which fraction of capital best represents the

'national interest' (which is an ideological justification for many state decisions in the South African context), but is also shaped by the (multiple, conflicting) interests of those occupying the state and the (multiple, often competing) interests of other groups in society that are neither part of the state nor capital.

As much as capital is not monolithic, neither is the state, either politically, administratively or structurally. On the contrary, "political institutions…conspicuously fail to display a unity of practice… Manifestly they are divided against one another, volatile and confused. What is constituted out of their collective practice is a series of ephemerally unified postures in relation to transient issues with no sustained consistency of purpose" (Abrams, 1988:79). The state is better considered as a contradictory and disunited ensemble of overlapping relationships of power, an "unstable equilibrium" (Bayart, 1993:196). This is certainly the case in South Africa (Marais, 2011). In such circumstances, the role of the state in regulating capitalist space, containing its disintegration and suppressing alternative spaces from emerging must be downgraded from a *fait accompli* to an on-going effort which is by no means at all times successful. There is neither agreement within the state on how this should be done, nor even whether it should be done in the first place. At the level of representations of space this is evident in conflicting policies and laws, and lacunae and omissions in the legal framework on land reform in South Africa. Examples are the indecision and lack of clarity in defining the role of traditional authorities in land governance, or the uneasy relationship between the retention of private property and an impulse to extend indigenous tenure systems, or the coupling of a large-scale commercial farming mindset with transfer of land to groups.

Even if an agenda is agreed on, the next step is to convert that agenda – those representations of space - into spatial practice, i.e. to embed them materially and shape the accompanying activity of inhabitants to reinforce that agenda. A second mediation comes into play here, because of the difficulty of realising an adequate translation of concept into practice. John Allen critiques approaches to power that see it as something that is possessed, and where the powers of the centre "are transmitted intact through a hierarchy of commands from one official to the next" (1999:197). He proposes, rather, that "power and its commands are translated rather than transmitted across space. In any chain of actors, power is modified and transformed as it passes from hand to hand… It is actively constituted through space" (1999:198). I would want to go beyond Allen here, because his language suggests that power still moves through space, whereas I am proposing that social power can only be used where it

is produced. The question is how social relations are manipulated to meet certain ends that in turn generate situated social power that produce certain tangible outcomes.

The production of power in a locality requires social action. The central state or the head of a land reform agency can issue orders about what social actions must take place in a given locality, but they rely on the people there to make those actions happen. Consent to follow orders is largely secured through remuneration and the possibility of material or status advancement, and their obverse, the threat of material or status loss. For some there may be an intellectual commitment to what they believe the institution of authority is doing. However, even then there are difficulties of translation; there are entrenched existing social relations, 'customs' and ways of doing; there are personal and local group interests. While bureaucrats derive their authority from their position in the institutions of authority, they also bring their own power into the relationship, translating and adapting and manipulating rules and procedures for ends they have identified (Lipsky, 1981, Arce and Long, 1992, Brehm and Gates, 1997, Meyers *et al.*, 1998, Blundo, 2006). The extent to which local level bureaucrats interpret and implement policies make them *de facto* policy makers as well as rule-followers (Keeley and Scoones, 2003, Leach *et al.*, 2007:9-10). Thus in order to understand land reform and its spatial effects, we have also to understand the context-specific relations between the social forces that generate power, and the competing spatial agendas of these social forces.

Not only is the state internally divided, but it always has an incomplete and unstable relationship to the broad flow of social activity. It may constantly try to convert these flows into more stabilised institutional arrangements, but is never entirely successful at this, making the situation unstable and open to mutation (Allen, 1999:204). It is not always – or ever – possible for the state and capital, and their embodied representatives, to impose their conceptions of space completely onto existing lived spaces and other ways of seeing space. It is necessarily a negotiation.

Conversely, inhabitants living a space are not homogenous either. There is not a single 'community' or 'civil society' with the same experiences, power, resources or interests that negotiates (discursively and practically) as a unified bloc with representatives of the state or capital. Lived experiences, practices and rootedness in particular places by their very nature are diverse and manifold. This provides the basis for the emergence of alternative spaces to dominant capitalist spaces, but it also means unequal control over power and a proliferation of agendas within 'society'. Lived space brings structure to life, but in a diversity of ways, some of

which reinforce dominant conceptions of space and social relations and some of which challenge them.

A balance is required here between suggesting that the state is all-powerful, and suggesting that the state is nothing more than a barometer of the social balance of forces in society. Abrams (1988), referring to the legitimacy accorded to the state by inhabitants, argues that we should take the 'idea of the state' extremely seriously. This 'internalisation' of the idea of the state as a legitimate overarching authority (see, amongst others, Foucault, 1980, Bourdieu, 1994) produces the state in everyday life, even where it is materially absent. For example, an act of signing a private contract between two individuals implicitly relies on the authority of the state in the background as the ultimate deterrent to breaking the terms of the contract. It is ultimately the law marshalled by the state that enforces contracts.

Even the daily interactions between people have the shadow of the state looking over them, for if a person transgresses the rules of interaction (for example through assaulting another person) the state will be called upon to restore order. The rules of interaction emerge from customs and norms based in everyday life, but are thoroughly imbued with ideology and are codified in explicit rules with clearly defined consequences for non-adherence, backed by the might of the state. So, for example, not stealing macadamia nuts from an orchard, or not occupying land at will, may emerge from commonly held beliefs of relations between neighbours. But the state absorbs these and converts them into activities punishable by the state as an external agent to the dispute.

Space and power are integrally linked in this way. The production of space is based on spatial practices that separate control of space from those who produce it in situated social activity. This separation is kept intact through the combination of consent and force. As with relations of power, consent to particular spatial arrangements and practices is at least partially based on the integration of representational spaces, of inhabitants' daily lived realities and ways of seeing space. "'Users' passively experience whatever [is] imposed upon them inasmuch as it [is] more or less thoroughly inserted into, or justified by, their representational space" (Lefebvre, 1991:43-44).

Although we can say the state in its tangible form (offices, officials, politicians, concrete plans and the distribution and use of resources that materialise these plans) is fragmented and contradictory, the "idea of the state" (Abrams, 1988) exerts tremendous power. The

consequences for those involved in the immediate production of power through situated social activity in utilising the power so generated occur within the framework of a state. These consequences ripple back to the state over time and are either sanctioned (i.e. codified in rights and duties laid out by the state, or even merely tacitly accepted) or opposed by the state. The state's authority is then determined by its capacity to step in and defend what it sanctions or to assert its authority to suppress unsanctioned uses of power. If the state is unable to co-ordinate its parts to do this, its authority may weaken or dissolve. On the other hand, if it can do this, it will necessarily reinforce particular relations of power based on the sanctioned (and unequally distributed) use of power and hence productions of space. In this sense Lefebvre is right that the capitalist state seeks to protect the homogenous, fragmented space of private property, including in South Africa where private property is a constitutionally-guaranteed 'right'. This means the state has explicitly sanctioned a particular imbalance of power favouring property owners.

To capture such dynamics, my field research had an ethnographic slant and was placed-based, and aimed at understanding the specific lived experiences in each setting. It is not possible, though, to establish a complete identity between lived space and alternative space even while the latter necessarily emerges out of the former. A key issue for the thesis is thus what social forces underpin the production of space following land reform, with the hypothesis that there will be contradictory and contested outcomes from land reform. There are no single winners and losers.

2.4   Conclusion

Neil Smith (1984:91-92) credits Lefebvre for originating the term 'the production of space' as an extremely valuable contribution, but argues that Lefebvre did not carry the concept through systematically or gain the full value of his own insights. He critiques Lefebvre for "conceptual indeterminacy" and ultimately for using the concept of space too loosely. Merrifield, on the other hand, considers this to be useful in that it prevents rigid orthodoxy. Its very indeterminacy allows us "to add our own flesh, our own content, to rewrite it as part of our own chapter or research agenda" (Merrifield, 2006:109). Lefebvre was against systematisation; he exhorted his readers to immerse themselves in reality, engage with it and learn and reflect on it in the process. He simply provided some tools that can help us to think more deeply and clearly about the world.

I have adopted a more open approach to theory than one which aims to develop a watertight theoretical model that will then be tested for how accurately it can explain reality. The thesis is not so much about proving or disproving a theoretical approach as it is about illuminating reality, using theory and concepts as tools that can reveal different angles on familiar questions. Thrift (1996:30-35) refers to this as "modest theory", where we recognise the ontological and epistemological limits to what we can know. Lefebvre's theory of the production of space is open-ended enough to accommodate and incorporate a wide range of different theoretical concerns on the relationship between structure and agency, and the connection between theory and real-world problems. Lefebvre's theory seems to me to encapsulate and respond effectively to these concerns.

First, his analysis is rooted in material reality, but incorporates elements of discourse that shape how we see, and hence act, on that reality. Against the abstraction and relativism of post-structuralist discourse theory, it locks us into the material manifestations of the production of space and its practical, daily use. At the same time, it shows how materiality and practical use are mediated by representations, by contestation at the level of ideas about the normative and actual uses of space. The way space is seen shapes the way it is used.

Second, in the concept of 'lived space', Lefebvre points to the possibilities of people in their daily lives having some consequence in the way space is produced. It is no coincidence that Lefebvre has written extensively on everyday life and the closely related issue of the dialectical connection between structure and agency. Against the determinism of structuralist theory, Lefebvre's triad reveals how everyday life can and does reproduce and alter structure. It concretises change in the everyday. But against a voluntarist theory of agency which says that whatever people do, things will change, it shows how practice itself emerges and is shaped by enduring structural characteristics: people are not just free to act as they wish, but are constrained by the material and ideological conditions in which they live. Finally, Lefebvre's underlying theory of change is political in that he builds the possibility of changing space through conscious collective activity into his conception of the way space is constructed and lived. The theoretical framework touches on questions of structure and agency and incrementalism vs. rupture (reform and revolution) that continue to resonate in contemporary debates about social change in South Africa and beyond.

The conceptual framework developed in this chapter started from the premise that social and spatial relations are mutually constitutive. The following chapters are based on the three

dimensions of land reform indicated in the introduction, viz. authority and governance, property relations and rights and agricultural production and settlement. Each of these dimensions is structured and analysed along the lines proposed by Lefebvre's spatial triad:

i) The material base of the natural environment and the 'second nature' of the built environment and institutions, and the accompanying spatial practices connected to these;

ii) The dominant conceptions of space (filtered through these dimensions) and their underpinning forms of knowledge and ideology;

iii) Subordinated or marginalised conceptions of space and the everyday lived practices of inhabitants that interact with the material and conceptual environment, and that practically produce space on an on-going basis.

An analysis of the social forces and power relations that underpins the production of space cuts across all the dimensions, with the aim of identifying both the social forces at play in the production of rural space, and the array of sometimes contradictory and sometimes complementary outcomes generated by these different forces. In the following chapter, this conceptual framework is applied to the rural South African land reform context.

CHAPTER 3: LAND REFORM AND THE PRODUCTION OF SPACE IN RURAL SOUTH AFRICA

3.1 Introduction

This chapter focuses on the three dimensions of land reform identified in Chapter 1, considering their theoretical role in the production of space and making a general, historically-informed application of these ideas to the production of space in rural South Africa. This sets the basis for the detailed elaboration of these dimensions and their role in the production of space in the research site in the subsequent chapters of the thesis.

3.2 Space, authority and governance

As Chapter 2 showed, relations of power inform the way space is conceptualised and how these conceptions are translated into practice. This section establishes the institutional and governance framework within which space was and is produced in rural South Africa, giving institutional form to the content of property relations and decisions about land use. The apartheid bifurcation of space was replicated in the structures of governance and authority. The state oversaw the maintenance of the fragmented space of apartheid, holding the fragments together in a unity managed through control over the movement of inhabitants between productive and reproductive zones, and through the use of proxies closer to the flow of social activity. The proxies in the peripheries were spatially segregated. In the 'white' areas dominated by private property relations, private owners were given proxy authority over the property they owned and over the inhabitants who continued occupying that property. The voluntary movement of whites off the land in the 1940s and 1950s was of concern to the state in maintaining the spatial divisions underpinning segregationist and apartheid policies. State intervention aimed to retain a white presence on the land, through subsidising this presence and the activities which permitted its continuation (Cobbett, 1987, Bernstein and Amin, 1995). The central state ceded significant authority to white owners at the farm gate.

On the farms, white landowners did not include black inhabitants in decision-making whatsoever. Landowners unilaterally determined how the land would be used, and imposed this in a top-down and sometimes violent way on black inhabitants. Class and race intersected here. Women, whether white or black, had limited authority historically in rural South Africa, although white women were not subject to the racial oppression which was part of the 'triple

burden' of class, race and gender of being a black woman in South Africa (Charman *et al.*, 1991). Black women were not treated as independent beings on the farms and their fortunes were heavily tied to those of their husbands or partners, whether labour tenants or farm workers. If the man was evicted, the women in that household were automatically evicted too (Hall *et al.*, 2001). But there were limits to the unfettered imposition of state-derived authority. Black inhabitants were not merely victims of total domination. Although they were not in control of the labour process on the farms (i.e. their own situated social activity), their daily practices contributed to shaping those processes. A classic example was the resistance first to the imposition of labour tenancy and later to attempts to abolish it, rooted in everyday activities which significantly shaped rural socio-spatial relations (van Onselen, 1996, Williams, 1996).

The authority granted to white property owners by the state was the situated manifestation of broader governance based on racially-exclusive elections (Kaplan, 1980) with white political control of the state. In order to reproduce its authority the state legitimated the generalised authority of white over black in all aspects of social, economic and political life. Local government was structured around the needs of white land owners. Both across the farms and within the boundaries of the farms, space was constructed in the interests of white control and to facilitate accumulation and consumption by whites. The broader apartheid segregation was replicated at farm level, and structures of authority and governance facilitated this.

Zones of reproduction characterised by indigenous property relations were spatially segregated from the zones of production dominated by private property relations. It should be emphasised that these were 'ideal types', representations that did not necessarily reflect a reality that was more mixed and complex in practice. This is dealt with in more detail in the section on property relations. The state's proxies in these spaces were unelected traditional authorities whose initial claim to authority was based on birthright. The central state used this institution, but usurped its power and channelled its activities to support the broader objectives of white domination. The Native Administration Act of 1927 imposed white control over the tribal authority system (Letsoalo, 1987:36-37), gradually transforming "indigenous sovereigns into the lowest civil servants…, its rural tax collectors ands labour recruiters" (Comaroff, 1998:332). The Bantu Authorities Act of 1951 'tribalised' the reserves, fomenting ethnic divisions and establishing Tribal Authorities as institutions for a ruling elite (Ntsebeza, 2005). Aspects of the historical systems of authority were selectively adapted or abandoned depending on the needs of the white state. Again, this was not an uncontested process, and

the outcomes were spatio-temporally contingent (i.e. in different places and times the state was more or less successful at this). There were internal challenges to the rule of traditional authority that forced compromises and changed the social relations (Delius, 1996, Ntsebeza, 2005, Oomen, 2005). Many, but not all, traditional authorities were co-opted by the apartheid state. Many of those that resisted alongside their constituencies were deposed and replaced, providing a further indication of the extent to which traditional systems of governance were distorted to suit the political needs of the white regime (Mbeki, 1984, Delius, 1996, Levin and Mkhabela, 1997, Ntsebeza, 2005).

But at the broadest level, a "bifurcated state" was created, with the white state exerting indirect control over the population of the reserves through the traditional authorities who, notwithstanding, did not have autonomy on any significant matters. For the oppressed population, this bifurcation manifested in a division between urban 'citizen' operating in a framework of rights (albeit highly circumscribed) and rural 'subjects' who did not have rights of citizenship (Mamdani, 1996). The powers given to traditional authorities included authority to allocate and administer land in their areas of jurisdiction. This went beyond their pre-colonial functions with regard to land, but within the context of a greater subjection to the white central state (Sibanda, 2000:47). The Bantu Areas Land Regulations of 1969[13] established the 'permission to occupy' (PTO) system, which allowed the Bantu Affairs Commissioner to delegate authority for land allocation and management to traditional authorities. The white state intervened at regular points, however, including registration of allocations and doing the physical demarcations. Both with regard to broader authority and specifically with regard to land allocations, women were subjected to male authority. While the lived practices still gave women some control over resources and decisions, this was not represented in the formal systems or structures of governance and authority. Women struggled to hold onto the control they did have, which was increasingly eroded as top-down forms of control over land, its allocation, use and management were imposed by the white state.

Two different representations of governance and authority therefore produced two distinct spatial practices with regard to governance and authority. The state maintained these fragmented spaces in an overall unity with private property relations dominating indigenous property relations, racially exclusive democracy dominating traditional authority and productive spaces dominating reproductive spaces.

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[13] Department of Bantu Administration and Development (1969) Bantu Areas Land Regulation, R188/1969

After 1994 governance was a key focus for transformation. 'Wall-to-wall' local government structures were established, with rural hinterlands and towns and urban areas integrated into single political-administrative units. Coupled with new formulae for the distribution of central state resources based on criteria of poverty and need, this opened the possibility for governance arrangements that could channel social activity in ways that benefited those whose interests were subordinated before 1994. However, compromises in the political negotiations limited the prospects of change. A so-called 'sunset clause' entrenched power sharing for five years, including at local government level (Marais, 1998:87, 257). This gave the white power bloc in rural areas an opportunity to regroup and significantly shape the character of future policy and practice. Resource redistribution based on need through the fiscus was limited to a sliver of overall budget allocations. Traditional authorities were granted constitutional recognition, and pressure from the ANC-aligned Congress of Traditional Leaders in South Africa (CONTRALESA) saw their hand increasingly strengthened in policy and law, especially after 2003 with the promulgation of the Traditional Leadership and Governance Framework Act and the Communal Land Rights Act. These laws consolidated the role of traditional authorities both in governance in rural areas as a whole, and in land management and allocation in the areas under their jurisdiction (Ntsebeza, 2005:284-288).

The overall result was a local government that remained dominated by white power in the first few years after 1994, and later subject to tensions between democratically elected local councillors and traditional authorities who had constitutional protection (i.e. whose authority the state legitimated). Traditional authorities are not uniformly strong, and the social dynamics in specific contexts play a big role in determining what part they play in governance in reality. This remains within the context of the overarching political authority of the state, re-centred on racial inclusivity, which uses a combination of incentives (e.g. official recognition and procedures for recognition, inclusion of traditional authorities into a formal pay structure, delegation of some types of authority and support for institutional structuring) and formal and informal penalties (e.g. withholding recognition, tacitly allowing internal challenges to the rule of 'dissident' or 'rogue' authorities, and in some cases outright repression) to maintain the overarching authority of the central state.

The three dominant rural authorities – landowners (mostly white), traditional authorities and elected local government – formed the template for land governance. The protection of private property conferred significant authority on owners even after 1994 (see below).

However the ANC in government had a stated agenda to shift control over rural power, at least as far as race was concerned. If spatial and social relations are mutually constitutive, shifting how power is controlled and channelled requires an alteration of the situated social activities that generate power in the first place, and therefore the production of new spaces. Altering the institutions and mechanisms of governance and authority create the institutional template for this. Property relations and forms of production and settlement are materialised through this framework.

New representations of authority and governance emphasised democracy and 'co-governance' between democratically elected institutions and traditional authorities. This applied both on the land reform farms and across rural spaces. On commercial farms, still privately owned by white farmers, relations of authority remained essentially unaltered, although there was some additional regulation of rights to control inhabitants through the extension of basic labour rights and minimum conditions of employment (including wages) to farm workers and tenure security laws for farm dwellers. Weak farm level and rural organisation and poor monitoring and enforcement by the state meant these rights mostly were not being realised in practice (Nzimande, 2003). On land reform farms, any land transferred through the land reform programme not owned by an individual was to be owned either by a CPA or a Trust set up for the purpose. The CPAs were new democratic institutions established in law[14] that legally owned the land and were given authority, legitimated by the state, for land governance. They had a similar role at farm level to the role of elected local government at a broader level.

The subsequent chapters of the thesis show how governance and authority were conceptually constructed in the specific context of the research site; how land reform influenced and shaped these concepts; how these intersected with representations of space; and how they translated into spatial practice, in particular how new governance structures and forms of authority intersected with pre-existing systems of authority and governance to create a new institutional architecture for the production of space. Lived space is integral to these questions since it brings in the everyday practices that shape spatial practices and the governance institutions that structure this space, as well as interacting with and mediating the translation of representations of space into practice. Refracting the analysis of authority and land governance through Lefebvre's (1991) spatial triad of the material (spatial practice), the

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[14] Communal Property Associations Act 28 of 1996

conceptual (representations of space) and the lived (lived space) thus assists in understanding how land reform altered relations of authority and land governance in the research sites.

3.3 Property relations, land reform and space

In the broadest sense, ownership of private property rights confers a bundle of entitlements on the owner with the assumption that these naturally fit together. These entitlements include the right to exclusive privilege to use the property, the right to exclude non-owners, the right to transfer or alienate property, and immunity from non-consensual harm or loss (Singer, 2000:3). Another entitlement that accrues to property owners is authority over the inhabitants of the asset the rights refer to. In particular, owners can choose who can live on, work on and use the land. The legal system, customs and culture of different places establish the scope of, and limits to, these rights. Private property rights are thus never absolute. They should be understood as contingent and contextual. They are contingent because changing circumstances change the rights that are recognised by the system, and the context in which they are exercised and their effect on others have always been of importance in shaping rights (Singer, 2000:10). Private property rights are distinguished by their abstraction from specific situations and the development of transactions between people who don't know each other (Gordon *et al.*, 2007:30).

Private property rights – and hence property as a commodity - cannot exist without the state, as shown in Chapter 2. Having established the basis of property as a social relation, the state acts as a guarantor of those relations and their codification in rights. The concept of property rests on the legal recognition of the rights attached to it which is ultimately protected by the threat of physical force by the state. These rights are "only as strong as an individual's capacity to call upon the collective to stand behind his or her claim to a benefit stream" (Bromley, cited in Meinzen-Dick *et al.*, 1997:1303). Under capitalism, the state stands in as a proxy for 'the collective'; it represents the whole. If an individual is incapable of calling on the state to protect their property rights, including if the state is unable to respond, property as a concept begins to dissipate.

As Chapter 2 showed, property rights are firmly located in representations of space. The material, conceptual and lived dimensions of space manifest in property relations. At the core of the notion of private property is a particular conception of the ordering of space and - crucially – the meanings attached to that ordering and the spaces so ordered. The technical-

scientific aspect of this is primarily related to the legal management of these relations and, in the case of land, the accurate mapping and recording of the physical dimensions and ownership of commodified parcels of land.

The materialisation of these dominant conceptions of property in spatial practice has two key elements to it: the formation and maintenance of boundaries, and the use of the property. The latter is dealt with in its own section below. Suffice to say that use defines ownership, and lack of use brings ownership into question. This can be seen in the Brazilian Constitutional clause (Art 186) on the social function of agricultural land that establishes the 'use it or lose it' principle. It sets out conditions, including non-use, that justify the expropriation and reallocation of land. A similar principle is in loose operation in South Africa, but currently is only applied to land redistributed through the government programme.

The establishment of boundaries is a material manifestation of private property. Generally these are physical boundaries (fences, walls) that clearly demarcate one parcel of land from another, and which facilitate the effective exchange of land. A representation of these is kept by the state and sometimes the owner as a formal description of the asset which is owned in the form of a title deed, but on an everyday level these boundaries may be contested. Lived space enters into the materialisation of property through spatial practice in the acceptance or contestation of existing demarcations between properties; through contesting or accepting the claims to rights by property owners; through contesting or accepting the authority of owners regarding the movement and activities of inhabitants on and around the property. Acceptance and contestation are not binary opposites but can occur simultaneously, i.e. they are never total. In the acceptance or contestation, inhabitants produce or alter the social relations of private property and the way they shape space.

In South Africa, property rights were historically established in a hierarchy with private property, and ownership, at the apex and other rights in a subordinate position (van der Walt, 1995:299). That is, spaces characterised by the private property regime were given more weight than spaces characterised by indigenous property regimes.[15] This is the broadest level of hierarchy and fragmentation of space in the South African context, essentially splitting space into productive and reproductive zones, at least in dominant conceptions (Wolpe, 1972,

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[15] The indigenous property regime is widely referred to as 'communal tenure' and the areas in which it is found (the former homelands) as 'communal areas'. I will favour the use of the term 'indigenous property regime', since 'communal tenure' assumes certain collective relationships and the absence of individual rights which are not accurate.

Letsoalo, 1987). This did translate into spatial practices that concentrated productive investment and activity in spaces of private property and neglected indigenous property, although this was not watertight. The density of the built environment added to the economic value and hence dominant position of private property over time.

After 1994 private property rights were constitutionally protected. This was a major victory for property owners (overwhelmingly whites). It can partly be understood as a compromise based on the balance of forces and the disarray of the left as there was also a strong liberal democratic element within the leadership of the ANC during the negotiations towards formal democracy that had always favoured the protection of private property (Habib *et al.*, 1998). With reference to productive land, the right to private property was previously a racially exclusive right, with blacks living on land belonging to someone else (whites, or the state controlled by whites), with regulations relating to their tenure but few formal rights. Even in the former homelands the land was legally owned by the state, with traditional authorities merely administering on behalf of the state. The extension of private property rights (or, more accurately, the 'right to property rights' (van der Walt, 1995)) to blacks after 1994 did not alter existing ownership and only provided the formal right to ownership. In reality, whites or white-controlled institutions and the state continued to own almost all the land.

Other property rights previously subordinated to private property and ownership were given greater legal standing after 1994. These included tenure rights on private property and a variety of rights on the 13% of South African territory under indigenous property regimes. These regimes were characterised by mixed tenure, "comprising variable bundles of individual, family, sub-group and larger group rights and duties in relation to a variety of natural resources" (Cousins, 2008b:6). Indigenous regimes "relativised" rights to a greater extent than Western systems of private property, mediated as they were by group membership and control (Cousins, 2008b:5). Under apartheid these rights were codified to some extent in the state, but were only applicable to the restricted areas of the homelands and were hierarchically subordinate.

There is potential flexibility in indigenous systems which allows for constant change and adaptability. However, indigenous regimes were shaped by over a century of intervention by colonial and apartheid forces, where social relations were restructured to serve the interests of white minority rule and privilege. In the transition to formal democracy, traditional authorities emerged as the representatives for the retention and even expansion of indigenous

property regimes, and provided representations of those regimes in their own interests. These representations included the centrality of the traditional authority in administering and managing land on behalf of inhabitants, cast as subjects (Claassens, 2008a). Traditional authorities succeeded in winning the state to their representations, both through threats of violence and destabilisation, especially around elections, and through presenting their representations as the authentic voice of African custom (Ntsebeza, 2005). Control over land was central to their quest. In 2004 the Communal Land Rights Act was passed which sought to extend private ownership into the former homeland areas, but under the control of traditional authorities (Claassens and Cousins, 2008, Cousins, 2008a). However, these dominant representations of the social organisation of space were challenged and the Act was overturned in the Constitutional Court in 2009. Part of the challenge emerged from the voicing of alternative, subordinated representations of how relations were historically structured in far more complex ways that the implementation of the Act would destroy and replace with the cruder dominant representations (Cousins, 2008a). The dominant representations subordinated the more complex lived experiences of inhabitants, interacting with these property regimes, to the interests of entrenched elites.

After 1994 the profile of previously subordinated spaces was raised. This did not undermine the dominance of private property, but sought to find some accommodation between different property regimes that recognised their validity. It was an attempt to balance the interests of a modernising thrust with an appreciation of the continuing value of indigenous tenure systems, reflecting the dominant interests in the liberation movement and in the society more broadly. This attempt to balance these different regimes opened up the possibility for some innovative thinking about forms of ownership and tenure, but also produced contradictions in the context of overarching accumulation pressures. The land reform programme emerged in this milieu.

Using Lefebvre's spatial triad of material, conceptual and lived, and the underlying idea of the mutually constitutive character of social and spatial relations, the subsequent chapters of the thesis considers these dynamics in the particular space of the research sites. What were the dominant and subordinate conceptions of property that shaped space in this site in the past, and what conceptions of property underpinned the introduction of land reform? Where did these conceptions emerge from and how did they articulate with one another and with existing spatial practices, both in terms of the material and institutional base and the everyday

practices that accompanied these? How did the unfolding of land reform in practice alter property relations and hence spatial and power relations?

3.4   Agricultural production, settlement and the production of space

As indicated above, land use – with the focus here on agricultural production and settlement - confirms ownership. The right to decide how land is used is structured into conceptions of property. The extent to which they are accepted or contested is shaped by the relations of power and the institutions through which these are channelled. Land use connects representations of space to spatial practice, including the way land is used in the material manifestation of conceptions of space. Representations of land use have their own dynamic, but are interconnected with representations of property and authority. Lived space – the daily experiences and activities of inhabitants - inserts meaning into the physical and institutional environment constituting the basis of spatial practice.

Whether land is used for residence or production, and how these different types of space are integrated or segregated constitute spatial practice. There is a very direct relationship between the material base and land use. Ecological conditions delimit the possibilities for agricultural production, and basic issues such as soil fertility, rainfall and temperature play a significant role in shaping the allocation of space for agricultural production or for non-agricultural uses. The 'second nature' of the built environment also structures future possibilities for land use. Roads, railway lines and sidings, silos and orchards can be removed or abandoned, but only at a cost (Harvey, 2006). More often they shape future investments in the land, channelling resources onto pathways that are already embedded in the land. This is the weight of 'structure' that any future ways of using the land must contend with.

There is a strong spatial relationship between land use and both property regimes and structures of authority and governance discussed in the other two dimensions above. Under apartheid the bifurcation between white-owned private property under the authority of private land owners and black, indigenous property regimes under traditional authority, both overseen by the state, was simultaneously represented as a division between productive and reproductive spaces. This was constructed and materially manifested on the basis of systematic dispossession and differential support for specific production systems in these different spaces. As a result of systematic state support to whites, especially after Union in 1910, commercial agricultural commodity production emerged in the spaces of private

property with a significant physical and institutional infrastructure (Bayley, 2000, Webb, 2000). This produced a large-scale, capital-intensive agricultural sector (World Bank, 1994, Lipton, 1996) with a high degree of unevenness amongst commercial producers. A small core of 6% of farm units produced 40% of total income in the mid-1980s (Cooper, 1988:53). It laid a strong material base for further expansion of commercial production, but also structured possible future pathways of development on the basis of a production system that historically relied on ultra-cheap labour, ecological degradation and state subsidies for its profitability and survival (Marcus, 1989, Goldblatt, 2010).

Subsequent restructuring, deregulation and liberalisation in the agricultural sector increased capital-intensity (and concurrent job shedding) and asset concentration not only in the primary sector but all along the value chain (Food Pricing Monitoring Committee, 2004). While the amount of land under agricultural production remained relatively constant during this period, the number of farm units has dropped from 60,000 in the early 1990s to 40,000 in the mid-2000s (Department of Agriculture, 2009:6, Statistics South Africa, 2009:10), clearly indicating a concentration of land ownership. Restructuring led to devaluation of some forms of 'sunk capital' as crop mixes altered and marginal lands were taken out of production. The rationalisation of silo capacity and the abandonment and even physical removal of railway lines that formed the backbone of the apartheid agricultural economy indicate the ever-present "tension between the instability generated by newly forming capital and the stagnation associated with past investments" (Harvey, 2006:394). Investment in rural areas (i.e. the materialisation of specific conceptions of the use of space through plans) diversified out of agriculture with a growing emphasis on game farming and tourism (Visser and Rogerson, 2004, Viljoen and Tlabela, 2006). There was also a growing trend for farmers to diversify into non-agricultural activities, including construction and transport, with a growing tendency towards part-time farming.

In contrast, historically the spaces of indigenous property, represented as they were as arenas of reproduction, were systematically starved of agricultural support. This resulted in the decline of independent black producers and their subordination as wage workers in the emerging capitalist regime (Bundy, 1988). Land use was reorganised away from dispersed settlements, where productive fields surrounded individual homesteads with grazing further out, to a situation where homesteads were concentrated into dense settlements with small yards, and separate land was set aside for cropping and grazing. These 'betterment' settlements, as they were known in South Africa, were similar to the 'lines' in Zimbabwe

(Yawitch, 1982, Moore, 2005). Although this was openly contested in many places, the force of its imposition was enough to alter the character of settlement and land use in large parts of the area under indigenous tenure regimes. The result was a system where virtually no-one could make a living from agriculture because the amount of land each person got was too small even to produce enough for their household use (Cooper, 1991:243). While more than 1.3 million households in the homelands were engaged in some sort of agricultural production, this was a thin disguise for 'displaced proletarianisation', with the vast majority of African rural households directly reliant on wage remittances or state grants for survival (Hendricks, 1993:71).

Despite sharp differences in the character of the two spaces of apartheid, they functioned as an integrated whole (but not without internal contradictions) for the purposes of capital accumulation. Space is fragmented by land use but held together in a homogenous unity by the state. The homelands were first treated as enclaves where blacks were supposedly able to reproduce themselves without any intervention from the state. The homeland populations were treated as a "reserve army of labour" (Marx, 1976:782) that could be called on as and when needed. The dominant discourse had it that low wages could be paid to migrant workers in the 'white' areas because their family expenses were being offset by subsistence activities in the homelands which meant they did not have to pay all the costs of maintaining their families. The 1955 Tomlinson Commission (Union of South Africa, 1955) indicated that this theory did not translate into practice and that there was a crisis of reproduction in the homelands. Migrant workers were forced to subsidise those living in the homelands, even though the official line refused to acknowledge these findings. Over time, as capital intensity in the economy grew, the homelands became dumping grounds for blacks who were structurally and permanently surplus to the needs of the white-owned economy (Yawitch, 1982, Letsoalo, 1987). It was only in the 1980s that political imperatives drove the government to attempt a decompression of class relations in the areas under traditional authority in an effort to create a buffer that could absorb popular protest (Morris, 1991). The creation of a 'master class' of black farmers and various centralised contract schemes were part of this process (Southall, 1983, Bernstein, 1996, Van Averbeke *et al.*, 1998). But despite these interventions, the division between productive spaces and unproductive dumping grounds remained largely intact.

Most parts of South Africa have relatively poor ecological conditions for agricultural production. There is sufficient rainfall for agricultural production over about one third of the country, but only one third of this area has arable land (Goldblatt, 2010:6). Only about 15% of

South Africa's total agricultural land is potentially arable and of this, 78% is of medium to low potential. High potential land is geographically concentrated, with 90% lying in Mpumalanga and KwaZulu-Natal (Vink and Kirsten, 2000:s4.1). The dominant discourse on agricultural production interacts with this scarcity both to organise rural space and to justify the division of space. On the one side is capital-intensive commercial production on large units of land, and on the other side is labour-intensive sub-subsistence production on small units. Most of the best land was kept for whites, and where blacks did have access to land with good agricultural potential, they did not receive support to farm for their own account. This produced a racist ideology that said that whites can farm and blacks cannot, and a series of associations were made on the basis of this: white = privately-owned = productive = large-scale = commercial; and black = communally-owned = unproductive = small-scale = subsistence/welfare.

The notion of commercial viability sat at the core of dominant conceptions of agricultural production, with a tendency to focus narrowly on farm productivity and economic returns (Cousins and Scoones, 2010), taking the division of space for granted. There was nothing inherent about the economies of scale that viability was based on: the idea was rooted in "subjective and ideologically informed calculations regarding acceptable levels of income for commercial farmers" (Hall, 2009b:38). The dominant discourse on agricultural development, promoted by the organised commercial farming lobby, included the following key arguments: i) commercial agriculture is the only real agriculture, and for small-scale agriculture to be effective, it must be understood as just a smaller version of large-scale commercial agriculture; ii) subsistence farmers are inefficient and unproductive; iii) urbanisation is the wave of the future and must be supported, leaving rural areas to commercial farming; and iv) the key task of land reform is gradually to deracialise commercial agriculture, but leaving the structure intact (Cousins, 2007:228).

The restitution programme in particular presented a challenge to these ideas, especially where large group claims were made on high-value commercial farms. Where restitution posed a potential threat to the interests of large commercial undertakings, such as the orchards in Levubu near the research site, the state intervened to ensure that production continued at the cost of meaningful restitution. On these farms, 'strategic partners' were brought in to provide management support and some equity, with the theory being that they would transfer skills to the beneficiaries over time so that eventually the latter could continue with commercial production on their own. In practice this seldom happened. Equity partners made profits for themselves but transferred limited skills to beneficiaries. In some cases, 'beneficiaries' were

not even allowed to settle on the land, or they continued as farm workers under the same conditions as previously, in the vain hope that one day they might receive dividends from the business on the land they 'owned.' (see Derman *et al.*, 2006, Fraser, 2006, Hellum and Derman, 2006, Colquhoun, 2010) This is ownership stripped of the right to determine use.

The second key area of land use considered in the thesis is settlement. Apartheid prevented the free movement of blacks to settle where they wanted, and sought to control the flow of people according to the needs of white-owned industry, including agriculture. Spatially, the goal of apartheid was to separate black residence from production. Although this was never realised as an ultimate goal, extensive attempts were made that resulted in the forced removal of millions of blacks, seriously weakening the social fabric (Platzky and Walker, 1985, Unterhalter, 1987) and producing 'displaced urbanisation' with dense settlements far from economic activities (Murray, 1987). Outside of the urban centres, blacks either lived on white-owned commercial farms or in homelands in dense settlements or in dispersed settlements. In 2003 Bekker (2003:1-2) estimated that 25% of the black rural population (defined as those living on commercial farms or in the homelands) lived on white-owned commercial farms, 35% lived outside dense settlements, and 40% lived in dense settlements, which he labelled as 'informal.' As the process of agricultural restructuring intensified from the 1980s and as state influx control measures collapsed, informal settlements arose around the small rural towns, and the sharp boundaries between town and countryside blurred. This occurred both in the formerly 'whites-only' areas as well as in the former homelands (Cross, 2000). Based on 1996 Census data, Cross *et al.* (2000:12) estimated that 53% of the peri-urban or rural population lived in dense settlements, with 1.21m living in dense settlements around small rural towns and secondary cities.

The driving force of urban migration is seen to be the search for income and employment, but in conditions of high rural and urban unemployment an increasingly important reason for migration is improved infrastructure and public goods delivery. Bekker (2003:3-4) considers this to be "a move away from a collapsing land economy towards the nearest location of the developed cash economy." Cross (2000:12) suggests that massive densification of settlement around rural towns and secondary cities may signal "the endgame for the rural poverty crisis, with a permanent change in the character of the South African rural economy." However, it is possible to ask the counter question, that if rural conditions are so bad, why haven't *more* people migrated to the cities since the ending of state controls over movement? Part of the issue is that unemployment is also high in urban areas, and urban labour markets have

become more closed to new work seekers from rural areas (Cross, 2000:14). What the state tried to do by force under apartheid, creating 'insiders' with urban employment and relative stability, and 'outsiders' marginalised in rural areas, the market is achieving through economic processes in conditions of theoretical freedom of movement. Most migration is rural to rural, often from isolated rural villages to the edges of small towns. Not everyone can then move from the often tenure insecure informal settlements around small towns into metro areas. According to Cross (2009), the people here are trapped, lacking sufficient resources to move to the cities, with a high percentage of women household heads and damaged households.

Although Cross argues that circulatory migration (going to the urban areas for work and returning to the rural homestead periodically) is no longer relevant in the South African context, if it ever was, Posel (2003) differs, suggesting that migration is seldom a one-way stream ending in permanent settlement, but is more often a continuous movement from one place to the next. This leads some to argue for the need to "culturally privilege nomads in relation to the sedentary,… tolerance in relation to identity,… multi-affiliation in relation to exclusion" (Jacques Attali, quoted in Escobar, 2006:242). Achille Mbembe exhorts us to "attend to flows rather than places or structures"[16]. While there is a need to recognise the importance of flows, we also need to keep in mind the enduring importance of place. Cross *et al.* (1998) argue that it is neither permanent settlement nor permanent movement: mobile populations prioritise infrastructure, with an emphasis both on secure places and on freedom to move. Remaining in rural settlements is not purely about not being able to move, however. Inhabitants have built up resources over time, they have formal and informal tenure and property rights and social networks in these areas, even though these may be under pressure from the breakdown of public institutions to manage these rights and from growing populations. Although the rural population is dwindling as a proportion of the total population, in real terms it is still growing (Centre for Development and Enterprise, 1995:10). Despite processes of urbanisation and deagrarianisation, the rural will remain important and dynamic for decades to come.

Lefebvre (2009a) makes the broad point that production in space has increasingly tended towards an economy of flows - of energy, raw materials, labour and information – which necessitates the spatial planning of the modern economy. This is structured around the needs of the capitalist economy. In South Africa the NSDP emphasised commercial agriculture as the

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[16] Comments at South African Cities Conference, Wits University, 24-25 June 2009, hosted by Centre for Urbanism and Built Environment Studies and African Centre for Cities

only really viable economic activity in the rural areas. The plan proposed that rural inhabitants not involved directly in commercial agriculture should be provided with skills to enable them to migrate into urban areas to find employment (The Presidency, 2006). The basic approach was to concentrate economic resources where there was high potential, and support people living in areas falling outside these priority areas with education and welfare to enable them to move to those nodes. Twenty-six nodes of high potential were identified nationally, all of which were urban nodes, partly because the methodology privileged existing industrial and value-added activity. The NSDP was to cascade down, from province to district to local municipalities, with each level of government having its own spatial plan following the same logic. This was the image of the NSDP: a few intensive economic and social hubs connected to each other by corridors in a vast sea of emptiness. The rural expanse would be occupied by a very small minority of large-scale industrial farmers who themselves were linked into national and global commodity chains via transport corridors. It is a bleak picture, ripping the humanity out of the landscape, imposing abstract economic space where today there exists (at least partially, in fragmented form) social space. This accords with Soja's (1999) general comment on spatial planning as tending to consider human geographies primarily as outcomes, focusing on the material or physical aspects of spatial construction (what already exists) to the detriment of representations and lived spaces.

The land reform programme was also not well geared towards taking into account the lived spaces people were producing. Since its inception, land reform has not considered the dynamic movement of people, and the living connections between rural and urban areas. The first period of land redistribution until 1999 did emphasise settlement of groups of people on the land, with productive activity more or less being left up to them. The restitution model was also based on this approach. This, as we saw in Chapter 1, led to stagnation of production on these farms. In some cases, people did not want to farm. In other cases they did not have enough resources or support to farm. In others, the institutional framework was just inadequate to enable people to engage in agriculture. The second period of land redistribution after 2000 switched in completely the opposite direction and focused exclusively on individual production. The need for rural land for settlement was eliminated as a consideration despite its evident importance. Settlement on agricultural land in the context of limited arable land can threaten the ability to produce enough food for the country as a whole. However, there is a big demand for land for settlement, especially in the former homelands where households are compressed and land in areas proclaimed for settlement has run out (Centre for Development and Enterprise, 2005, Aliber *et al.*, 2006). The Centre for Development and

Enterprise (2005) concludes from this that the focus of land reform should be on urban land for housing, and not rural land for production. The thesis will aim to get a better understanding of the continuing importance of land and its redistribution in rural areas both for production and for settlement.

This opens the way to consider how land reform has influenced the way land is being used. What were the dominant conceptions of land use on land reform farms and how did these relate to the ecological base, the built environment and the practical mechanisms through which they interacted with one another? What other kinds of land uses emerged as a result of land reform, and how did spatial practices change as a result? What social forces were behind these different activities and what power did they wield in shaping land use and hence rural space in the research site?

3.5   Conclusion

The three inter-related dimensions of authority, property and land use historically produced rural spaces resting on a racially-bifurcated space that was nonetheless unified under the auspices of the state. The space was placed in a hierarchy, with white, private, commercial farming land dominating black, indigenous tenure land. As Lefebvre helps us to understand, these categories were discursive constructions, representations, but they were also materially manifested through deliberate interventions and investments, both by the state and capital. Nevertheless, these 'pure' representations encountered pre-existing spatial practices that had to be accommodated, adjusted or absorbed in this translation into materiality.

The remainder of the thesis shows how land reform intersected with these processes, in part altering their dynamics and in part being absorbed by these dynamics in the on-going production of rural space. Chapter 4 introduces the specific historical processes in the production of space in the Vleifontein area, the site of the research. It considers how systems authority and property emerged and developed and what spatial implications this had, and looks at how land use on the specific farms changed over time.

CHAPTER 4: THE HISTORICAL PRODUCTION OF SPACE AROUND VLEIFONTEIN

4.1 Introduction

The previous chapter spelled out some of the historical dynamics that shaped rural space in South Africa as a whole. This chapter looks at how some of these dynamics played themselves out in the specific research site. It starts with a brief overview of the history of the area, from initial settlement to white conquest, and then considers the way space was constituted prior to the arrival of the whites. It then provides an overview of the way white encroachment led to a fundamental shift in the production of space, with the introduction of a private property regime, the bifurcation of space and authority between private property and indigenous tenure, the subordination of chiefly authority and the bifurcation of spaces of production and labour reproduction. Although the story is broadly similar to the generic story presented in Chapter 3, contingencies such as the historical settlement patterns and structures of authority, the history of white occupation and the specific location of the farms in the research site shaped the character and dynamics of land reform in the post-1994 era. It is not intended as an exhaustive history of the way space was produced in the area, but rather as a sketch to highlight some of the key dynamics that shaped the possibilities and limits of land restitution and reform in the future.

4.2 Brief historical background to the area

By most accounts, the Soutpansberg area was first inhabited by the forerunners of the Vhavenda, who came from north of the Limpopo River as far back as 1200. It appears that Thoho-ya-Ndou (translated as the 'Head of the Elephant', with the elephant being the totem of the Vhavenda), who ruled from 1761 to 1790, was the first to unite disparate clans and groupings under a single chief (Nemudzivhadi, 1985:19). When Thohoyandou died, this unity fragmented and his three sons ruled in separate fiefdoms. The Batlokwa, later to be absorbed into the Vhavenda, arrived in the area at this time. It was also during the rule of the three sons – in 1820 - that the first whites, led by Coenraad Buys, arrived in the area. Buys founded a settlement at Mara (Government of Venda and Development Bank of Southern Africa, 1986:1-2). In 1836 Louis Trichardt and his party arrived, and shortly thereafter intervened in a succession dispute amongst the Vhavenda, assisting Ramabulana (also known as Ravele) to defeat Ramavhoya for the chieftaincy (von Warmelo, 1932:6, Nemudzivhadi, 1985:20). Trichardt left in 1837 in the direction of Mozambique. Hendrik Potgieter and his party arrived in 1849 and established the settlement of Zoutpansbergdorp, which in 1855 was renamed

Schoemansdal under the leadership of Schoeman. Initially relations between the Voortrekkers and the Vhavenda were good, but soured when the latter realised the Voortrekkers had come for good (Nemudzivhadi, 1985:20).

Meanwhile in 1820 Soshangana, a Zulu captain, fled from Shaka to Mozambique and over time subjugated the local population to form the Gaza empire. As with the Vhavenda, the group that came to be known as the Shangaans emerged over time from a diversity of different clans and groupings. Following the decline of Zulu power after the battle of Blood River in 1838[17], Soshangane reoccupied the lower Limpopo, forcing the movement of other inhabitants along the Olifants and Limpopo-Levubu Rivers (Harries, 1989). Patriarch Nkukwana, Chief Shimange's father, arrived in the area that came to be known as Syferfontein (now Shimange) in the mid-1840s, and Shimange was born in 1850 (Northplan, 2004:3). Another wave of immigrants from Mozambique entered present-day Limpopo following the Gaza civil war in 1858-62 (Harries, 1989:83). These were the forerunners of what came to be known as the Tsonga-Shangaan. Their main area of settlement was the south-east edge of Limpopo, spilling into the neighbouring Mpumalanga to the east, but they also spread into the Spelonken to the south of the Soutpansberg, the research site for this thesis. Joao Albasini, a Portuguese national who moved from Mozambique and settled in the southern foothills of the Soutpansberg in 1859, was recognised by both the nascent white state and black inhabitants as a chief. He gave asylum to large numbers of Venda refugees from north of the Levubu River as well as Tsonga-speakers both from the coast and from other local chiefdoms. By the 1860s four semi-independent clusters of East Coast refugees existed in the Transvaal area (Harries, 1989:84). Albasini's leadership was eventually challenged and the Tsonga chief Njhakanjhaka was able to reclaim the chieftaincy a few years after Albasini's death.[18] Njhakanjhaka's descendants are the present-day tribal authorities ruling over Elim.

At this time the Vhavenda polity was loose, and the precursors to the Tsonga-Shangaan polity were still semi-independent groupings. The different groups mixed freely. Chiefs did not rule by exclusion but by inclusion. Accordingly, lived space was characterised by a relative freedom of movement: inhabitants were not tied to a particular ruler, but were free to move if they were dissatisfied with the leaders. This produced at least some degree of accountability in everyday practice. Thus, even if a group arrived from somewhere else completely, the chief

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[17] Where the Voortrekkers under the leadership of Andries Pretorius defeated the Zulus, leading to the Zulu King Dingane's final defeat in 1840

[18] Hosi Tsakani Njhakanjhaka Mukhari 'Claim for the Restoration of the Kingdom and the Kingship of the Magwamba', unpublished and undated document, p.12-13

would incorporate them into his chiefdom as long as they were prepared to pay tribute in labour and goods (Harries, 1989:83).

> "If the chief gave you a portion of land, during the rainy season or the summer season, during the time of planting, all the people gathered and went to plough the land of the chief so that the chief could have mielies. That was the way of paying the chief, so there would be enough food in the chief's house."[19]

According to Vhavenda oral history, the Tsonga-Shangaans and other clans and groups paid tribute to the Venda King and were allowed to stay in Venda, though "they did not have the right to the soil."[20]

So in the second half of the 19th century the area was settled in a patchwork of different groups, with most households and clans pledging allegiance to one or other regional chief. Whites had a small presence in the area. Nonetheless, some tensions did emerge at times, both within the larger groupings and between them. Around 1865 the Venda paramount Ramabulana sent his brothers out from his Soutpansberg stronghold into the surrounding land to prevent the expansion of white occupation. This included Nthabalala, who was a brother of the paramount, and whose *kraal* was situated at a place they named Vari, on present-day Ballymore farm just north-east of present-day Vleifontein township. The Nthabalala royal family claimed they occupied an area that incorporated some of the farms in the research site (Figure 6) between 1865 and 1935, when they were forcibly removed to present-day Nthabalala.[21] Munzhedzi (whose real name is Rambau) was a commander under Nthabalala whose *kraal* was located at present-day Munzhedzi.[22] According to David Baloyi, a Shangaan whose ancestors settled at present-day Mavungeni, "[*My family*] came with Joao Albasini. So they came here looking for grazing and water, and they occupied this land here. It was no-man's land by then."[23] Although the Vhavenda chiefs may have claimed authority over the area, they did not necessarily have an immediate presence in all parts of the land they claimed.

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[19] Interview, David Naiedzani Nthabalala, 9 November 2009. Theoretically, the motivation was that the chief should always have enough food at their house so that if visitors arrived there would be something for them to eat. "The chief's house was known as the home for all people" (Informal discussion, Thomas Mokgalapa and Simon Rambau, 13 November 2009).
[20] 'Who are the Vendas/Vhavenda/Bavenda', document annexed to Nthabalala community land claim, 7 February 1995, author unknown
[21] Nthabalala Local Council, 'Claiming 24 farms in Northern Transvaal on Region G settlement situated at Soutpansberg District by Nthabalala royal family', letter sent to District Director, Tshitale District, Department of Land Tenure and Local Government, 7 February 1995
[22] Interview, Peter Makhubela, Solomon Thovha and Chief Nthabalala, 11 June 2009
[23] Interview, David Baloyi, 2 June 2009
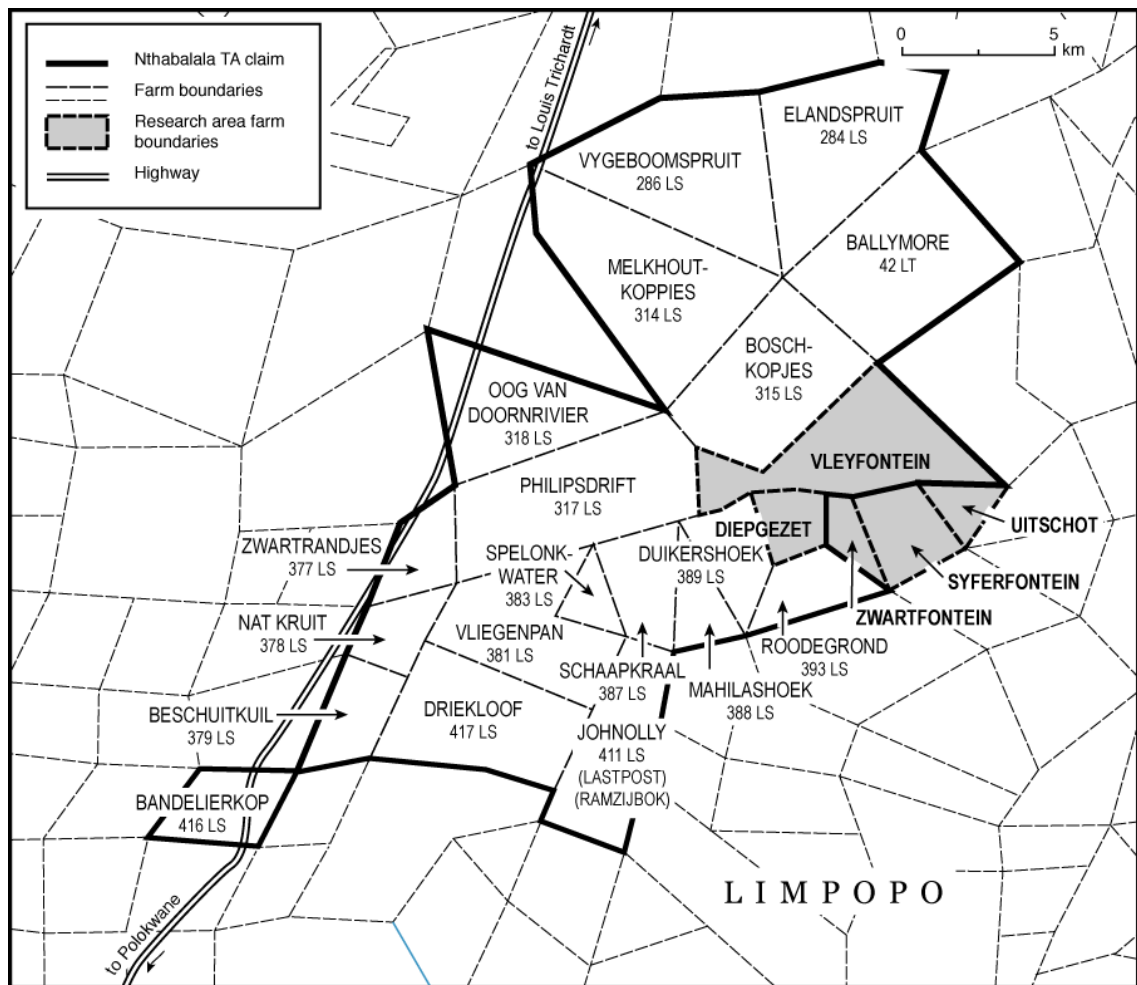
Figure 6: Extent of Nthabalala restitution claim

In 1867 growing tensions with the Boers led the Vhavenda under the leadership of Makhado to attack and defeat the Boers at Schoemansdal, which they burnt to the ground. The Boers retreated to Pietersburg (Nemudzivhadi, 1985:21) and the Afrikaner Transvaal state had no real presence in the area for the next three decades, although it still considered the area to be within its territorial jurisdiction. There were also episodic clashes between the Vhavenda and the groupings that came to be the Tsonga-Shangaan. According to Stayt (1968:19), the Tsonga continually harried the Vhavenda, and under Albasini were "a continual source of trouble and acted as a convenient buffer between the BaVenda and the Transvaal Republic." The Magwamba (as the Tsonga-Shangaan groupings in the area were known for a time) fought the Venda for land, most notably in a battle that lasted from 1864 to 1888.[24] On a more local scale, a group led by the Shangaan Chief Ribungwani displaced Nthabalala from a portion of the land

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[24] Hosi Tsakani Njhakanjhaka Mukhari, 'Claim for the restoration of the kingdom and kingship of the Magwamba', (incomplete draft), p.6

and settled in an area they named *Vudyodyodyo*[25], incorporating present-day Shimange and Uitschot and areas east of Shimange.[26]

From 1872 the Berlin Mission (for the Vhavenda) and the Swiss Mission (for the Shangaan groupings) entered into the area. The Swiss missionaries arrived in 1873 and located themselves south of the Levubu so as not to compete with the German missionaries to the north and far south. In 1879 the Swiss Mission started the Elim Mission Station in the area that became Elim, 7km or so north-east of the research site. In Chief Njhakanjhaka's assessment, the missionaries played an important role in disintegrating the chieftaincies: "Since their arrival there has never been peace and stability in the Njhakanjhaka's Kingdom as they influenced Chiefs to have their Chiefdom… Large number of land (*sic*) belonging to Njhakanjhaka was declared farms and divided amongst Whites."[27] Although the missionaries sought to protect the interests of the indigenous population, this was in the context of private property, the rule of colonial law and wage labour. They played a key role both in introducing these concepts and in their practical application in the area, including securing large amounts of land that became private property. In 1898 the government of the *Zuid Afrikaanse Republiek* (ZAR) returned to the area and defeated Mphephu Ramabulana, the Vhavenda paramount at the time, drove him across the Limpopo River, and subjugated the Vhavenda. They were subsequently brought under the administrative control of the Union of South Africa in 1910.

4.3 Space and authority, property and land use before the whites

The conception of the relationship between people and the land, and the spatial practices that flowed from this, were significantly different prior to the arrival of whites into the area. Land restoration became a highly emotive issue precisely because the historical connection between inhabitants and the land was so tight. It was conceived as an organic connection that bound people to particular territories. Lived space integrated inhabitants with the land, and meaning was attached to place in ways that influenced life on a day to day level. The ancestors were represented as being present in the land, a benign force protecting and nurturing the land's rightful inhabitants:

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[25] The name is literally translated into "the hen killed by fat", which is a way of saying the land was very fertile: "If you killed a chicken [*that was raised there*] and started frying, you don't have to add oil. You will find it is full of fat and instead you will just remove" (interview, Rosemary Tiba Baloyi, 27 August 2009; Eric Tshabalala, 29 August 2009)
[26] Interview, Mackson Musisinyani Mavunda, 23 August 2009
[27] Hosi Tsakani Njhakanjhaka Mukhari 'Claim for the Restoration of the Kingdom and the Kingship of the Magwamba', unpublished and undated document, p.16

"There is a certain poem which each person is reciting. Mostly when you are a Baloyi you recite it like this, when you are a Maluleke you say it like this, when you are a Chauke you say it like this. So when we are reciting that poem, to mention everything which happened to our people, my own people…They say the Baloyis are like the ape, the monkey. So whenever we see an ape, it's our grandfather. We Baloyis, only. Some, when they see a wolf, it's their granny. And then some, when they see an elephant, it is their grandfather. All these animals, but for us, the ape. That's why here when we try to plough something or plant anything, we never saw an ape coming to destroy. I don't know if it can start, but I have ploughed more than four years here, it will never step in my field, because it's my grandmother."[28]

Most people interviewed during the research were not yet born in the first decades of the twentieth century. Although historical knowledge was passed down orally, this tended to be held by individuals rather than widespread. Therefore memories of the way land was used and occupied before the arrival of whites was very thin. Two of the oldest people I spoke to were Mr Elias Zifa Khosa and Ms Mhlaba Khosa, born respectively in 1909 and 1919 and who grew up on a farm on the eastern border of Syferfontein. According to them there was no land-allocating authority at the time. Plots were not allocated and each household farmed as much as they wanted or were able to farm. They rotated their production in cycles of 2-3 years to allow the land to regenerate.[29] Lived space was characterised by a relative freedom of movement, and ability to make decisions about what, where and when to plant – within the constraints of a harsh environment and the need for survival.

Whether or not a land-allocating authority existed was probably locally-specific. According to the South African Native Affairs Commission of 1903-1905 (SANAC) (1905:22), "garden lots are apportioned by the Native Chiefs and the people enjoy common rights in regard to water, wood and grazing." However, this referred specifically to areas the white state had identified as native locations at that time. The Khosas were born onto land that was already held under title by whites. Land access was not an issue in the pre-colonial era: "[*Before the whites, the land was*] very big, very big! You can move from here [*Nthabalala*] until Vleifontein and Elim. If you release the cattle today to graze that side, they will come tomorrow. The cattle would

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[28] Interview, Rosemary Baloyi Tiba, 27 August 2009
[29] Interview, Elias Zifa Khosa and Mhlaba Khosa, 9 June 2009

graze until they know they are returning back here."[30] Homesteads were scattered around the farms, with some distance between them.[31]

> "During that time the place was not congested like now, where the yards are so small. You would find people were living in large numbers in the very same house, where there is a large portion of land where they are able to feed their animals, livestock. Then they will also be able to cultivate on that land... That changed during the settlement of the whites, and we were forcibly removed to the reserves and we did not have enough space to do those things."[32]

Solomon Thovha at the Nthabalala tribal authority, who was aghast at the density of settlement found at Munzhedzi and on other farms, offered a sense of the extent of pre-colonial land:

> "Stands destroy the land. If I can cut stands for 40 in an area of 1,700 ha, it's too small! Because they must still do the boreholes, whatever... You will destroy it completely. Even if I can cut stands for only 10 people..."[33]

Figure 7 shows the spread out character of historical settlement patterns at Mavungeni and Shimange. "One family was staying down there, one up there, one up there, you see. They were doing some agriculture, having some farming, some cattle, which were growing up here, grazing on all this land."[34] The culture was of mutual help:

> "When this ploughing time has come, you did not only plough your field. The other families have to bring their cattle to come and plough on one day. Today we plough your fields, tomorrow we plough his fields, that other day we plough his family's fields."[35]

The chieftaincy occupied a central role in unifying the cultural and social life of those under their control. For example, inhabitants of neighbouring areas all converged on Munzhedzi's *kraal* for circumcisions or to do the *dhomba* dance, a traditional Venda dance that could only be performed at the chief's *kraal.*[36] Exclusive control over these activities functioned both to

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[30] Interview, Solomon Thovha, 1 October 2009

[31] Interviews, Zille Leshabane, 10 November 2009; Samuel Rambau, Violet Rambau, Elisah Madima, 9 November 2009

[32] Interview, David Naiedzani Nthabalala, 9 November 2009

[33] Interview, Solomon Thovha, 1 October 2009

[34] Interview, David Baloyi, 2 June 2009

[35] Interview, Sam Shirinda, 16 November 2008

[36] Munzhedzi tribal gathering, 28 October 2008; interview Simon Rambau and John Paswane, 24 October 2008

unify the cultural life of those under the chief's control and simultaneously entrenched the authority of the chief over such activities.

The chief's *kraal* became the centre of 'the community' not only from the point of view of social space, but also geographically. The location of the chief's *kraal* moved when a chief died and a new chief was inaugurated, which meant the geographical space shifted over time in relation to the chief's *kraal* at its centre:

> "During the reign of chief Ntwalima, they [*Nthabalala*] were settling near Bandelierkop, that side… When the chief passed away they changed the place and moved to another place. In the Venda tradition, when a chief has passed away, they changed the place where they were settling. When they moved from Dzanani side, they resettled around here at this mountain called Muvari, during the time of Nthabalala himself, who was the second chief."[37]

The chiefs also marshalled the physical space. Boundaries between homesteads and territories were not precisely defined and the chiefs resolved disputes as and when they arose:

> "During that time there was no exact boundary. The boundary started to be there during the allocation of stands, when people started to settle in and say this is mine. Because during that time there were only few houses, you find there is a house here, there is another house that side. Then we say, ok, we'll rule until that place. There were no exact boundaries… There were no conflicts because the chief would be the one to come and resolve those issues, if there were problems with the boundaries. The chief will come and say ok, you as the headman of Maila, you rule up to this place, you as a headman of Munzhedzi, you will rule up until this place. So it was simply resolved by the chief, that issue of boundaries."[38]

> "There were no boundaries at all. Boundaries came into place when the whites settled here, because they started to form their own boundaries and say this will be my farm. Then we started to use the land up to the area where there's a fence of a white farmer."[39]

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[37] Interview, David Naiedzani Nthabalala, 9 November 2009
[38] Interview, David Naiedzani Nthabalala, 9 November 2009
[39] Interview, Samuel Rambau, Violet Rambau, Elisah Madima, 9 November 2009
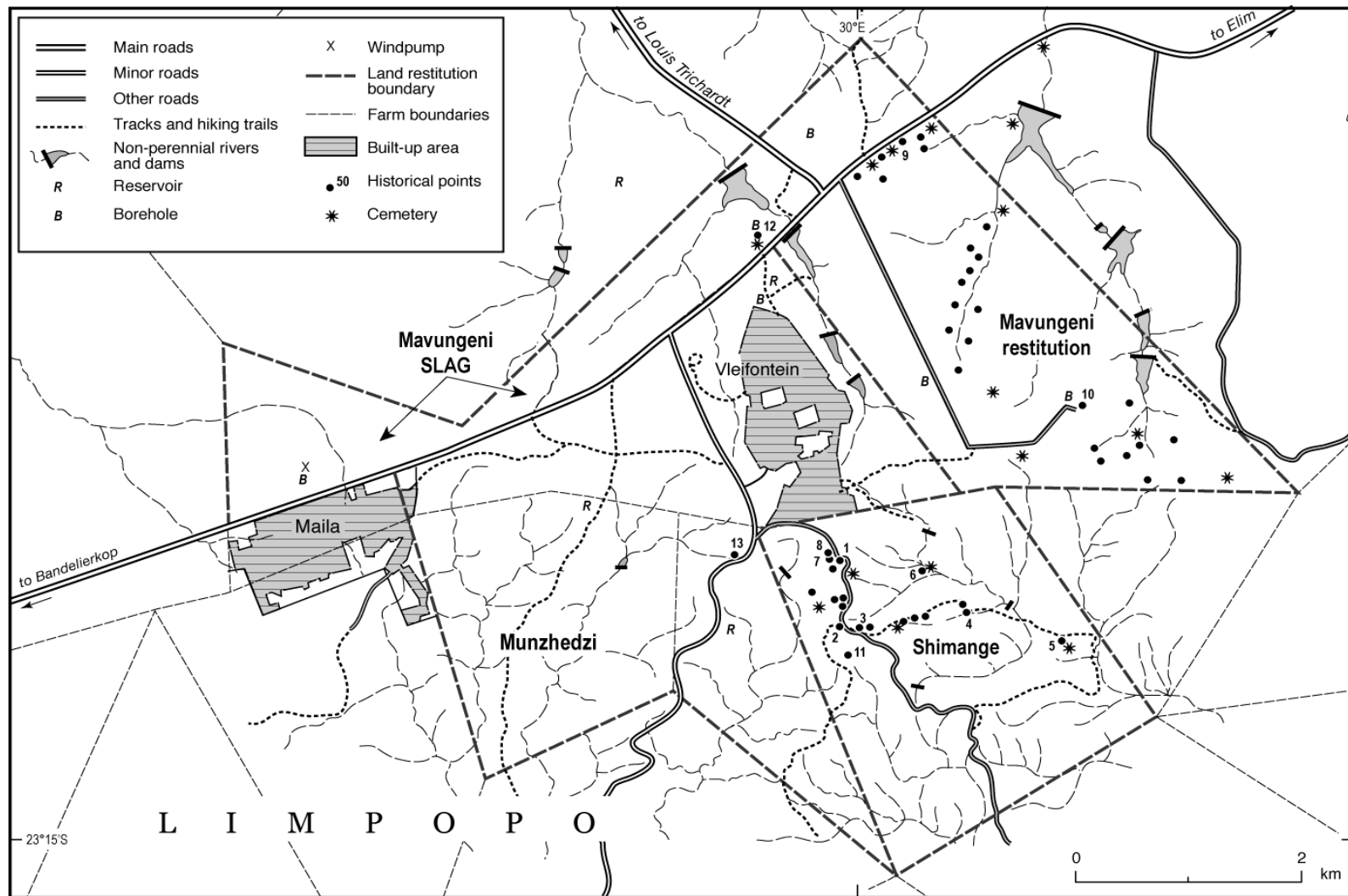
Figure 7: Historical points of interest
(*Key on following page*)

Key to Figure 7: Historical points of interest

(Dots represent known homesteads)
1   Old farm houses, Shimange
2   Efrata former location
3   Efrata location after 1930
4   Cattle dip ruins
5   Shimange grave site
6   Efrata school garden
7   Dairy ruins
8   Silage storage ruins
9   Anglo-Boer graves
10   Old farm houses, Mavungeni restitution
12   Old farm houses, Mavungeni redistribution/Lovedale Park
13   Chief's *kraal*, Munzhedzi

4.4   White encroachment and the restructuring of space and power

4.4.1   The construction of commercial farms

The process of land alienation in the Soutpansberg district, and the construction of private property rights, was gradual, and not without resistance from the African inhabitants of the land. This resistance contributed to shaping the outcomes of the struggle to create private property under white ownership, although the violence and damage wreaked by colonisation cannot be underestimated. In 1886[40] the white state established 'occupation farms' to create a security buffer between the areas already settled by whites and the still relatively independent African chieftaincies (Mulaudzi, 2000:53). The area once known as the Klein Spelonken, including the farms in the research site, was part of this.[41] Vleyfontein, Diepgezet and Zwartfontein (i.e. Mavungeni and Munzhedzi) were surveyed and registered in 1894, and Syferfontein and Uitschot (i.e. Shimange) in 1899[42]. The occupation farms were given to white men on condition that they occupied the farms and sought to use them beneficially. Africans disagreed with this and "generally speaking, [they] continued to live on private property without recognising the authority of their new landlords or the property relations that private property implied" (Mulaudzi, 2000:65). In 1907 an Act was passed allowing for the conversion of occupation into freehold title (Crown Land (Zoutpansberg) Commission, 1908:10). On paper legal ownership of land had changed, but it took longer for social relationships to follow suit. This was true for Limpopo as a whole (Levin, 1996).

According to Frederick Newnham (1908:16), who worked in the Native Affairs Department in the early 1900s, "the great Bavenda and Tshangaan chiefs had partitioned the country between themselves and, until the less generous areas to which the number of their people entitled them were specifically defined [*by the white state*], they spread themselves at will and the whole extent was barred to the white colonist." In short, he was calling for land enclosure and the containment of Africans on smaller pieces of land to make room for white colonists. This path was pursued, first through legal dispossession. Initially, this was only at the level of representation, and had little impact on lived space, but was backed up by force where this was deemed necessary and where it was possible. Once the land was enclosed, even if only in law to start with, the inhabitants were increasingly brought under the control of the legal

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[40] Occupation Law No. 8 of 1886
[41] Interview, Charles Leach, 2 October 2009
[42] Undated and untitled map of original farm boundaries, provided by Charles Leach

owners, whether private individuals or the state. This imposed structure of authority and control began to have a direct effect on lived space, constraining inhabitants from using the land and moving around as they historically had. The white state faced chronic resistance to the beaconing off of land: "It was no easy task, for the evidence was often conflicting and the Natives were not always amenable to reason; sometimes they refused to allow a census of their families to be taken, sometimes they objected to the presence of unpopular officials…the delay interfered with the [*white*] settlement of the country" (Newnham, 1908:15).

Following the military defeat of the Venda in 1898, clans and chieftaincies were required to pay tribute to the British crown and later to the ZAR. There was some acceptance of this since the payment of tribute was also a tradition amongst Africans. However some clans and chieftaincies resisted the payment of taxes to the ZAR, seeing this as an acknowledgement of the ZAR as opposed to the British crown (Mulaudzi, 2000:46). Laws were passed requiring all Africans living on state or private land (i.e. all land that was not part of a proclaimed reserve ruled by the chiefs) to pay some kind of rent to the landowner. In 1904 the state claimed ownership over all unsurveyed land with the purpose of replicating tenant-landlord relationships found on privately-owned land. Hut tax, poll tax and straight rentals gradually became the norm. Africans outside the locations found themselves converted into tenants – and later 'squatters' - on land controlled by a white landlord. For a time Africans still lived on the land largely as they previously had, and retained their own conceptions of their relationship to the land. It took time for lived space to be affected by these representations of space. Whites may have thought they had secured the space as 'private property', but that's not the way the black inhabitants of the land saw it. They saw the white 'owners' as just other people who had found a way to settle on the land, but who at some stage began aggressively asserting themselves and their exclusive claim to the land. Unfortunately for the indigenous inhabitants, this aggression was backed up by the state with its monopoly on legitimate violence, and its agenda of expanding abstract space both through consolidating and extending private ownership and the commodification of space, and extending its own political domination.

SANAC (1905:23) found that "as with those on private farms, Natives on Crown lands have free water and grazing rights, and have not in the past been restricted as to the extent of garden lands they cultivate." Identifying rights as "free" and referring to lack of restrictions "in the past" indicated plans to commodify access to water and grazing, and to begin to limit access to land. However, the state's decision to impose rentals could also be read as an inability to

impose territorial segregation and wholesale removal of Africans into designated locations or their conversion into labourers (Mulaudzi, 2000:208). Some Africans responded to the enclosure of the land by opting to buy back the land: "Many Natives had formerly dwelt there, and in obedience to that instinct which urges them to cling to their ancestral homes they adopted the only method open to them and proceeded to buy back, when possible, the land of which they had been deprived" (Newnham, 1908:3).

This response indicates the extent to which the commodification of land was becoming a reality. However, African land purchase did not confer rights equivalent to those of whites. They were restricted in the areas they could buy land; individual tenure was limited to 5-10 acres, compared with the 'burgher right' that entitled each white man to two farms of 6,000 acres each; registration of the land was in the name of the state (Newnham, 1908:6); and alienation or transfer of land was not allowed without the sanction of the government (South African Native Affairs Commission, 1905:29). So even in the days before the Land Act, private property had a fundamental racial bias in its very conception. Those who were unable or unwilling to buy the land back were converted into squatters targeted for removal or tighter regulation. According to SANAC (1905:32&35) "the unrestrained squatting of Natives on private farms, whether as tenants or otherwise, is an evil" and "it will be far more difficult to preserve the absolutely necessary political and social distinctions if the growth of a mixed rural population of land-owners is not discouraged." Various squatter laws sought to reduce the number of Africans permitted on white land, although the state was not always able to enforce these laws because for many white farmers rents were their largest source of income (Mulaudzi, 2000:231).

The 1913 Land Act sought to eliminate rental tenancy and to replace it with labour tenancy as the only way that Africans could remain on what was defined as white-owned land (Mulaudzi, 2000:217). Later the 1936 Natives Land and Trust Act proposed changes to labour tenancy to strengthen the power of white landowners and extended the service period for tenants (Mulaudzi, 2000:219). As white settlement expanded and commercial agriculture gradually took hold, land owners became more interested in transforming rent farms into labour farms (Mulaudzi, 2000:243). The only way farmers could get labour for their farms was to constrict access to land, and labour tenancy served both to force African inhabitants to work for white landowners for nothing, and to restrict the numbers of livestock tenants could have, and to restrict their access to land for cultivation to ever-smaller portions. Determining the specifics of these restrictions was part of the power conferred on owners through private property.

Labour tenancy was not a completely new concept, and a form of it preceded white encroachment on the land, as indicated above where commoners provided labour to the chief. By the 1930s labour tenancy had emerged as the dominant labour form on white farms in the Zoutpansberg (Mulaudzi, 2000:249). It was with the materialisation of labour tenancy in spatial practice that lived space for black inhabitants really was altered. They were forced to react to dominant representations of space in ways that changed how they lived on the land on a daily basis.

> "We were having some, not ground, because it was called state land, this one. One family was staying down there, one up there, one up there, you see. They were doing some agriculture, having some farming, some cattle, which were growing up here, grazing on all this land. The only thing is some people were coming to hire this farm, staying up there in that house, you see that old house there. They used people, our mothers and fathers, to go and work in the farm, without anything. So they worked in the farm, when they see they have enough, they go back."[43]

Labour tenancy had the contradictory effect of both alienating Africans from the land and of tethering them to the land in a subordinate position.

> "Some *boers* came to buy that farm [*Syferfontein*]… They were not handling our people properly. They said children must not go to school, they must come and work at this farm. There was poultry and pigs here. So they wanted people just to come and work for nothing. So our people refused and said no, we cannot go! After all, that farm is ours, it is our grandmother's farm… [*The white farmer*] said, if you don't want to come and work, you all go. So they were chased."[44]

> "[*My father*] was a teacher. He used to hire somebody to work for him because every year he had to work, I don't know what it was, for 3 months a year. So he hired somebody to work for him. But thereafter I am sure I don't know when it was they refused, they said he must leave teaching and come and work, physical, on the farm… So he said he can't leave teaching and come and work. So they gave him *trek pas*. He went as far as Pretoria, because when he arrived there…they refused to give him a stand. They said, if you are from the farm, you must go to the farm."[45]

Labour tenancy cemented the subordinate relationship of African women to the land. African women were treated as minors under the authority of their father or husband (South African Native Affairs Commission, 1905:9). Women and children were not individually contracted, but were subsumed in the labour tenancy agreement (Mulaudzi, 2000:252). When men were given

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[43] Interview, David Baloyi, 2 June 2009
[44] Interview, Rosemary Tiba Baloyi, 27 August 2009
[45] Interview, Ms Mdluli, 27 April 2009

a *trek pas*, the women who were part of his household also had to move with him. They had no independent access to land that was becoming private property. The lived space experienced by black women was subordinated to the movement of their male relations.

A key aspect of labour tenancy was that, apart from imposing the requirement that tenants worked for the land owner for a period, it also limited the amount of land tenants could access for cropping and grazing. The amount varied according to the amount of land the owner had and the owners' own land and labour needs (Mulaudzi, 2000:252). In some cases, land was not unduly limited and tenants indicated that their access was limited only by their ability to utilise land. According to Elias and Mhlaba Khosa, they had livestock (cattle, goats and pigs) and everyone had enough land to use until 1968 when they were forcibly removed. In all the time they lived there, they never moved off the farm.[46] Access to labour became an important variable in determining the extent of available land. Household labour, especially of women, became critical to maintaining access to land (Mulaudzi, 2000:255). However, over time access to land became more limited, and was constrained to a hectare or so immediately around the homestead and some grazing land but with strict limits on the number of livestock that could be kept on the farms.[47] These, combined with labour requirements, led many inhabitants to leave the farms. White owners also used the labour tenancy laws to forcibly move inhabitants from the farms. By the 1970s, there were very few African inhabitants on the farms apart from a few farm workers and their families.

The state's desire to assert a representation of space that consisted of white settlement and production with subordinated black inhabitants (invisible to the greatest extent possible), was materialised in spatial practice through the provision of extensive support over a long period of time to assist whites to use the land productively. The early settlers farmed on a small scale, mainly for household consumption. The state sought to provide support to settlers who could do commercial farming, and bailed them out on many occasions over decades to ensure first that they stayed on the land and second that they were able to start producing surpluses. Ultimately, however, the occupation farms were not primarily intended for agricultural development but for military purposes, in particular as a buffer between the white settlers and the relatively independent chieftaincies (Mulaudzi, 2000). However, in some places, commercial agriculture did take root as a result of state investment. That is, resources were

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[46] Interview, Elias and Mhlaba Khosa, 9 June 2009
[47] Interview, Martha Malatjie, 11 November 2009; specific examples can be found in Regional Land Claims Commissioner: Limpopo Ref KRP 5559, Nthabalala Royal Council Land Claim Compliance Report, pp.4-5

directed towards the materialisation of the dominant representations of space, with the Levubu irrigation scheme being a key example in the region (Fraser, 2006, Hellum and Derman, 2006). Even though the primary purpose of Vleyfontein and the neighbouring farms was as a buffer zone, pockets of commercial agriculture took root as a result of broader state investment in the agricultural economy. At Vleyfontein:

> "The so called *ko-operasie*, the co-operatives, were here all the time. If these whites came here, they went to the co-op at Louis Trichardt, they got some fences to fence the area, they got some pipes free. I don't know how they paid it back, they got some manure, they got everything to come and farm here."[48]

To reiterate, then, the construction of private property was a slow process and highly contested. Even though whites occupied the land, began farming and gradually subordinated the African inhabitants to the system of private property and capitalist production, Africans retained a different conception of the land, different representations of the space. But their resistance was gradually whittled away through the combined pressure of laws, physical force and economic compulsion, forcing changes in the lived space. A cadastral grid was placed on top of indigenous systems of tenure and land use that were based on an abundance of land. This grid became the framework for controlling the African population and developing capitalist relations of production on the land. Unsurveyed land was brought under the control of the state, then surveyed and parcelled out to white men on condition that they occupied the land. Occupation eventually turned into ownership. Ownership gave rights to collect rents from African inhabitants on the farms, converting Africans into tenants. Early attempts to restrict the number of Africans on white private property failed. This was an outcome of the inability of the state to enforce laws, benefits white occupiers got from rents, and African resistance to removal and changing conceptions of the land.

White occupiers were then given extensive state support to stay on the land and gradually to be able to start producing agricultural goods for sale on the market. As the capitalist economy grew, access to wage labour became more important both on the farms and off. To regulate the flow of labour, white owners of private property were granted powers to demand free labour from African tenants and to issue passes for Africans to work off the farm for a time. Amongst those who chose to use this tool were those who met resistance with physical violence, including the burning of houses.[49] Many African inhabitants chose to leave rather

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[48] Interview, David Baloyi, 2 June 2009
[49] Interview, Chris Baloyi, 26 August 2009

than submit to labour tenant requirements. However, links to the land as home, as a place where ancestors remained spiritually present, as a material resource unjustly and violently taken, and as a connection to systems of social organisation, stayed with African inhabitants. Past lived spaces lingered on in memory if not in practice. The explicit reduction of rights and forced imposition of labour tenant arrangements signified a defining point in memories of dispossession, which in turn shaped future restitution claims. This illustrates how representations of space and their materialisation in spatial practice converged with lived spaces.

The establishment of firm boundaries was not necessarily totally ignorant of the social context, but over time these boundaries became fixed and unable to adapt readily to changing social dynamics. Through restitution after 1994, farms were transferred with boundaries that were created in the 1890s, with various subdivisions along the way. These boundaries were produced in the particular social context of white occupation and generated large farms that could ensure all land was covered by a white landlord (whether productively used or not, whether the owned by state or private individual or company). A key purpose of this was to create and maintain buffer zones between white and black. The original boundaries, transferred more or less intact through restitution, were not constructed in the interests of black inhabitants.

Ownership of land conferred the right to produce what the owner wanted, the right to control inhabitants on farms, and ultimately the right to secure the labour of those the owner found on the land. In the heyday of apartheid, in the 1960s and 1970s, the proxy authority of white land owners was almost absolute on the parcels of land under their control. They could decide the fate of those living on their land on a whim. When coupled with an ideology of white supremacy, lived space could be almost intolerable for Africans who remained on the farms:

> "In 1967 there was a certain white person here called Schoeman. This guy was very ruthless towards blacks. My own mother, my own uncles, they were working here, and with very little money, sometimes they worked without not even getting a cent from the master. Because you're working five days, two days they say you are paying because you are residing here in the farm. So in 1967 my uncle refused to come and work here and went to Pretoria without notifying the master. And Mr Schoeman became very angry, extremely angry. He was having a motorbike, riding around here. So he came to our home, and he wanted to see the uncle. And my grandfather said, no, the uncle's not here. He's gone to Johannesburg, to Pretoria. He became very angry. And we were given *trekpas*. *Trekpas*, we were given 72 hours to pack and go from this farm. And we spent the first day, our parents did

not have money, because we should go and hire a truck to come and collect our goods. And we have to go and look for a place. So first two days, they were still looking for a place. They went to Riverplaats, they never got a place. They went to the next village called Mbokota, we got a place there. So during the third day, the truck came to carry our goods. And then during the fourth day the truck came again to carry part of the goods. On the fifth day we were still there. This man came, and he burnt the houses, those huts. They were burned down. He fired a gun that he does not want to see us there. That night we never slept because everything was burnt down. We slept with our brother, to one of our uncles. And then we were forcefully removed. Some of our animals, like cattle, we came there after, just to come and collect it, during the night. And he had instructed one of his supervisors that he did not want to see any member of that family here. That was 1967. It was terrible. It was extremely terrible and miserable to see my own grandmother, who was sick that time, trying to stand, staggering, trying to move, help wherever possible. But the guy, the white man said 'no, no, no, you have to move, we don't care.' We tried to explain the condition of our grandmother: 'that is none of my business. I am giving you 72 hours. You have to *fokof* here. You are no longer needed.'"[50]

But even these rights to dictate terms of tenancy – which secured white domination down to the lowest level - were not absolute. They were regulated by the state, which was able to use its overarching authority to restructure spaces as it saw fit. For example, it could expropriate land in the 'public interest,' and on occasion there was contestation between white landowners and the apartheid state over expropriation. White landowners were not against homeland formation as such, but did not always agree with the state on which farms should be expropriated and where people should be removed to – especially when they had a direct material interest in it. This indicated differences within the dominant representations of space, reinforcing the idea that the hegemonic bloc was by no means unified in all respects. The forced removal of the Vhavenda from Tshikota to Vleifontein is a case in point. According to Arthur Henning, who owned Vleyfontein farm which was targeted for state expropriation to expand the Venda homeland:

> "We flew down, my brothers and myself, to see [*Ferdie*] Hartzenburg [*a Minister in the National Party at the time*]. We had a lawyer, a bloke called Jackie Kruger, he was in the Broederbond [*the Afrikaner 'cultural' organisation that had control over the National Party*]. So we had to take him along to open some doors for us, and we went to see Hartzenburg… We said look here, this is silly having a township here. Why don't you make it halfway to town, if you want to get them out of town? And he said, no, no, it was far too close to town. I said there's a tarred road, you could ride it with a bicycle if you wanted to. We were suggesting Ballymore. There's that big river running through Ballymore and there's any amount of space."[51]

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[50] Interview, Chris Baloyi, 26 August 2009
[51] Interview, Arthur Henning, 17 November 2008

But his pleas were unsuccessful because the big picture for the state was homeland consolidation, not spatial efficiency. The state materialised its representations by expropriating all the farms in the research site for the purposes of connecting two fragments of the Venda homeland into a contiguous unit, with Vleifontein established as a new settlement. In doing so, the state altered the conceptions of the space from private property to state owned property with the objective of reintroducing indigenous tenure on the farms under traditional authority. The forced removals and relocation of blacks and expropriations of land from whites indicate the extent to which the state played an active and leading role in structuring the production of space. Although the outcomes were not always as planned, the state's plans and translation of these plans into reality – the materialisation of these representations in spatial practice - had a material impact on the production of space. The settlement of the Vhavenda from Tshikota to Vleyfontein farm fundamentally altered the space of the area, over time resulting in the partial urbanisation of the space which was to have major implications for land reform efforts in the post-1994 era.

4.4.2   Constructing African 'locations' and the subordination of traditional authority

Alongside the construction of spaces of private property under the authority of whites was the creation of native 'locations' where indigenous inhabitants who were not needed on the farms could be relocated, under the authority of the chiefs. Both the space of the locations and the authority of the chiefs were to be subordinated to the overarching control of the nascent capitalist state. As early as 1858 the *Volksraad* (the *Boer* ruling council) passed a resolution laying down that "all land assigned to Chiefs is granted them for perpetual use, but not as their property", which was vested in the state (Newnham, 1908:10). Gradually, and not without the use of force, private land was closed off to Africans and locations were set aside for their settlement and use. According to Newnham (1908:6):

> "While the land was being quickly beaconed off into farms it became evident that trouble would eventually arise unless provision was made for the Native tribes found in occupation… The Natives were first on the ground and what would in these days be called their 'vested rights' were entitled to some measure of consideration."

Despite the state's attempts to structure the space, by the end of the century, "out of the 320,000 Natives residing in the northern district a large number were living in haphazard fashion, some on Crown [*state*] land, some on private, some paying rent and some not…"

(Newnham, 1908:16) The space was fragmented, and the apartheid system had as one of its key objectives the rationalisation of these fragmented spaces into two entirely separate spaces, with white private property on the one side and a contained form of black indigenous tenure on the other. This was the rationale of the policies of forced removals and black spot removals, the latter which were attempts to eliminate patches of black privately-owned land from the zones of white private property. Lived spaces were entirely destabilised through forced removals and the social fabric was ripped apart. New spaces of everyday life necessarily re-emerged over time wherever people found themselves, but these lacked the social coherence and freedom of movement of historical lived spaces.

Early on, the locations were represented as spaces for the reproduction of labour, rather than productive zones in their own right:

> "The reasonable idea of the object and extent of a location is that a Native should possess a place where he can build his hut and raise enough produce to support his family so that he can leave his people in safety while he goes out to earn money – on the farms, in the towns or on the mines and other works – to supply his other wants and luxuries and to meet the taxes due from him to the Government for protection" (Newnham, 1908:20).

The general processes of settlement and production across the country, described in Chapter 3, were applicable to the locations surrounding the research site too. The 'betterment' programme was applied in the area, i.e. dispersed settlement was eradicated and inhabitants were brought together into dense rural settlements with a spatial separation of land for settlement and for production. Restitution reintroduced these spatial arrangements into the mix on the transferred farms, which is part of the story told in the following chapters.

The chiefs were granted authority over the locations, and were more or less permitted to continue practising land governance in the same way they had in the past, on condition that the "existing Native laws and customs [were] not repugnant to the general principles of civilisation." However, in 1885 they were stripped of some of their authority, which was placed in the hands of state-appointed officers, and the "President of the ZAR was made Paramount Chief of all Natives in the Republic" (South African Native Affairs Commission, 1905:7). Chiefly authority was ossified and subordinated to the overarching authority of the white state. It was possible to make such interventions only because of the physical subjugation of Africans through force. This was the first direct regulation of structures of indigenous authority by the white state.

The systems of governance and authority that had emerged historically, however, were based on abundance of land. They could not work in the same way in the context of land scarcity, which the creation of the locations imposed on these systems. The extent of the locations was based on 5-10 English acres per family (Newnham, 1908:5), far less than African inhabitants historically had access to. So on the one hand, the white state removed some of the authority of the chiefs, and on the other they diminished the extent of land under their authority. This could not fail to reduce their overall standing, and they became more pliable in the hands of the white state. Inhabitants encountered new constraints in their lived space, as they were no longer able to move from one chief to another with the relative ease they had in the pre-colonial era. This was a core mechanism for accountability in indigenous tenure systems (Claassens, 2008b, Delius, 2008), and its weakening gave traditional leaders greater authority over inhabitants and undermined accountability.

The chieftaincy remained an important institution of control, but it was manipulated in the interests of white power, as indicated in chapter 3. According to SANAC (1905:42&44):

> "Many of the existing Native laws and customs are so interwoven with the social conditions and ordinary institutions of the Native population that any premature attempt to break them down or sweep them away would be inadvisable… The Chiefs continue to be recognised as a means of government of the Native races as it has not in general been desirable to dispense with them, but their jurisdiction…has been, and is being, gradually transferred to European Magistrates and Commissioners."

In 1962 the Venda Territorial Authority was established and Nthabalala constituted as a local council under it. The Mashangana Territorial Authority was also created to the north and east of the research site (Figure 8). In 1972 the Mashangana Territorial Authority came to be known as Gazankulu. In 1973 Venda was declared a 'self-governing' homeland, and was granted 'independence' in 1979. However, the homelands were never fully integrated into consolidated national units in accordance with the apartheid vision. All the farms in the research site (Vleyfontein, Diepgezet, Zwartfontein and Syferfontein) were expropriated by the state in the late 1970s and early 1980s and were earmarked for transfer to the Venda homeland. This happened in 1986. Vleifontein township was established. The door was opened for Nthabalala to reclaim the land under the Venda government,[52] but the claim was never settled. By the end of apartheid, the area remained a patchwork of small and large

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[52] Interview, Solomon Thovha, Peter Makhubela and Chief Nthabalala, 11 June 2009

settlements of Venda, Shangaan and Sesotho on fragmented pieces of land that were ostensibly part of one homeland or the other. Despite the state's active structuring of the space through forced removals, selective investment in production and settlement and manipulation of traditional authority in the interests of white power, it was still unable to produce the space it sought. This indicates the limits of state intervention, even while its interventions substantially and fundamentally altered the space in the area.
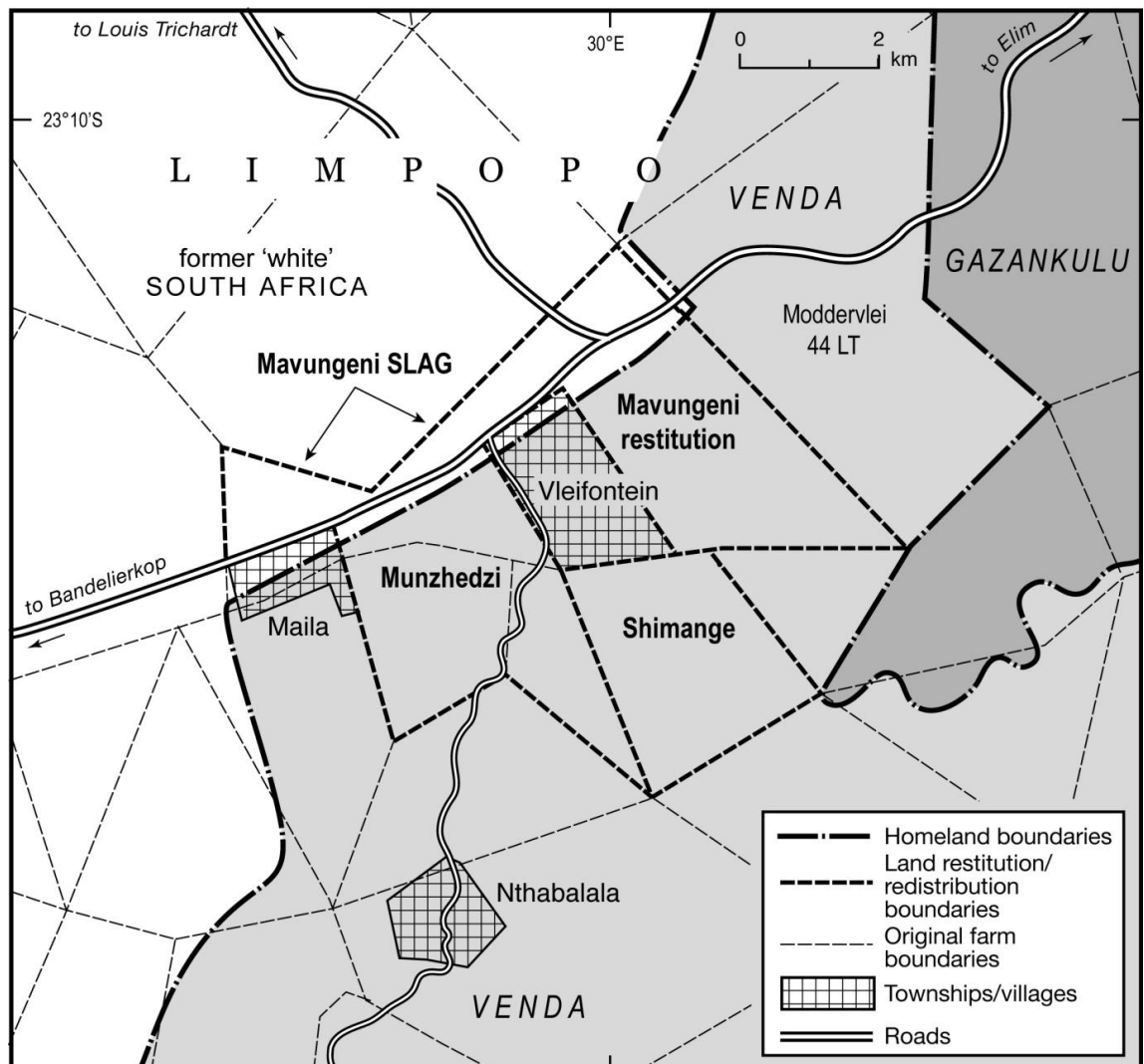
Figure 8: Former homeland boundaries

4.5   Conclusion

By the time land reform was introduced, the farms had layers of historical sedimentations that shaped the space. The settlement of ethnically diverse households and loose groupings with structured traditional authority in some parts and independent settlement in other parts was replaced over time by white authority and private property, with the land carved into separate

parcels held together by the state. State intervention in the form of land expropriation and the construction of Vleifontein replaced this in turn. Each of these layers left physical and symbolic sediments – the embedding of historical spatial practices in the land - that were to shape competing representations of space in land reform.

White land owners called forth a history of over a century of occupation to stake their claim to the land. They relied on discourses that asserted that whites had turned the land to productive use and where the only ones able to do so. Traditional authorities, for so long subordinated to white authority, stepped forward to claim a different version of the spatial history. They asserted indigenous systems of tenure and authority over the land and its inhabitants which advanced a version of pre-colonial history viewed through the prism of colonial and apartheid distortions. The chiefs sought to assert their centrality to both ownership and territorial authority (Lund, 2010) in controlling the land. However, other subordinated inhabitants also got an opportunity to express their own historical memories of lived space and spatial practices. These were based on experiences forged by individual and family dispossession, the imposition of labour tenancy, and the struggles waged against these. They stood somewhere between indigenous relations and capitalist relations of property and authority. Each of these representations, these memories of lived space and spatial practice constructed into narratives of restitution framed by state discourses, had a role to play in shaping the way land reform unfolded in the area, and its limits and possibilities. The following three chapters look at how these historical sedimentations and their interpretations constructed the land reform process on the basis of authority and land governance, property relations and land uses in the area, and in so doing, produced the space anew.

CHAPTER 5:   SPACE, AUTHORITY AND LAND GOVERNANCE

5.1   Introduction

Land governance in essence is about the production of space. Governance systems are taken to mean the institutions – both formal and informal – through which social power is channelled to produce space. Control over land allocation functions is the key to power and authority in rural areas, and land ownership confers rights to control and determine access. Lund (2010) distinguishes between land control as territory and as property. The former relates to governance while the latter relates to ownership. In and of themselves, systems of authority and governance do not alter space. They might better be understood as the ways in which power is channelled in order to materialise representations of space. But institutions of land governance and the authority associated with them have particular spatial orientations built into them as a product of the social forces that imbue them with meaning. They are thus inseparable from property relations and land use, since these are both channelled through institutions of land governance and authority.

This chapter considers how land reform since 1994 altered relations of authority and land governance, and the spatial implications of this. It follows Lefebvre's triad of the material, the conceptual, and the lived and their interconnections, looking at how relations of authority and land governance were conceptualised or represented in the land reform process, how these translated into spatial practice and what effect they had on lived space. Sikor and Lund (cited in Cousins, 2011:1) point to the importance of "territorialising strategies" in efforts by different social actors to legitimate their authority. These include "control of spatial ordering through classification, mapping and registration, regulation of land use and the making and enforcing of external boundaries" (Cousins, 2011:1). The focus is on land governance with brief reference to broader governance changes (e.g. local government). Both sought to introduce democratic forms into the rural areas for the first time. But they were formulated as separate processes and there was little practical connection between them. Democratic local government had limited authority on privately-owned land, including land reform farms, and democratic land governance institutions had no institutional connections to local government.

The chapter first looks at the representations or conceptions of authority and land governance that accompanied the land reform programme. Following this is a deliberation of how these representations materialised in practice, focusing on efforts by white land owners and

traditional authorities, and the differentiated responses of inhabitants to the changes in relations of authority introduced by land reform. Reflections on the implications for spatial practice of the rearrangement of the institutional architecture of land governance follow this. Spatial practice integrates the institutional framework – considered to be part of the second nature that is one constitutive element of spatial practice – and the lived space of everyday life. Integrated into the story are reflections on how the alterations in relations of authority and land governance affected the lived space, the daily experiences of inhabitants in relation to authority and governance.

5.2   Changing rural authority: new representations entangled in old practices

Land reform introduced democratic institutions into the rural areas for the first time. An important part of the struggle against apartheid was around local political representation and participation in decisions that directly affected the lives of local inhabitants. The construction of local systems of democratic representation in the state was therefore a key component of the political reforms in the early 1990s. However, the stated objective of introducing democracy into the rural areas was hedged by a number of constraints. National-level compromises in the political transition from formal apartheid included the retention of authority vested in private ownership of land. This allowed whites, who held the vast majority of privately-owned land, to retain significant authority, especially in the rural areas.

Even after 1994 some of the democratic rights of inhabitants living on land privately owned by someone else were suspended or adapted to take into account over-riding private ownership rights. For example, although new rights to tenure security were established after 1994, these were regulated in such a way that owners could still evict tenants under certain economic and social conditions (Wegerif *et al.*, 2005). There was a continuation of the authority of land owners to dominate spatial practice within farm boundaries. Consequently, lived space was not likely to be altered in any fundamental way. However, land reform was geared towards providing those who had never had private ownership with full ownership rights. This had potentially profound implications for the distribution of power in racial terms. However, it also gave exclusive rights to these new owners, potentially reproducing power inequalities between owners and non-owners.

A second constraint that hedged the extension of democracy into rural areas, which also emerged from national level political compromises, was a continuing role for traditional

authority. Traditional authorities were able to secure formal recognition for the continuation of hereditary rule, and this recognition was elaborated on and deepened as the ANC's rule progressed after 1994 (Ntsebeza, 2005). At the local government level, divisions between traditional authorities and the municipalities were less about who should constitute the supreme authority and more about the appropriate allocation of functions. Berry (2006, 2007) suggests that post-colonial states elsewhere in Africa used a similar strategy which allowed the central state to position itself above local conflicts, to intervene selectively and to buffer itself against struggles around land and local authority. Representations of authority in central government policy and legislation required co-operative governance between traditional authorities and municipalities. But in practice the relationship was more fractured. According to Wilfred Mashele, ward 17 councillor, "We do have difficulties with tribal authorities, especially around the distribution and ownership of land…the issue of land is vested in the tribal authority."[53] According to Chief Nthabalala, to whom the headmen of the area reported:

> "There is a poor relationship between the tribal authority and the municipality. Nthabalala does not know how to engage with Vleifontein, we don't know how to be involved. The municipality does not consult with the Nthabalala Tribal Authority on development. Maybe there is a new system in place now where people don't care about the chief… The problem now is that people don't want to be controlled by the chief."[54]

Control over land governance was at the core of these pre-existing authorities. The land reform programme proved to be one point of intervention where the state attempted to bring democracy into land governance. The rights of private owners protected by the state meant that the state would not intervene to ensure that tenants would have any rights to participate in decision-making on farms, unless the owner permitted that. Lived space on white-owned farms would not be altered. But on the land reform farms, the state took the opportunity to establish a framework that required democratic decision-making structures to be put in place on collectively-owned farms transferred using public resources. Lawmakers had to decide "where to vest rights to land and the associated powers of decision-making." A key issue is whether rights "should be vested in the group as a whole or in the members of the group" (Cousins, 2008b:10). The Communal Property Associations (CPA) Act[55] vested ownership in defined groups and, very significantly, gave authority to elected committees. In Lund's (2010) terms, territory (governance) and property (ownership) were combined explicitly and formally

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[53] Interview, Wilfred Mashele, 8 February 2010
[54] Interview, Solomon Thovha, Peter Makhubele and Chief Nthabalala, 11 June 2009
[55] Communal Property Associations Act 28 of 1996, Department of Land Affairs

in the mechanisms of land control. Annex A of the Act required CPA constitutions to specify the precise mechanisms for how representatives would be elected, their terms of office, the functions of the various positions, how decisions would be taken and a list of other details that ensured that the CPAs took account of issues related to democratic functioning and accountability. This had potentially significant implications for lived space, since inhabitants who previously had not owned private land would become private owners and thus occupy a completely different location in relations of authority.

The CPA constitutions were drawn from a standard template structured by the CPA Act, defining membership rights, the powers and functions of CPA committees, meetings and procedures, and dissolution. In the research area, each of the three CPAs granted authority to a CPA committee.[56] Although the constitutions specified that the committees had to include youth and women, only the Mavungeni constitution specified numbers (at least three women). In reality, women were only marginally present in the formal leadership structures on the three farms. There were just two or three women in each committee, and men heavily dominated decision-making on the farms. As in Levubu (Hellum and Derman, 2010), women represented on the committees tended to come from the more powerful families in the claimant communities.

Membership of the CPAs was based on claimant lists, a definition that was too narrowly defined to incorporate all overlapping claims and historical use rights. The Vleifontein farmers, for example, were completely excluded from membership, even though they had a valid claim to using the land. In this sense, the CPAs did not align with indigenous systems of control and management as defined by Okoth-Ogendo (2008). Coupled with the private property framework, membership was narrower, exclusive and more rigid than indigenous systems might offer. At the same time, the CPA structure borrowed from indigenous tenure regimes by incorporating a segmented authority that associated levels of authority and control over land with spatial scales. Individuals or families had control over cultivation and residence. Theoretically the CPA committees had authority over grazing and hunting, and over "territorial defence and dispute settlement" (Okoth-Ogendo, 2008:101). But in practice, these higher level functions were open to contestation, and the CPA committees found themselves in competition to exert this authority.

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[56] The three CPA committees had between 9 and 14 members each. Munzhedzi CPA constitution, registered 5 January 2001; Mavungeni CPA constitution, signed 29 April 2001; Shimange CPA constitution, registered 10 May 2002

Prior to the transfer of the land, CPA members elected committee members, who were drawn mainly from those who led the claims process. So, while their authority was conferred by the central state through statutory constitutions, it also came from the historical role those individuals played in the claims process. The basis of their authority was therefore rooted amongst the inhabitants in a way that the authority of white land owners was not. CPA members undoubtedly accepted the legitimacy of these institutions and were content to give them the authority to shape the direction of development on the farms, with the expectation that functioning systems of accountability and participation would operate. The committees thus included relative elites from the claimant groups; individuals who were seen as being able to articulate the interests of the claimants and who knew the history of the land and the claimants. Other individuals were elected to the committees where CPA members felt their presence might facilitate access to government resources in particular. In some cases these were individuals with political connections; in other cases, they had specific types of skills, especially legal skills.[57] Teachers, lawyers and other professionals were in the majority on the committees, while the broader membership produced a mixed class base. The dominance of the committees by middle class professionals had implications for spatial organisation, because the land use plans they adopted tended towards commercial agricultural production and sought to replicate middle class settlement patterns found in parts of the homeland townships. This is dealt with in more detail in Chapter 7.

The statutory requirement for a CPA with an elected committee to represent members' interests was a significant democratic advance in land governance, which previously was dominated by individual land owners and traditional authorities. But the CPAs were constrained by the property form, where they exercised exclusive rights contained on fragments of land spatially separated from other pieces of land. This reproduced private property relations and was geared towards the reproduction of inherited spaces. At the same time, on the farms, it had the potential to significantly alter lived space, by giving inhabitants decision-making power and the freedom to define spatial practice. This opened opportunities for the articulation of space based on the experiences of those historically subordinated both to ossified traditional authority structures and to private owners.

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[57] Interview, David Baloyi, 2 June 2009; informal discussions, Sipho Baloyi

But the institutional framework was conceptualised without considering the possible conflicts that could emerge from this tension in the land reform programme, of democratic institutions of land governance on islands in a sea of imposed authority. A homogenous notion of land reform communities with common internal interests underpinned the new land governance institutions. This notion was deployed in various ways. On the one hand, it was used to obscure the class-specific development plans for the farms (see Chapter 7). By default, a nascent capitalist class sought to reproduce productive capitalist spaces, fragmented from one another, but fitting neatly into a broader unity - or homogeneity, in Lefebvre's (2009a) terms - held together both by central state regulations and by capitalist circuits of accumulation. This nascent class did not have a unified spatial vision or representation of space. But a combination of state pressure, the private ownership model of land reform, the contingent way that the institutional arrangements played out in practice and, for some, their own interests in commercial production, induced representations of space that reproduced substantial aspects of the dominant conceptions of space.

For their part, traditional authorities sought to offset the threat to their authority posed by the CPAs by claiming a role in on-going governance (both in land and more generally). They made some claims to ownership (property), but emphasised claims to control over territory (Lund, 2010). This would give them a hand in shaping on-farm space, structuring both lived space and broader spatial practice. They took the opportunity presented by collective land ownership to assert claims about their historical role as defenders of the general 'community' interest against the specific, individualist interests of the middle classes:

> "The government could release the land, that person is no longer the owner of the land, they must leave the land. But the chief will still be there to look after the land… Because if that person can go bankrupt or no longer have the money, they can sell that land to somebody with deeds of grants and everything, he can sell that land to someone, which is not good… The chief will be there to solve internal structures, problems like some disputes, some fighting, some problems concerning the people. But the CPAs are…there to assist. If they want to cut the stands they must know that the government wants to involve the chiefs… You will find the CPAs are divided into three parts. One to have their own stand this side, one to have their own stand this side, so you see… But if it is monitored by the chief you will only be having one group of people cutting the stands… As an example, see Mavungeni. Two people are fighting to cut the stands…and the government is failing to resolve the problem… But if that land was returned back and they said Mr Nthabalala the chief you are the one who holds the title deed of the whole area… Make sure that these people get development… Long ago there were these people around the chief. They were supposed to pay a certain amount, maybe R10 or R15. And that R10 or R15 is going to go to developing the

same area… [*Now*] the chiefs' rights have been reduced so they cannot even say the right to raise rent so they can develop the place themselves."[58]

According to Boysie Baloyi, the CPA President at Shimange:

"[*The traditional authority*] will make sure, *ex officio*, the things that will have to be driven by the CPA will have to be for every member. That's why I said it mustn't simply be available for the people who have got means to do things here, and suddenly those who don't have means will not be catered for. We will try to remain custodians of their cause."[59]

An interpretation of 'community' was used in opposition to the individual interests of those who had control over the CPA committees, and who posed a challenge to on-going traditional authority. At Munzhedzi the chief-designate, Simon Rambau, indicated the desire for external support to establish agricultural projects, but in the name of the community: "We want to have such projects, but for the community. It won't be for an individual but for the community."[60] He set up 'the individual' in opposition to the community, and argued for projects with benefits that went beyond individual accumulation. The traditional authorities implied they were the only force able to prevent the marginalisation of the poorest in the face of capitalist modernisation.

CPAs were therefore faced with a situation where they had to compete with traditional authority claims to territorial authority over the land. At the same time the CPAs were granted exclusive rights to private ownership, but which they could only exercise in a contained space. The way authority was conceptualised under restitution opened the space to claims by traditional authorities while simultaneously retaining the fragmented spaces of private property. This set the scene for open contestation over property and territory.

5.3 Materialising representations of governance and authority in spatial practice

Transformation is not a single event, and while the establishment of democratic, collective land governance institutions (even if only on individual farms) was an important milestone, it only marked a stage in broader processes of transformation, which by no means led inevitably towards functioning democratic systems of land governance or fundamental changes in the structure of rural authority or their underlying power relations. This section considers how

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[58] Interview, Solomon Thovha, 1 October 2009
[59] Boysie Baloyi, comments at CPA committee meeting, 29 May 2010
[60] Interview, Simon Rambau, 7 May 2009

changing conceptions of land governance and authority induced by the CPAs were materialised in practice. It focuses on the three 'local' forms of authority in land governance, viz. white land owners, traditional authorities and the CPA committees. It also considers the way the central state's interventions and failures to intervene supported or diminished the authority of these different authorities, and the consequences for lived space and spatial practice.

Efforts to translate the new institutional framework into practice produced uneven results. The CPA committees undoubtedly reconfigured the structures of authority on the individual farms where they were established. The authority of white property owners was almost entirely eliminated where they lost ownership of the land, although the power of property owners (now black) remained in place (albeit mediated by its collective character, as Chapter 6 shows). The Nthabalala and Munzhedzi traditional authorities were forced to concede authority around land governance to elected CPA committees, which were dominated by members who did not come from the traditional authority structures. The traditional authorities had to reassess their "territorial strategies" of land control (Cousins, 2011:1).

However, processes of shifting relations of power, structures of authority and systems of governance did not happen overnight with the establishment of the CPAs and their committees. The inertia of existing systems, the weakness of the central state in rooting the new institutions, the contradictions embedded in conceptualisations of rural authority, the reproduction of fragmented spaces with distinct systems of land governance, and the inherent obstacles in translating ideas into practice without distortion meant there was a great deal of continuity in the structure of authority and land governance despite the democratic interventions. Limited changes in the representations of authority, and the representations of space (or spatial visions) related to them, meant limited changes in the institutional forms that channelled efforts to materialise representations of space into spatial practice.

The CPA committees became the focal point for interventions by the pre-existing proxy authorities in their efforts to influence spatial practices on the farms. At Mavungeni, as shown below, the former white owners of the farm sought to recoup some of their losses through negotiating land use agreements with the CPA committee. At Munzhedzi the traditional authorities usurped the authority of the CPA committee, and at Shimange there was an attempt to constitute a new traditional authority to control the committee, but mainly in order to channel spatial practices onto a capitalist path. The impact on lived space on each of the farms differed amongst inhabitants. CPA members had a new power to shape spatial practices

which meant the possible transformation of their lived spaces. Even for those who were not formal claimants and hence members of the CPAs, land reform altered lived space. Yet these remained constrained by broader relations of authority structured from above.

5.3.1   White land owners: holding their ground, but ceding authority

The introduction of democracy in South Africa broke the tight connection between white land owners and the state that historically underpinned white rural authority. Land reform removed the other pillar of their authority - that of private land ownership. But the loss of white authority was spatially confined to the fragmented spaces of the individual farms transferred through land reform. Overwhelmingly, white private owners retained the authority of private ownership on those farms they continued to own or have control over. A localised white presence had already disintegrated to a large extent in the Vleifontein area following the expropriation of the farms by the SADT in the years of formal apartheid. At Shimange and Munzhedzi, white farmers were absent for two decades before the restitution claims were settled and there was no direct white presence on these farms. But at Mavungeni, the neighbouring Hennings had a stake in trying to influence developments on the farm after restitution. They had invested resources in an orchard and irrigation infrastructure, and they retained a glimmer of a hope that they might reappropriate the farm in future. Mavungeni also bordered on Moddervlei, where the Hennings ran commercial farming operations[61]. They were concerned about what restitution on the neighbouring farm might mean for their own commercial activities:

> "Anything you give a bloke, has no value. That's why these farms don't work. If I don't pay my debts, what happens? They sell my farm out of under me. But that doesn't happen to him. You've got to have something like that, that you must have some responsibility... That bloke has no responsibility. He's got this farm. OK, he had nothing, now he's got this farm. So what? He can lose nothing. Start a shop. Plant some mielies... That's going to be turmoil now. You've got a township on this side and a township on this side, what's going to happen?... These Mavungeni will be inundated. They'll be a township in fifty years' time."[62]

Since the Hennings' historical authority was not based on consent, they were unable to lean on that to shape the space of the restitution farm. Instead they attempted to reassert their authority on the basis of their technical knowledge of commercial agriculture. That is, they

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[61] This was on behalf of the state but the Hennings had put in a land claim for the return of the property, which had been expropriated by the apartheid state. Interviews, Arthur Henning, 17 November 2008; Carl and Arthur Henning, 1 October 2009

[62] Interview, Arthur Henning, 17 November 2008

attempted to revive spatial practices based on representations of authority rooted in ideas that only whites were able to use land productively. This was part of the historical narrative used to justify land dispossession, as shown in Chapter 4. They thus made a concerted effort to revive Mavungeni as a large-scale commercial farm under their control. During the time of SADT ownership they had leased some parts of the land from the state and kept those parts under production, in particular a macadamia orchard which the Mavungeni claimants took over when the land was transferred. Immediately following the restitution of the land, they proposed to lease 340 ha for cattle grazing for three years. The CPA committee forwarded the proposal to the RLCC, which suggested they wait until the completion of a formal land use and development plan being sponsored as part of the restitution settlement agreement.[63] Later, the Hennings proposed an altogether more detailed strategic partnership agreement[64] to establish an operating company with a 50% shareholding each for the Mavungeni CPA and Mununzwu Newco, the Hennings' management company at the neighbouring Moddervlei. The operating company would lease the land for 25 years and the shareholders would split any profit or loss. The operating company would pay an annual rental of R20,000 to the CPA as the land owner, with an additional monthly rental of R3,000 for grazing rights.

Mununzwu would have full management responsibility of the farming operation[65] on both Vleyfontein and Lovedale Park farms (the Mavungeni redistribution portion), excluding the broiler operation but including the macadamia orchard. Ploughing fields and grazing could be sublet to Mavungeni CPA members (or others), but only if it did not interfere with commercial operations. The agreement also laid down conditions for grazing (not more than one large stock unit per four hectares). It explicitly prohibited "other persons who are not presently in occupation to reside on the farm" although residential properties could be rented out. Handwritten onto the draft were further suggestions: that no person would be allowed to reside on the property without the consent of the operating company; and that the CPA would guarantee that it would 'relocate' any of its members currently residing on the property within one year of the start of the lease. Lived space was thus to be constrained by authority as in the past. The operating company would have the responsibility to maintain all infrastructure and

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[63] 'Re: Proposed lease agreement between Mavungeni Communal Property Association (CPA) and Mr A.S. Henning for lands on a portion of Vleifontein farm in order to graze cattle', letter signed on behalf of Mashile Mokono, Regional Land Claims Commissioner, 12 December 2002

[64] 'Agreement of lease of the farms Vleyfontein and Lovedale Park', unsigned draft, March 2006

[65] An earlier iteration of the agreement proposed a board of directors for the operating company with two representatives from Mavungeni CPA and three representatives from Mununzwu. 'Shareholders' Agreement entered into between Expectra 615 (Pty) Ltd t/a Mununzwu Newco and the Mavungeni Communal Property Association', unsigned draft, 2004

equipment on the farms. The CPA was to be responsible for repairing all fences and water provision points before the start of the agreement. In essence, for R23,000 a year, the Hennings would have use of the entire farm for 25 years. They would have absolute control over financial and production decisions, meaning they would have leeway to structure the finances for their own benefit. On seeing the agreement, the RLCC proposed that an initial period of three years would be better than jumping into a 25 year lease.

The Hennings sought to pre-empt any other plans, hoping that the middle class CPA committee members would act in their own class interests to secure the farm as a space of commercial production. But they overplayed their hand. Instead of trying to establish an arrangement whereby they could facilitate the creation of a stable black commercial farming collective on the farm, the Hennings sought to take control (and to profit) for themselves. Members of the CPA committee saw through this attempt and Sam Shirinda, one of the committee members, mobilised 57 claimants against the plan, which saw the agreement being abandoned[66]. Shirinda was explicit about his fear that the lease was an attempt to try to replicate the past organisation of space and his opposition was based on this interpretation:

> "This arrangement of leasing the property back to Mr Henning definitely is totally against the whole purpose of the lodgement of the restitution claim, and is strongly objected... People specifically myself lodged the claim as I wanted to go and stay at Mavungeni and I do hope that this was what was in other people's minds as well... What I am aware of is that the Restitution Act caters for those who were dispossessed of their rights in land after 1913 by the apartheid laws. I do not know or remember that Mr Henning, at any stage, was dispossessed of any right in land during those past discriminatory laws period... The inference to be drawn is that Mr Henning is not happy that the land has been handed back to its rightful owners."[67]

Resistance to the Hennings' proposed agreement was against the reassertion of white control over the land, but also very explicitly to a representation of space that sought to secure the space purely for production, to the exclusion of claimants settling on and using the land in ways they saw fit. It was successful in forcing the abandonment of the plan. The power of white land owners, using technical expertise as a way of reinserting themselves on the land, was rebuffed. The authority of white land owners in determining what inhabitants could do on

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[66] 'List of Mavungeni beneficiaries who are against the lease, partnership or joint venture of the farm portion 1 of the farm Vleyfontein 310 LS, district Soutpansberg (redistribution farm also known as the dairy farm) and the Mavungeni farm (restitution farm) to Mununzwu Newco, Mr Arthur Henning and Mr Carl Henning ', signed by 57 claimants, 23 April 2006

[67] 'Lease of Mavungeni property or portion of farm to Mr Henning', fax sent to Mavungeni CPA, signed by S.H. Shirinda, 30 December 2002

the farm, a concept built into historical definitions of the rights of property, was challenged and made way for inhabitants to make decisions for themselves about how to use the land.

In this challenge, Shirinda and his group not only came up against former white land owners but also against the dominant group in the CPA committee. It sowed the seeds of division within the CPA committee as the majority in the committee were not in principle opposed to working with the Hennings:

> "Shirinda's attitude stems from his [*personal*] relationship with Henning. He expects the whole Mavungeni not to work with Henning. But why should we fight with our neighbours?... Twenty five years is very long... [*But*] why can't we do a five year period, renewable, with him?"[68]

In this they were supported by the DoA, who had earlier told the CPA committee it should establish a partnership to run the farm.[69] At stake here was precisely the spatial arrangement on the farm, between a structured plan for commercial production and a more *laissez faire* approach to settlement and production. Setting this dimension aside for more detailed consideration in Chapter 7, and also setting aside for later the implications of the division in the CPA committee, this rebuffing of the Hennings' efforts to control the space at Mavungeni signalled the end of white authority on the restitution farms themselves. This did not automatically mean the end of their spatial vision, their representations of space, for the farm, since both the CPA committee and the DoA remained committed to a similar vision of commercial production with contained settlement. But it was out of white hands as to how spatial practice on the farm would unfold.

The spatial practices of white authority also disintegrated on the farms after land reform. This refers to the spatial arrangement of authority, with the white homestead at the centre of authority. Orders were issued from this space and it was treated as an exclusive space where black inhabitants subordinated to white authority could only enter when summoned. At both Mavungeni and Shimange, the physical infrastructure of this space of authority was 'reappropriated' (Lefebvre, 2009b:248) for other uses. At Mavungeni, the former white homestead, the seat of authority, was converted into workers' housing. At Shimange it was converted into a combination of inhabitants' housing and a collective meeting place. In this

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[68] Group discussion with Mavungeni CPA members (David Baloyi, Eric Maluleke, Alfred Baloyi, Samuel Baloyi), 15 November 2008; interview, David Baloyi, 2 June 2009
[69] Interview, David Baloyi, 2 June 2009

sense, from the point of view of authority, lived spaces on the farms were almost completely transformed. The details of these appropriations are dealt with further in Chapter 7. At Munzhedzi, there was no white homestead at the time of restitution, and the centre of authority was located in the chief's *kraal*. The impact of land reform on the spatial practices of traditional authority at Munzhedzi is considered briefly later.

At the same time, the spatial and economic structure that underpinned white authority historically – private property ownership rights and concentrated control of economic resources – remained intact. While the new land governance institutions did constrain the authority of white land owners, this was in the context of a fragmented capitalist space, where democratic forms of governance and authority were limited to the spaces of individual farms. This new authority did not spill over in any way onto contiguous fragments of space. The broader ideology of private property rights, detailed in Chapter 6, continued to hold sway, permitting white land owners with their historical concentration of economic power to retain significant authority in the commercial farming areas as a whole, even while they had to step back from the land reform farms they no longer controlled.

5.3.2   The influence of traditional authority

Unlike with local government, a relationship between CPA committees and traditional authorities was not a statutory requirement. However, in practice CPA committees needed to take traditional authorities into account to the extent that their claims to continuing authority over land governance were recognised (both by the state and amongst inhabitants). The Nthabalala Tribal Authority laid formal claim to a large area which incorporated Vleifontein township, Mavungeni and part of the Munzhedzi restitution lands (Figure 6). According to the Tribal Authority:

> "Nthabalala was a chief in the Venda homeland. In 1979-1981 when Venda was proclaimed, the Venda government said they should get the land back from the whites and Nthabalala should be restored for the area from Elim to Nthabalala… Nthabalala put in the claims. The headman [*Munzhedzi*] did his own claim because he was around and alive, but Nthabalala put in a claim for the other subjects who were not around to do it themselves. Two claims were lodged. Then we saw it was on the same land, and Munzhedzi was given the go-ahead."[70]

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[70] Interview, Solomon Thovha, Peter Makhubele and Chief Nthabalala, 11 June 2009

The restitution claim was seen as a continuation of claims to the land that was part of the consolidation of the Venda homeland under apartheid, and therefore of a reassertion of traditional authority following the state's forced removal of the chief. Even after the Venda homeland government had ceased to exist, the content of the claim was not altered. This signalled a continuation of the representations of space that the late apartheid state had begun materialising in spatial practice in the area with the establishment of Vleifontein and the transfer of the land to the Venda homeland. But in the face of many smaller claims on the same land[71], the Tribal Authority was forced to adjust its approach. It could no longer claim full authority over the land because the CPAs were granted legal ownership to the land. As Cousins (2011) shows in Msinga in KwaZulu-Natal, the transfer of title to a 'community' of labour tenants posed a potential threat to the territorial bases of traditional authority. Unlike in Msinga, however, by no means all claimants in the Vleifontein area saw themselves as part of a larger tribal entity, making this potential threat greater. The Tribal Authority responded by seeking to structure the relationship with the CPA committees to put the latter in a role equivalent to that of headmen:

> "Even though other people want to claim, that's not a problem, they must claim. But the chieftaincy belongs to Nthabalala… Nthabalala does not worry when somebody claims the land and got it. Because even if he got it, that area of land still belongs to the Nthabalala territorial chieftaincy… To allocate stands, the headman must apply to the chief, then there is a process of approval and then it goes to the magistrate. The CPA committee may get a portion of land, but must report to the chief. All developments must go via the headman and the chiefs."[72]

This might be considered as a case of shifting from a conception of land control based on property (ownership) to one based on political territory (governance), in the distinction established by Lund (2010). There was added complexity in the Nthabalala claim, since the chair of the local Communist Party (an organisation aligned with the ruling ANC) was also a prominent member of the claims committee. This signifies that the claim had the support of a range of different forces, but which united behind the chief in order to ensure the success of the claim. This was very similar to the Mojapelo case presented by Levin (1996). The chieftaincy could use the claim process to bring differing, and potentially competing, social groups together behind its own leadership.

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[71] By October 2009, eight CPAs were already established in the area being claimed by Nthabalala Tribal Authority (interview, Solomon Thovha, 1 October 2009).

[72] Interview, Solomon Thovha, Peter Makhubele and Chief Nthabalala, 11 June 2009

At Munzhedzi the claim was led by the chief who also led the pre-emptive occupation of the land to prevent the municipality from taking it over for the extension of Vleifontein housing. This simultaneously bolstered the chief's authority amongst his subjects and gave him direct control over the land. As a result of his leadership, the CPA constitution ensured a permanent *ex officio* position for the chief on the committee:

> "There was this rumour that the municipality of Louis Trichardt is going to take over that space [*Munzhedzi*] to allocate the RDP houses. So Munzhedzi, he took it upon himself to come and cut some places that we can come and stay there, in order to avoid that. People were not certain they would be given that land back, there was no guarantee they would be given that land, so in order to make sure they would get their land they mobilised even people who are not beneficiaries to make government see how serious they are with their claim… Because he was the chief he was automatically elected a member of the committee… Even if they were to change members every now and again, he would still be a member of the CPA committee."[73]

The materialisation of representations of space at Munzhedzi was thus significantly channelled through the institutional structure of the chieftaincy. Chapter 7 reveals the fundamental impact this had on lived space, on the daily experiences of inhabitants. It altered spatial practice and the relationship of inhabitants to the space. The traditional authority secured control over the production of space although, once again, only within the limited boundaries of a fragmented space of private property.

Although the CPA committee was initially formed in alliance with the chief, when the old man died and Simon Rambau, his son, replaced him, the positive relationship fell apart. The chief-designate imposed his authority over the CPA committee, effectively neutralising it. According to one committee member, soon after the formation of the committee, "when the *makhadzi*[74] took over, she felt 'OK, I can no longer work with this CPA that was working with the late chief Munzhedzi. I will elect my own CPA that I will work with',"[75] indicating that the royal family felt it was their right to choose who they wanted on the CPA committee. Simon Rambau also indicated this: "I need to disband the committee and start afresh and work with new people."[76] The reason he gave for over-riding the CPA committee was its failure to lead:

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[73] Interview Bethuel Malaka, 12 November 2009

[74] The *makhadzi* was the late chief's sister, who was acting as regent until the chief-designate's position was formally approved through the Nthabalala Tribal Authority and the state.

[75] Interview Mpho Patricia Ngobo, 12 November 2009

[76] Interview, Simon Rambau and John Paswane, 24 October 2008

"I am the CPA and the chief. In fact I am everything to the people… If there is an issue at Munzhedzi that needs to be attended to, I have to stand up myself. There is nothing they are doing… I cannot say the CPA has much authority. The authority belongs to the chief. But I do not do things without consulting the CPA. Before I can take decisions I sit down with the CPA first." [77]

In 2003 the chair of the CPA committee resigned from his position, stating that: "The Royal Council of Munzhedzi is above the laws of the CPA… The Council has violated the constitution of Munzhedzi by stopping all the activities of developing the land and the improvements of the life of Munzhedzi community."[78] If the spatial structuring of the restitution farm was not already sealed following the land occupation in 2000, the chief-designate's imposition of traditional authority control over the committee ensured this was the case. He followed in his father's footsteps by allocating stands to all-comers, which had the effect of closing off the possibilities of materialising the dominant representations of space in the form of a commercial model of agriculture with limited settlement on the farms:

"The way the new chief came in, he disrupted everything. Because even the place where we wanted to build schools, that place is no longer there. Some of the space was taken over by the new chief when the father died, that young boy took over and I think he messed up. We even had a certain company from America, they wanted to come here and develop this place agriculturally. But I am telling you, the young man started to disrupt that programme which was meant for Munzhedzi."[79]

Despite the language of 'community', the chief-designate took personal advantage of the authority to allocate stands that he had usurped from the CPA committee. A number of people stated that the chief-designate was pocketing the money rather than using it for development purposes. According to one, "there were only 600 claimants, but over 1,000 stands have been cut. People are coming from outside, they are paying R300/stand to Simon [*Rambau*]. He pockets the money and the CPA committee does not hear about it or see it, and there are no transparent development plans for the area that he is doing." Another said, "Simon [*Rambau*] just wants more land to allocate stands to get money." One person who was allocated land for agricultural production said he paid "plus/minus R600" to the chief for it, "but every time you

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[77] Interview, Simon Rambau and Violet Rambau, 1 October 2009
[78] 'Resignation from Munzhedzi CPA', letter to Munzhedzi CPA, Regional Land Claims Commission (Mr Tlabane) and Nkuzi Legal Entities, signed by M.B. Malaka, 9 March 2003
[79] Interview Bethuel Malaka, 12 November 2009

meet him he wants more, so you have to hide from him... He keeps reminding me the land is not mine."[80] According to the committee:

> "As the CPA committee we don't have power to allocate stands or business stands. We don't know how many stands have been allocated so far and how much is he [*Simon Rambau*] charging. We are told that we don't have such power to allocate stands and that we know nothing about the soil."[81]

However, the fact that these complaints found no formal outlet signified the extent to which the traditional authority at Munzhedzi had succeeded in capturing the institutional space and using it to structure the space for its own benefit. This is not to say there was no overlap between the interests of the chieftaincy (allocation of stands for financial gain) and those of inhabitants (who wanted a place to settle near Vleifontein). These overlapping interests produced a rapid shift in the spatial arrangements on the farm, and in the lived space. The chief brought with him the betterment model from the homelands, allocating 50x50m stands to individuals in close proximity to one another, more or less in a formal grid pattern. Agricultural lands for commercial production were to be allocated geographically separate from the settlement, again with the chief determining where these would be located. The traditional authority's representations of space, its spatial vision, were more closely aligned with the immediate interests of inhabitants than representations as a space of commercial agricultural production, shared by the DoA and elements in the CPA committee. This does not mean inhabitants necessarily favoured the institutions of traditional authority above other institutional forms, but they found a contingent channel for ways to alter the lived space in their own interests, to some extent, in the institutions of traditional authority.

The relationship between traditional authorities and inhabitants was complex. There was an undercurrent of recognition in principle for the institution of traditional authority in governance in general, including land governance. This accords with a number of other studies of the chieftaincy in South Africa. Even though there was sometimes disagreement about the specific activities of the traditional authority, inhabitants held fast onto the institution as a core part of rural identity (Levin and Mkhabela, 1997, Oomen, 2005). Despite resigning in opposition to the chief-designate, the former chair of the Munzhedzi committee said: "The CPA is supposed to be in control of land allocation and development, but in co-operation with

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[80] Names withheld to protect identities. Stating the names of these respondents may inflame tensions, and that is not my intention.
[81] 'Problems encountered by Munzhedzi CPA (community)', *op cit*.

the chief in that place. You cannot just wish him away. He is the sole leader of that community."[82] One of the current members of the CPA committee described the relationship thus:

> "We take the tribal authority as a father figure, where you find that we as the CPA and all those committees that come under, we are the children. If there is something that needs to be done we go and report to them… The main role of the tribal authority is to play that father figure."[83]

In some instances, then, the traditional authorities were able to use the restitution process in an attempt to reassert their authority, including their direct authority over land governance and the structuring of spatial practices. But elsewhere, the lack of a statutory requirement to include the traditional authorities in land governance structures posed a threat to traditional authority – but once again only within the fragmented confines of the individual spaces of restitution. The chiefs' historical role as custodians of the land on behalf of the community and their practical role under apartheid in land allocation and governance was formally removed from them and placed in the hands of elected CPA committees. Unlike at Munzhedzi, at Mavungeni and Shimange, the presence of traditional authority was weak, or even non-existent, despite claims by Simon Rambau that the Munzhedzi chieftaincy historically had ruled over those farms.[84]

There was an obvious ethnic dimension to this. Shimange and Mavungeni claimants were mainly Shangaan, while Munzhedzi and Nthabalala were Vhavenda. Although both groups, together with Sesotho-speakers, lived together fairly peacefully in the past, there were some historical tensions over land access, as Chapter 4 showed, and the apartheid state made a concerted effort to separate inhabitants spatially into ethnic groups. When inhabitants were forcibly removed from the farms, the Vhavenda were sent to Nthabalala and Mulima while Shangaans were sent to Riverplaats, Mbokota, Bungeni and further afield in the Gazankulu homeland. When the RLCC was faced with separate claims for the same land – Nthabalala, Munzhedzi and Shimange/Mavungeni on their separate pieces – it requested that the claims be split up to allow Shimange and Mavungeni to claim portions of the land:

> "At the time of the claim, it was agreed with the old chief Munzhedzi that Shimange and Mavungeni should claim part of the land under their own names,

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[82] Interview, Bethuel Malaka, 12 November 2009
[83] Interview, Mpho Patricia Ngobo, 12 November 2009
[84] Munzhedzi tribal gathering, 28 October 2008

since they had been forced from those places and were living there previously. We need to distinguish between the chieftaincy and claims that people lived there once."[85]

The traditional authorities recognised that claimants at Shimange and Mavungeni were not claiming the land as traditional authorities, but as people who had lived on those farms in the past and who had a legitimate claim to return to the farms. But this was understood to mean they would move back to the land as subjects of the Vhavenda traditional authorities. At Mavungeni and Shimange, where the majority of claimants were Shangaan, the Vhavenda traditional authority was excluded. However, since the area was incorporated into the Venda homeland in the 1980s, there was also no Shangaan tribal authority presence in the area. This partly related to the historical settlement of the area, shown in Chapter 4, where the Shangaan had a very loose authority structure and tended more towards independent clans that were only later constituted as a tribe under white domination. At Shimange, there was outright rejection of the idea that Munzhedzi or Nthabalala had any authority over them:

> "During those times, the tribal authorities were not effective. They were not being given authority. Like Nthabalala, the one who claims Efrata [*Syferfontein/Shimange*] belongs to them, that's not true. Nthabalala was due west of Efrata. Then later on he was removed from that place down to where he is now. If he was a chief he would not have been removed."[86]

> "Some of the people, the Munzhedzi people here, the Venda, they were claiming this area, with the support of Nthabalala and other people from Vleifontein here… Until the [*Land Claims*] Commission, coming from Pretoria, coming to verify, and then they were called, 'if this is your area, if this is Munzhedzi area, we want to see evidence, proof.' We showed them our graves here, 'Here's our graves, we were staying here.' And then those other people retreated, because there was nothing to prove."[87]

Claimants at Mavungeni did not deny that Munzhedzi was the traditional authority of the area, but downplayed the relationship:

> "We never had a tribal authority here. It was only the better known families to run the community. Like my family here was a big family. It was the Vukeya family, the Baloyi, and the Maluleke family. They were running this community, and they were families… It was like this before. If we got some matters which were not so

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[85] Interview, Lawrence Mushandana, 28 October 2008
[86] Interview, Eric Tshabalala, 25 August 2009
[87] Interview, Chris Baloyi, 26 August 2009. Clement Baloyi at Shimange pointed to the weaknesses of the argument about gravestones, saying that "historically we blacks did not use gravestones like that when we buried our people", but he concluded that this was government's policy so it might as well be used to stake a claim (informal discussion, 27 August 2009).

serious in Mavungeni, we tried to resolve them here, and if we failed, then we would involve the chief Munzhedzi for assistance. Not that we were under them, no. The community here would call Munzhedzi to come and help, or the Mavungeni would go up to Munzhedzi seeking help, saying we've got a problem like one, two, three… It was the agreement between the olden-aged people. It was just an agreement, that you are not listening, we are going to take you to Munzhedzi, so that Munzhedzi will help us… This [*land*] was under white, this was state land."[88]

The formally recognised traditional authorities lost ground as a result of the transfer of legal ownership of land to claimants organised into the CPAs:

"I can say one or two [*CPA committees*] are still with the chief. Others they don't consider the chief whatsoever. They just say they have their own thing. The chief has said those CPA committees and their chairpersons should resolve their problems and come to the chief and report every month or every quarter for the development that they are doing there, so that they can move together. Some are not even considering the chief… Because they [*government*] gave them title deed of the land they thought everything is on their power now, they are just doing whatever they want… On some areas which have claimed, headmen have been there, who were controlling. For example, Shimange and Mavungeni were included, they were staying together, they were moving together all the time. But now because they have purchased the land, they no longer go to Munzhedzi or Nthabalala."[89]

Even at Munzhedzi, where the chief had played such a major role in the return of the land, support for the institution of traditional authority was lukewarm at best. This was evident in the disintegration of historical spatial practices of authority which, as Chapter 4 shows, were centred on the chief's *kraal*. Although the chief had re-established his *kraal* at Munzhedzi after the occupation, by the time his son took over the role, the *kraal* resembled little more than another half-built house in the settlement. Putative subjects certainly did not contribute money or labour to assist in building the house, and the chief-designate was forced to live in Maila with his family until such time as the house at the chief's *kraal* could be completed. The absence of a spatial centre of authority highlighted the weakness of the formal institutions of authority, whether CPA committee or traditional authority, at Munzhedzi. It also indicated the extent to which inhabitants were able to mediate claims to authority in an indirect, passive way. Even though this did not produce new institutions of authority they could mobilise to channel their own representations of space in a co-ordinated, collective and conscious way, their effective boycotting of existing institutions of authority created a vacuum that allowed

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[88] Interview, David Baloyi, 2 June 2009
[89] Interview, Solomon Thovha, 1 October 2009

for a more diverse range of spatial practices, and hence of lived spaces. The rapid deterioration in relations between inhabitants and the traditional authority when the chief-designate came in illustrates "the contingent character of the power wielded by traditional authorities and the degree of popular support they enjoy" (Claassens, 2001).

Support was also conditional on the proper protocols being followed. When the chief died shortly after the claim was settled, his son came from Polokwane to claim the chieftaincy. But the son's brash approach and apparent self-interest alienated inhabitants as well as the traditional authority hierarchy. The Nthabalala Tribal Authority, under whom Munzhedzi fell, refused to recognise the chief-designate on the grounds that the Munzhedzi royal council had not followed the necessary procedures. Nthabalala insisted that the only reason they were not recognising Simon Rambau was because the Munzhedzi royal council had not followed the protocols of formally presenting him to the tribal council as the candidate. Nthabalala suggested internal divisions in the Munzhedzi royal house were preventing this from happening.[90] Rambau and the royal council at Munzhedzi rejected this argument and insisted they had made the decision and had already presented his name as the chief-designate.[91] Others at Munzhedzi felt it was a power play:

> "The main reason behind this thing is they want Simon to submit himself as a headman under the chieftaincy of Nthabalala. They are just giving him time to make up his mind. They are still punishing him so that he can come around, change his behaviour. Because he does not want to submit himself under the tribal authority of Nthabalala, he wants to be independent… After the death of his late father, the Nthabalala people appointed the aunt to be the one representing Munzhedzi. The aunt did attend the tribal meeting where all the headmen come together at Nthabalala tribal authority. So that's one of the things that Simon is not doing. He's not submitting under their authority… Once he has submitted that's when maybe they will appoint him as headman of Munzhedzi."[92]

Whatever the case, the struggle within the traditional authority related directly to authority over land governance on the restitution farms. Although Nthabalala did not immediately claim direct authority over land allocation at Munzhedzi, the Tribal Authority called on Munzhedzi to report to them first before making land allocation decisions. Later the Nthabalala Tribal Authority intervened more directly by calling a meeting of Munzhedzi's inhabitants and demanding a R50 PTO fee from each of them. Later still, Nthabalala hand picked his own

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[90] Interviews, Solomon Thovha, Peter Makhubele and Chief Nthabalala, 11 June 2009; Solomon Thovha, 1 October 2009
[91] Interview, Simon Rambau and Violet Rambau, 1 October 2009
[92] Interview, Mpho Patricia Ngobo, 12 November 2009

headman at Munzhedzi.[93] These are obvious attempts to assert claims to authority over the territory. Munzhedzi also faced pressure from a neighbouring headman, Keith Nthabalala, who fell under the Nthabalala Tribal Authority, and whose *kraal* was in Maila on the neighbouring Duikershoek farm. "[*He*] invaded when the chief died. He claimed there was an agreement with the old chief Munzhedzi that he could occupy the land, but there is no evidence of that agreement."[94] The CPA sent a letter to the RLCC in 2003:

> "We of the Munzhedzi CPA would like to bring to your attention that our honourable chief is currently invading our proclaimed Diepgezet farm that was claimed and awarded to the abovementioned CPA. We have great honour and respect to our chief *per se*, but presently the chief is allocating stands to 310 LS [*Vleyfontein*] farm and has ploughed maize on Diepgezet farm. We humbly would like you to intervene in this matter…"[95]

The Nthabalala Tribal Authority recognised that at Munzhedzi support for the traditional authority was not necessarily support for the incumbent, and they used this to drive a wedge between the chief-designate and inhabitants at Munzhedzi. The CPA committee argued that "at Munzhedzi we don't have a chief and we have not nominated someone to act as a chief."[96] Committee members were exasperated by the failure of inhabitants to stand up to challenge the chief. "The community can say they don't want to be ruled by a chief but by the CPA committee… [*but*] it is difficult to convince the elders to challenge the chief if necessary."[97] This was read by Nthabalala as an indication not of lack of support for traditional authority in principle, but precisely the opposite: a lack of support for those who sought to undermine the customs and protocols attached to the institution.

The spatial implications of this battle within the traditional authority structures were muted, since both Nthabalala and Munzhedzi had similar representations of space, structured around settlement and use of the land by many people whom the chief would protect from land alienation, and in return who would support the chieftaincy materially and politically. Nevertheless, it revealed the destabilising effect of the introduction of restitution and the new

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[93] Telephone conversations, Simon Rambau, 7 December 2010; 4 April 2011. The PTO system was a permit-based land access system for areas with traditional authorities, regulated by the R188 regulations of 1969. Although the regulations no longer had legal force, they remained in routine use in Limpopo and elsewhere because no alternative regulations were put in their stead.
[94] Interview Lawrence Mushandana, 28 October 2008
[95] 'Invasion on Diepgezet farm by the local chief', letter to the Commission of Land Affairs and Nkuzi Legal Entities, signed by M.B. Malaka, 10 April 2003
[96] 'Problems encountered by Munzhedzi CPA (community)', letter to Nkuzi Development Association, signed by L.S. Mushandana (CPA Chairperson), 10 January 2005
[97] Interview, Lawrence Mushandana, 28 October 2008

structures of land governance that required an adjustment by traditional authorities to the new realities. For Nthabalala the long-term stakes were high because the Tribal Authority could see the land it considered to be unified under its authority fragmenting into smaller units outside its control. Despite the collective form of the CPAs, they posed the challenge of private property as an alternative to Nthabalala's representations of space of the recreation of an indigenous tenure regime under its own authority. For twenty years the restitution farms had been neither private property nor indigenous tenure. The restitution process opened up the space for renewed contestation.

The Nthabalala Tribal Authority stated that it was prepared to coexist with independent CPAs as long as the latter were prepared to work with it, suggesting that it was willing to cede aspects of day-to-day land governance to elected committees on fragments of land under its overall jurisdiction. It sought to reintroduce an indigenous tenure regime to farms expropriated by whites and the state and converted into private and then state property, but at the same time asserting its own authority over the land and the inhabitants.

In essence, the traditional authorities sought to channel spatial practice into advancing the encroachment of the former homeland boundaries into the spaces opened up by restitution. This represented an absolute continuation of the late apartheid spatial agenda. Munzhedzi had a similar view, except the royal family was not averse to using the CPA structure – a structure locked into a framework of private property – in order to further its own authority. But whatever their tactics, the traditional authorities could not ignore the introduction of the new institutions of land governance, and were forced to accommodate them. In some places they were relatively successful in neutralising the power of the CPAs (Munzhedzi), but in others traditional authorities lost power and authority (Mavungeni and Shimange).

5.4   The CPA committees and a nascent capitalist class

The CPAs opened the ground for the emergence of democratic participation in land governance, even if this was contained within fragmented parcels of space separated from one another. The CPA committees were the official channels for the translation of representations of space into spatial practice. The CPA constitutions stipulated the need for regular elections of committee members by the majority of members, at Munzhedzi and Shimange every five years, and at Mavungeni every three years. However, the systems of accountability collapsed on the farms, resulting in individuals and small groups entrenching themselves in the

committees and using the latter as a power base to further their own interests. At Shimange, the first election of members to the CPA committees in 2002 was also the last election. When committee members died or resigned they either were not replaced, or *ad hoc* replacements were made through the authority of a President-for-life. Although this was unconstitutional, there was a patent lack of understanding amongst members about the contents of the constitution.[98]

At Munzhedzi, the inaugural elections in 2002 also marked the end of the democratic selection of representatives. Although the CPA committee members changed substantially in subsequent years, this was through the authority of the chief-designate who subordinated the CPA committee to his authority. Mavungeni was the only one of the three restitution farms to hold a second set of elections for representatives to the CPA committee. But the 2005 elections were the last to be held. After this, the divisions between the group that had opposed the lease agreement with the Hennings and those that had supported it turned into a split. The possibility of transforming lived space for the majority of inhabitants was reduced as the relative elites who had captured the committees sought to reproduce dominant representations of space based on a particular model of commercial production and control over the space. The failure to follow the procedures of the constitutions and the capture of committees by relative elites was a common experience in restitution around the country (Lebert, 2005, Hall, 2009b, Hellum and Derman, 2010), signifying a larger structural problem.

Two factors led to the rapid collapse of the election system that opened the way for those initially tasked with leading the CPAs to retain their positions unelected, and hence to gain *de facto* control of the committees. First, at Mavungeni and Shimange the vast majority of members did not return to the farms on settlement of the claims, leaving only a handful of active members. Other claimants were spread across Limpopo and even into Gauteng and KwaZulu-Natal, making regular meetings impossible, especially where members had no real interest in returning to the farms. Realising the required quorum of up to 75% of members on the beneficiary list to make binding decisions proved impossible. In any case, it was increasingly impossible to verify whether there was a quorum (based on a percentage of overall members) even if a meeting was called. Membership lists were supposed to be maintained by the CPA committees, but were not. This made the version registered with the

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[98] This was evident at a meeting of committee members I attended at Shimange , 28 August 2009

RLCC at the time of settlement the authentic one. If members died or new members came in subsequently, this was not recorded.

Secondly, the state's failure to provide the start-up resources that were part of the restitution package led to disillusionment amongst many members, who felt there was no point in coming to meetings to talk if no practical action to follow up decisions was possible. At Mavungeni and Shimange, inactive claimants lost interest in travelling long distances to attend meetings:

> "On the positive side, we are very happy to get this place. But on the negative side, we never got support from government. If ever, very minimal indeed. How do you give a person a tractor without diesel? Farming without water? How do you farm without electricity? How do you go around without roads? How do you do irrigation without pipes? And many other things. So it made us very difficult. We tried to go to the municipalities, to go to the province. We've written them many letters, to try to raise our issues here. Those bureaucratic channels. So many people here lost hope. There were lots of people here… But because of lack of support, they lost hope and they left… The others are down there, but they are no longer interested in coming here. Coming to do what? Even if you tell them to come they are no longer interested. No, they are completely discouraged."[99]

At Munzhedzi, although the majority of members had moved onto the farm, they also became disillusioned with meetings that produced no practical actions. The result was a decline in attendance at community meetings, including the fortnightly tribal gatherings, as inhabitants disconnected from formal governance structures, away from structured involvement altogether. In a settlement of thousands of households, meetings seldom gathered more than seventy or eighty people together. The collapse of 'traditional' spatial practices of authority alluded to above was reinforced by this disinterest in supporting chiefly claims to authority. Channels for the formal participation of inhabitants to define the space were narrowed. The potential for the transformation of lived space was reduced as the democratic structures of authority stagnated.

Underpinning the possibility of capture of the new institutions of land governance by small groups was the incapacity or unwillingness of the central state to carry through the logic of democratisation into practice. One key facet of this was the core contradiction between efforts to democratise land governance on the one hand, and the retention of private property rights and the statutory recognition of traditional authority that was embedded in the conceptions of authority and land governance from the outset on the other. So even if the central state was

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[99] Interview, Chris Baloyi, 26 August 2009

able to carry through its conceptions into practice, the conceptions themselves were contradictory, inevitably leading to contradictory outcomes. The central state's inability to provide consistent support to the establishment and rooting of democratic land governance institutions reinforced the power of private land owners and traditional authorities, and increased the influence of local power dynamics in shaping the practice of land governance.

The statutory requirement to set up the institutions was the easiest part of introducing democratic land governance onto land reform farms. The Minister would only sign off on CPA constitutions if they met a list of criteria defined in the CPA Act. But an on-going role in supporting the effective functioning of these institutions, with accountability to their members, was essential to their success. Ostensibly this role was assigned to the Post-Settlement Support Unit in the RLCC. However, members of the Unit itself were unclear of their precise roles in this regard, the Unit confronted numerous crises in dealing with poorly executed settlement processes, it suffered from extremely high staff turnover which meant the loss of institutional memory, and lack of resources and staff numbers prevented staff members from going out into the field to provide practical support.[100] The RLCC was practically absent from the area. In short, the RLCC was simply unable to provide the support required to strengthen and root the new institutions of land governance.

The state's lack of investment in institutional support for democratic structures of land governance suggested this was a lower priority than other forms of governance. For example, in 2009 'senior traditional leaders' (chiefs) each received an annual package of R154,282 from the state (Republic of South Africa, 2009:5). At the same time, over R5.3m in grants that were part of the restitution packages on the three restitution farms in the research area, meant to assist CPAs to begin working, remained unpaid eight years after the settlement of the claims. Even acknowledging that the funds travelled through different departments with their own budgets and processes, from the point of view of the state as a whole, resources were directed towards the institution of traditional authority, rather than towards bolstering democratic institutions of land governance. If investment is taken to be the directing of resources towards the materialisation of particular conceptions of space, this indicates the state, in practice, reinforced the spaces of traditional authority over the spaces of democratic land governance. At the very least, it revealed the internal disconnections in the state and the plethora of contradictory policies and processes that reinforce the idea of the state as a "contradictory

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[100] Interview, Sello Khoza, 18 November 2008

and disunited ensemble of overlapping relationships of power", in the words of Bayart (1993:196).

The state did provide support in assisting in the formulation of business plans that took as their starting point commercial agricultural production on the farms. Chapter 7 elaborates on the spatial implications of this in some detail. From the point of view of land governance and authority, this practically meant support for the agenda of a nascent capitalist class, including some small-scale capitalist farmers, who gained authority through the establishment of the CPA committees. A clearly defined representation of space underpinned this agenda: the farms should be used to produce spaces of commercial production and contained settlement, rather than dispersed or mass settlement and/or small-scale production. Although the state was unable or unwilling to invest extensively in the materialisation of these representations of space in any consistent way, the mere support for commercial plans gave this nascent class an advantage in being able to use the 'official' spatial plans to support spatial arrangements that favoured their interests. These interests were not consciously opposed to the interests of the broader membership, but in practice dominant representations of space favoured those who could invest their own private resources in commercial production. The fragmented and jerky involvement of government in the research area mirrored much wider dynamics of the state withdrawing "from any clear accountability toward the claimant communities in particular and to its wider rural political constituency" (Hellum and Derman, 2006:10).

However, failure to support the functioning of the democratic institutions could not be laid entirely at the door of the state. At Shimange deeper dynamics prevented members from challenging the leadership, even when the latter were not acting according to the constitution. The apparent rejection of traditional authority was merely a rejection of Venda authority over the Shangaan. The dominant Baloyi clan favoured the introduction of a traditional authority-type governing structure on the farm. According to members of the Baloyi clan, Shimange (from whom they were direct descendants) was a chief in the area. The land use plan was done in the name of the "Shimange tribal community" (Northplan, 2004) and the constitution stated that "the community comprises predominantly the offspring of Chief Xitlhangoma Baloyi who occupied the area South West of Elim Mission."[101]

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[101] Shimange Communal Property Association Constitution, Registration No. CPA/02/0427/A, registered 10 May 2002, p.4

Those with interests in constituting themselves as hereditary leaders at Shimange managed to get provisions into the constitution that allowed for an unelected President whose authority was derived from heredity. The President, a leader of the Baloyi clan, was given oversight of the committee and had authority to make certain types of decisions regarding the community. The Shimange traditional authority was not formally recognised by the state at the time of writing. Nevertheless, there was a fairly deeply rooted sense that the Baloyis were the primary clan in the claim. According to one claimant, whose allocation of a piece of land at Shimange was later rescinded, "if the chief speaks, we can't question. They are the land owners."[102] Lived spaces remained constrained by the imposition of authority from above.

There was, nonetheless, disagreement from other quarters to this, signalling an element of contestation around the role of traditional authorities in the institutions of the CPA. According to Eric Tshabalala, who was a principal at Efrata school and the last of the claimants to leave the farm:

> "What I know is there've been some recognised leaders, mind you it was within a farm, so leaders in a sense, recognised, but not officially recognised. They were just amongst ourselves as blacks… Shimange came from some other place which I am not very sure, with his group. Then they had somebody within their family who was recognised as their leader… But they are now claiming that Syferfontein belongs to the Shimanges which is not, it's not appropriate… In practice it had no meaning, because the owner of the farm was in charge in all respects. The only thing is it's amongst we blacks, sometimes there is a mutual understanding between the families, something of that light…but practically there was not that effective…because that farm belonged to the owner of that farm… [*When the whites introduced labour tenancy*] I personally organised people to get ourselves somewhere as a group. It was not the Shimanges who were organising. I did it… By then if at all the Shimanges were a strong leadership, they would have gone out and asked for a space to take their people. But that did not happen."[103]

Despite these individual voices of opposition to the dominance of the Baloyi clan and its attempts to control the CPA through claims to traditional authority, most CPA members found it difficult to challenge the leadership. Sipho Baloyi, an active CPA member, but also a youngster and therefore in a subordinate position, explained that Shimange had seven wives.[104] The status of all descendants was based on a hierarchy with descendants from the first wife having greater status than descendants from the second and so on. This structure of traditional status meant it was difficult for someone lower down the hierarchy to challenge

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[102] Informal discussion, Rita da Gama, 10 February 2010
[103] Interview, Eric Tshabalala, 25 August 2009
[104] Informal discussions, Sipho Baloyi

someone higher up in the hierarchy, regardless of the merit of their case. The result was that at Shimange individuals in the committee took top-down decisions, with limited participation from members and weak systems of accountability. This reflects Hellum and Derman's (2010:218) finding at Levubu of a tension between "the principle of equal membership status and the customary norms that apply within the group." According to Berry (1993), and also Whitehead and Tsikata (2003), land access in indigenous systems continues to hinge on social identity and status. In the case of Shimange, where status was a more pronounced feature amongst the claimants than on the other farms, these factors influenced access to decision-making authority, but it was not apparent that this translated into access to land. It may be that the constitutions defined the membership and rights of members in a way that indigenous tenure regimes did not. But whether this was the case or not, this disconnection between status and land access indicated another way in which the collective private ownership model differed from indigenous tenure.

Recognising the limits of having so many committee members living far from the farm, in 2005 Shimange committee members agreed to establish a 'local action committee' consisting of members who were regularly on the farm. Authority was devolved to this group to implement decisions taken by the CPA committee, but it had very limited authority to make decisions about land allocations or any other developments on the farm on its own. Tensions emerged between the local committee and the CPA committee around the extent of authority ceded to the local committee, even though some of the members overlapped (Lahiff *et al.*, 2008:49-51). Despite their lack of formal authority, however, local committee members were amongst the most active on the farm, and played a key role in constructing spatial practice on the farm through their settlement and production activities (detailed in Chapter 7).

Despite these tensions, it was apparent that local committee members continued to defer to the authority of the CPA committee and in particular the President, who seemed to retain his grip on decision-making despite his lengthy absences from the farm. Any decisions about land allocations and uses continued to be channelled through the CPA committee before being finalised. Spatially, the dominance of the President (the unofficial 'chief') did not result in the kinds of tensions that emerged at Munzhedzi between the traditional authorities (who created settlement with small stands along the model of the betterment villages in the former homelands) and the capitalist modernisation vision (of commercial production with contained settlement) favoured by the nascent capitalist class who populated the CPA committee. At Shimange the President himself had a capitalist modernising outlook and therefore used his

authority to support the construction of a commercial farming space with restricted settlement. Anyway, regardless of the representations of space that the Shimange CPA committee attempted to materialise, it had limited power to realise this, and the CPA committee only partially functioned as a channel for spatial practices. Chapter 7 shows how those inhabitants who stayed on or near the farm, and were actively involved, were far more significant in shaping spatial practice.

Other tensions swirled under the surface at Shimange. The claim was originally meant to be on two farms, Uitschot and Syferfontein. Although the farms were treated as one claim, and the claimants were put together, claimants or their ancestors historically lived on one or the other farm. The CPA committee and the local committee included people from both farms. Bureaucratic bungling meant the Uitschot claim was not processed, with the result that only Syferfontein was returned, with a promise by the Commission to deal with the Uitschot claim after the transfer of Syferfontein. However this did not happen. The result was that some Uitschot claimants found themselves on the Shimange CPA committee. Tensions later arose amongst some CPA members who questioned why people from Uitschot should be making decisions about how Syferfontein land was used. On the other hand, the Uitschot claimants questioned why no effort was being put into following up on the Uitschot claim now that Syferfontein had been returned.[105] From a spatial point of view, the memory of where people used to live continued to shape the kinds of authority they had in a situation of legal/formal equality as members of the CPA, even when they were no longer living in the exact physical places they lived in when they were removed. Historical spatial relations structured present relations of authority and influenced spatial practices, again shown in more detail in Chapter 7.

At Mavungeni, Sam Shirinda was able to use the dissatisfaction generated by the proposed agreement with the Hennings to lead an occupation of a portion of the land. The challenge to the authority of the CPA committee was rooted in competing representations of space. The conflict had its source in an agreement in a CPA members' meeting held in September 2003 where "all the members unanimously agreed that the people of Mavungeni should start resettling at Mavungeni despite the lack of water, roads and electricity. This will deter illegal farmers from destabilising our area."[106] When Shirinda was elected Deputy Chair in 2005, he began asking questions about the non-settlement:

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[105] Meeting of local committee members and other CPA members at Shimange, 28 August 2009; informal discussions with Sipho Baloyi, Rosemary Tiba and Chris Baloyi
[106] Minutes of Mavungeni CPA General Meeting, Marimani High School, 21 September 2003

"This land, we got it the very same day as the Munzhedzi and the Shimange. The government organised it one day, a joint handover ceremony. So we wanted to know, 'Munzhedzi's land is already full. Why is ours empty?'… Then my research came to the following: that those people, they don't want us to come and resettle here."[107]

It was then, he claims, that he discovered the proposed agreement with the Hennings. He also identified tendencies within the CPA committee to hold collective resources for the benefit of some individual families:

"There are two tractors, two ploughs, two trailers, and everything. The government said the list is too much, so what we must do, we must give you two tractors, two ploughs, so that people can be enough to plough. Now, this group, if I go now and say I want the tractor, I will never get it. Even before the division…when they wanted to plough, they would go and plough. They've got fields somewhere there. When they are finished there then they will go and plough for ordinary members of the public at Mbokota, because they stay at Mbokota, most of them. And they are getting money… You will even notice with Shimange, Munzhedzi, what-what, when they start a project like a poultry project, the chairperson will take his family to go and work there. No other family will be allowed to go and work there… From the behaviour of the CPA [*committee*] you could see they don't want any other person there than their family to work there… There's a poultry project, macadamias which are being harvested every year. There is a guy they leased on the redistribution farm, there is an old farm house there. There is a guy leasing the whole of that area. He's paying R1,000 per month, I think since 2003, he is paying R1,000 per month. They don't want to disclose who that money is going to… There is no money, there is no accounting for it."[108]

Shirinda led some members away from the CPA committee and formed a separate group he called the Xikopokopo group. The name came from a small river that cut across the restitution farm, which Shirinda claimed marked a historical boundary between the Xikopokopo families and the families that retained control of the CPA committee. The group consisted of disaffected CPA members, including a few from the CPA committee. Other non-claimants from Vleifontein and beyond later swelled its ranks, mainly to take advantage of access to land. Shirinda constructed the division into a historical antagonism between the families which meant there was no possibility of coexistence within one authority structure:

"Those people, before they moved out of the farm, they were not united, those people. You can ask Munzhedzi and Shimange what used to happen. My group will be staying in this area. That river will be the boundary. That other group will be

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[107] Interview, Sam Shirinda, 16 November 2008
[108] Interview, Sam Shirinda, 16 November 2008

staying there. But when the commission has to hand over the farm, they hand it as a whole farm, they don't hand it in pieces. So we here in this farm, we were two groups always."[109]

Opposition rested on explicit disagreement with the representations of space being proposed by those in control of the CPA committee. CPA members aligned with Xikopokopo asked whether it should be that all families were pushed together into a 'community' on one farm or whether it would be better to restore smaller pieces based on individual families and where they had stayed historically.[110] Although this version of history was rejected by members of the CPA committee,[111] they could not prevent the split and occupation. The Xikopokopo group proposed a radical sub-division of the land and the dissolution of the imposed cadastral boundaries.[112] But according to the CPA committee, "the way we settled before can not happen now because we want to use the land productively, not just randomly. The land does not belong to Shirinda. He does not know anything about the land, that's why he settles anywhere."[113]

Two specific points of concern were that the unauthorised settlement was located in an area that would cause pollution of water in the dam, and that the settlement was placed right next to an Anglo-Boer War gravesite and monument that was considered to have tourism potential. "If maybe they give a good reason why they must go and resettle up there, giving a good reason and not just going to disturb a tourist attraction there, and not disturbing the Vleifontein graveyard. It's a disturbance. All those people are vandalising this portion up there."[114] The remaining committee members thus aligned themselves with the dominant representations of space, and its associated commercial land use plans, as a way of undermining the authority of the Xikopokopo group. But whatever the argument, there is little doubt that the lived spaces of those in the Xikopokopo group were significantly transformed. They shaped the space for themselves and did not bow to any authority other than the authority of the group, which by all accounts was not heavy-handed.

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[109] Xikopokopo group discussion, 16 November 2008; see also 'Re: Mediation of the dispute at Mavungeni farm', letter addressed to Secretary: Mavungeni Group and signed by Mzamani Phineas Vukeya, 28 September 2008
[110] Xikopokopo group and DoA meeting, Mavungeni, 2 June 2009
[111] Interview, David Baloyi, 2 June 2009; Group discussion with Mavungeni CPA committee members, (Winston Maluleke, Gibson Chauke, Eric Maluleke, David Baloyi, Samuel Baloyi), 3 December 2008
[112] 'Re: Mediation of the dispute at Mavungeni farm', letter addressed to Secretary: Mavungeni Group and signed by Mzamani Phineas Vukeya, 28 September 2008, p.17
[113] Group discussion, current and former Mavungeni CPA committee members, Winston Maluleke, Gibson Chauke, Eric Maluleke, David Baloyi and Samuel Baloyi, 3 December 2008
[114] Interview, David Baloyi, 2 June 2009

The Xikopokopo group had no formal authority structure, and decisions appeared to be made by Shirinda with a handful of others around him. In reality, they hardly constituted a 'group' at all, and were more a collection of individuals united only by Shirinda's protection of their occupation of the land. It was difficult to tell to what extent Shirinda or those around him benefited materially from the occupation. There were suggestions that the land was being sold, but no tangible evidence was found. Some occupiers denied having paid anything to anyone, while others indicated they had already paid and others understood they would have to pay at a later stage:

> "We were not paying anything. What they are saying is, as we are going they want the municipality to come and cut sort of plots where we have proper stands. That's when we can start paying rent…after they've cut they should send those measurements for title deed."[115]

The state played an ambivalent role in the conflict. David Baloyi of the CPA committee said,

> "There is no-one to intervene and advise. The Land Claims Commission says there are departmental lawyers to help, but they are failing to come. Our lawyers say it will cost R40,000 to evict the invaders, but we don't have that money to pay. We wrote letters up to the Minister, but they don't respond."[116]

The Xikopokopo group also sought state support for their own actions:

> "[*The CPA committee*] went to the regional land claims commissioner, and then he came here on 3 Dec 2006. He sent his deputy. We sat there and then he said, no, those people are complaining that you are establishing shacks here, and this area is not meant for resettlement… Then we gave him that resolution and said we agreed we should stay here."[117]

They also approached the DoA to provide them with material support for ploughing. The Limpopo Member of the Executive Council (MEC, the provincial equivalent of a Cabinet Minister) for Agriculture sent a local delegation to the Xikopokopo group following a letter requesting a meeting.[118] However the delegation made no firm commitments, primarily because the broader dispute about group recognition and sub-division of land was outside the

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[115] Interview, Jonas Phulwana, 10 February 2010; also interviews, Mabina Matodzi, 10 February 2010; Audrey Ntshangule, 10 February 2010; Livhuwani Makhuga, 10 February 2010
[116] Interview, David Baloyi, 27 October 2008
[117] Interview, Sam Shirinda, 16 November 2008
[118] Meeting between DoA and Xikopokopo group, Mavungeni, 2 June 2009

mandate of the DoA. This was despite the occupation on the Mavungeni restitution farm producing a direct challenge to the authority of the CPA committee, and indirectly to the authority of the state that stood behind it. Even though the state was only sporadically present, both parties to the conflict continued looking to the state to provide a resolution. This indicated the extent to which the "idea of the state" (Abrams, 1988) remained intact.

Why did the central state not respond more directly to these local failures of governance and authority? There were two possible answers to this: one was that there was no necessity for intervention in local disputes that threatened neither the state's control over political space as a whole, nor the smooth flow of circuits of capital accumulation. The second possible answer was that the central state itself did not have adequate power or authority to intervene in the ways it would like to. Both of these had an element of truth to them. As much as the Mavungeni CPA committee or the Munzhedzi traditional authority struggled to assert their claims to authority in the face of competing claims, the central state's presence also frayed at the edges the deeper it went into the areas marginal to the capitalist economy. Lack of state presence itself may be a contributing factor to the definition of these areas as marginal.

Central state resources were not channelled into these areas, resulting in local level resource constraints (i.e. lack of investment in materialising specific representations of space). Rural development and land reform were important rhetorically at a national level as, increasingly, was smallholder production (African National Congress, 2007). However, this dissipated at local level in the face of more pressing national priorities as determined by the ruling party and the government. State actors might ideally have liked to intervene in a more proactive way to materialise their own representations of space, but were unable to. This did not constitute a crisis for the central state as long as it did not threaten priority circuits of accumulation and there was no immediate threat to its control over political space.

5.5   Conclusion

The introduction of the CPAs as democratic institutions of land governance had the potential significantly to alter the relations of authority and power, and of spatial relations in the Vleifontein area. However, the new institutions found themselves operating on islands, demarcated by inherited cadastral boundaries. They were shaped by the two forms of authority that survived South Africa's political transition relatively unscathed: the authority of private land owners and traditional authority. The result was a tussle to define who would

have authority over restitution land and what the relationship between the different authorities would be.

CPAs found themselves caught in the crosshairs of this struggle. From outside, both white landowners and traditional authorities attempted to exert their historical authority, built on different representations of space, and to subordinate the CPAs to this authority. These efforts were not fully successful, and only at Munzhedzi did traditional authorities gain some real ground. Internal to the CPAs, the middle class professionals who had led the claims initially found it relatively easy to take control of the institutions, relying both on their historical role as leaders of the claims and also on the lack of articulation of spatial conceptions that presented an alternative to the dominant commercial plans supported by government.

But over time, internal tensions came to the fore. At Mavungeni, representations of space that relied heavily on experiences of labour tenancy and dispossession – represented by the Xikopokopo group - came into conflict with the dominant conceptions. This led to spatial practices and lived spaces that differed significantly from that proposed by government and supported by elites in the CPA committees. At Munzhedzi, the contingency of a pre-emptive land occupation led by the chief boosted traditional authority, resulting in the production of a 'betterment' space and allowing the royal council effectively to usurp the power of the committee. The Nthabalala Tribal Authority was forced onto the back foot when its claim to a large swathe of land began disintegrating in the face of the transfer of pockets of land to private ownership under CPAs. It was compelled to renegotiate the terms of its authority, away from claims to ownership and towards claims to territorial authority. These dynamic processes were still unfolding.

On all the farms, the historically centralised spatial structure of authority was dissolved, and the CPA committees were not entirely capable of asserting their own authority in the vacuum. This signalled a fragmentation of authority on the farms, with spatial implications that are developed in Chapter 6 on property relations and Chapter 7 on land use.

Conflicts internal to claimant groups and between claimants and their neighbours have dogged land reform in South Africa. Although the claimant groups in the research site were relatively cohesive during the claims process, this cohesion gradually fragmented. A primary reason for this was a lack of resources to materialise post-transfer plans. This opened the way for growing frustration amongst claimants and increasing distrust of leaders. At Mavungeni and

Munzhedzi, CPA members questioned how resources were being allocated and used, with suggestions of financial impropriety arising. Those individuals who had their own resources were able to start using them on the land, while others were unable to advance their interests because of a lack of personal resources for production or settlement. Historical class and gender inequalities amongst claimants thus emerged as a growing point of contention. These aspects of the internal conflicts were similar to those experienced elsewhere in South Africa and in Africa more broadly (Zartman, 2000, Manji, 2001, Bosch, 2003).

The issue of lack of access to land itself – a key point of conflict in Africa (Peters, 2004, Sietchiping, 2010) – manifested unevenly in the research site. It did not appear to be a major cause of conflict within claimant groups, but was already becoming a point of contention between claimant groups (e.g. the Munzhedzi royal council's feeling that the land they had was not adequate for their needs) or between formal claimant groups and other 'informal' claimants (e.g. the loss of access to land by Vleifontein residents following land restitution to the claimant groups).

The state responded by using the internal conflicts as a reason for not providing resources. Chapter 7 shows this in relation to the DoA's reticence in providing resources at Mavungeni and Munzhedzi in particular. The grants were originally part of the restitution package. But as the state reassessed the extent to which it wanted to invest in group projects in marginal areas, the discourse changed to one where the grants were discretionary and dependent on CPAs formulating acceptable plans which were in line with the state's own priorities for land reform and agricultural production. In addition, claimant groups had to prove they had the institutional capacity to absorb and productively utilise those resources[119]. So a downward spiral developed, of lack of resources generating or inflaming internal conflict, and conflict producing lack of resources.

The state's failure to provide the promised resources reignited underlying ethnic tensions that had been hidden for a time in the latter stages of the claims process. These re-emerged as a point of conflict between the different claimant groups, manifesting in growing counter-claims based on traditional authority (especially from Munzhedzi) as well as intimations of ethnic bias by state actors. For example, at Munzhedzi there was a belief that the grants were being delayed and the state was not providing support because the RLCC was dominated by

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[119] Comments by Lazarus Lepako, Manager: Restitution Systems and Support, Limpopo Department of Agriculture, at PhD research report back session, Elim, 17 June 2011

Shangaans. Likewise, at Mavungeni, individuals suggested that DoA support was not forthcoming because the Department was Venda-controlled. Old conflicts, which may have been overcome with a successful transfer of land and resources, re-emerged on the back of unreliable state support for land reform. Chapter 6 on property relations, and Chapter 7 on land use, show how some of these dynamics unfolded in practice.

CHAPTER 6: PROPERTY RELATIONS, LAND REFORM AND SPACE

6.1   Introduction

Chapter 4 showed how the space of Vleifontein was shaped by indigenous systems of property and authority, by the private property of white commercial farms, and by homeland consolidation and the establishment of Vleifontein. These generated sedimentations of authority, property and land use. Chapter 5 shows how authority and land governance after land reform arose on the back of these sedimentations. This chapter shows how property relations in processes of land reform were also shaped by these historical sedimentations. The first section of this chapter considers how representations of space were manifested in concepts of property in the land reform programme, both nationally and at the research site, where land claims were already under way prior to the land reform programme. I then turn to look at how representations of space and property were translated into spatial practice and how lived spaces were affected.

6.2   Property and representations of space: a tension at the heart of restitution

A "master narrative of loss and restoration" (Walker, 2008:12) underpinned the restitution sub-programme. The programme was a product of this narrative rather than its cause. Organised efforts to reclaim the land started prior to the official programme of the post-1994 government. The roots of restitution lay in the actions of dispossessed groups and individuals in the 1980s to return to the land and to resist forced removals. At a national level, the emphasis of restitution on the restoration of rights for 'black spot'[120] removals biased it towards a middle class who had previously owned land (James, 2007). The national programme established institutional structures framed by this bias. Where restitution was based on labour tenant and farm dweller claims, as with the Vleifontein farms, the claims were manipulated to fit into the prevailing format, i.e. the return of whole farms based on the cadastral boundaries and the logic of private land ownership. In the research site, no claims were based on regaining lost rights to private property.

Chapter 5 shows how traditional authorities at Munzhedzi and Nthabalala played a role in leading claims to land. This introduced a different element into the restitution process. These claims sought to reproduce indigenous tenure regimes rather than to restore private property.

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[120] 'Black spots' were the name given to pieces of land owned and occupied by blacks in areas designated by the government as white. They were one target of forced removals.

To add complexity, the content of indigenous rights was contested. Traditional authority relied on a historical narrative that placed them at the centre of land control. Other inhabitants, as revealed in the opposition to the CLRA (Claassens and Cousins, 2008), argued against this notion. The state was faced with a dilemma about whether to secure group rights through forms of private property or through the recognition of customary forms of land rights (Cousins, 2008b:9). The outcome was an official framework that sought to combine the two in a sometimes uneasy relationship. While private property was retained as the overarching framework, some leeway existed within these boundaries to structure rights and obligations more in line with indigenous practices.

On all the farms, the claims were led by an educated, professional layer who enrolled less educated claimants into active support of the claims. Historical class, or proto-class, differences lurked behind the apparent unity of the claims. Hellum and Derman (2010:204) identified a weakness in restitution being that insufficient attention was paid "to local communities' complexities and divided interests." Different representations of space were not consciously articulated at this stage, and the claims were constructed in such a way that no claimants felt excluded. Those who had ideas about commercial farming could co-exist with those who just wanted a better place to stay. Nevertheless, as Chapter 7 shows, a dominant conception of commercially productive spaces lay at the base of the way claims were formulated. The principles established by government on fairness and equity encouraged initial co-operation between claimants who may have had different representations of space underpinning their claims. According to Chris Baloyi of Shimange, a nascent small-scale capitalist farmer (Cousins, 2010b), and one of the leaders of the claim:

> "We never forgot about this place, because this is the place of our forefathers. Our ancestors are here. Our spirit, our love for this country never died. We are like the people of Israelites… Then our uncle, somewhere in 1986, my late uncle, Marks, he started a movement of going back to Efrata, like the Israel… When the new government came in and saying that all the people who have been forcefully removed, that are ready and are willing to claim their land back, the government are ready to support. That was a very ample opportunity for us. And we received that with two hands, and immediately we claimed the land."[121]

According to Boysie Baloyi, Shimange's hereditary President who was also a middle class professional:

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[121] Interview, Chris Baloyi, 26 August 2009. The farm Syferfontein was also informally named Efrata, after the school on the property.

> "This is about people being returned to the land from which they were driven…
> We are talking about the people who were once here and we want that land back
> for those people who can prove that the graves of their grandfathers and the
> graves of their parents and everybody are here. That's first prize."[122]

These conceptions combined various historical experiences of labour tenancy, forced removal
and dispossession regardless of class, gender or social status. As Chapter 5 shows, the
Munzhedzi occupation was led by the traditional authority, which produced alternative
representations of space that sought to replicate a chiefly version of the indigenous tenure
regime. The lands of Mavungeni and Shimange were included as part of Munzhedzi's original
claim, because the entire area was considered to have been under the rule of Munzhedzi in
the past. The RLCC facilitated an agreement for the chief to drop the claims to allow other
claimants who had lived at Mavungeni and Shimange to claim them. However, these unwritten
agreements later produced tensions over representations and their materialisation in spatial
practice, especially after the arrival of Simon Rambau at Munzhedzi, the chief-designate who
manifested an expansionist agenda (see Chapter 5). Unlike Nthabalala, who at least tactically
agreed to a separation of territorial authority and ownership (Lund, 2010), the chief-designate
insisted on pursuing claims to both, creating tensions with the CPAs at Mavungeni and
Shimange.

These various formulations of restitution within claimant groups significantly shaped the
official programme by ensuring there was a collective aspect to restitution, and by placing
redress of historical injustice at the centre of the notion of restitution. The collective nature of
the claims pushed against dominant representations of private property as being individually
owned. The very claim to a right to land based on past inhabitation and use, and not legal
ownership, destabilised the core notion of the exchangeability of private property.

However, these potential threats to private property were contained by the larger and more
powerful forces of capital. These forces secured the protection of private property in the Bill of
Rights in the 1996 national Constitution. If land reform – and even restitution – was to take
place, the rights of current property owners would have to be bought from them at market-
related rates. The representation of space based on private property was imposed from
outside as part of a broader political settlement. The property clause clearly leaned towards a
conception of property aligned with the production of capitalist space. However, the national

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[122] Interview, Boysie Baloyi, 29 May 2010

Constitution also incorporated elements of redress of past injustice, including the imperative for land reform and security of tenure for all citizens. The land reform process incorporated these divergent goals in its conceptions of property, producing contradictions that were to play themselves out in practice. On the one hand was the notion of private property as an economic asset. On the other hand was the importance of collective ownership, and of equity in distribution of land amongst claimants. Other non-economic values, including notions of ancestors, home, memory, past and future, were also included in representations of property.

The outcome was a representation of space that emphasised the fixed, clearly-defined boundaries of private property and the exclusive rights that accompanied ownership, but which incorporated a notion of collective ownership more closely identified with indigenous tenure systems. Principles of equity and fairness were written in to the individual CPA constitutions, limiting individuals from accumulating more land than others within restored properties. This produced a hybrid that could be termed collective private ownership (Cousins, 2008b). The collective character of ownership did not draw explicitly on indigenous tenure or land rights systems. This was left open to contestation. Collectives, in the institutional form of the CPAs, owned the land and had authority for land governance, but within the fragmented spaces of private property and with rights to exclude others from the land.

Wrapped within the dominant representations of space based on private property were conceptions of what that property should be used for. Commercial (capitalist) use of the farm spaces had long become a core component of the meaning of privately-owned farm land. As far back as the enclosures in England, private property was represented as "an inevitable response to the need for greater efficiency in agricultural production" (Peters, 2007:4). In this logic, return of the land is impractical. Instead, redress should be provided on the basis of a continuation of existing forms of production, but extended to incorporate those who were removed from the land. Lived spaces were not to be altered. When questioned about how the production model – the spatial practices of apartheid agriculture - could be kept intact, based as it was on the dispossession and super-exploitation of the black population, a Makhado land reform advisor justified it in these terms:

> "I know there was exploitation of workers before, when they were earning very, very less. But maybe we can just check in terms of production. Those previous owners were earning a lot of money. It's just that there was a bad side, where the workers were being exploited. But in terms of production itself, they were gaining a lot and they were contributing… These [*white commercial*] farms, before the

restitution, they were providing enough for the entire economy of South Africa. Which means, that's the responsibility of the government to make it a point that those people employed there, they must remain there… So those people, they must remain…in order to feed their families, and at the same time contributing to the economy of the entire country. That's why I say it's very, very important for the department, the government to maintain what was before."[123]

According to the advisors: "You can never take away the pain and loss that people have experienced, no matter what you do. So the best thing to do is improve people's lives."[124] This lay at the heart of the debate about the role of land in development and was based on the logic that it is impossible to realise a radical, egalitarian redistribution of the land and also have a strong economy and food production. They were set up in a binary relationship to one another. The implicit, and sometimes explicit, relationships were between collective or 'communal' property (egalitarian distribution but with a weak economy) and individual, private property (unequal distribution but with a strong economy). The concept of property was integrally connected to the organisation of economic activity within the fragmented spaces. There was an assumption that any private farm land was automatically profitable and productive.

This was further entrenched in the way restitution was formulated to respond to racist state actions after 1913, but which left exploitative capitalist relations untouched. The conception of restitution was narrowed to exclude the injustice of dispossession resulting from capitalist relations of production. This would have necessitated a more radical questioning of private property relations, and the social relations of production. Remedying the injustice of 'super-exploitation' of black farm workers (Marcus, 1989) was not part of the redress envisaged in the restitution programme. This was made explicit in the Popela restitution claim[125] appeal, where the court ruled that evictions or removals made on the basis of 'business' decisions fell outside the ambit of restitution (Supreme Court of Appeal, 2006). The Constitutional Court later overturned this judgement, arguing that the existence of labour tenancy itself was the product of racist laws and practices (Lahiff, 2008a). Despite the Constitutional Court ruling, white farmers used the logic of dividing political from economic actions to argue that some claims were not legitimate:

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[123] Interview, Elias Matodzi, Makhado DoA land reform adviser, 1 June 2009
[124] Interview, Makhado DoA land reform advisers, 30 July 2009
[125] The Popela claim in Moeketsi in Limpopo sought restitution for land lost as a result of dispossession that took place over years as the result of the conversion of claimants into labour tenants.

"If they've been evicted for political reasons, that's fine, they've got a claim... There are a lot of claims. We accept that. We accept that, it's no problem... [*But*] I know there are blokes here who they don't even know, who've come to settle here [*at Mavungeni*]... As far as we are concerned, people who moved off on their own, there's no claim."[126]

The private property framework is built on the cadastral system of demarcating farms. Some farms were divided into portions over the years. Subdivision of agricultural land was prohibited by a 1970 law[127] that remained on the books in 2010 despite a repeal Act being passed in 1998, but which was not promulgated (Hall, 2009b). The underlying purpose of the Act was to prevent the fragmentation of agricultural lands into units not considered to be viable for the kind of agriculture practised in South Africa, *viz.* large-scale mono-cropping. This meant that when the farms were transferred, portions or whole farms had to be transferred intact. This led to a mismatch between the access people had in the past and the access they had after land reform. This opened the possibility for the transformation of lived space for claimants. Claimants recognised this, and grasped the opportunity to widen their claims:

"[*The cadastral boundaries are*] why we would be able to claim this [*land*] back. Otherwise what would we claim? Even if I show you the monuments for these old graves here, where can I claim? I cannot claim a small portion here (*laughs*). So we have managed to claim from up there [*points to the east*] down to the tar road."[128]

The Hennings, who previously owned the land, saw this as unjust:

"On this farm...there was a small little hamlet there, there was a small hamlet there. They could hardly even call themselves a community. They were probably occupying how many hectares, maybe 10 or 15 ha?... Now this farm was pretty much developed when those people were kicked off, when they eventually got kicked off in the 80s... So people who lived there, they had specific areas where they stayed. Their rights were pretty limited. I mean they maybe planted a bit of maize and stuff, you know? But there was not wide-scale traversing of the farm for cattle, or herding or whatever. I mean, I can't remember anyone having cattle when I was young here on the farm... So it is a tricky one. And now they are claiming the whole farm, or they were told to claim the whole farm... We're claiming that we lost our business on the whole farm. They're claiming, or they should be claiming for loss of residential rights."[129]

There is some logic to this, but only if one accepts that the squeezed informal 'rights' to land that black inhabitants had at the time of their forced removal in the 1970s or 1980s were the

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[126] Interview, Arthur Henning, 17 November 2008
[127] Subdivision of Agricultural Land Act 70 of 1970
[128] Interview, David Baloyi, 2 June 2009
[129] Interview, Carl Henning, 1 October 2009

basis on which restitution claims were being – or should be - made. But, as Chapter 4 shows, these rights were all that was left after a long history of struggle by inhabitants to retain some land access, and the not insubstantial efforts of land owners to diminish these rights. Even if 1913 was the official cut-off date, claimants were not merely claiming the informal rights they had at the time of removal, but were reclaiming their entire historical relationship to the land, which was far more expansive. In the conceptions of some claimants at least, restitution sought to revive the lived space of pre-colonial times, while white land owners sought to restrict the lived spaces to a tenant relationship. The land reform programme intervened by squeezing this expansive relationship into the inherited cadastral boundaries, reproducing fragmented spaces structured with exchange in mind.

These boundaries were produced historically in a particular social context and that became ossified over time and inflexible, unable to adapt readily to changing social dynamics. The boundaries were created in the 1890s, with various subdivisions along the way. They were large farms to ensure all land was covered by a white landlord (whether productively used or not) and these particular farms were constructed to serve as buffer zones between white and black, as Chapter 4 shows. They were not constructed in the interests of black inhabitants. Restitution transferred the farms with their boundaries intact (although Vleyfontein 310LS was effectively subdivided between the two land claims and Vleifontein settlement), regardless of the relevance or not of those boundaries.

The result was that land reform produced a hybridised merger of different representations of property, with collective redress of past injustice manifested in collective ownership sitting uneasily with private property based on fixed, clearly-defined boundaries and exclusive rights of ownership. The resulting model could be considered to be one of collective private ownership (Cousins, 2008b). The private character of property relations hinged on two fundamental representations and spatial practices: fixed, clearly-defined boundaries; and the content of the exclusive rights of ownership, mediated by the collective nature of the ownership. Before turning to the way these representations were materialised in practice, and the contestations that surfaced as a result, more detail is provided on the ways the exclusive rights of ownership were shaped by collective ownership. This shows the point at which private and indigenous conceptions of property intersected, producing unique micro-spatial arrangements.

6.3 The structure of property relations within the fragmented spaces of land reform

6.3.1 Collective ownership

Although property relations reproduced a macro-spatial framework of fragmented spaces dominated by representations of private property, land reform was a decisive intervention in transferring land ownership to those historically subordinated in the prevailing social relations. Commercial farm boundaries were retained as far as possible, and land reform aligned with these boundaries. Sometimes this made sense. For example at Shimange, the land was historically named *Vudyodyodyo*. The boundaries were seen as more or less contiguous with what later became Syferfontein. Says a claimant:

> "I can show you the whole *Vudyodyodyo* when we are standing there [*at my home*]. From there right up to that mountain standing there, you come around until here and join the rondavel again [*on the border of Vleifontein township*]… This Syferfontein, according to us, it's *Vudyodyodyo*. It's what the Europeans have given us, yours will be Syferfontein. And we said what's wrong with *Vudyodyodyo*, we are from *Vudyodyodyo*. They said no, we cannot pronounce that thing, so it's better to say Syferfontein (*laughs*)."[130]

In other cases the historical extent of land and the formal farm boundaries did not align so directly. Chapter 4 shows how the location of the chief's *kraal* moved when a new chief was inaugurated, which meant the space shifted over time in relation to the chief's *kraal*. But when the Nthabalala Tribal Authority formalised its claim, it did so on the basis of existing farm boundaries (Figure 6). This made the space static instead of dynamic, with flexible and moving borders. Lived space was constrained by these imposed boundaries. The Mavungeni claim was the opposite: it was a collation of individual household claims merged into a single group claim encompassing a full farm. The land was not necessarily held 'in common' (the way the Restitution Act defined 'community'), and individual households had only used portions of the land. Lived space was thus liberated. Instead of a tightly controlled space from above where movement and daily activity was severely restricted, land reform opened the entire space to claimants. This merging of individual claims came at the cost of creating possible tensions within claimant groups. At Mavungeni:

> "You know the Commission is awarding a claim in terms of a farm. Those people, before they moved out of the farm, they were not united, those people. You can ask Munzhedzi and Shimange what used to happen. My group will be staying in

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[130] Interview, Rosemary Tiba Baloyi, 27 August 2009

this area. That river will be the boundary. That other group will be staying there. But when the Commission has to hand over the farm, they hand it as a whole farm, they don't hand it in pieces. So we here in this farm, we were two groups always. But we merged, because we were going to fight one enemy, which was the government, to give us the land. But immediately the government has given the farm, then that division started."[131]

Although this version of history was questioned by other claimants, it revealed that claimant 'communities' were manufactured in order to permit the transfer of parcels of private property. The claims process thus sought to maintain the integrity of the formal farm boundaries. Restitution therefore did not produce a direct restoration of historical ties to the land. It converted the conventions and social norms that underpinned pre-colonial governance institutions, as well as the 'informal' rights that displaced these conventions and norms when private property became the dominant form of organising the land, into formal collective ownership of private property. The displaced conventions and norms included tenure arrangements, agreements on use of the land for crop production and livestock grazing, the location of burial sites and the associated spatial practices that accompanied them, movement across the land, and the utilisation of natural resources found on the land. Restitution transferred rights to (collective) exclusive control over material resources across the bounded space of individual farms to anyone who previously had any of these rights and could prove it in some way.

All claimants were made equal before the law, regardless of the customs and conventions that previously structured their relationship to the land. Men and women, chiefs and commoners, all became individual members of CPAs with theoretically equal rights to the land. However, the precise content of these rights were not clearly defined. Cousins (2008b:10) warns that "codified versions of 'custom' can be a highly unreliable guide to current realities." In the research site, this codification was weakly articulated. There was no formal embrace of the rights and obligations found in indigenous social orders which allowed for the definition of alternative mechanisms through which land resources might be controlled and managed (Okoth-Ogendo, 2008). Instead, the content of rights was defined by local contestations, shaped by inherently unequal relations of power.

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[131] Interview, Sam Shirinda, 16 November 2008

The CPA Act[132] allowed for the sale of collectively-owned private property, in part or in whole, with the consent of the majority of members present at a general meeting of members. This right to alienate the land for profit is one of the key entitlements private property gives to the owner. In practice, collective ownership made sale of the land difficult, but it was possible in theory. The government's adoption of a 'use it or lose it' policy for redistribution land in 2008 led some to believe it also applied to restitution land. The policy said that redistribution land was only given to beneficiaries on condition that they actively used the land for production and, indeed, made a profit from it. Failure to do so would result in the state repossessing the land and transferring it to another owner (Sapa, 2010). Minister of Rural Development and Land Affairs Gugile Nkwinti made it clear that production was expected to generate enough income to be able to pay taxes to the state ("the state loses revenue"), i.e. that it should be commercial:

> "Those who got land through redistribution, if they don't use that land, we will take it… More than 90% of those are not functional, they are not productive and therefore the state loses revenue… The agriculture sector's production as a proportion of the GDP is going down - this is part of the reason. That land has been given to people and they are not using it. No country can afford that" (Sapa, 2010:1).

The state had not yet transferred title deeds on any of the farms, and there were suspicions amongst claimants that the reason for this was to allow the state to reclaim the land if necessary. At Mavungeni, which had both redistribution and restitution farms, CPA members said:

> "SLAG [*the redistribution land*] belongs to government. If people are not working, they can be moved out and others will come in. The structures belong to government… None of the farms [*redistribution or restitution*] have title deeds. The land belongs to the government… Government plans must be carried out, or they can take it back."[133]

Demand for title is often an expression of "a desire for greater security and certainty of land rights rather than exclusive private ownership as such" (Cousins, 2008b:10). In the absence of any other clearly defined rights, the lack of title created insecurity of ownership. For some, like

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[132] Act 28 of 1996, s9(ii) and s12

[133] Group discussions, Mavungeni CPA members, David Baloyi, Eric Maluleke, Alfred Baloyi, Samuel Baloyi, 15 November 2008; Winston Maluleke, Gibson Chauke, Eric Maluleke, David Baloyi and Samuel Baloyi, 3 December 2008

at Mavungeni, it shaped spatial practice, since the belief was that claimants had to do what government wanted them to do otherwise they could lose the land again.

Property rights from restitution were as strong as the rights previous individual private property owners had, although mediated by the need for the majority of the landowning collective to agree to sale of the land if this was desired. But even though rights 'enable power'[134] they are only as strong as the ability to enforce them. The state was reactive at best in its support of new land owners in their attempts to retain the integrity of their property, and the landowning collectives were fragmented and weak. Pienaar and Smith[135] pointed to on-going lack of public administrative support for collective rights, and argued this was a result of an institutional bias in South African property law towards ownership at the expense of community-based property rights (see also van der Walt, 1999). In practice, lack of state enforcement meant rights and obligations transferred with land ownership were manipulated, ignored or defended in localised struggles for control over the land.

6.3.2   Individual tenure

> "We still have to come back and tell the CPA what will happen to ownership at an individual level. The CPA does not provide for the individual. It provides for the collective. Constitutionally, the individual needs to be clearly defined. That legislation is going to be relooked at, because it's nebulous to say the CPA. If I want to get a loan somewhere they will say what have you got? I can't say I have got land, because I don't. It belongs to the CPA. You [*as an individual*] are not the CPA."[136]

The relationship between individual property and tenure rights and collective rights is a major issue for indigenous tenure systems in Africa (Peters, 2007, Lund, 2010). The CPA constitutions varied in their handling of this question. The Shimange constitution stated that members of the association were entitled to individual ownership of the land in title. It suggested this would be for residential purposes and would belong to the member or their descendants permanently. Inheritance of an individual's entitlements was explicitly permitted. The individually-owned land could be sold, but the CPA was to be given first option to buy, and any sale would be subject to ratification by the CPA committee. Land for commercial production would be allocated to individuals or groups, but the CPA would need to derive some benefit

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[134] Ben Cousins, input to Wits Institute for Social and Economic Research, Johannesburg Workshop in Theory and Criticism, 24 July 2010
[135] Kobus Pienaar and Henk Smith 'Lecture notes: Rights as the ends and means of development', 10 March 2009, p.11
[136] Interview, Boysie Baloyi, 29 May 2010

from such activities. The exact benefits would be negotiated and CPA members would need to agree to the terms. For businesses, the constitution proposed a stake in the business for the CPA as a legal entity. Partnerships and joint ventures were acceptable but no portion of the property could be disposed of in such partnerships. Land would also be made available to members for 'subsistence' production on a use it or lose it basis. The constitution said that "all members shall be treated equally. Different classes shall not lead to different rights to land or resources."[137]

The Mavungeni constitution made provision for the allocation of specific sites for the exclusive occupation of members and for sites for any purpose other than agricultural use. Every member had the right to a plot for residential and agricultural production, and access to shared grazing land and communal facilities as allocated by the committee. Members were permitted to lease their rights on approval of the committee and agreement from 50% of all members. At Munzhedzi, individuals were entitled to individual ownership of the land in title (the same wording as at Shimange). The CPA would hold part of the land communally for activities to benefit the CPA as a whole, including for business and agriculture. A standard clause in the constitutions allowed CPAs or the committees to enter into arrangements that involved some differentiation between members, but on condition that a *bona fide* attempt was made to avoid disparity and to ensure broad equity and fairness amongst members. Generally, though, the precise mechanisms for land allocation and for profit sharing were not defined in the constitutions, and this was left up to the CPA committees to work out.

In essence, individuals were granted individual rights to ownership of land nested in a collective framework. As much as the reproduction of the cadastral boundaries and exclusive ownership rights drew from private property, these nested individual rights in a collective ownership model replicated aspects of indigenous tenure. There were explicit constraints on some members acquiring too much land in relation to others, and men and women claimants got exactly the same rights in theory.[138] The rights were compatible with a range of spatial possibilities, which were left open in the constitutions.

The constitutions did not deal in any detail with the issue of the rights of members who did not immediately take up their entitlements in relation to those 'pioneers' who put effort into creating a material base on the farm that others could later use. The Shimange constitution

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[137] Shimange Communal Property Association Constitution, *op cit.*, p.7
[138] Interviews, Rose Mulembamuthihi, 27 July 2009; Kutama Sishonga, 27 July 2009

said members who were not planning to move onto the farm until "provision of basic infrastructure is well established" would have the same rights as those who came to the farm immediately, but on condition that they participated in the development initiatives. It did not state what rights would be granted those who did not first participate in this way. Given the framework of individual ownership within the collective, this did not seem to pose a difficult problem:

> "If other beneficiaries come to the farm after things are established, we show them the bush if they want to start, if there's space. It should be that people contribute to the CPA committee if they are working or living on the farm. But there are not lots of people so we can't work like that. That would be the ideal situation."[139]

At Mavungeni, where there were more collective projects with greater economic value, it was more of an issue:

> "There are lots of people who are not participating. We need people who are working. We have rules that if you don't come to work on the farm, you can't benefit… If people don't contribute now, they can't take advantage later. We are suffering now to build the place."[140]

In response to allegations that a handful of claimants organised through the CPA committee were keeping collective projects to themselves, David Baloyi retorted:

> "Who is doing that production? Who is doing it? Those who are busy working, they are getting some… You see, we have started down in that chicken shed [*on the redistribution portion of Mavungeni*], attending some meetings, doing some application forms. So [*when production starts*]…then you come and say you need some shares now. We have done all the job. Who has done all the spadework there?"[141]

Where people invested their own resources it was reasonable to suggest they should profit from the results. But where public funds were invested on collectively-owned land (as with the poultry project at Mavungeni, detailed in Chapter 7), there was a case for arguing that the collective should benefit, in the form of money going to the CPA for use in developing the farm in ways that members agreed on. But in the absence of transparent agreements about how projects in the name of the collective were started, it was very difficult for ordinary CPA

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[139] Interview, Marks Baloyi, 6 May 2009
[140] Interview, Morris Baloyi, 1 May 2009
[141] Interview, David Baloyi, 2 June 2009

members to know what was due to them as a group. At the Mavungeni poultry house, built using government funds and with a commercial supply contract, the benefit of the business to the CPA was unclear apart from project members paying the CPA committee R10,000 for leasing "now and then."[142]

Tenure rights of non-claimant individuals, whose access to the land was approved by the CPA committee, were neglected in the constitutions. This created a category of inhabitants with less secure tenure rights, since these were open to withdrawal. In practice, access to the land varied from farm to farm. At Munzhedzi the land was open to all, but subject to approval by the chief and (ostensibly) the CPA committee. The occupation of the land two years before the settlement of the restitution claim opened the way for a flood of people, claimants and non-claimants alike. In 2008, 80% of stands were inhabited by non-claimants, although the number of non-claimants dropped off sharply from 2007 (Aliber *et al.*, 2009b:68). According to the chief-designate, "Before I was here, my father was accepting everybody, even though a person is not a beneficiary. For me, I concentrate too much on the beneficiaries. The movement onto the land has declined drastically."[143] At Shimange, access was limited to claimants, except for a few invited individuals who had historic links to the farm, including the da Gamas whose ancestors taught at Efrata, and Clement Baloyi who worked with one of the claimants on the farm, but who was originally invited by the late Marks Baloyi, the former chair of the CPA. Of tenure security Clement said:

> "I feel more than secure, but I don't know what is going to happen if they get money. You see, money is the root of evil. Maybe they can handle me well during this time of suffocation, but after they get money maybe they are going to reject me. I don't know. But I don't think so… I feel as part of them because they already showed me a sort of love."[144]

However, this sense of security was not always as real as non-claimants might have felt. In another case at Shimange, the former CPA chair, the late Marks Baloyi, allocated Jimmy and Rita da Gama a piece of land for production. They used their own resources to clear the land, only to be informed after the death of Marks in 2009 that they were not part of the claimants. The land they were clearing was earmarked for a collective olive tree orchard and they were no longer permitted to plant there. They either wanted compensation for the work they had

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[142] Interview, Morris Baloyi, 11 February 2010
[143] Interview, Simon Rambau, 7 May 2009
[144] Interview, Clement Baloyi, 28 August 2009

already done or a formal agreement that they could settle there.[145] It appeared that the issue was resolved because Rita da Gama was later elected onto an interim CPA committee. However, this revealed the possibility of less secure tenure for non-claimants, where informal, verbally-agreed access could be withdrawn on a whim. This was especially so in the conditions of lack of accountability and transparency that characterised the CPA committees, as Chapter 5 shows.

At Mavungeni, only claimants were permitted to settle on the land, although the Mavungeni constitution did allow for the granting of membership to other people beyond the official claimant list, if approved at a special general meeting of the CPA. Nevertheless, the breakaway Xikopokopo group invited non-claimants to settle on the farm when they decided to occupy in defiance of the CPA committee. This inflamed tensions with the CPA committee, who first tried to use the courts to interdict Shirinda and other Xikopokopo members from occupying.[146] The case failed to prevent the occupation of the land, leading the CPA committee to ask why Shirinda was giving the land away. The CPA committee approached the occupiers and warned them to dismantle their shacks.[147] The warnings were ignored and the conflict escalated to the extent that CPA committee members talked about burning dwellings down if the occupiers did not leave. However these threats were not carried out, and the unauthorised settlement expanded further. Some of the non-claimants expressed surprise that their plots might be unauthorised. According to them, they were invited onto the land legitimately by Shirinda.[148] One of the non-claimant occupiers understood there were tensions and that he could be evicted, but this did not deter him:

> "I am not the beneficiary of the claim. I was just put as a community to add into the farm, to benefit from the farm… I don't think they will do that [*evict me*], because that community is very small and I don't think they will use the whole land that's available according to them… For the meantime I think it is fine… That insecurity is the thing which delayed us to use the land before. But now, at times if you hear things daily, you just tend to develop thick skin and say 'no…let me continue', because you see that thing [*the conflict*] will last four or five years, and you will just stagnate. So if it lasts four or five years, you will be somewhere else by that time."[149]

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[145] Informal discussion, Rita da Gama, 10 February 2010

[146] Tshitale Magistrate's Court, "In the matter between Mavungeni CPA and Sam Shirinda, Thomas Baloyi and others", Case No. 05/2007, 1 February 2007

[147] Informal discussion, David Baloyi, 27 October 2008

[148] Interviews, Mabina Matodzi, 10 February 2010; Audrey Ntshangule, 10 February 2010; Livhuwani Makhuga, 10 February 2010

[149] Interview, Jonas Phulwana, 10 February 2010

The uneasy merger of differing conceptions of property had contradictory effects on spatial practice. On the one hand, at the macro-spatial level, land reform was contained within the homogenous and fragmented space of private property carved up into discrete exchangeable parcels, as Lefebvre characterised capitalist space. Although the collective nature of ownership under restitution – and also redistribution in the case of Mavungeni – mediated the character of the specific rights transferred with private ownership, it was structured to retain the private farm boundaries relatively intact. On the other hand, at the micro-spatial level, internal to the bounded farm units, rights were flexible enough to incorporate many different spatial trajectories, the subject of Chapter 7. It opened opportunities for changes in lived space. The material transfer of resources to collectives, and the weak institutional structures that accompanied this transfer, gave rise to contestation over the meaning of property rights and ownership and over the way ownership was formulated and emerged in practice. The everyday spatial practices derived from the lived spaces of inhabitants thus reflected back on conceptions of property and on the spatial practices on the farms.

6.4   Collective private ownership and spatial practice

The emphasis on private property required the securing of the boundaries, which relied heavily on inhabitants accepting the legitimacy both of the boundaries and of the property rights of the new owners, and behind that, agreeing with the principle that property should be fragmented and owned. These were materialised in spatial practice in two fundamental ways. The first was the securing of the fixed, clearly-demarcated boundaries established by the cadastral system. The second was the practical expression of the exclusive rights given to the new land owners. Contestation around these two dominant spatial practices – practices built on the basis of the dominant representations of space that privileged private property – indicated the extent to which inhabitants questioned the validity of these dominant representations and practices.

6.4.1   Contesting boundaries

Despite the superficial sense that inhabitants recognised the fixed, clearly-demarcated boundaries and the exclusive rights of the new owners, there were a number of cases of deliberate encroachment of boundaries. This led to fairly high levels of individual and group encroachment, which in turn forced land owners to accommodate these unofficial claims. The result was an unofficial intrusion on private property rights in practice. A key issue for any landowner, especially in conditions of land scarcity in the population, is how to secure the

borders of their land. Unauthorised encroachment onto the land undermines their authority over the land, and prevents them from realising their rights of ownership. This applies to individual private owners, collective owners and traditional authorities alike. The question of the integrity of private property rights and what reproduces them came to the fore in the practical challenge to, and in some cases the dissolution of, boundaries between parcels of land historically clearly demarcated and separated from one another.

Some of the encroachments were relatively benign, suggesting a mutual recognition that the cadastral boundaries had become irrelevant. The Uitschot farm was a case in point. It was originally included in the Mavungeni claim, but was dropped when the claimants realised that the Shimange claimants had also included it. However, a bureaucratic error saw the farm excluded from the Shimange claim, even though people who had historically lived on that farm were included in the Shimange claimant list. This did not prevent individuals from moving on to the land, building houses, clearing fields and engaging in agricultural production. Samuel Vukeya had a portion of land on the boundary between Mavungeni and Uitschot allocated to him by the Mavungeni CPA committee.[150]

Ms Mdluli, whose family lived on the farm historically, occupied a portion of the land without receiving authorisation from anyone. This poses the question of who would be in a position to authorise her occupation. It could only be the state as the legal owner of the land. But her right to occupy and use the land was recognised tacitly by local inhabitants as legitimate, based on prior habitation. The acceptance of her occupation was not because she had power over others, but because her right to be on that land was collectively recognised by people who historically inhabited the area. Inhabitants were able to recuperate historical lived experiences to determine spatial practice. The boundary was questionable: on all its sides – Mavungeni, Uitschot and Shimange – inhabitants were from the same clans and were intermarried. Historically they did not live entirely separately from one another.[151] Boundaries and fences were imposed between them for purposes that were not in their interests. This reinforced the statement made by Jim Khosa from Shimange that "fences are a colonial invention."[152] The cadastral boundaries between Uitschot, Vleyfontein and Syferfontein farms were arbitrary divisions, serving the interests of white domination on the land.

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[150] Interview, Samuel Vukeya, 8 June 2009
[151] Informal discussions, David Baloyi, Sipho Baloyi, Chris Baloyi, Rosemary Tiba Baloyi
[152] Informal discussion, Jim Khosa, 28 May 2010

At a broader level, going well beyond the five farms, some individuals hunted and collected indigenous herbs for healing, with no regard at all for the individual farm boundaries or even the boundaries of game reserves.[153] There was no malice in these actions. Rather they offered completely different conceptions of space and ownership, unhindered by fences and boundaries. Moore (2005:101) refers to these as "transgressive spatial practices," which is apt in this context as long as spatial practices are understood in terms of private property. As soon as alternative practices and conceptions of property are considered – for example, natural resources as the common property of all inhabitants – these practices cease to be transgressive. Private property, by arbitrarily fragmenting land for the purposes of control and accumulation and putting it under the exclusive ownership of individuals, is the transgressive practice.

But not all intrusions across boundaries were quite so benign or universally accepted. In some places, previous users of the land and the resources found on it were not so keen to relinquish their access. The Vleifontein residents, who used land for cropping and grazing on all the farms before land reform, grudgingly acknowledged the legitimacy of the restitution claims, but were dissatisfied that their own access had been curtailed.

> "Here started Maila. He started to bring his people from Nthabalala. He brought them, and he says this is his own land. Alright, we did not complain because we were brought here. We were brought here! OK, no complaints, if somebody is now wanting their land back, we did not complain. OK. Then came Munzhedzi… He also claimed his land. They took the other side, that whole side there [*west of Vleifontein*], they took it from us… When we started to hear that the Mavungeni are claiming this place, this side, we went, 'the headman gave us that place, and the President [*of the former Venda homeland*] also gave us that place'. They said 'no!', so from now there is a wire [*fence*] there, it's an old wire… The government sent Miyelani [*Nkatingi, from the Limpopo RLCC, before he became the Acting Commissioner*]… He said, 'from today you people from Vleifontein, until this wire, it's their [*Mavungeni's*] place'… Look, we are on an island now."[154]

Since Munzhedzi had filled up with residential stands, the Vleifontein residents turned to Mavungeni for land for production. The Mavungeni CPA committee was able to contain this by asking for small rentals to use the land, although others continued using the land for grazing without any agreement.[155] However, in doing so the committee invoked the urban-rural frontier:

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[153] Interviews, Andrew and Mike Malehase, 10 June 2009; Clement Baloyi, 28 August 2009
[154] Interview, Esrom Mudau, 28 July 2009
[155] Interview, Mr JV Mugwedi, 11 June 2009

"Since 2002 when we were given this land, we have tried to avoid people from Vleifontein using this farm. All people from Vleifontein were doing grazing here. We cannot blame them. It was before we claimed and they did not know that it belonged to some other community. They thought maybe it was no-man's land, because AgriVen came and used this farm for many years also… [*What should they do with their cattle?*] They know the by-laws don't allow them to farm. In a township, no. The by-laws are there. That's why when we got this farm, immediately we went and informed them, that the by-laws, you are not allowed to farm. Otherwise you must go and buy a farm or a plot where you can farm or lease."[156]

While restitution opened space for some inhabitants to alter their lived spaces in ways they chose, it simultaneously threatened the lived spaces of Vleifontein residents and other inhabitants without formal claims. The Vleifontein residents' struggles to keep cattle and engage in cropping were struggles to retain rural, land-based livelihood options in conditions where they were unable to rely fully on urban wages. "The urban frontier", said Cross *et al.* (1998:643), "is located where people succeed in establishing it." Definitions of urban and rural were mobilised in the social conflict over land to produce "stricter definitions of those with legitimate claims to resources" and to define group boundaries more exclusively (Peters, 2007:17). The Mavungeni CPA committee defined Vleifontein as urban in order to protect their own rural assets, while the residents of Vleifontein fought for the recognition of their own rural livelihoods. This was partly to keep alive rural livelihood options, but also to keep the memories of their own land dispossession alive. Some Vleifontein residents found other ways onto the land: by participating in the Xikopokopo group's occupation at Mavungeni, or through a few leases on available land at Munzhedzi. At Shimange, one cattle owner from Maila continued using grazing camps he had previously established for 300 cattle, despite neither requesting nor receiving permission from the CPA committee. Other Vleifontein and Maila inhabitants continued harvesting firewood at Shimange even after restitution.[157] Lived space, memories and necessity combined to shape responses to dominant spatial practices.

The more deliberate, aggressive attempts to destabilise boundaries came from two quite different sources. On the one hand, individuals who had previously used land for production and whose access was curtailed sometimes felt unfairly constrained by this. The Vleifontein residents were one example. Mike Malehase, with a stand in Munzhedzi on Shimange's

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[156] Interview, David Baloyi, 2 June 2009
[157] Transect walk with Sipho Baloyi, 27 August 2009

boundary, who was prevented from grazing cattle on Shimange land after land reform, was another:

> "Now those people [*the Shimanges*]… Ah, they fight too much! They said we must go. We said to them, no, how can you come here, say you are a king, a chief, what. Even a chief can't survive alone. You must live with others, so that you must share. That's why I see with these Shimange people, they've got a problem… You look at the place today, it's still like that. If it was that time, they allowed us and we become a partnership, by this time there would have been some job creation, plenty of things… At the end of the day you find that some people are suffering because of other people. They are just taking the land and doing nothing with it, knowing that there are guys who have got cows, there are guys who are interested."[158]

He respected the boundary by not grazing his cattle there, although he also expressed interest in accessing land at Mavungeni through participating in the Xikopokopo occupation. Others were not as circumspect in transgressing the boundaries. And their logic was similar to his: the land is standing empty and we need it for production.

> "I had plus-minus 15 ha of land at Mavungeni for maize before the claim. We also each had our own *kraal* and land for grazing the cattle [*open access*]. Now that is taken away. Our cattle just roam around Mavungeni… I still keep a *kraal* for my cattle at Mavungeni, though they are fewer, but I don't have an agreement with them to do that."[159]

The argument was that property was of value if it was productively utilised. Otherwise it had to devolve to others to use. In this sense, property was contingent on use, an attitude reflected in government's 'use it or lose it' policy. Even though the official policy did not apply to restitution land, the discourse it established reinforced ideas about the link between land ownership and productive use of land. In short, dominant representations of space, and their materialisation in dominant spatial practices of maintenance of fixed boundaries and exclusive ownership rights, were questioned on the basis of a lived experience of using the land.

The second motivation for aggressive acts to destabilise boundaries emanated from the traditional authorities, specifically at Munzhedzi. The royal council was dissatisfied with the separation of the individual restitution claims and the subsequent loss of claims to authority over the land and inhabitants, who did not pledge loyalty to Munzhedzi. Simon Rambau, the chief-designate, was vociferous in his claims that Munzhedzi was short-changed in the

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[158] Interview Mike and Andrew Malehase, 10 June 2009
[159] Interview, J.V. Mugwedi, 11 June 2009

restitution process, and that the Munzhedzi chieftaincy was the legitimate owner of the land. He deliberately began encroaching on land belonging to other restitution groups by cutting and selling stands on the western boundary with Shimange,[160] with threats to do the same on the Mavungeni redistribution portion. The chief-designate was advancing his own claims to the land of Shimange and Mavungeni, rooted in different representations of space that precluded recognition of the cadastral boundaries of private property.

Contestation of boundaries was also evident between Mavungeni and the Hennings, their white neighbours at Moddervlei. If one thing united the warring groups at Mavungeni, it was a common dissatisfaction with the boundary relations with the Hennings. Early on the Hennings were accused of taking advantage of the relative confusion that accompanied the claims process to encroach on Mavungeni land by physically shifting the fence.[161] Later this was reversed, but it set the tone for an on-going dispute over the boundary between the farms. This was not only about its physical location, but about its maintenance and meaning. That is, it incorporated both the materialisation of representations of space in spatial practice and those representations themselves. Cattle were at the centre of on-going contestation over space across this boundary. According to Arthur Henning:

> "They've stolen all the fences. We've just put up new fences now. They [*the cattle*] come into our orchards, and they strip the trees of leaves, they scratch their heads and break branches and throw fruit on the floor and do a lot of damage. So we've been catching them here and asking for damage, which we've put aside, and we've said we'll use that money to build a fence. But in the meantime we're becoming very unpopular. Because people don't look after their cattle. They leave the cattle and then in two weeks' time they look around and say 'where are the cattle?' and go and look for the cattle."[162]

Sam Shirinda suggested that the cattle tended to drift towards Moddervlei because of the availability of water and trees:

> "These cattle, when they stray, they always go to the east, to his farm, because we always get them arrested there. You know, a cattle is a cattle, he does not know that there is Mr Henning. Why does he not stray to the west, and to the south, and to the north? The only thing which is there at Mr Henning which is not here, maybe,

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[160] Telephone conversation, Sipho Baloyi, 15 July 2010

[161] Group discussion, Mavungeni CPA committee members, David Baloyi, Eric Maluleke, Alfred Baloyi and Samuel Baloyi, 15 November 2008; 'Lease of Mavungeni property or portion of farm to Mr Henning', letter to Mavungeni CPA committee, Northern Province Department of Land Affairs, Nkuzi and Mr Henning, signed by S.H. Shirinda, 30 December 2002

[162] Interview, Arthur Henning, 17 November 2008

I don't know what I can say. Because the avocadoes they are there. The macadamia nuts, they are there. The water at the dams, there they are. Unfortunately I cannot ask a cow, why do you stray to Mr Henning? (*laughter*) Because that is a question I ask Carl [*Henning*], 'why do our cattle always stray to your place?'"[163]

Cattle did not only go from Mavungeni to Moddervlei. Research Ngobeni, a claimant at Mavungeni who was trying to get a 17 ha macadamia orchard going, was forced to reconstruct the fence to prevent Moddervlei cattle getting into his orchard and eating the leaves off his young trees:

"From this boundary here, there's no wire… Mr Henning's got a dam here, a very big dam. So our stock, our cattle, when they come from that side, as long as they can pass here and have some water there, they arrest them. And then we must go there, kneel down and negotiate so we can get our cattle back… Theirs, if they come from that side and get here, they can come for a week or for a month, but no problem. They do come sometimes… But they are not being kept in the *kraal* and report that side that we've got your cattle, come let's negotiate. No!... This wire here, I put up this fence. Because cattle were coming from that side and get inside here and eat the leaves off these macadamias."[164]

At one level, the movement of cattle across the unsecured boundary between the farms revealed how past inequalities in resources, which enabled the Hennings to maintain flourishing orchards and construct a dam for their own use, produced new tensions over space which created a new cycle of antagonism. Dominant representations or conceptions of space were materialised in specific spatial practices in an attempt to reproduce capitalist space in historically embedded forms. The idea of private property as a bounded, exclusive space once again came into conflict with the idea of common property where access to certain resources (grazing land, water) are held in common and shared. Shirinda suggested there was a deliberate ploy on the side of the Hennings to exacerbate divisions at Mavungeni: "They only arrested the cattle belonging to us, not the other group. And those cattle were herding in one camp. But it's only our group whose cattle were arrested."[165] Again, dominant spatial practices sought to constrain alternatives from emerging outside of the dominant representations of space. Whether true or not, there were strong perceptions of bias and undue intervention by the Hennings in an apparent attempt to influence the course of development at Mavungeni in their own interests.

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[163] Interview, Sam Shirinda, 16 November 2008
[164] Interview, Research Ngobeni, 11 February 2010
[165] Interview, Sam Shirinda, 16 November 2008

The way the Hennings handled the issue of stray cattle compared with the way the Mavungeni group handled the issue provides an insight into the way the space of Moddervlei was reproduced as a commercial farm where boundaries should not be breached, and where damage to orchards was a serious offence. Conversely the Hennings represented Mavungeni as a space lower in the hierarchy – a characteristic of capitalist space in Lefebvre's analysis - where breaches of the boundary were not as serious and where damage to orchards (unless previously planted by the Hennings) was acceptable. This potentially had the long term effect of undermining private property as a concept, and of reinforcing its ties with apartheid and racism, because it proposed differential rights for different owners even in the face of legal equality.

The contestations over boundaries affected all the farms, and led to significant variations in the impact of land reform on lived space. Contestation signalled dissatisfaction with the dominant representations of space that were materialised in fixed boundaries inherited from the past, and in exclusive rights of ownership. This dissatisfaction manifested in spatial practices that challenged these boundaries and exclusive rights. In doing so, these spatial practices presented alternative representations of the space less constrained by the dominant framework of private property. One of the ways the new land owners sought to contain the impact of these challenges to their exclusive rights was through the leasing of land. But this was a two-edged sword.

6.4.2   The contradictions of land leasing

The new land owners sought to contain encroachment through selectively authorising access by leasing portions of land to unofficial claimants. Leasing was a significant practice that both reinforced and undermined private property relations and the spatial practices that accompanied them. In some cases it permitted the land owners to benefit financially from the land and to retain the land unit as a commodity with a value. However, leasing was not part of the formal plans and was a compromise in the face of external demands and unofficial claims on the land, resulting in the narrowing of land owners' exclusive rights. Land owners were forced to concede ground by allowing leases of the land, against their own plans, in order to contain and control alternative claims and the representations of space inherent in them. This occurred after restitution, revealing a more negotiated process of rights and access to the land than envisaged in the restitution process, which saw private ownership of the land

unambiguously being transferred to groups with a clearly defined membership for their exclusive use.

There is evidence that rentals leading to individualisation of land is increasingly occurring in indigenous tenure systems (Chimhowu and Woodhouse, 2006). This signifies the hybridity of living tenure systems as indigenous and private systems interact with one another over time (Cotula, 2007, Cousins, 2008b). It also signifies the encroachment of norms of private property into indigenous tenure systems. At its base, land rental or leasing generates private property relations by formalising land as a marketable commodity that produces unequal relations of power between owners and tenants.

Land leasing had a long history in the area, starting in the early twentieth century with rent farming. For example, Mrs Cooksley, who owned nine farms including Vleyfontein and Zwartfontein, earned most of her income from rent farming in the early part of last century (Mulaudzi, 2000:231). Rents played an important role in the process of commodifying land through linking the amount of rent to be paid to the quality of land and the proximity to water and markets (South African Native Affairs Commission, 1905:29), which started to place a value on the land in relation to its commercial potential. White farmers leased these farms between themselves for the whole period up to the state expropriations in the 1970s.[166] Even after expropriation the state continued leasing the farms, to the Hennings, to Schoeman at Syferfontein, and to others.

Leasing was always a way of keeping a white presence on the land, even when land owners were unable to utilise the land productively themselves, and of generating income from the land without having to invest too much in the land. This constant occupation was important historically in the process of moving from occupation to title deed, and in the conversion of the land into a commodity. Leasing is built into the conception of private property and the parcelling of space. Owners lease land to and control tenants; and people will usually only lease for production if they calculate that it is commercially viable to do so. However, after restitution the character of leasing changed. There were some attempts to reproduce past spatial arrangements on the farms, especially at Mavungeni where the Hennings proposed the 25 year lease of the land under their authority, discussed in Chapter 5. Embedded in the argument against that agreement was that the purpose of restitution was first and foremost to

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[166] Interview, Arthur Henning, 17 November 2008

allow people to return to their land, regardless of what the land may have been used for or how it might be used economically in future.

The Henning lease proposal was a spark that surfaced differing conceptions of what return to the land meant and the way space was to be organised. The Xikopokopo occupation, discussed in Chapter 5, altered spatial practices considerably. Most of the outsiders who participated in the occupation claimed to believe that Shirinda was the lawful authority of the land.[167] Land owners' control over the property was destabilised, as were representations that sought to present the space as an unsullied commercial farm, as Chapter 7 shows. While these practices could still co-exist, the occupation restructured spatial practices that effectively limited the reproduction of a commercial farm as envisaged in dominant representations of the space. Land that was designated for grazing and tourism at Mavungeni was reconstructed as land for settlement and homestead production. A portion of the farm was cut off from the authorised owners' control and exploitation.

The scale and length of the Hennings' proposed lease was a factor in its abandonment, as it sought to capture the entire space and reproduce old spatial arrangements on it. But the CPA committee agreed to other, smaller, leases. Many of these were forced on the committee out of necessity, in an attempt to contain a proliferation of land occupations and uses outside their control. Vleifontein residents used Mavungeni land for cropping and grazing prior to the settlement of the restitution claims. Residents from Maila had used the redistribution portion. In order to keep this under control, the committee made concessions to allow the continued use of the land on the basis of rentals:

> "All people from Vleifontein were doing grazing here. We cannot blame them. It was before we claimed and they did not know that it belonged to some other community. They thought maybe it was no-man's land, because AgriVen came and used this farm for many years also… They can come and lease here, no problem. A portion for grazing, no problem. But we cannot sell these portions. We are not allowed. Only to lease so that the community may get something."[168]

There were also attempts to charge for natural resource harvesting, a historical spatial practice of residents of Vleifontein, Maila and even Elim. However, at times the new owners felt that

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[167] Interviews with Nyamukhamadi Nemanashe, 7 June 2009; Mike Malehase, 10 June 2009; Jonas Pulwana, 10 February 2010; Livhuwani Makhuga, 10 February 2010; Mabina Matodzi, 10 February 2010
[168] Interview, David Baloyi, 2 June 2009

their ownership rights might begin disintegrating should they allow non-owners to continue using the natural resources:

> "It's only people from Elim and Riverplaats down here giving us lots of problem for fishing. But we used to chase them and say no, you are not allowed. Otherwise you must get permission, give some little compensation to the community that you can come and fish here. Not just to get in here and fish. It's like hunting. Why can we allow each and every one to come and hunt here? Because we've got a problem with this veld fire. These hunters come and burn the farm. Sometimes it goes up to the orchard, it's a problem. We don't allow them to fish and hunt."[169]

Efforts to contain the non-commodified, or at least controlled, use of natural resources did not always succeed. At Shimange, the CPA's institutions were too weak to enforce demands for rent. Residents from Maila entered the farm to gather firewood, as they had previously done. Initially they were charged a fee but, because of accountability problems (who was to collect the money and what was to happen to it), this payment system collapsed and gathering of natural resources reverted to open access.[170]

Although the allocation of stands and payment to the traditional authorities for this allocation was not entirely the same as leasing of land, there were similarities. As with the Xikopokopo group at Mavungeni, at Munzhedzi the chief-designate was not authorised to allocate land. Chapter 5 shows that the money he received for allocations was not channelled to the legally-recognised land owners, the CPA. But the CPA committee struggled to challenge this, in large part because the late chief who had led the claim and pre-emptive occupation began allocating stands with the consent of the rest of the CPA committee from 2000. The late chief explicitly invited non-claimants to join the occupation and non-claimants eventually vastly outnumbered claimants. Later, stands were allocated to those who requested them even if they were not claimants, even by the chief-designate. Aliber *et al.* (2009b:67) provided evidence of this, showing that new non-claimant households settling at Munzhedzi increased by 80 or more until 2008, and only then did the numbers drop off. The chief-designate's allocation of stands without CPA committee approval signified a direct challenge to the exclusive rights of property owners in the same way as Shirinda's unauthorised allocation of stands at Mavungeni did. In both cases, however, the contestation was less about whether property owners should have exclusive rights to shape spatial practice, and more about who should have the authority to do

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[169] Interview, David Baloyi, 2 June 2009
[170] Informal discussion, Rosemary Tiba Baloyi, 25 August 2009

so. Therefore, challenges to these exclusive rights themselves remained contained within the framework of private property.

Land leasing was therefore used by land owners in an attempt to limit and control encroachment both on their land and on their rights to exclusive use. Land owners sought to secure dominant representations of space against alternative spatial practices that emerged from the lived space on and around the farms. However in doing so, they conceded some of their rights to exclusive use of the land and to maintain fixed boundaries, resulting in the adaptation of both representations of space and spatial practices. By posing a direct challenge to their authority, unauthorised leasing by inhabitants took this one step further by openly challenging the rights of land owners to exclusive use and maintenance of fixed boundaries. These challenges thus threatened to undermine the fundamental basis of the dominant representations of space and hence their materialisation in spatial practice. Even though land reform was built on the basis of private property, inhabitants did not passively accept this.

6.5   Conclusion

In the Vleifontein area, land reform was initiated in the context of the layers of sedimented practices shown in Chapter 4. Land reform drew on the exclusive property rights in fragmented spaces where boundaries were sharply defined. This established the basic framework of land reform, imposed at a national level. But it also drew on aspects of pre-colonial, indigenous tenure systems. In particular, notions of collective land control and nested rights accompanied ideas about boundary flexibility. Added to these representations of space, the reality of Vleifontein as an essentially urban settlement in the middle of the farms added the dynamic of the urban-rural frontier (Cross *et al.*, 1998), which was contested in discourse (i.e. as a representation) as well as in practice. Lived space changed significantly for many inhabitants as a result. Claimants who moved back onto the farm became owners with exclusive rights, where historically they were subordinate and the few rights they had were constantly being squeezed. The dominant representations of space were materialised in spatial practices that took the cadastral boundaries seriously and physically marshalled these boundaries to secure exclusive rights to use the land of the new owners. For Vleifontein residents, restitution for others meant the shock of suddenly losing whatever land access they had enjoyed in the area, as compensation for their forced removal.

These representations of space, and changes to lived space, underpinned the creation, in spatial practice, of hybridised property relations. This was similar to process elsewhere in the country (Kingwill, 2008), and indicated processes of fusion and mutual encroachment between indigenous and private tenure regimes. Land reform opened possibilities for contestation over land control and boundary definition alike. Dominant spatial practices based on securing clearly-defined boundaries between fragmented spaces, and on asserting exclusive control over access and use of land, were contested in practice. Although alternative or subordinate representations of space were not clearly articulated, they became visible through everyday contestations both of the boundaries which defined private properties in relation to one another, and of the exercise of exclusive rights of ownership. While relative elites, as Chapter 5 shows, had the advantage in defining boundaries and manifesting exclusive property rights in practice, inhabitants who found themselves subordinated to these elites held their own and their practical activity played a significant role, both in mediating exclusive rights and (in some instances) in creating more flexible and negotiated boundaries. Numerous transgressions practically shaped the production of space in ways that differed from what went before and from the dominant representations of space. In the face of weak institutions of ownership and limited practical regulation of property rights by the state, there were some encroachments on boundaries - both benignly but also more deliberately and aggressively - that put pressure on the discrete parcels of land and blurred the boundaries between properties.

Encroachments that dissolved or threatened to dissolve boundaries between discrete parcels of land signalled that the new land owners (or the, CPA committees, the institutions that represented them) did not have full control over their property. They were unable to retain the integrity of their land as a distinct parcel separate from other spaces both as a physical entity and as a space for defined land uses. The private property rights to exclusive use were thus narrowed in practice, in the face of widespread alternative claims and actions. Likewise, the spatial conceptions of privately-owned productive land for agriculture were limited both conceptually and in practice as it was transformed through these alternative claims and actions. These contestations over the boundaries of property and over the exclusive rights of private ownership, which were central both to representations of space and to its maintenance within a structured private property regime, had significant implications for the way space could and would be organised, as Chapter 7 shows.

The hybridised forms of property that were heightened by the land reform programme raise questions about the adequacy of a conceptual framework based on the dichotomy of private

versus collective property. Conceptual binaries of this nature are often rooted in practical, real world oppositions and cannot be dismissed out of hand. For example, in the South African situation distinct tenure regimes, from the angles both of ownership and control over land and property, are manifested in the real world. These concepts can highlight key distinctions between different systems of tenure. Yet the application of conceptual binaries, if used too crudely, can also efface the more subtle complexities that lead to the practical intertwining of systems of tenure, creating an uneven blend, almost like dye injected into water. They may still retain their distinctiveness, but the edges blend into one another.

The research site is located precisely on an 'edge' in spatial terms with regard to property relations (as well as systems of authority, as Chapter 5 shows, and land uses, as Chapter 7 shows). This spatial location must necessarily produce conceptual adaptations. If private property is defined primarily by the rigidity of its boundaries and the exclusivity of the rights it confers on owners, land restitution as it has unfolded in practice on these farms has brought the features into question. Restitution in practice has forced a blurring of boundaries between fragmented parcels of land. Despite efforts to settle the question of land claims in favour of a clearly-defined group of owners, numerous counter-claims and spatial practices based on these claims have produced ongoing instability with regard to the exercise of exclusive rights of ownership. These practical responses to restitution combined with contradictions and tensions within the dominant representations of property in restitution thus raise fundamental questions about the character of property relations following land reform.

CHAPTER 7:   PRODUCTION, SETTLEMENT AND THE RESTRUCTURING OF SPACE

7.1   Introduction

Chapter 5 showed the impact of land reform on systems of authority and land governance, and Chapter 6 showed the contestations around property relations as a result of land reform. In both cases, pre-existing structures held sway over efforts at reform, although they were destabilised to an extent and were forced to adapt to new circumstances. This chapter focuses on the third dimension of land reform, at how land use changed as a result of land reform and how this affected the production of space in the research site.

This chapter considers conceptions of land use that underpinned land reform, and how these related to the ecological base and the built environment, that is, to the material basis of spatial practice. It then examines what land uses emerged as a result of land reform in practice, and how spatial practices and lived space changed as a result. There is some reflection on the social forces behind the different conceptions of land use and the spatial practices that emerged.

7.2   Inherited material configurations

Inherited land uses are the template for spatial practice, with ecological-social "co-productions" (Goodman, 1999) shaping land use possibilities. Historically there were a range of land uses in the area, as Chapter 4 shows:

i) Dispersed settlement and production, common grazing, and indigenous tenure, often under some form of traditional authority;

ii) A racially constructed space with a central zone of white residence with relatively small pockets of commercial production, with dispersed black settlement, limited homestead production and some regulated cattle grazing;

iii) 'Open access' small-scale production on the edges near Vleifontein township and common grazing (after the state's expropriation of white owners in the 1970s and 1980s);

iv) Centrally organised small-holder production on parts of the Mavungeni restitution portion; and,

v) Dense formal settlement on a portion of the land, after Vleifontein was established in 1982.

None of these historical spatial arrangements fit neatly into the conventional model of large-scale, mono-crop commercial agriculture, which dominated representations of farming space at a national level. The ecological conditions, in particular the topography, ruled this out. Large-scale mono-cropping generally requires flat or gently undulating land, especially if crops are to be industrially harvested. The area is in a small pocket of relatively good rainfall for this region, and soil quality is also relatively good, but only patches of the farms were considered to be commercially viable for cropping.[171] According to one study, the area was agriculturally best suited to sub-tropical fruit, livestock and forestry (Government of Venda and Development Bank of Southern Africa, 1986:7-7). Micro-conditions suggested the possibility of the production of maize, sunflower and sorghum.[172] The original purpose of the farms to act as buffers dividing white from black lands combined with these ecological limits generated low levels of commercial production on the farms.

This was especially so at Shimange and Munzhedzi, which had some low-level grazing and very small pockets of crop production mainly around the homesteads. The land fell into disuse after the state expropriations in the 1970s and 1980s. Shimange was used as a base for the Venda homeland Departments of Water Affairs and Agriculture. After 20 years of neglect, very little useable infrastructure remained by the time the land was transferred to claimants. While this meant greater freedom to reconceptualise the space and materialise these conceptions free from the weight of the past, it also meant little material base on which to build new spatial practices.

The two portions of Mavungeni were a slightly different story. The redistribution portion, also known as Lovedale Park (Figure 9), had 48 ha of improved pastures and 12 ha of eucalyptus trees. It had comparatively well-developed infrastructure for intensive production, including irrigation infrastructure, an 8.5 ha earth dam and a dairy with a capacity to milk 30 cows[173] (Agriconcept, 2000). A white farmer was leasing part of the farm for commercial production until 2003. At the time of transfer, 18 farmers from Vleifontein were using part of the farm to

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[171] Agricultural Research Council and DAFF "Agricultural Geo-Referenced Information System Comprehensive Atlas"
http://www.agis.agric.za/agismap_atlas/AtlasViewer.jsp?MapService=agis_atlas2006&ProjectId=5&LId=0&OId=0&LayerIdVisList=none – accessed 2 July 2010

[172] Estimates are based on Institute for Soil, Climate and Water (ISCW) methodologies.

[173] 'Report on Mavungeni beneficiary group, Vleyfontein' (photocopy); 'Farm Lovedale Park – owned by K O Johnson' (photocopy); Agriconcept, 'Development proposals: Mavungeni', faxed sent to Nkuzi, dated 04.01.2000

graze 122 cattle.[174] Residents of Maila also used a small section for food plots, with access to a borehole for water. So the redistribution portion had some productive activity, even if only in parts.

The restitution portion also had on-going activity even after expropriation, with up to 85% of the land under cultivation (Figure 9). Land was leased to white farmers and Venda politicians after the state expropriations. Reasonable rainfall and pockets of good quality soil combined with a gentler topography to enable commercial agriculture at a larger scale than at Shimange or Munzhedzi. This resulted in the development of infrastructure – the human overlay or second nature – to support commercial production. Most important on the Mavungeni restitution portion was the establishment of a 30 ha commercial macadamia orchard with internal roads, irrigation and a dam for water. But beyond this, the continued use of other parts of the farm by Vleifontein residents and the Hennings during the 1980s and 1990s ensured that the land was geared for production. It was debushed, ploughed and thus available.

On being forcibly moved to the area from Tshikota near Louis Trichardt, Vleifontein residents were led to understand that the surrounding areas would be available to them to use for production and for eventual expansion of the township. After arriving in the area, recalls Esrom Mudau, a Vleifontein resident and spokesperson for the Masangani claimants:

> "I saw, this is water, water is flowing every time. I ought to make a garden… I told everybody, 'let's go down there [*Mavungeni restitution*] and plough'. We started ploughing, and we did plough enough. Even Mr Ramatlodi [*former Premier of Limpopo*] when he was still a Premier, he came here and said to us: 'You people, we did not believe about you! From the location? To farming? That place is always green, and you're doing a lot of ploughing!'… We were used to ploughing, and I fed my family. We did not buy a bag of mielie meal! Myself, no! I was busy with ploughing mielies. From that side, I did have two big yards. You see my tractor, I bought that tractor to plough. When I was given my pension…I bought the tractor. Because I knew I will feed my kids with everything. And it's when I started to have a garden, at the river down here."[175]

Vleifontein residents estimated that up to 170 people were involved in an AgriVen project on the Mavungeni land starting around 1998 and only stopping when the land was transferred to the claimants. They each had an allocation of 10-15 ha:

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[174] 'Report on Mavungeni beneficiary group, Vleyfontein' (photocopy), p.3
[175] Interview, Esrom Mudau, 28 July 2009

"They said produce the things that don't take long, because this place, we are only given it for a certain period. So they said we must only plough short-term things, like mielies, pumpkin, butternuts. You can also make a water what-what and plough cabbage."[176]

AgriVen provided inputs and linked the farmers to markets: "If you've ploughed and you don't know where to take your mielies, then he [*the project manager from AgriVen*] can help you to find the *ko-operasie*, you take it there and they can give you a cheque and everything." Other residents from the township also used the land for grazing and some allocated themselves small plots for crop production.[177] Vleifontein residents also used small parts of the land at Shimange and Munzhedzi, mainly on the edges adjacent to the township for small-scale food plots, and more widely for grazing and natural resource harvesting. For them, the restitution process disrupted their land access, since the access they had enjoyed until 2002 was suddenly revoked when the restitution claims were settled. There was a sudden shift in the lived space of Vleifontein residents formerly using the land. This offers another instance of Rosalie Kingwill's (2008) idea (developed in a different context of gender relations within families holding title) that titling can at times exacerbate tenure insecurity.

The continued use of the land at Mavungeni, even after the expropriations, established a material basis for agricultural production that shaped claimants' options. The inherited infrastructure formed a template for future land use, determining, to an extent, what could be done. But it also allowed the Mavungeni claimants to use the orchard to generate income as a basis for other activities. The inherited material base hence offered both opportunities and constraints for the production of new spaces.

The greater the extent of infrastructure, the more the spatial organisation on the farms reflected a particular historical conception of a productive farm. The owner's homestead was constructed to meet a particular white, consumerist lifestyle, and was spatially segregated from the living spaces of black workers (with housing for the latter taking the form of 'non-permanent' structures). This produced the apartheid spatial structure at the micro-level. Infrastructure was geared towards commercial production, with sheds, internal roads, fences, etc., all serving to produce a particular type of commercial agricultural space.

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[176] Group interview with Martin Maiwasite, Mr JV Mugwedi and Simon Makgakga, Vleifontein, 11 June 2009

[177] Group interview with Martin Maiwasite, Mr JV Mugwedi and Simon Makgakga, Vleifontein, 11 June 2009; interview with JV Mugwedi, 11 June 2009; interview with Simon Makgakaga, 27 July 2009
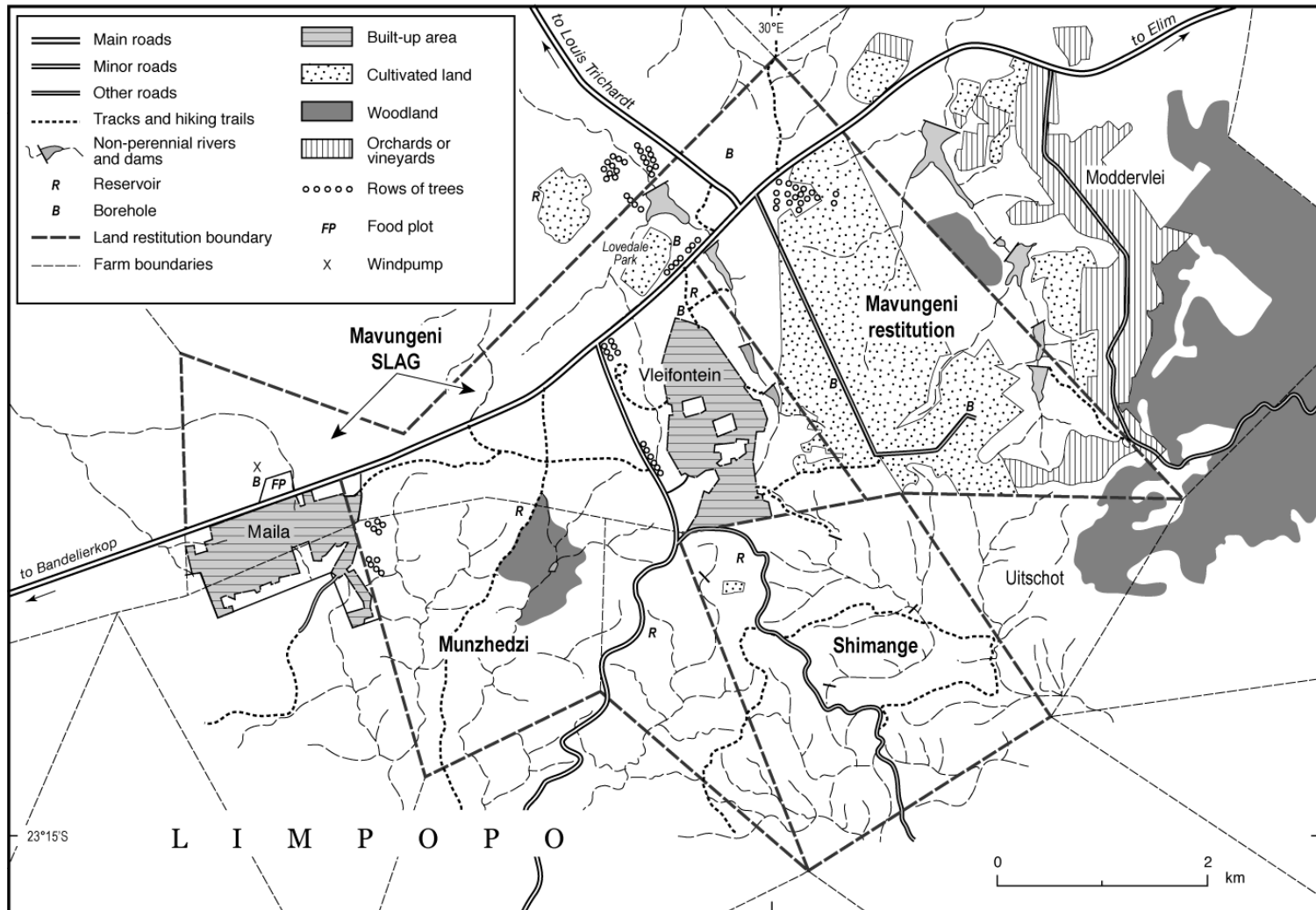
Figure 9: Historical agricultural production and water infrastructure

In the run up to the transfer of the farms to the restitution claimants in 2002, asset stripping had an impact on the possibilities for how the land could be used and hence the production of on-farm space. According to the Vleifontein farmers who worked with AgriVen, the irrigation infrastructure was left behind when Mavungeni claimants took over, although AgriVen took back the tractors and implements the farmers were using. The Hennings were believed to have removed the irrigation infrastructure (drip lines and electric pump) from the macadamia orchard just before the land was transferred.[178] At Shimange, where the Venda Departments of Water Affairs and Agriculture used the buildings as staff quarters prior to restitution, electricity lines to the farm buildings were removed back to the boundary with Vleifontein when the Department's staff evacuated the farm. Water pipes were also ripped out of the ground and water supply to the farm was stopped.[179]

In the midst of the farms was the construction of Vleifontein as a zone of settlement in 1982 which, together with the construction of the Elim-Bandelierkop road and the provision of bulk water and electricity infrastructure, fundamentally altered the space and its relationship to the wider regional space. This had a significant effect on macro-spatial dynamics. Even before detailed plans were developed, settlement had spread onto a significant portion of Munzhedzi, creating a strip of settlement along the road from Maila through Munzhedzi to Vleifontein. Figure 10 shows this clearly. The whiter spots on the image are settlement, and the pinkish marks show land either ploughed or planted to crops and trees.

7.3 Tensions embedded in conceptions of land use

Conceptions of how the land might be used mirrored the tensions and contradictions embedded in the conceptions of property and authority. In the case of property, the core tension was between inherited models of private property and indigenous property regimes. The creation of a category of collective private ownership mediated the 'pure' rights of private property but also threw into question these rights. In the case of authority, the core contradiction was between the creation of democratic institutions of land governance on the one hand, and the retention of chiefly authority and private property on the other. In the case of micro-level, on-farm land use, tensions in the way agricultural production was conceptualised emerged from the same racially-based bifurcation. On the one hand was a conception of large-scale commercial agriculture historically associated with white production

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[178] Interview, David Baloyi, 27 October 2008
[179] Informal conversation, Sipho Baloyi, 15 November 2008

on the large privately-owned farms, and on the other hand was a conception of micro-scale 'subsistence' agriculture historically associated with black production in the former homelands. The latter was based on the allegation that "'modern' agrarian practices incorporating new technologies of production" were not possible under indigenous land rights systems (Okoth-Ogendo, 2008:100). The tensions stemmed from attempts to reconcile the reproduction of the white commercial agricultural model with the new collective ownership that incorporated elements of indigenous property and governance regimes.

The narrative of 'return to the land' that drove the claims process, and drew on the knowledge and experiences of the elders with material support from a professional elite amongst claimants, was gradually replaced by a development narrative that rested on the belief that commercial exploitation of the farms was the best route to improve the livelihoods of claimants. This mirrored the more general shift in the discourse of development in the country as a whole, as the slogan of 'growth through redistribution' in the early 1990s was transformed into 'redistribution through (capitalist) growth' in the mid-1990s (Dollery, 1994). Other nascent groupings amongst the claimants – traditional authorities, poorer claimants with insufficient resources of their own to support systematic commercial production or accumulation on their own, and the elders – did not immediately oppose this new development narrative or the representations of space underpinning it. There was general agreement that investment and economic activity of any sort would be welcomed. The dominant assumption was that development was equated with business and commerce, a situation indicated even more starkly on land reform farms were existing large-scale production was at stake, for example in Levubu (Hellum and Derman, 2006). It was only later - when these representations stalled through the inability to materialise them in spatial practice - that alternative representations of how to use the land, and their materialisation in spatial practice, began to be articulated and practised.

As part of the restitution agreements, consultants were allocated to each claimant group to formulate land use plans, which were the articulation of representations of on-farm space. These consultants came into the process with specific representations of space which drew from the prevailing representations in the state. One dominant representation, shared by DoA and DLA, and partially by the municipality, was that the farms were spaces of commercial agricultural production which had to happen at scale. Small-scale production was equated with subsistence, and was a welfare issue rather than an agricultural issue. According to a senior manager in the Limpopo DoA:

> "The future for agriculture is on a commercial scale. We must change the face of agriculture from white to black but on the same scale as previously. We need to support farmers to go bigger. There is a continuous pressure on profitability, and the trend is that farming units get bigger because profit margins are declining and farmers can't survive on smaller units. Subsistence is not viable in the long term. There is some limited space for subsistence, but it can't replace commercial agriculture. Subsistence is now a welfare case, it's not really for the Department of Agriculture. We don't want to see the buying of commercial land for subsistence."[180]

The conception was that commercial land had to stay under commercial production, and that meant increasing scale over time. Although ownership of units of production would need to change from white to black, the character of production was not to change. White commercial farmers were in agreement with this view. Carl Henning argued that: "You can't stop it [*concentration in agriculture*] now. You need those surpluses now, Africa is dependent on them. There is no time left to transfer skills."[181] Other branches of the state also concurred. According to Mr Livhebe, Agribusiness Economist at the district DoA, "agriculture is a business."[182] And the land reform advisors in the Makahdo DoA said:

> "These things, they are very new to our community. It's not long since they've been introduced to this kind of environment, where they need to run this project as a business… We engage the strategic partners, at the same time they can employ the managers who are skilled… People need to grab what is supposed to be done. I know the thing is going to benefit the community. If the communities comply with the business plans, I know they will progress."[183]

There was thus general agreement amongst these individuals at three levels of the DoA, as well as amongst commercial farmers, on the necessity of reproducing the spaces along the lines of this particular model of commercial production. The consultants' representations were structured in this framework. The decaying remnants of the infrastructure from the white commercial farming days formed the template on which land use plans were based. At Shimange and Munzhedzi this provided hardly any basis for an agricultural plan at all.

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[180] Interview, Cornelius Erasmus, 28 April 2009
[181] Interview, Carl Henning, 30 April 2009
[182] Discussion, Jethrick Seshoka , 27 August 2009
[183] Group discussion with Makhado LDA land reform advisors (Elias Matodzi, Mr T. Maronga, Mr Ramukosi, Mr Ndadza), 1 June 2009

Figure 10: SPOT satellite image showing settlement and agricultural production, 2007
(*Source: Agricultural Geo-referenced Information System, http://www.agis.agric.za/agisweb/agis.html*)

At Shimange, the land use plan (Northplan, 2004) was based loosely on the insubstantial template of historical commercial production, with some leeway for individual food gardens in a contained area. The plan identified 110 ha of arable land, mostly to the north of the farm around the homestead buildings. This was divided into 49 ha for crops (maize), 11 ha for intensive livestock, 25 ha for orchards (sub-tropical) and 25 ha for community gardens (either crops or intensive livestock). The remainder of the farm was divided into a 'biodiversity and water preservation' area of about 150 ha, and a grazing area of about 459 ha. The latter was also earmarked for potential game farming, but eco-tourism was ruled out because of the expense and Vleifontein's proximity. Forestry was ruled out because of the ecological sensitivity of the area. No detailed business or financial plan was prepared. In other words, the concrete ways in which the representations of space were to be materialised in spatial practice were not considered.

Munzhedzi's land use plan (Kenneth Maluleke and Associates, 2004) was even less developed. By the time the consultants came to do the plan, about 50% of the Vleifontein portion of Munzhedzi and 20% of the other two farms was covered by informal housing. Alternative representations of the space were already materialised in practice before dominant representations were formally articulated. Forced to adapt to existing spatial practices, the plan proposed that the settlement be formalised, but made no detailed suggestions for agricultural production apart from saying the land might be used for cattle, goat and pig farming, and some cropping, especially at Zwartfontein.

At Mavungeni, because there was some intact commercial agricultural infrastructure, plans were constructed on the basis of the activities this infrastructure was built for. On the redistribution portion, the land use/business plan (Agriconcept, 2000) was based on collective production of commercial crops, some irrigated, with the majority of the land for grazing. The plan, being materialised by the white farmer who was leasing the land, was adopted wholesale. The location of inherited irrigation infrastructure and land determined the plan – which can be considered to be the formal articulation of the dominant representations of the space. It attempted to smooth over the tensions within collective private property, between a model of private property inherently built on the basis of individual ownership and the reality of collective ownership.

The plan proposed dry land maize - and potentially also sunflower, grain sorghum and soya beans – initially on 80 ha, irrigated vegetables on 28 ha mainly for commercial production and

retention of the 12 ha eucalyptus plantation. Maize production was targeted at 39 claimants, and vegetable production at 35 claimants. If the plan was fully realised, participating claimants would earn an average of R262/month for maize and R326/month for vegetables. The plan recognised the challenges in raising capital and proposed that grazing be used for cattle on a non-commercial basis. It rejected the use of the dairy, or poultry and egg production; the former because of "high capital demands and the management intensive nature of the enterprise," (Agriconcept, 2000:38) and the latter because the local market was saturated. The plan hinged on securing a start up loan to the value of R828,200, over and above the SLAG grant, an amount representing 81% of the total farm value. The consultants doubted that financial institutions would offer such a loan, and claimants also were not keen to take large loans. So an unrealisable plan was written. There was no way to convert dominant representations of space into spatial practice.

The land use plan for the Mavungeni restitution portion was not available, but included development of the macadamia, mango and avocado orchards already on the property, and areas designated for grazing and individual cropping. However, CPA committee members said the plan was "too big and we cannot follow that one."[184] Chapter 5 shows how the Hennings proposed a land use/business plan which sought to reproduce the space of white commercial farming, including denying claimants the right to live on the land. The plan was based on historical commercial land use. The initial land use plans were not integrated with the DoA's plans at all, meaning that the DoA was not able to budget for any activities or interventions.[185] The original land use plans were downgraded and not treated as the 'real' business plans, and there was a recognition that the plans needed to be more iterative.

The municipal DoA had a group of land reform advisors to assist new land owners with agricultural support through programmes like CASP. Working together with the Department of Labour, they targeted literate and numerate people for training in commercial agriculture. Three economists in the Makhado office of the DoA interacted with claimants to develop business plans. The logic aligned with commercial production here as much as in the land use plans conducted by the consultants, in using past commercial production as a template:

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[184] Group discussion with Mavungeni CPA committee members (David Baloyi, Eric Maluleke, Alfred Baloyi, Samuel Baloyi), 15 November 2008
[185] Interview, Jethrick Seshoka, 7 May 2009

"When we see an opportunity, we go… [*At*] Mavungeni there are problems, and we are reluctant to move in because of the problems. But at the same time they do have 30 ha of macadamia. Together with the other division in the department, they've done the designs and everything for that 30 ha. So that in the meantime we don't just leave those macadamias… Now we are going to put an irrigation system, if it is approved. So we are just saying, if it is existing, let's just try to keep it alive… Because remember, we've also got the problem of promoting the macadamia production, especially in Vhembe. So we cannot just leave those macadamias sitting there."[186]

On the various farms, opportunities arose for members to combine individual production with the larger-scale group production. Commercial farming was never at the whole farm level on these farms, but was concentrated on a relatively small section of available arable land. Basing business plans on the commercial agricultural template identified the valuable land for potential production, but there was nothing in the plans that said this land had to be used for particular crops owned by particular people. Theoretically, claimants could choose what kind of production they wanted to do, even on the good land, as long as there was agreement from the CPA committee. Chapter 6 shows how this was built into the CPA constitutions. At a micro-spatial, on-farm, level, this had significant implications for spatial practice.

Collective private ownership threatened conventional notions of commercial large-scale agriculture because it resulted in the logic of collective production (Lahiff, 2008b, Hall, 2009b). Mass settlement was incompatible with large-scale commercial agriculture in the form that dominated the discourse on agricultural production and productivity. According to one of the Makhado DoA land reform advisers: "The people who were originally moved off the land were few, but the claimants are many: families, children, grandchildren and their families. They will occupy the whole land and there will be no room for agriculture."[187]

This set up a tension between two different representations of the space even within the land reform programme. On the one hand, the DoA emphasised commercial agricultural production, as indicated above. On the other hand the restitution programme, and even the redistribution programme until 1999, was structured to accommodate large groups of people settling on the land. This created a tension at the micro-spatial level when it came to actually moving onto the land and using it productively. At Mavungeni, after the transfer of the land, land use plans tried to control the way settlement occurred on the farm. The plans sought contained settlement spatially segregated from formally demarcated production zones.

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[186] Discussion, Jethrick Seshoka, 27 August 2009
[187] Interview, T. Maronga, 30 July 2009

Claimants intent on pursuing a commercial agricultural path for the farms supported such plans. The Mavungeni CPA committee argued that "the way we settled before can not happen now because we want to use the land productively, not just randomly."[188]

With this in mind, the Mavungeni land use plan set aside an area for the development of 200 Reconstruction and Development Programme (RDP)[189] houses. The municipality supported the notion of a formal settlement adjacent to Vleifontein and approved the establishment of a township called Mavungeni Park for members of the CPA in 2005.[190] This appeared to be a reasonable compromise between the different representations of space. However, there was disagreement as to who the beneficiaries of a formal settlement were to be. Vleifontein residents were convinced a proposed RDP settlement on the boundary with Mavungeni would be for residents of the township:[191] "They promised us 120 RDP houses for those poor people, knowing that we own that place. Then Mavungeni came and said no, that's our place, here you don't build a house."[192] According to civic association leaders in Vleifontein:

> "This road, from this line [*Mavungeni side*], we are not allowed to go and build our houses there. And there were supposed to be RDP houses for people who are suffering, who can't establish their own homes. But because of that claim people have got nowhere to go. The same applies to Mavungeni on that side, and Munzhedzi. So you can see that we are ending up on an island. So if you want to have your own home, you just have to go outside Vleifontein and separate from your relatives and your parents… [*The planned RDP settlement at Mavungeni*] was for people from Vleifontein. But for now, because we don't have land, what we were suggesting is if the Mavungeni people give us that land, so they will also benefit from these RDP houses. So which means they can also apply and then we stay together there… Munzhedzi is full… The place where we think there is enough space is Mavungeni."[193]

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[188] Focus group discussion with Mavungeni CPA committee members (Winston Maluleke, Gibson Chauke, Eric Maluleke, David Baloyi and Samuel Baloyi), 3 December 2008

[189] The RDP was the ANC's election platform for the first democratic elections in 1994. It was strongly shaped by popular participation, although adapted to accommodate various compromises before its official release.

[190] 'Township establishment; Mavhungeni Park', letter to Jamela Consulting on behalf of Mavungeni CPA, signed by S.M. du Toit, Acting Director Corporate Services, Makhado Municipality, 7 November 2005

[191] Vleifontein Concern Group, 'Land protest against resolution taken by Commissioner', letter to Mayor of Makhado municipality, signed by M.W. Ramadwa, E. Mbooi, R. Mudau, J. Ramukhuvhathi and S. Mapangwa, 19 January 2004; interview, Godfrey Ramadwa & Vincent Mahladisa, SANCO Vleifontein, 9 June 2009

[192] Interview, Esrom Mudau, 28 July 2009

[193] Interview, Godfrey Ramadwa & Vincent Mahladisa, 9 June 2009

Ultimately, the representations were not materialised in any case, rendering irrelevant the argument about who the houses were for.

At Shimange, the land use and development plan indicated that "the Shimange community has decided that the farm Syferfontein will be developed and utilised as a commercial farm and no settlement, except for the normal settlement for farming purposes, will take place on the farm" (Northplan, 2004:9). However, this was later contradicted and a plan was developed for contained formal residential settlement on the border with Vleifontein. A needs assessment Nkuzi conducted in 2002 revealed a demand for a residential area of about 70 ha and a business area of another 10 ha, indicating the intention of the claimants to live on the land (Lahiff *et al.*, 2008:52). The President of the Shimange CPA said they wanted a formal settlement on the boundary of Vleifontein "as a buffer" between the farm and the township. He said claimants should be able to settle where they want on the farm (for example, where their families had homesteads before removal), but that they did not want settlement to spread all over the farm.[194] A map on the wall of the old farm house showed a formally designed "proposed middle income town" on the boundary with Vleifontein. The underlying representation of the space assumed that people with resources would come to live on the farm in an orderly and contained settlement, and carry out commercial agricultural and other activities on the remainder of the farm.

At Munzhedzi the pre-emptive occupation resulted in the formation of a vast settlement stretching between Vleifontein and Maila village, covering the whole of the Vleyfontein portion belonging to Munzhedzi and over time encroaching on the other two Munzhedzi farms (Diepgezet and Zwartfontein). The result was that opportunities for commercial production were considered to be slim and the land use planning exercise was effectively abandoned. On all the farms, the dominant representations of space, formally articulated in land use plans, were mostly driven by the state supported by relative elites within the CPA committees. They sought to structure on-farm spaces to realise the commercial potential of the farms.

A similar tension between settlement and production was replicated at the macro-spatial level, across the farms. On the one hand, the DoA looked at the farms as closed entities on which commercial agricultural production of a large-scale type should be encouraged. The land use plans consequently treated Vleifontein as a completely separate space from the farms, an

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[194] Informal discussion, Olaf 'Boysie' Baloyi, 29 May 2010

attempt (unsuccessful, as it turned out) to maintain a strict divide between residential space and productive space. In this context, it also sought to define the boundary between urban and rural, with 'urban' being understood primarily as residential, in the mould of the dense settlements in the former homelands. On the other hand, the municipality and district, bolstered by the NSDP, identified Vleifontein as a local service point (Vhembe District Municipality, 2007), a representation of the space that presupposed a growth in settlement. Yet, because the boundaries between the township and the farms were rigidly defined, there was no space for expansion of the service point, in particular for new housing. This set up an on-going tension between land reform and agricultural plans on the one hand, and municipal housing and service plans on the other. For their part, the restitution claimants simply rejected any alternative claims from Vleifontein residents to the land outside the strictly defined boundaries of the township. These contradictory conceptions of land use inevitably produced conflicting spatial practices.

7.4   Changing spatial practices and land use

The nail in the coffin for the land use plans, based on commercial agriculture and its spatial segregation from residence, was the failure to secure investment to materialise these dominant representations of space. Some 'pioneers' from amongst the claimants had already started moving onto the land, and when the plans did not unfold as expected they began to engage in alternative spatial practices. These did not necessarily arise from some clearly articulated, preconceived representations of space but from the lived spaces of everyday life. Increasingly explicit tensions and conflicts began emerging around land use and the arrangement of space. The most notable example was the Xikopokopo group at Mavungeni, who became dissatisfied with commercial land use plans that excluded the option of settlement integrated with production in the most logical places on the farm (e.g. next to the road). Chapter 5 shows how the group split from the CPA committee and occupied a portion of the farm that was planned for other purposes, and invited others, including non-claimants, to occupy with them. In essence, they materialised spatial practices than ran counter to the dominant representations of the space formally articulated in the land use plans.

As a result of the failure to realise the commercial plans, a more differentiated space than that envisaged in dominant representations surfaced on the farms. Again, the ecological base and inherited human infrastructure co-produced the new spaces. Five distinct spatial practices emerged, *viz*.: larger-scale commercial production based on inherited infrastructure; new

large-scale infrastructure and state attempts to order the space and integrate with broader capitalist circuits of accumulation; dissolution or adaptation of inherited infrastructure; small-scale production segregated or integrated with settlement to varying degrees; and dense settlement. The first two reproduced the dominant representations of space based on commercial agriculture. The last reproduced (in a modified form) the representations of space, developed and partially materialised in the late apartheid period of the expropriation of the land and the establishment of Vleifontein as a formal settlement. The remaining two indicated the emergence of new spatial practices on the farms, which brought with them new representations of the space. These spatial practices overlapped, sometimes competing and sometimes intersecting.

A few small external investments – efforts at materialising representations of space - on the farms followed soon after the settlement of the claims. The DoA provided each farm with tractors and trailers which went to the CPA committees for collective use. However, no effort was made to establish rules of use and access was either restricted when they fell into the hands of individuals (as at Munzhedzi, where the chief-designate took control of the tractor and trailer and let them disintegrate through disuse) or where conflict about use arose (leading to no-one being prepared to maintain the assets). At Shimange, the tractor was broken. Although it did not seem that it would require a lot to repair it, claimants did not feel confident that the efforts of individuals to maintain collective infrastructure would necessarily be appreciated:

> "You see, the tractor belongs to the people, so there are different cliques of people who are planning. If [*individuals*] fix that one and they try to use it, the other people will say 'hey, where is the money?' If I fix it, when I try to use it, 'hey, where is the money?' So we still have some problem."[195]

At Mavungeni the tractor was still running and was being hired out for use in surrounding areas as well as by claimants at Mavungeni. There was an obvious link between the functioning of the CPA committee and the functioning of the assets, even if internal conflicts arose regarding who was receiving the benefit from hiring the tractor. According to Sam Shirinda:

> "This group, if I go now and say I want the tractor, I will never get it. Even before the division, not now that there's a division, before the division. When they wanted to plough, they would go and plough. They've got fields somewhere there. When they are finished there then they will go and plough for ordinary members

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[195] Interview, Chris Baloyi, 26 August 2009

of the public at Mbokota. Because they stay at Mbokota, most of them. And they make money."[196]

The tractor was also used to squeeze rents out of Vleifontein farmers who wanted to use Mavungeni land for production: "I must hire their tractor. I bought my own tractor. Everybody, if you want to plough in Mavungeni, you must hire that tractor."[197] In providing the assets, the DoA inadvertently strengthened the hand of one group from amongst the claimants at the expense of others. One step further, the use of the assets materialised representations of space by employing assets in the service of a particular spatial vision for the area. The authority in control of the assets had an advantage of using those assets in materialising their own representations of the space. This indicated one way in which the institutions of authority channelled spatial practices.

Nkuzi made a few material interventions that played a role in shaping the on-farm space. One was the provision of a pipeline from one of the dams at Shimange to the lower fields, where at least six claimants were cultivating in 2009. In 2003 Nkuzi provided funding to build rudimentary poultry houses on each of the farms (Figure 11), for materials for the basic physical structure, initial training and some start up inputs. The intervention was structured on the basis of group production, with the CPA committees approving participants. Participants constructed the houses themselves, even where they had no construction skills. The houses had a capacity of between 650 and 3,000 chickens, but without drinkers or feeders and lack of storage for feed. No electricity meant no refrigeration for vaccines, and the necessity of using firewood and paraffin for heat and light. Together with lack of water and poorly built houses, this meant mortality rates were too high for the projects to generate profits.[198] The projects limped along only because of the voluntarism of a handful of members. Despite the weaknesses of the interventions, they did indicate representations of space rooted in a more localised, smaller-scale production on the farms. These representations were closer to the lived experiences of inhabitants than the abstract representations of large-scale commercial agriculture. But the small interventions also laid the basis for a bigger DoA investment in poultry production (of which more below) which reimposed the dominant representations of space. Development trajectories certainly were not linear, and were heavily dependent on contingent practices.

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[196] Interview, Sam Shirinda and Willie Shirinda, 16 November 2008
[197] Interview, Esrom Mudau, 28 July 2009
[198] Interviews, Martha Mudau, 7 June 2009; Rose Mulembamuthihi, 27 July 2009; Kuthama Sishonga, 27 July 2009; Nkuzi (no date) 'Munzhedzi Pfano Poultry Project" (photocopy); informal discussion, Sipho Baloyi, 1 May 2009

Figure 11: Rudimentary poultry house, Shimange

7.4.1   Structuring dominant spaces of production

At the time of transfer, the farms were very weakly integrated into circuits of capital accumulation. Shimange and Munzhedzi were totally excluded from these circuits, and Mavungeni was connected into regional macadamia value chains at a very low level (i.e. only as a small-scale raw materials supplier). The state had identified both macadamia and poultry as two key focus areas for investment in agriculture in the Vhembe district.[199] The state's scan of the district picked up the macadamia orchard at Mavungeni as well as the small poultry houses on the three farms, and this formed the basis of their investment decisions.

From a commercial point of view, the most significant existing agricultural activity on any of the farms was the 30 ha orchard on the Mavungeni restitution portion. As Chapter 5 explains, it was planted by the Hennings while they were leasing the land from the state before the restitution claim was finalised. Once the claim was settled, the Hennings removed the irrigation infrastructure and also sought to limit access to the dam water by moving the fence

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[199] Interview, Jethrick Seshoka, 7 May 2009

between Moddervlei and Mavungeni so that the dam was within the Moddervlei property.[200] They were later compelled to move the fence back to its original place, but the CPA committee struggled to maintain the orchards without adequate water infrastructure.

Initially the CPA committee leased the macadamia orchard to individual CPA members,[201] but when questions were raised in the CPA, this was cancelled in favour of the CPA farming the nuts for the collective account (Aliber *et al.*, 2009b:64). The CPA committee had a contract (unsigned at the time of writing) to sell nuts to Green Farm, a processor in Levubu.[202] When quality was poor (usually as a result of inadequate spraying and lack of water), they sold to Royal Macadamia, also at Levubu, to be processed into oil. David Baloyi managed the orchard on behalf of the CPA, employing two security workers, two tractor drivers, five seasonal workers during harvesting and some temporary workers as and when needed. These workers came from amongst the claimants.[203] The orchard had a turnover of up to R370,000 if quality was good. According to David Baloyi, the proceeds were paid to the CPA. Committee members said the orchard hadn't made much profit since most was reinvested.[204] According to David Baloyi, the macadamias generated R300,000 in the first year, but only R15,000 went to the CPA because the rest was reinvested.[205]

The DoA had interacted with David Baloyi and the CPA committee over a number of years with promises to assist in rebuilding the irrigation infrastructure. David Baloyi had also approached a range of other potential donors for assistance, including finance parastatals, but with no luck. In 2010, the long delayed plan to rebuild the irrigation infrastructure for the macadamia orchard was finally approved by the DoA. Baloyi participated in the Vhembe Macadamia Farmers' Co-op on behalf of the CPA. In this instance, existing commercial activity on the farms was replicated, smoothly materialising the dominant representations of space. But state support for this productive activity did not take into account the underlying power relations

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[200] Interview, Sam Shirinda, 16 November 2008; discussion with David Baloyi, Eric Maluleke, Alfred Baloyi, Samuel Baloyi (Mavungeni CPA committee members), 15 November 2008
[201] According to a document prepared by the Xikopokopo group, between 2002 and 2004 the orchards were run by Eric Maluleke and Gibson Chauke; in 2005 they were managed by Dennis Ngobeni; and in 2006 to the present David and Morris Baloyi managed and controlled the orchards. All of these were members of the 'Mavungeni group' (the CPA committee). 'Proposals and/or inputs and/or suggestions by the Xikopokopo group/community towards resolving of the Mavungeni CPA conflicts and/or disputes', document sent to Mavungeni group, 28 September 2008, signed by Mzamani Phineas Vukeya (Xikopokopo representative)
[202] Group discussion, Mavungeni CPA committee members, 15 November 2008
[203] Interview, David Baloyi, 6 May 2009
[204] Group discussion, Mavungeni CPA committee members, 15 November 2008
[205] Interview, David Baloyi, 6 May 2009

and the inequalities amongst claimants. State actors assumed that the CPA committee was the legitimate representative of the CPA as a whole, and were prepared to provide investment and support to projects run by the CPA committee without probing into the internal relations between the committee members and the broader CPA members. This opened the way, as Chapter 5 shows, to the capture of collective resources by small groups of individuals using the CPA committees as their base. Although David Baloyi effectively managed the macadamia operation by himself, he indicated that he would be happy to let go of it and focus on his individual productive activities, suggesting that the benefits did accrue to the collective (even if the definition of the collective was disputed):

> "I have got farm management. That's why I am managing this farm, I am here. The executive is getting something from me, otherwise this land would not survive if I am not here. No-one is looking after this farm... If I can manage this, the macadamia and the bees - the chicken farm I am out now, because I have put all these youth there, it's something. I wanted to put another here, at this macadamia. If I can see this flourishing, I can take another part again."[206]

The macadamia orchard was the only case on any the farms where existing productive activities at scale resulted in the materialisation of dominant representations of space based on commercial agriculture. Apart from the proposed support for irrigation to the orchard, the state was only able to make one other concrete intervention in materialising the dominant conceptions of agricultural production, in the form of a large-scale environmentally-controlled poultry house (Figure 12). Nkuzi's earlier interventions sowed the seeds for the DoA to invest millions in the house on the basis that the people were already doing poultry there:

> "We are not people who will just go to a community and say this is what you will do. No. We engage with them. They will tell us, we want the Department of Agriculture to assist us to repair the poultry houses. Then we sit them down and say, we cannot repair these poultry houses, they are too small. You need to do the thing at the right scale... Remember, our mission is that these people must move from the subsistence to the commercial so you cannot then say because they wish to produce at 3,000 capacity, then you say that's what they want. No, it's also our role to analyse, to advise. What we do, we look what the industry wants and then we link it up with what the community wishes."[207]

Ignoring previous land use plans, the DoA decided to plant the poultry house on the Mavungeni redistribution portion, based on investment priorities established at provincial

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[206] Interview, David Baloyi, 2 June 2009
[207] Interview, Mr Livhebe, 27 August 2009

level.[208] Construction started in 2008 with a R3.2m investment[209] and production began in April 2009 with the delivery of the first batch of chicks. The house accommodated 45,000 chickens on a six week cycle and was run on a computerised system which involved minimal human contact with the birds for the duration of the growth cycle. Electricity and water were brought to the farm to enable production. The DoA negotiated a 'strategic partnership' with Bush Valley, a large-scale commercial poultry processor in Tzaneen, some 85km from the farm. The partnership was essentially a sub-contracting arrangement, with Bush Valley providing all inputs and transport, as well as management oversight, and deducting the costs from the income before paying the project.[210]

The DoA's only sizeable investment in the area thus connected the space into regional circuits of accumulation, materialising the state's broader representations of rural space, manifested in the NSDP. The state established this link. Before this intervention, the small poultry projects were selling into local markets, in Vleifontein and occasionally further afield in Elim and the surrounding townships and villages.[211] The construction of the poultry house and its integration into regional corporate commodity chains had the effect of opening the space to potentially future investment along similar lines. Bush Valley had similar contract arrangements with another 11 poultry houses in the province, and economies of scale suggested proximity of production units could be beneficial.[212]

Negotiations were opened to construct a similar house at Shimange, but the impact assessment process was delayed when one claimant asserted ownership over the land the poultry house was to be built on. By the time the assertion was eventually withdrawn, the official who was driving the investments in the district DoA had left to take up a post in Polokwane, the provincial capital, and it appeared unlikely that the proposed construction would go any further.[213] The ambiguities in conceptions on property between individual and collective ownership presented an opportunity to delay, and ultimately to collapse, an attempt to materialise dominant representations of space on the farm.

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[208] Interview, Jethrick Seshoka, 7 May 2009
[209] Discussion with David Baloyi, 27 October 2008
[210] Discussion with David Baloyi, 27 October 2008; Jethrick Seshoka, 'Back to office report on Mavungeni SLAG Project visit', LDA, 16 July 2009; interview, Morris Baloyi, 11 February 2010
[211] Interview, Martha Mudau, 7 June 2009; informal discussion, Sipho Baloyi, 8 February 2010
[212] Interview, Mickey Beech, Bush Valley, 5 December 2008
[213] Interview, Jethrick Seshoka and Mr Livhebe, 27 August 2009; fax from consultant to Limpopo DoA, Ms Chiteka-Mathe to Sipho Baloyi, 30 April 2010; telephone conversation, Sipho Baloyi, 7 December 2010

Figure 12: Construction of Ntwanano Co-op poultry house on Mavungeni redistribution portion, November 2008

The spatial impact of the large poultry house at Mavungeni was relatively small if considered purely from the point of view of its material footprint. When Lefebvre (1991:49) referred to capitalist space as 'abstract space', this is what he was referring to: a space that is homogenised to the extent that the environment, the specificity of a locality, is more or less irrelevant to accumulation. The large poultry house was unique in this way: the only conditions required for its construction was a flat piece of land, access to water and electricity, proximity to the road network, a manager and casual labour. It could be anywhere, in a way that a macadamia orchard or vegetable production could not be anywhere.

However, the house had potentially wider micro-spatial impacts. Prior to the installation of this multi-million rand house, Mavungeni claimants had the smaller house that could produce up to 3,000 chickens. These were mainly sold locally to people passing along the main road right in front of the poultry house and to residents of Vleifontein, Munzhedzi and Maila, just across the road. Production at the smaller house was abandoned when the larger one was built, and it was converted into a storage space. Inhabitants of the area regularly continued to come by to see if they could buy chickens, but the contract explicitly prohibited the workers either from

going into the poultry house during the production cycle or from setting some chickens aside for growing in the smaller house for local sale. The reason given for not allowing this was that diseases could spread quickly and stringent health precautions had to be followed.[214]

The construction thus served to 'disintegrate' the farm space from the local economy, separating it and tying it into broader flows where value addition accrued to established corporate processors instead of remaining in the local area. According to Mickey Beech of Bush Valley:

> "We were doing our own production. And now these houses have come in, so we've closed down some of our own farms to accommodate them. And our farms were the old type of chicken houses. So we've accommodated the new state-of-the-art computerised chicken houses… [*We*] started off as a live market chicken production unit, selling live, and slowly we edged our way into building a small abattoir... Slowly but surely we've built into a processed market and developed it."[215]

In essence, the state's emphasis on receiving direction from the established markets in determining investment decisions – that is, in materialising representations of space favoured by agribusiness - enabled established commercial producers to move up the value chain and capture a greater share of the value added. It reproduced the space of Mavungeni as a marginalised space in the hierarchy, but one with a more direct function in the accumulation cycle.

However, the investment also altered the micro-spatial dynamics by introducing water and electricity where there previously was none. Even though this was initially limited to the poultry house itself, it had the potential for expansion onto the rest of the farm, with implications of spatial practice and lived space, for example defining where inhabitants lived and produced. The DoA was constrained in what it could invest in, yet its interventions could sow the seeds for changes in spatial practice:

> "At Shimange, we are sure they do not have working water reticulation, they don't have electricity. When we do our application, because of the kind of house we are putting, we are also going to test if there is water there, and electricity we are going to provide, because it is part of the system, that package we are going to put there… As agriculture we cannot say put electricity, this kind of transformer, because there is also some settlement. They will have a problem.

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[214] Interview, Morris Baloyi, 11 February 2010
[215] Interview, Mickey Beech, 5 December 2008

> They will tell us, electricity for settlement is not your responsibility. The municipality is responsible. We are only responsible for agricultural production… [*But*] electricity can always be upgraded."[216]

At Mavungeni redistribution farm, prior to the completion of the poultry house, workers shared a small two-roomed house without water or electricity during the day. A year later, the house was electrified and a water standpipe was installed 50m from the dwelling. This laid the basis for other productive activity and more permanent settlement in the future. While the construction of the poultry house switched economic activity away from the locality, by-passing local markets and integrating with established regional commodity chains, it also opened up the potential for new spatial practices.

The state's sole intervention was an amplification of Nkuzi's initial, contingent, intervention. Although Nkuzi's intervention was unsustainable as an income-generating activity, it generated material consequences of bringing further investment that also altered the direction of spatial practices on the farms. The state's investment was justified on the basis that poultry production was already happening: "If a project has been engaged in forestry, for us as Agriculture, forestry needs to be put into the picture. But we only intervene where agricultural activities have been going on."[217]

Yet the DoA did not apply this same logic to the numerous small-scale producers of vegetables and maize, some of whom were well integrated into local markets. This was partly because vegetables and maize were not a strategic priority for the Department, but also because the scale of production did not suit the DoA's model for production support based on their specific representations of the spaces. The DoA made a concrete decision to use the limited available resources at its disposal to establish a large commercial project integrated into regional value chains, rather than supporting smaller activities feeding into local markets. This intervention was directed towards materialising a particular representation of space and simultaneously undermined the production of other spaces based on small-holder production for local markets.

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[216] Interview, Jethrick Seshoka and Mr Livhebe, 27 August 2009
[217] Interview, Mr Livhebe, 27 August 2009

7.4.2 Reconstructing on-farm space 'from below'

The entrance to the road to Shimange is at the edge of Vleifontein township. If it is summer, as you drive along the narrow road onto the farm, fields of maize can be seen on both sides of the road. The road splits, with one branch leading to the old farm houses. The first impression is of a dilapidated house, but also a sense that there is some life here. The farm is not abandoned. Then on the left you notice a set of three cattle *kraals*, two small, one bigger, the dark, rich manure on the ground in striking contrast to the pale sand and grass around the house. Walking around the main farm house you see a stand-alone pit latrine set off to the side, a stand-alone corrugated iron cook hut in the middle of the cluster of decaying buildings, smoke rising from the chimney, a broken down tractor and rusted trailer and, in summer, a flourishing maize stand. A radio playing music. Emaciated dogs. Cattle bells tinkling in the background. An occasional chicken scratching in the dirt.

This lived space is something very different from the space of a white commercial farm. There is a dilapidated air about it, yes. But the longer you remain, the more often you visit, the more you see the vibrant, active (even if troubled and difficult) emergence of a new space. Under white, private ownership the farms were exclusive zones where white land owners could determine who could stay on the farm and what they could do there. African inhabitants either had to subordinate themselves to these determinations or leave. Most did leave or, of those who did not leave of their own accord, most were eventually forced off the land. The land owners had the power to exclude inhabitants from the land. These exclusive zones were earmarked for commercial agricultural production and white occupation at a high standard of living. Five- and ten-roomed houses were built and set in lush micro-environments, like oases in the middle of the farms. Gravel roads were constructed to the farm houses and to the zones of production on the farms. The farms were fenced, boreholes drilled, windmills, reservoirs and sheds erected and dams built, all with the dual purpose of supporting commercial agricultural production and ensuring a comfortable life for the white land owner and his family. "(White) man and land [*became*] one as the native slipped into invisibility" (Hughes, 2006:270). Any remaining African inhabitants were situated on the margins, away from the oasis, and their access to land for production was regulated by the needs of the white-owned commercial enterprise and the whims of the land owner. The macro-spatial practices of apartheid were replicated in micro-spatial practices.

When the farms were expropriated by the apartheid state, these micro-spatial practices of apartheid were sacrificed in the interests of macro-spatial imperatives. The farms were to be transferred to the Venda homeland with the main purpose being to form a corridor between two fragments of that homeland. The plan was purely at a macro-level and the specific use that the farms were put to was irrelevant to the bigger picture. The on-farm infrastructure was no longer relevant to state plans for the farms after they were expropriated. By the time the land was restored in 2002, most of this built infrastructure was in disrepair after twenty years of state ownership with limited, if any, use and maintenance. The buildings and infrastructure, designed for a particular type of (white commercial farmer) lifestyle, could be adapted to other uses but was not always appropriate:

> "[*After the white farmer left, the farm*] remained without anybody here. So our neighbours here, the Vendas, they came and made this place [*theirs*]… So I think this one [*building*] was for Agriculture, the other one was for Water Affairs, I am not quite sure. It was their offices and some were staying here. That's why it was so dirty and dilapidated. It was so nice, and some others were making fire inside. When the Jacques' left it was so neat, it was neat!... They [*the Venda inhabitants*] even cut the electricity. Most of the things were spoiled."[218]

Yet the houses were more than merely physical buildings. Memories were embedded in them, sometimes memories of pain and humiliation. Eric Tshabalala, the last headmaster at Efrata school at Shimange, stood in the doorway of the run down farm house in 2009 and related a story about one of his last interactions with the white farmer, Schoeman, who was responsible for the violent eviction of a number of the farm's African inhabitants: "I remember standing in this exact doorway and Schoeman told me 'if I am in heaven and there is a *kaffir* there, I will take my hat off and beat him out with it.'"[219] It evokes the daily humiliations Africans had to endure at the hands of white land owners. But in 2009, Eric Tshabalala was standing in the doorway of a house he collectively owned with other African inhabitants who used to live on that land or whose predecessors did. He used to be a teacher there. He was now a land owner. The house used to be an exclusive space for the white owner and his family, and Africans could only enter in deference and when called for. Now Tshabalala stood on the threshold to participate in a CPA committee meeting to make decisions about the future of the farm. After restitution, the farm house was subdivided so that individuals living on the farm or visiting regularly each had their own private room. The former dining room and kitchen were used as collective spaces for meetings. According to Lefebvre (2009b:248):

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[218] Interview, Rosemary Tiba Baloyi, 27 August 2009
[219] Informal discussion, Eric Tshabalala, 28 August 2009

> "The history of space would emphasise destruction – be it on the scale of architecture and the house (the building), on the scale of the urban or that of a country. Such a history would extricate the meaning of these destructions – not as the will of a particular agent, but as the substitution of one space by another, including the destruction of antecedent spaces by subsequent spaces… The same history of space would emphasise reappropriations (modifications of the purpose and meaning of buildings) through which the destruction of what exists is avoided."

At Mavungeni the old farm houses were similarly reappropriated. They were dilapidated and decaying, since their design was inappropriate and unsustainable where the productive base of the farm was no longer geared towards the lifestyle and standards of one individual and his family. Yet they were being used in the construction of an alternative space, being occupied by workers on the farm. They might not survive the transition, but they were being integrated into the creation of new spaces, with new purposes and meanings. So the very fact of the return of the land marked a fundamental alteration in on-farm space.

The farms had limited productive infrastructure in the first place, and most of this was abandoned at the time of state expropriation. At Shimange, ruins of cattle dips, grain storage facilities, reservoirs and a dairy, which was no more than a few bricks hidden in the weeds, were the only physical indication of past productive activity. Munzhedzi had no trace of inherited infrastructure, apart from a reservoir, indicating the limited extent to which the land was ever productively used apart from cattle grazing. On the Mavungeni redistribution portion a white farmer, Keith Johnson, leased the land until 2003 and had a dairy with 20 cows. When the farm was transferred to the Mavungeni group, the land use plan explicitly warned against continuing with the dairy because of "high capital demands and the management intensive nature of the enterprise" (Agriconcept, 2000:38). Even before the land use plans were drawn up, looking for a 'quick win' and influenced once again by dominant conceptions of commercial agriculture, the DLA decided to invest in the dairy. "Without any idea we said we wanted to renovate the dairy and do poultry. The DLA gave us some dairy cattle, R180,000 for 27 cattle, and also bought a tractor. But there was no water or food on the farm for the cattle, and no money to buy feed, so all the cattle starved and died"[220]. The dairy infrastructure subsequently decayed and stood abandoned as a monument to unsustainable development (Figure 13).

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[220] Interview, David Baloyi, 27 October 2008

Figure 13: Abandoned dairy infrastructure at Mavungeni redistribution portion

Other inherited infrastructure, such as internal roads and dams, proved to be of more value to the new spaces being constructed. Like the farm houses, they established the basic template for spatial organisation on the farms by dictating where people might choose to live and to produce. There was some technical logic in the placement of dams and roads – the scientific knowledge that formed part of capitalist representations of space. For example, a dam must be created on a river, and if it is on high ground water can be gravity-fed to crops and homesteads. The internal roads were designed to reach land that was fertile, with a gradient which allowed for the potential of growing crops. The roads were not carved into virgin bush by white land owners, but were mapped onto historical footpaths that were already part of the spatial practices prior to white occupation and the construction of private property. Layers of spatial practice were reproduced over time, despite the violent and sad history of the human relations on the land, and changes of ownership, systems of authority and land uses. These practices, these lived spaces, literally carved channels of human activity into the land, creating a template for the spatial organisation of the land that is likely to endure as long as people live there.

Thus some of the inherited infrastructure proved to be inappropriate, while some provided a material framework from which to launch new activities on the land. The decay of the old did not mean the complete disintegration of the farms. Outside investment was very limited. Part of the restitution agreement was that claimants would receive a Restitution Settlement Grant to the value of R5,695/household.[221] The money would be pooled and could be used for whatever the CPA decided was a priority. The funds therefore potentially could be decisive in materialising alternative representations of space (depending on the functioning of the CPAs and their committees). The funds were not just to be handed to the CPA, but were to be drawn down once the CPA told the DLA what they wanted to use the money for. A supplementary Development Assistance Grant, valued at 25% of the total grant, could also be made available to carry out specified land use or business plans, although it was up to the RLCC to decide whether to provide the additional grant. This control of the funds gave the state authority to contain spatial practices unacceptable to its own representations of space. The RLCC owed Munzhedzi R2,664 million.[222] R880,000 was due to the Mavungeni restitution claimants.[223] At Shimange, the RLCC was to pay R1,8 million in grants.[224] But the settlement and development grants were not forthcoming. A news report in July 2010 (Phakathi, 2010), showing that government owed R3,4 billion in outstanding payments of post-settlement grants to restitution claimants, indicated that this was a national issue. When I spoke to the Limpopo Land Claims Commissioner about this he was extremely dismissive: "The money is not there, end of story."[225]

Whatever was happening inside government, it was clear that it lacked the capacity to make systematic investments to materialise its own conceptions of space. Alternatively, if we consider it from a broader vantage point, the spaces of these farms were considered to be terminally marginal and investment in realising the commercial agricultural model was directed to other spaces conceptualised as being more important in the hierarchy of spaces. This alternative interpretation is given some weight if we consider the spatial development

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[221] Interview, Solly Selepe, 13 November 2008

[222] Interview, Simon Rambau Munzhedzi and John Paswane, 24 October 2008; 'Memorandum. Subject: Submission in terms of section 42D of the Restitution of Land Rights Act 22 as amended/ In the matter of Munzhedzi claimants concerning the farms Vleifontein 310 Ls and Diepgezet 390 LS', approved and signed by Ms S. Choane, Chief Financial Officer, Dr Gilingwe Mayende, Director-General and Ms A.T. Didiza, Minister, 26 February 2002

[223] Group discussion with Mavungeni CPA committee members (David Baloyi, Eric Maluleke, Alfred Baloyi, Samuel Baloyi), 15 November 2008

[224] Group discussion (Sipho Baloyi, Rosemary Baloyi Tiba, Richard Marimi, Selinah Munyae and Catherine Munyae), 25 October 2008

[225] Informal discussion, Acting Limpopo Land Claims Commissioner Tele Maphoto, 13 November 2009

plans, which identified Vleifontein as a priority local service point. This meant urbanisation of the area as opposed to its agricultural development. This is dealt with in some detail later in the discussion on settlement.

Figure 14: David Baloyi harvesting his maize crop at Mavungeni, with his house and the macadamia orchard in the background

The inability to materialise dominant conceptions of space resulted in other, smaller investments 'from below' reshaping the space on the farms in ways that produced a more diverse productive landscape. Land uses based on smaller scale production and settlement in a combination of spatial arrangements began to dominate spatial practice. These were not articulated in formal planning or institutional documents, and emerged as a product of the lived spaces of the inhabitants themselves, in articulation with the material and conceptual inheritance. Small-scale (0.5 ha-10 ha) crop production emerged on all the farms (Figure 14),

and all the farms had some livestock owners. Decisions about how to organise productive space on the farms was the outcome of a number of factors including the ecological conditions (in particular terrain, access to water, presence of vegetation, and soil quality) and inherited infrastructure (e.g. the location of dams and pipes), which in combination constituted the material basis of spatial practice. The location of water and water infrastructure in particular was instrumental in determining where production would take place on the farms.

The role of authority in the spatial divisions on the Mavungeni restitution portion was elaborated on in Chapter 5. The control over the CPA committee allowed a group of claimants to allocate larger individual portions to those they favoured, while seeking to prevent others from occupying the land for settlement or production. According to Morris Baloyi, claimants were "free to get 10 ha anywhere you want…as long as you have power, if you have money."[226] Here his meaning was less about being able to bribe the committee to allocate more and better land, and more about those with resources being able to use high quality land more effectively than those without resources of their own for production.

Production was relatively dispersed, and this was partly a product of the internal conflicts that saw a spatial division appear between the CPA committee members and their supporters to the south-east of the farm on larger, stand-alone plots of land, and the Xikopokopo group members to the north-west of the farm. Some of the claimants aligned with the CPA committee had fairly substantial portions of land. For example Michael Baloyi had 10 ha of cultivated land and was employing 5 people in 2010. Dennis Ngobeni with his father Research Ngobeni had access to 17 ha, with 10 ha of young macadamia trees (although they were struggling to maintain these).[227] Figure 15 shows the distribution of production and settlement in 2010. Only the epicentre of the Xikopokopo settlement is shown in the figure because by mid-2010 it had already expanded to over 100 households. The Xikopokopo group were on smaller pieces of land and had integrated production and settlement in their homesteads. While many of the latter were mainly producing for their own use, there were some who were also producing for the market. For example, Jonas Phulwana had planted 4,000 head of cabbages for sale in 2010.[228] (Figure 16) This spatial unevenness should not blind us to the reality that significant portions of the farm were under cultivation. The character of production went against the dominant conceptions of space elaborated by the DoA in particular.

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[226] Interview, Morris Baloyi, 1 May 2009
[227] Interview, Research Ngobeni, 11 February 2010
[228] Interview, Jonas Phulwana, 10 February 2010
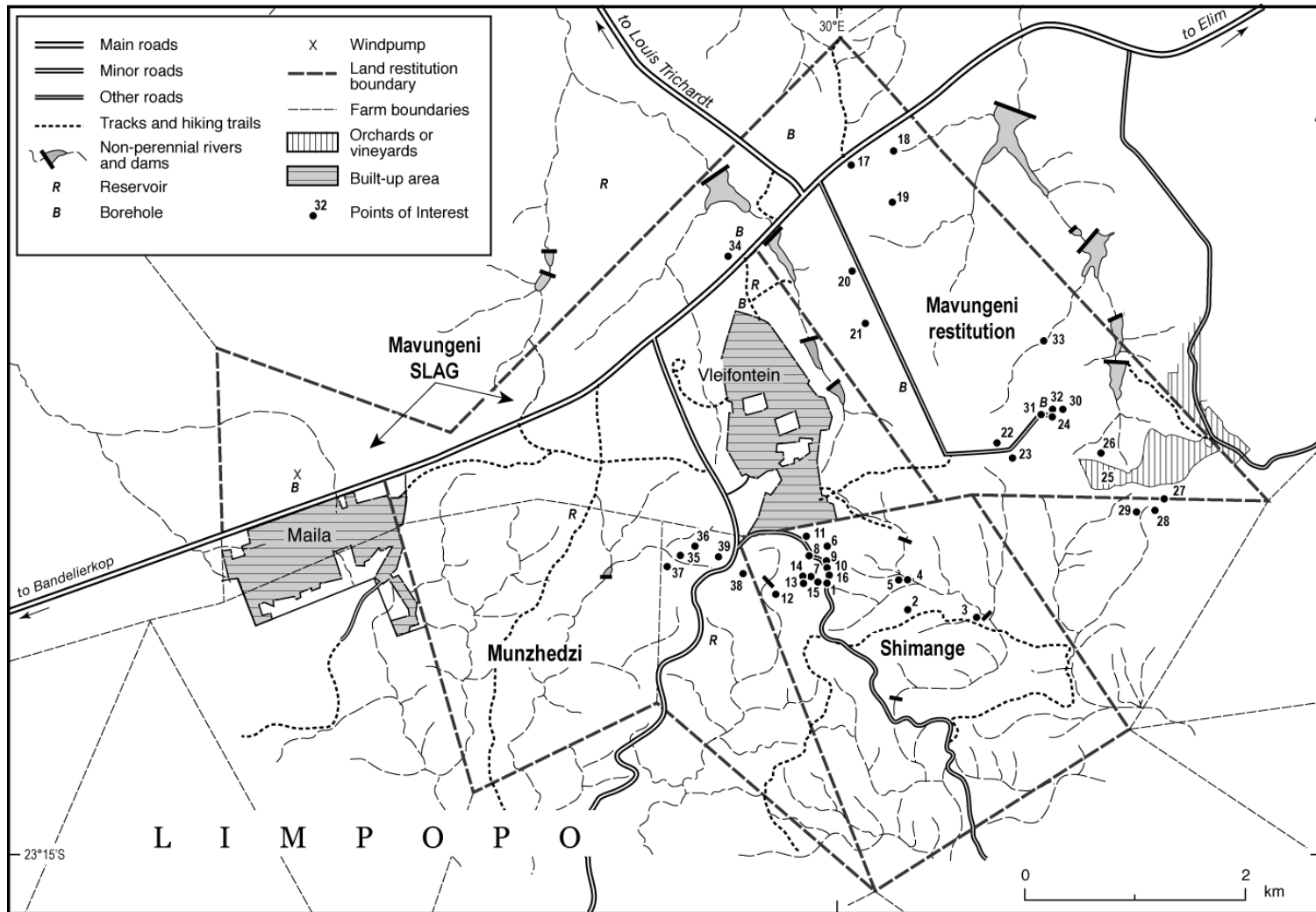
Figure 15: Current points of interest
(*Key on following page*)

Key to Figure 15: Current points of interest

1   Old farm houses, Shimange (occupied)
2   Chris Baloyi field
3   Alex Baloyi field
4   Nursery (Clement Baloyi)
5   Main fields (approx 8-10 ha)
6   Noriah Baloyi field (earmarked for new poultry house)
7   Alex Baloyi field
8   Rosemary Tiba Baloyi field
9   Sipho Baloyi field
10   Cattle kraals
11   Marima homestead and plot
12   da Gama plot
13   Ximange Co-op poultry house
14   Alex Baloyi piggery (under construction)
15   Clement Baloyi plot
16   Noriah Baloyi field/macadamias
17   Xikopokopo (Audrey Ntshangule and Mabina Matodzi)
18   Xikopokopo (Thomas Baloyi and others)
19   Centre of main Xikopokopo settlement
20   Driving school (Xikopokopo)
21   Tractor driver's homestead
22   Maize fields – owner unknown
23   Michael Baloyi field
24   Old farmhouse (currently occupied by farm workers)
25   Macadamia orchard
26   David Baloyi homestead and fields
27   Samuel Vukeya homestead and field
28   Mdluli field
29   Marime homestead and field; Nxumayo homestead and field
30   Dennis Ngobeni *kraal*
31   Old shed (currently used by Ngobeni, including workers living there)
32   Michael Baloyi piggery
33   Dennis & Research Ngobeni macadamia orchard
34   Ntwanano Poultry Co-op
35   Tshikota field
36   Shidavho macadamia orchard
37   Munzhedzi Pfano poultry/piggery project
38   Malehase current homestead and *kraal*
39   Chief's *kraal*, Munzhedzi

Figure 16: Jonas Phulwana's cabbage crop at the Xikopokopo settlement at Mavungeni, with Vleifontein visible in the distance

At Shimange the location of cultivation also to some extent mapped historical production patterns. This simply revealed that land appropriate for cultivation and with access to water was identified in an earlier period. Cultivation was near the dams and around the old farm houses. The main fields (Figure 17) were in an area historically used as a food garden by children and teachers from Efrata school in the days before the forced removals and where Schoeman, the last white farmer, had also previously produced vegetables and potatoes.[229] Memories of old land use practices were resurrected. There was also some clearing of bush to create new fields, indicating an expansion of production on the farm compared with historical production. As with Mavungeni, those with resources drove the spatial patterns of production, selecting where they wanted to cultivate and the amount of land they could afford to cultivate.

Production fluctuated from year to year and tended to be seasonal, to serve the local market at Christmas time when migrant workers returned from the cities. According to Chris Baloyi, who had about 4 ha under vegetables at Shimange:

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[229] Transect walk with Sipho Baloyi, 27 August 2009

"We sell locally, especially in town. There are a lot of customers. We sold a lot last year. The amount was too high. In Elim, but mostly Louis Trichardt, around OK, Shoprite [*national supermarket chains*]. Even in the shops."[230]

Figure 17: Vegetable plot at Shimange, surrounded by dense bush, October 2008

Uitschot (which, recall, was the farm neighbouring Shimange (Figure 2) that was meant to be part of the Shimange claim but fell by the wayside after bureaucratic errors in the claim process) also came under cultivation. The road to the Mavungeni orchard provided access to the farm and up to 10 people had occupied the land, combining production and temporary or permanent dwellings. The individual plots at Uitschot were generally larger than those at Syferfontein. The space was occupied without any formal authority, although Samuel Vukeya received approval from the Mavungeni CPA committee to settle and cultivate on the border between Uitschot and Mavungeni.[231] At Shimange and Mavungeni, land reform facilitated the growth of a range of small-scale agricultural producers (Cousins, 2010b), with a significant number of petty commodity producers and some small-scale capitalist farmers, interspersed with supplementary food producers and, to a lesser extent, allotment holding wage workers.

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[230] Interview, Chris Baloyi, 26 August 2009
[231] Interview, Samuel Vukeya, 8 June 2009

Production at Munzhedzi presented a very different picture. The large-scale pre-emptive occupation of the land in 2000 led by the chief produced a settlement pattern similar to the grids of the homeland betterment schemes. This was a state-driven model of forced resettlement from the 1940s and 1950s, also replicated elsewhere in southern Africa (Moore, 2005). The model sought to concentrate historically dispersed settlement into clearly defined residential zones that could both be provided with services and also more easily controlled by a central authority. It was based on representations of space that made a clear distinction between settlement and production, with separate fields allocated for cultivation and other areas set aside for grazing. It facilitated control by traditional authorities, in particular by establishing a system where individual plots were demarcated and allocated and a fee could be paid. The occupation of Munzhedzi led by the chief was organised in such a way that the chief allocated plots and people paid for access, whether they were claimants or not. In this sense, it was an extension of the homeland residential tenure system onto the farms.

To remain with the issue of the spatial organisation of production for now, the pattern and extent of settlement at Munzhedzi meant that there was limited land available to be allocated for cultivation. In most cases, inhabitants had access to the standard 40-50m^2 plots. In just two cases – one the Pfano poultry and piggery group project originally sponsored by Nkuzi with about 4 ha[232], and the other an individual vegetable plot of 1 ha[233] (Figure 18) – was there access to more than the standard plot for cultivation. Here and there individuals managed to buy a number of plots next to one another to produce a half hectare piece of land under their control for production and settlement.[234] Despite this limited access, there was a surprisingly high level of production, albeit limited to backyard gardening. A survey conducted by Aliber *et al.* (2009b:70) showed that 72% of stands held by the 178 claimant households that had returned to the farm had backyard food gardens, while 56% of the 717 stands allocated to non-claimants had gardens in 2008, giving an average of 60% of homesteads with gardens. There was additional production on 15% of another 229 stands that were demarcated but not yet inhabited. Supplementary food producers and allotment holding wage workers, in Cousins' (2010b) terms, dominated here.

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[232] Interviews, Rose Mulembamuthihi, 27 July 2009; Frans Malisha, 29 July 2009; Nkuzi (no date) 'Munzhedzi Pfano Poultry Project" (photocopy)
[233] Interviews, Peter Tshikota, 7 June 2009; Thabelo Tshikota, 13 November 2009
[234] Interview, David Mphephu, 8 June 2009

Figure 18: Seedlings await planting at Thabelo Tshikota's plot at Munzhedzi, with Pfano poultry / piggery project and ploughed field visible in the background

A superficial view of Munzhedzi was one of an occupation that turned the farm into a *de facto* extension of Vleifontein. This was the DoA's justification for not prioritising support for agriculture to Munzhedzi. Said a district official: "Munzhedzi is just hanging there. The problem with Munzhedzi, if you look at Munzhedzi, there's a lot of settlement rather than agricultural farming… They have turned it into a settlement. It's not in our list for putting resources and more effort to assist it."[235] But if we imagine separating out the layers of activity, like a geographic information system (GIS) map, and removing the housing and fences and infrastructure that goes with settlement, we would see a picture of a significant portion of the land being cultivated. This is visible in the satellite photo in Figure 10, where the pinkish markings show significant agricultural production in amongst the settlement of Munzhedzi – more, perhaps, even than Mavungeni (although some of the bigger plots at Mavungeni were not yet established in 2007 when the satellite image was taken). It just was not in the form or scale expected in the dominant conceptions of what agriculture was meant to look like. The specific history of settlement at Munzhedzi constructed the spatial framework within which production took place.

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[235] Interview, Jethrick Seshoka, 7 May 2009

Across all the farms, grazing was not very tightly controlled. Cattle from Vleifontein and Maila grazed on both portions of Mavungeni and, to a more limited extent, at Shimange and Munzhedzi. In places there was some rudimentary fencing to prevent cattle from getting to crops, but there were no organised camps and cattle roamed freely across the land. Vleifontein farmers who had previously grazed cattle on the farms either continued grazing without explicit authorisation or paid small rents to the new owners.[236] Freely roaming cattle posed a problem for those engaged in crop production and this did create tensions at times.[237] However, ownership of livestock was relatively limited, there was still plenty of open land for grazing, and thus there were no open conflicts over who could access land for grazing.

This patchwork of different sizes and locations of production, with differing extents of integration with settlement, interspersed with open-access grazing land, reconstructed the spaces of the farms from the bottom up, producing with them alternative representations of space. Yet the new spaces were only emerging, they were not yet consolidated. Producers struggled, with limited market access, with poor infrastructure and lack of resources to produce. The lack of adequate water infrastructure meant production was limited to the rainy season. When it rained, it was also sometimes not possible to get to the fields. In the heavy rainy season of summer 2006, for example, production at the lower fields at Shimange was abandoned because of difficulty in getting to the plots.[238] Lack of fencing meant that cattle, wild pigs and monkeys damaged crops, sometimes to the extent where it was not worth the effort to plant at all:

> "Monkeys and pigs eat the mielies. If you can go around, *eish*! It's terrible. If we had fences it would be far much better. Monkeys are giving problems during the day. So if you are here during the day you can chase them away. But the other things, ah! They come at night… This barbed wire? It does not protect anything. They get inside. We need razor wire, or diamond mesh. If we had diamond mesh we should have a lot of crops."[239]

Activity on the land thus remained tenuous. Some of those actively involved in production would opt for other livelihood strategies if opportunities arose. Alex Baloyi at Shimange was using his money to hire people to assist him to clear fields and build a piggery. Yet if he was

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[236] Interview, JV Mugwedi, 11 June 2009

[237] Interviews, Thabelo Tshikota, 13 November 2009; Mike Malehase, 10 June 2009

[238] Themba Maluleke, 'Fieldnotes for the Shimange project on livelihood impact on land redistribution', 31 January-7 March 2006

[239] Interview, Mrs Mdluli, 27 April 2009

able to get his job back in Johannesburg, he would go.[240] He might not entirely abandon his investments in the farm, but he would certainly spend far less personal time, resources and effort on it. Clement Baloyi, a youngster who worked closely with Chris Baloyi in getting production going at Shimange said: "My goal is to go back to school, nothing else. I just want to go back to school. This is not work. I am just scratching here and there. I want to help the people in Limpopo on farming. I want to specialise, I want to be a 'farmacist.'"[241] At the end of 2010, he had left the farm and was back at school.[242] New spaces were still struggling to emerge from the old.

7.4.3   Settlement dynamics, spatial practice and lived space

At the macro-spatial level, the presence of Vleifontein township in the middle of the farms loomed large. Its conceptualisation in municipal plans as a 'third order town' or a local service point emphasised services and settlement in the area, even while the municipality also supported the idea of commercial agriculture on the restitution farms.[243] This was rooted in a different representation of the space, one that took the late apartheid representations and their materialisation, specifically in the establishment of Vleifontein, as its starting point. Before the end of formal apartheid, the area was already experiencing growth in residential settlement. Maila village, on the other side of Munzhedzi (Figure 2) was first settled in the late 1980s on the western edge of Vleyfontein 310 LS, gradually expanding onto Duikershoek 389 LS, the neighbouring farm:

> "I moved to Maila [*from Nthabalala*] in 1989 when there was settlement… There was an old white guy called Pat who had moved by the time people came to settle at Maila. It was just bush when we came here. Originally it was said younger people should move to Maila, but others also came back when they saw the land was flat and fertile."[244]

The occupation at Munzhedzi saw a renewed flood of settlement from 2000, and Maila continued to expand onto Munzhedzi land even after the conclusion of the claim:

> "There is this farm, Diepgezet. It's for agricultural development. We had a little problem, intervention from the Maila people. Chief [*Keith*] Nthabalala allocated

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[240] Informal discussion, Sipho Baloyi, 28 May 2010. Alex had lost his job after a labour dispute at a company in Johannesburg, but the dispute was not yet fully resolved.
[241] Interview, Clement Baloyi, 28 August 2009
[242] Conversation with Phumudzo Nemadzivhanani, 9 December 2010
[243] Interview, Councillor M. Muvhumbe, 30 April 2009
[244] Interview, Zille Leshabane, 10 November 2009

some stands to his people without the consent of Munzhedzi. So I went to them, and what I found out is that some of the people who are allocated some areas there are beneficiaries. So I thought I won't chase them away, I'll just call them and sit down with them and try to settle this issue in a good way. Because they've got big portions of land, where they've absorbed a big portion of Diepgezet. So that place I still need to divide it into a lot of people."[245]

On the Mavungeni side, settlement was not as rapid as at Munzhedzi. Apart from the bulk services infrastructure on the Mavungeni restitution portion, historically Vleifontein had not encroached as a settlement onto Mavungeni, although there was agricultural production there:

"We were told in the 1980s that that place [*Mavungeni*] is going to be an industrial place according to a map we had. We were told that stands are going to be erected there and people would get jobs. That's why people were not interested in going there [*to establish residential sites*]. They were just ploughing so that they make sure that place is used in the meantime."[246]

Although the formal plans of the municipality to extend the township onto the farms in both directions were put on hold as a result of the successful claims, this did not prevent residents from Vleifontein from moving onto Munzhedzi and, later, onto Mavungeni. Vleifontein was expanding, and by 2009 over 500 residents needed land to establish new households on.[247] The failure of government to carry through plans to construct an RDP settlement at Mavungeni opened the door for occupations of other parts of the farm. When the Xikopokopo group started erecting shacks on the northern portion of Mavungeni restitution farm, and then later began offering stands for sale, some Vleifontein residents took the opportunity to move there. From a handful of occupiers in 2008, there were an estimated 100 occupied stands by June 2010.[248] Some of the demand was for land for agricultural production, as indicated above. But overcrowding in more formal settlements – not only in Vleifontein, but even in Elim – was also a factor in the growth of the informal settlement on the Mavungeni land:

"It was not a matter of coming here because the stands were bigger, but it is what was available. Where we were staying [*in Elim*] there were too many people. It was not our own property where we were staying and there were many people staying there. We wanted our own place."[249]

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[245] Interview, Simon Rambau, 7 May 2009

[246] Interview, Godfrey Ramadwa & Vincent Mahladisa, 9 June 2009

[247] Interview, Godfrey Ramadwa and Vincent Mahladisa, 9 June 2009

[248] Email correspondence with Judith Königsdörfer, 28 June 2010

[249] Interview, Mabina Matodzi, 10 February 2010

The growth of settlement at Munzhedzi linked Maila village and Vleifontein township in a continuous strip of dense settlement along the D4 district road connecting Bandelierkop and Elim (Figure 10). The unauthorised occupation on a section of the Mavungeni restitution portion extended this settlement further along the road to Elim. Moddervlei, the commercial farm managed by the Hennings immediately north-east of Mavungeni along the Elim-Bandelierkop road (Figure 2), was once protected from the black reserves by the farms in the research site. In an ironic twist, Moddervlei itself had become the buffer standing between the sprawling (historically mainly Shangaan) settlements around Elim and the expanding (historically Venda) settlements around Vleifontein. It was not inconceivable that in ten or fifteen years these settlements would form a continuous strip from Maila to Elim and beyond. Under apartheid, Venda and Shangaan were spatially segregated into two ethnic homelands. As much as migration into the cities broke down ethnic differences – whether constructed or real – migration from the more remote rural areas into this strip of dense settlement was also likely to break down the divisions between Venda and Shangaan in this area over time. The farms were tossed on the waves of far larger demographic changes which threatened to engulf them as spaces of commercial agricultural production.

Vleifontein, and by extension the surrounding farms, was a magnet for people moving in from villages in the deeper rural areas, especially Nthabalala and Mulima. Location in relation to transport and services was a key factor in people moving into the area:

> "Vleifontein, it's an urban settlement. So those who were staying in rural places, they think if they are just staying next to Vleifontein, they are next to an urban settlement where maybe most of the services are provided. We've got this very big supermarket, they can get everything there, hardware, groceries. Also transport, it's a problem to them. Because they pay a lot of money from Nthabalala to town. So some of them come and make their shopping here at Vleifontein. So that is why they thought it is better to come and stay here."[250]

This hardly even needed to be full access to services. According to one resident of Munzhedzi: "Here we are well sited…because now we can even see the light from Vleifontein… Their lights even extend to our place so it's not that dark at night, unlike the time we were living at Nthabalala."[251] The reflected glow of Vleifontein was enough to improve conditions. The relative lack of settlement at Shimange can be explained in similar terms. The farm is located

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[250] Interview, Godfrey Ramadwa & Vincent Mahladisa, 9 June 2009

[251] Interview, Kuthama Sishonga, 27 July 2009

at the back of Vleifontein, away from the Bandelierkop-Elim road. People moving into the area preferred locations nearer the main road, which meant Munzhedzi or Mavungeni.

While the farms were considered to be low in the dominant spatial hierarchy and far from any production or retail centre, the reality of apartheid settlement was that the homeland settlements were even more remote. The farms revealed a locational advantage for many people living in the former homelands:

> "[*You don't think the farm is far away from economic opportunities?*] No! This is not far from the economic (*laughs*). Where we stay now is far, not here. The town is near. Do you know how much I pay to come from Bungeni to Louis Trichardt, Makhado? It's R36 to and fro. So can you imagine moving from up there to go and get some groceries, and move down there? [*From here*] in a taxi it's R18, to and fro. In a bus you can pay up to R14… So we are staying far from businesses, far from everything that side, very far. That's why I say people are willing to come and stay here, on the farm."[252]

Even at the micro-level, access to transport routes shaped where people erected houses on the farms. According to Shirinda, who led the unauthorised occupation on the Mavungeni restitution land:

> "It was agreed that we are going to stay here. The reason being that, you know, there, up there [*on the south-east part of the farm*], if we go and stay there and keep the cattle here, it will be a danger to the road. The second point is that most of those people who are evicted here, you know it's long ago, it's 1968, so they are old. Many of them do not have cars. So if we go and stay there, if they are dropped here by bus, how are they going to reach that place? When they are going for pension benefits, how are they going there? You know a person cannot foot 3km to the road, then go and get his pension, then foot 3km back to where he is staying. So this is the place. Those are some of the reasons that made us agree that we have to come and stay here… This area has been given back to us to better our lives. Staying up there, is it to better your life, or to make your life worse? They [*the Mavungeni CPA committee*] did not have an answer."[253]

Some claimants were merely waiting for the establishment of a formal settlement before returning to the farms:

> "Many of [*the other claimants*] are very interested [*to return*]. The problem is funds. If the municipality can build some self-help houses that side, put all the infrastructure in, electricity, water, roads, they will come back, you will see. They

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[252] Interview, David Baloyi, 2 June 2009
[253] Interview, Sam Shirinda, 16 November 2008

will come quickly. People are tired of these bantustans… So if maybe we can get a settlement nearby here, then people come and occupy so they can come."[254]

These claimants mostly lived in formal settlements with basic services and infrastructure and, apart from a handful of the 'pioneers', were not willing to reduce their standards of living to return to the farms. According to Shirinda, those who were waiting were not really interested in coming back to the farms to settle; they preferred to use the farms for production but not to stay there. Shirinda also felt the proposed RDP settlement at Mavungeni was a red herring, since most of the claimants supporting it already had other incomes or jobs and would therefore not qualify for a house in the settlement in any case.[255] His alternative representation of the space, which he started materialising in spatial practice, was to settle in a less structured way, and to include some land for production as part of the settlement.

The completion of the tarring of the 10km stretch of the D4 road to Bandelierkop, connecting Elim to the N1 via Vleifontein, was likely to bolster the local economy and simultaneously increase in-migration from the more isolated rural areas. The spatial plan recognised these dynamics (Vhembe District Municipality, 2007). Despite this, the municipality was just as incapable of materialising its vision for the area as the DoA was. It failed to invest in housing at Mavungeni and Shimange, where the CPA committees had agreed this could happen. And it failed to invest in improving services infrastructure in Vleifontein itself, which was expected to be the service point for in-coming migrants:

> "They [*the municipality*] are doing nothing for us… They made this tar road that goes through. If you go there you will see what kind of a street is that, big potholes… Such a main road, but, it's round about two years, but there are potholes… When I was still at SANCO [*South African National Civic Association*], we told them this side we don't have lights. We were told, the main street is tarred, we are going to put lights. Now it's ten or seven years ago… Go to the extension, there is an extension there [*on Munzhedzi land*]. We begged them, those people don't have lights until today… There's no water even now. We do pay water, but there's no water. Why?... We've got seven [*boreholes*] in total. Four on the other side, which are now feeding Munzhedzi with water. But we've got one engine [*to pump*] water, and it's a lot of water we need."[256]

Government plans to grow Vleifontein as a local service point would attract more people to the area, yet there was no space for further housing development except on the farms. But the

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[254] Interview, David Baloyi, 2 June 2009
[255] Interview, Sam Shirinda, 16 November 2008. Only households earning below a monthly income threshold qualify for an RDP house, which is subsidised using public funds.
[256] Interview, Esrom Mudau, 28 July 2009

farms were simultaneously treated as closed entities and earmarked for agricultural production and not settlement. This was a case of the spatial planning of the district and municipality being at odds with plans to secure the farms as productive zones. Two different representations of space led to irresolvable contradictions. One was based on a general notion of commercial production that was not appropriate for these specific farms, and the other was based on the artifacts of late apartheid interventions in establishing a settlement and clearing the surrounding land. Inhabitants filled the gap, based on their requirements both for places to stay and places to conduct agricultural production, i.e., based on the lived space as they experienced it in their everyday lives. In so doing, they simultaneously constructed alternative representations of space and spatial practices.

7.5   Conclusion

Two different historical representations of space contributed to the dominant representations informing land use. One was based on the historical productive use of the land by white farmers, emphasising the commercial exploitation of the land and its inhabitants. This derived less from the actual historical use of the land on these particular farms, and more from an abstraction of what commercial agriculture was meant to look like. Yet this representation drove government interventions in support of agriculture on these farms. The second representation of space was drawn from the late apartheid restructuring of the area, based on the establishment of Vleifontein with surrounding farms being made available for a combination of agriculture and the expansion of settlement over time. The municipality, responsible for human settlement, adopted this as their representation of the space, manifested in their plans for the area. These two dominant representations of space sat uneasily, if not in downright contradiction, with one another.

In practice, neither the municipality nor the DoA were able to materialise their chosen spatial conceptions. For their part, inhabitants produced their own spatial practices which, even though they were not clearly articulated as unified representations, had their own coherence across the whole area. In contrast to the DoA's dominant master-plan of tightly controlled commercial production, inhabitants created a patchwork of small, mainly individual production units across the farms. In contrast to the municipality's plans of orderly, structured residential extensions of Vleifontein, inhabitants occupied land and established various types of residential settlement, mostly integrated with some agricultural production. Unplanned land uses were widespread, mirroring land reform in other parts of the country (Hall, 2009b).

In practice, the resulting space more closely resembled late apartheid representations of the space than the commercial farming representations of the DoA and white land owners. However, there were significant differences in ownership (CPAs rather than traditional authorities) and in the processes of settlement and production, which were less controlled or imposed from above. Inhabitants themselves significantly shaped the spaces newly opened by land reform in their own interests, even if this was unevenly amongst inhabitants. They asserted their own meanings and experiences, their daily lived space, in shaping spatial practice. Although traditional authorities and CPA committees, representing relative elites from amongst the claimants, did have greater power to shape the emerging spaces in their own interests, they were not entirely able to control the process and the production of space remained open-ended and dynamic.

CHAPTER 8:   CONCLUSION

8.1   Land reform and the production of space

This thesis aimed to explore the role land reform played in the production of rural space in South Africa after 1994. The transfer of land ownership to previously subordinated groups poses an inherent challenge to existing social, and hence spatial, relations. While this change in spatial relations is not necessarily a threat to the reproduction of capitalist space, it destabilises the inherited spatial structure of capitalism. This requires adaptations whose outcomes were not automatically ensured. The thesis explored some of these adaptations and the extent to which they prefigure changing spatial relations.

In South Africa, capitalism, and its underlying spatial characteristics as defined by Lefebvre - homogeneity, fragmentation and hierarchy, persists. But does this mean no meaningful change in the production of space as the result of land reform? The findings of the thesis suggest otherwise. A core tension lies at the centre of land reform efforts. This is a tension between the retention of capitalist social and spatial relations on the one hand, and the desire to overcome the inherently racialised production of capitalist space in the South African context. This tension is expressed, as Chapters 5, 6 and 7 reveal, across the dimensions of authority and land governance, property relations and land use. Lefebvre's spatial framework is useful in connecting discourses of land reform (representations of space), material changes (spatial practice), and changing meanings and lived experiences of inhabitants (lived space) resulting from land reform.

The impact of land reform on the production of rural space is an on-going and dynamic process. Land reform is not an event but an unfolding process, unfurling multiple possible pathways of change based on specific contexts. There is a tendency in Lefebvre's work to establish a dichotomous relationship between capitalist space and an alternative space. In this he is inconsistent. At times he uses the concept of abstract space to show how capitalism has managed to capture and subordinate any alternatives in the production of space. But he also repeatedly argues that the seeds of a differential, or alternative, space are found within abstract or capitalist space. The issue then is how those seeds are converted into a new space. Is it possible to have fragments of alternative space – 'liberated zones' - within an overarching capitalist space, or does the whole have to be shattered for those seeds to grow? At times Lefebvre definitely argues for the latter. The response has to be a total response, the

obliteration of capitalist space in one go. A new mode of production is required that "must produce its own space, which can no longer be a capitalist space. Any transformation of the world that remains caught in the pre-existent morphology will do no more than reproduce the relations of domination in a more or less disguised form" (Lefebvre, 2009b:248).

But elsewhere he says that everyday life cannot be transcended in one go: "life cannot be changed by magic or by a poetic act… The transformation of everyday life must also pass through institutions" (quoted in Merrifield, 2006:141). Everyday life, the basis of transformation, has been fragmented under capitalism. Capitalist space can still be 'detonated' but only through reconnecting the severed and commingling the separated (Merrifield, 2006:135). Perhaps we can acknowledge, again, that the relationship between a revolutionary rupture and incremental reforms is not a binary but a symbiotic one. A rupture is necessary to alter fundamentally the basic social relations that over time will produce a new space. But the conditions are not always ripe for such a rupture. Time needs to be spent in 'under-labouring', to borrow a term from Roy Bhaskar (1997), building the subterranean conditions that permit an open rupture. Gramsci (1991) talks about a 'war of position', a period of patient work in building the essential structures of a counter-power from where a 'war of manoeuvre' can in time be launched. At such times, Lefebvre (2009c:151) proposes that we, "at any given moment and in any given conjuncture, attempt the impossible in order to prepare, through concerted thought and action, for the disconcerting moment, the conjuncture that would change this impossible into possibility."

The thesis findings suggest the sharp distinction between capitalist space and alternative space does not capture the complexity of the production of space and the resulting hybrid forms of space as an ongoing and dynamic production. This is evident in the fusions of authority and land governance systems, property relations and land uses. Flexibility in the morphing of space to accommodate the daily interactions and contestations over meaning and practice – especially in the face of a 'shock' such as the redistribution of land ownership - may suddenly convert into a brittleness that opens opportunities for the structural alteration of the space. Whether or not these alterations constitute "hidden evental sites", *a la* Zizek (2008), remains an open question that can only be answered in hindsight. The point is to work at building the potential of land reform, and the new spaces it permits to emerge, into a desired future. It is not pre-determined. It is dependent on the actions of people in the present.

The Vleifontein area had a number of historical sedimentations that shaped the production of space after land reform. The intervention of land reform was decisive in transferring land to subordinated groups. But it had to contend with these sedimentations that delimited the possibilities for the transformation of space. The construction of the space as a zone of pre-colonial life, as a buffer zone, as a zone of commercial white agriculture and as a space of homeland consolidation and settlement after forced removals packed contested meanings, memories and social relations onto the land. Land reform was informed by this history. Indigenous tenure and private property regimes, with their accompanying structures of authority, governance mechanisms and land uses, succeeded one another historically, and were differentially and unevenly absorbed into the post-land reform production of space. The result was not either private property or indigenous tenure, either traditional authorities or private land owners, either commercial agriculture or settlement, either integrated settlement and production or segregated settlement and production. It was hybridised combinations of these, based on history and contingency.

The inherited space itself was a hybridised, dynamic production, reproduced in memory and contestation. Land reform drew on the dominant framework of private property and commercial agriculture to structure the farms on the basis of the old cadastral boundaries. But it was forced to take into account memories of dispossession and lived experience, and the presence of Vleifontein as a settlement right in the middle of the farms – a product of late apartheid homeland consolidation plans. Internal to the farms, at the micro-spatial level, the exclusive rights of private owners were mediated in numerous ways that generated both hybrid forms of authority and land governance, and land uses. Spatial practice did not resemble dominant representations of space in all respects.

8.2 Authority and land governance

The land reform programme adopted inherited institutions and systems of land governance. Part of the rights of property ownership included exclusive rights to make decisions both about land use and about who could inhabit the land and under what conditions. Both the rights of property owners and the (not clearly defined) powers of traditional authorities are protected in the Constitution. This meant a fundamental protection of the pre-existing structures of authority and land governance. Berry (2006:20) has suggested that retaining unelected and hence unaccountable traditional authorities "leaves room for explosive conflicts over land and authority to occur…without bringing down the government." At the same time, the ANC in

government did attempt to introduce democratic structures into the rural areas for the first time. At the broader level, 'wall-to-wall' democratically elected local councils brought democratic representation to the black majority for the first time. The land reform programme offered an opportunity to extend democratic representation further, onto the farms themselves. This was realised through the construction of the CPAs.

As Peters (2007) and others (Lund, 2002, Moore, 2005) have concluded, the social struggle over land is not only about land in and of itself, but also about legitimacy and authority more broadly. The implementation of the land reform programme had contradictory impacts on broader social relations. The authority of white farmers was reduced to the extent that they lost control over land through the land reform programme, but simultaneously their power as land owners was consolidated if they retained other land from which to exert their ownership rights and hence authority. Land reform also had a contradictory impact on traditional authorities. On the one hand, it opened space for them to reclaim their authority over the land, through leading claims for restitution in the context of the entrenchment of their power through national legislation. This entailed a reworking rather than repudiation of apartheid ethnic categories, also evident in other African post-colonial contexts (Berry, 2006). On the other hand, land reform created institutional forms that enabled other social forces to challenge their authority over the land. Rather than attempting to identify which of these forms of 'citizenship' (a community of belonging at various scales) will eventually prevail, Berry (2007:4) suggests that we consider "how they are being combined and reworked" in the process of struggles over land and authority.

For their part, the CPAs faced real constraints. First, their authority over the land was limited to the enclosed parcels of land that were transferred to them. The fragmented, homogenous spatial form of private property contained democratic land governance within the boundaries of individual land reform farms, and was not generalised throughout the rural areas. Second, they were compelled to function as private land owners, an inherently exclusionary authority. Third, they were introduced in a context of customs and norms that formed the basis of enduring institutions that favoured top-down authority, whether private land owners or traditional authorities. Fourth, the post-1994 state was inconsistent in its support for the new democratic institutions of land governance. This was partly a product of divergent interests within the state, most clearly manifested in the contradictory impulses to retain pre-existing forms of authority and simultaneously to introduce new democratic forms.

As a result, the CPAs tended to reproduce aspects of the pre-existing, top-down forms of authority. The institutions of democratic land governance came from outside, i.e. they did not emerge organically from the balance of forces found in the area. This produced local solutions to the relationships between CPA committees and traditional authorities that were shaped by the unequal power relations on the different farms. New norms and rules were in the process of being established, based on selective interpretations of the past, and on the openings provided by the introduction of land reform and its accompanying institutions. The resulting weakness in control over and management of the land supports Okoth-Ogendo's (2008) assertion that laws on their own will not confer tenure security unless they reflect the basic norms and values of the underlying social organisation. Those classes and groups with the ability to assert their own interests and to materialise their own visions through investing resources, dominated and took control of these institutions for their own ends.

At Munzhedzi, the royal council sidelined the CPA committee. At Mavungeni and Shimange a layer of members occupied the committee and were able to use them to keep themselves in leadership positions and to further their own material interests in the process. This took slightly different paths in these two farms. At Mavungeni, the committee members used the authority derived from their positions as executive members to allocate land and resources to themselves and those they favoured. But they also encountered a split in the structure of authority with the formation of the Xikopokopo group. At Shimange, the leadership group did not have a constant physical presence and were indecisive about how to develop the farm, and inhabitants had a greater role in shaping spatial practice.

The groups who captured these new institutions were not entirely to blame for the degeneration of the democratic impulse. The state, confused and internally at odds with itself, initiated the idea of democratic land governance institutions, but was unable to support and nurture these institutions in practice. The majority of CPA members remained passive and did not participate in the construction of the democratic institutions or in shaping the direction of the farms. Again, state failure had an important role to play here. Lack of resources to carry out agreed upon plans led to most members becoming cynical and disengaging from the restitution process. The state introduced the new governance institutions but literally abandoned them to the control of the incumbents and did little to nurture the capacity of members to secure systems of transparency and accountability. The failure of the state or of civil society organisations to secure and strengthen democratic land governance structures revealed a fundamental weakness in rural organisation.

The failure to consolidate and advance the democratic institutions meant they lost credibility, and authority reverted to pre-existing top-down forms where these still held some weight, or otherwise began degenerating into open contestation between groups led by individuals with the strongest wills. The CPA committees sought to assert their authority based on their role as representatives of the formal land owners (the CPAs). However, these roots wore thin as no new elections were called, resources were not forthcoming, and systems of transparency and accountability faltered. A nascent middle class found a channel for the assertion of its own interests in the context of collective land ownership. This is not an isolated incident, and mirrors similar occurrences in land reform elsewhere in the country (see, for example, Cousins, 2002, SLSA Team, 2003, Lebert, 2005, van Zyl, 2010).

It is not gratuitous to make a connection between these emerging processes and the ANC's dominant agenda of building a black capitalist class in South Africa. The research contributes to showing the contingency of the way this happened. It was not just that the ANC decided to build the institutional base for the emergence of a black capitalist class and seamlessly implemented this decision. It was more that processes unfolded and built on one another iteratively, constructing this agenda over time. The first contingency was the collective character of the land reform programme. At the outset, this appeared to be in discord with an agenda of capitalist modernisation and the creation of a black capitalist class. Yet it was on the basis of this character that the CPAs were created as vehicles for collective ownership and management of land. This, itself, was not a predetermined outcome within the ANC.

The second contingency was the complex combination of contradictory internal interests in the state at all levels, coupled with the lack of capacity to carry out its own plans – for example, in providing the CPAs with the resources to begin unfolding the on-farm plans the state had helped to create. Again, this lack of provision of resources appeared at the outset to work against the interests of a nascent black capitalist class, since these resources were to be directed towards constructing commercial farms. Yet this lack of resourcing led to the disengagement of the majority of CPA members which in turn opened the door to the 'capture' of the CPA committees by representatives of this nascent class. This was not a planned process by the ANC to create institutions that would serve the purposes of this class, yet that is the pathway that developed. The state's interventions and failures led here, but not in ways that were pre-determined. At the same time, major state interventions, such as the retention of private property and the entrenching of traditional authority in the rural

landscape, established the limits to transformation that increased the likelihood of this type of outcome, even if the path to get there was not defined step by step.

The research shows how the power generated in everyday social interactions was not entirely controlled by the dominant groups. This had material and spatial consequences, as seen with the challenges to property rights and the use of the land ostensibly under control of private land owners or traditional authorities. Even though we should acknowledge that this did not give subordinate inhabitants the ability fully to determine the structuring of space, we must also acknowledge the real constraints it imposed on those with formal authority, including the state. The process of social change was not closed once new institutions are formed. It remained dynamic, contested by a range of social forces.

Land reform thus had an uneven impact on authority and land governance. Representations of space, spatial practice and lived space emerged on the basis of struggles to shape relations of authority and land control. This supports Lund's (2002:11) contention that "struggles over property are as much about the scope and constitution of authority as about access to resources." At Munzhedzi, the effective usurping of land governance functions by the traditional authority resulted in spatial practices that mirrored the homeland betterment villages. At Mavungeni, contestation within the claimant group led to competing spatial practices. The CPA committee emphasised commercial production while the Xikopokopo group emphasised mixed settlement integrated with production. At Shimange, the weakness of the authority structure led to the *de facto* control of spatial practice by the small number of inhabitants living on the farm.

On the basis of these findings, there could be value in bolstering the democratic land governance institutions, and strengthening systems of transparency and accountability (Hellum and Derman, 2010). This could go hand in hand with linking land control to popular intentions for land use arising from everyday practice.

An area of relative weakness in the research is around the question of changing gender relations as a result of land reform. As indicated in the introduction to the thesis, I found it difficult to realise sufficient depth on this score. In this, my personal experience reflects a broader weakness in gender analysis in the South African land sector (Cross and Hornby, 2002). An understanding of changing power relations as a result of land reform that integrates changing gendered relations is an area for further work in the future.

8.3   Property rights and relations

The restitution programme was designed within the framework of the willing buyer, willing seller policy. This established the primacy of private property and the exclusive ownership rights that accompany it. The land reform programme adopted the spatial frame of the inherited cadastral system of large-scale commercial farms as the basic unit of land to be transferred. From this point of view, restitution - and the land reform programme more broadly - fundamentally reproduced capitalist spatial relations. Restitution reproduced the errors of land titling programmes in the rest of Africa in the 1970s and 1980s, where overlapping and multiple rights and uses of land were ignored, and efforts to demarcate boundaries and to delimit those included as owners have exacerbated conflict over land control (Peters, 2007).

But these boundaries came under pressure both internally and externally. Alternative claims to ownership and use both from inside (e.g. Xikopokopo at Mavungeni) and outside (e.g. Vleifontein residents mainly at Mavungeni, and various border disputes at Mavungeni with the Hennings and between Shimange and Munzhedzi) posed challenges to the reproduction of inherited spaces of private property. This resulted in compromises both on the porosity of the farm boundaries and on exclusive ownership rights. The demarcated boundaries on the farms shimmered and bent in relation to the various pressures on them, without shattering their integrity as clearly defined units with private owners possessing a set of exclusive rights. The acceptance of a degree of flexibility and negotiability was necessary to "keep the peace" (Cousins, 2011:15).

Much of the capacity of private property to absorb pressures resided at the level of representation. If inhabitants buy into the legitimacy of private ownership and its physical definition in demarcated boundaries, even significant alterations in the patterns of decision-making and land use may have little effect in producing a fundamentally altered space. In this sense, private property – and in particular the acceptance of its representations and the rights it confers on owners and non-owners – acts as a framework in a very literal sense in structuring the production of space. Lefebvre's three aspects of the production of space can assist in answering this. At a conceptual level, the notion of private property remained intact. It was accepted as part of the dominant discourse, manifested in the Constitutional protection of private property and ownership rights; in the willing buyer, willing seller model of land reform that compelled the state to acquire land as a commodity on the market; and in the

essential retention of inherited cadastral boundaries (and in the legal system of boundary definition) in the transfer of land.

Contestation over the legitimacy of the prevailing authorities necessarily influenced property relations, since the root of private property is the right of legal owners to exclusive rights (even if regulated by the state). Once the exclusivity of these rights was questioned, private property itself was questioned. Robust challenges to the rights of private property emerged from the lived practices sparked by the introduction of land reform. These were unintended consequences of land reform, but no less real or significant for that. They took two forms: on the one hand, pressure on the inherited cadastral boundaries and on the other, pressure on the content of rights of property ownership. The implementation of land reform opened up a series of counter-claims to the land and its use, both from those who were excluded from the process, like the Vleifontein farmers who lost access to land as a result of restitution, and from those who were dissatisfied with the formal plans proposed for the land, such as the Xikopokopo group. Less aggressively, claimants and non-claimants who sought to carry out small-scale farming activities on the newly available land also asserted counter-claims. These challenges, when they came from outside, exerted pressure on the inherited boundaries of the farms both by dissolving these boundaries and by renegotiating the terms of the boundaries (how flexible they were, what level of encroachment was permissible). Lund (2010) showed how boundaries were negotiated in Ghana on the basis of different interpretations of the past, mainly by elites (chiefs and 'earthpriests'). A similar process occurred in the research site, but more contestation from social forces outside the elites is evident than the case Lund presented.

There was a necessity to move property relations closer to the deeper social norms and values of inhabitants. This meant looking at indigenous practices, which produced changes in the conceptions of boundaries as well as the content of ownership rights. As Okoth-Ogendo (2008:101) points out, indigenous tenure is fundamentally incompatible with "exclusive dominion over both access to and control over land resources" characteristic of private property. Restitution sought some kind of collective ownership, but based on the retention of the capitalist form of fragmented, homogenous space at a macro-level.

Using Okoth-Ogendo's features of 'communal' tenure regimes in southern Africa (based on the summary by Cousins, 2008c:129), it is possible to identify the extent to which indigenous tenure was incorporated into the collective private ownership model in practice. First,

although land rights were embedded in a range of social relationships (the first of Okoth-Ogendo's features), many of these relationships were not yet fully worked out. This signified a more open construction of rights and authority than a pure adoption of indigenous systems. Second, land rights were exclusive in relation to the broader group of inhabitants, rooted as they were in officially defined claims processes that established closed membership, rather than inclusive as they would have been under an indigenous tenure regime. Nevertheless, third, formal rights were derived from a combination of membership defined by the restitution process and from the more organic social units that emerged from daily practice on the farms. Evidence of this was the *de facto* provision of rights to non-members at Munzhedzi, to some extent at Mavungeni (via Xikopokopo, although not recognised by the CPA committee) and to a very small extent at Shimange. Fourth, in practice access to land was distinct from control of land, even though this was not the situation the CPA committees would have preferred. This reflects a practical imposition of this aspect of indigenous tenure by inhabitants in their daily practice. Fifth, the proposed purpose of control of land was structured according to indigenous systems rather than private systems. This included guaranteeing access and enforcing rights, overseeing mechanisms for the distribution of access, regulating the use of common property resources, and resolving disputes over claims to the land. However, in practice, control systems were very weak, and land governance institutions struggled to realise these functions. Finally, although boundaries were rigid in concept (based as they were on the fixed cadastral boundaries), in practice they were flexible and negotiable at some times and places. This suggests that, although the farms did not explicitly integrate indigenous tenure systems, these began emerging, unevenly, in practice. The collective nature of the ownership opened the possibilities for this to occur. At the same time, flexibility and negotiability do not always prevent, and sometimes even facilitate, exclusion of some categories of users (Peters, 2007). While some formally excluded inhabitants were able to negotiate their way onto Mavungeni or Munzhedzi land, others were not. It was mainly those with resources who were able to find their way in (especially for production).

The leasing of land was one response the new owners employed in an attempt to contain these claims. As with the issuing of informal PTO certificates by the Mavungeni CPA committee, lease agreements might reflect the emergence of what Peters (2007:14) calls "informal formalisation" of rights, although the lack of effective or strong governance systems renders this notion questionable in this particular context. Informal formalisation relies on strong governance mechanisms, even if these are controlled by elites. Leasing was not part of the original plans for the farms and indicated the lack of complete control over the private

property by the new land owners. In a very material sense, this altered the space of the farms, since they were open to unpredictable encroachment and demands from outside. Leasing had contradictory implications for the maintenance of relations of private property. When leasing was authorised by the legal land owners (the CPAs, represented by their elected committees), it served the purpose of containing claims to the land by non-owners and of controlling their land access. It allowed them to negotiate the terms of access and to keep the integrity of the farm boundaries intact. However, in conceding to leasing as a compromise in the face of unofficial claims, the private land owners conceded some of the rights to property, including exclusive use and the exclusive right to determine on-farm spatial practices.

In other situations, leasing was not available as an option since exclusive ownership rights were brought into question. At Mavungeni, the Xikopokopo group questioned the right of the CPA committee to decide where people should settle or how the land should be used. Likewise, at Munzhedzi the authority of the CPA committee was not only questioned but almost entirely usurped by the chief-designate and the royal family. These challenges to the rights of property had material effects with changing on-farm spatial practices and the diversion of resources to individuals and sub-groups through the unauthorised allocation and leasing of land. In the case of the Xikopokopo group, the challenge to rights of ownership was contained within the framework of inherited farm boundaries and did not spill over into a wider destabilisation of the boundaries of private property. The challenge was also constructed on the basis of a counter-claim to the same rights: it was not a challenge to ownership rights as such, but a challenge to the legitimacy of the decision-making authority of a particular group. At Munzhedzi, the challenge was more profound in some ways. Not only was the authority of the CPA committee fatally undermined and usurped by the chief-designate and the royal family, but it also destabilised the boundaries between Munzhedzi and the neighbouring parcels of land, at Shimange, Vleifontein and Maila. The challenge to the rights of private property ownership was based on an alternative spatial model of indigenous tenure, albeit with significant biases towards pre-existing authority. Unlike the Xikopokopo challenge at Mavungeni, which was an 'internal' contest over who was to exercise the property rights, the chief-designate's challenge at Munzhedzi was based on an alternative conception of property and property rights. It highlights how access to power (i.e. a 'right') and its control are distinct (Cousins, 2008c), with control sometimes escaping those with the 'right' to control.

These various challenges placed significant pressure on owners to adapt their exclusive rights to take into account wider claims that transcended the formal restitution process. This

contestation was relatively successful in mediating the rights of the new owners in practice, and land was made available to those who had no formal claim to it. So overall, while land reform retained the framework of private property, the rights associated with private property underwent adjustment that enabled a wider pool of people to benefit from the transfer of land. This revealed dynamic and on-going processes of defining property rights in practice. In the context of these overlapping and contested property rights, de Soto's (2000) proposal to formalise property rights through land titling is precisely the wrong response. On the contrary, the ability of indigenous tenure regimes to accept outsiders into the community through defined procedures (Cousins, 2008c) might offer a potential model for CPAs inundated with claims and requests for land from non-members. Research across Africa cautions against "separating land tenure or property from their social, cultural and political-economic matrices" (Peters, 2007:23). Once this link is re-established, property rights must necessarily become more inclusive.

Land reform thus had an uneven impact on property relations, and on the production of space based on Lefebvre's spatial triad. Dominant representations of space were contradictory, not quite managing the tension between private property and collective ownership, drawn in part from indigenous tenure regimes. This materialised as collective private ownership, where collective property relations on the farms were contained within the fragmented spaces of private property. This manifested in spatial practices that sought to retain the integrity of cadastral boundaries and where the new land owners, at Mavungeni and Shimange at least, initially sought to assert their exclusive rights to shape spatial practice on the farms. This generated a response from inhabitants – both claimants and those without formal claims - that encroached on both these aspects of private property. The impact on lived space was uneven, with some inhabitants losing access to land, others gaining access and others encountering changes to their relation to the land. But overall, more inhabitants than in the past were able to assert their own intentions.

8.4   Land use: agricultural production and settlement

Tensions inherent in the design of the land reform programme produced contradictory impulses in spatial practice. Hall (2009b) argues that land reform policy did not envisage the kinds of production that were to be promoted through land reform. But representations of space based on commercial, large-scale agriculture geared towards individual ownership were embedded in the transfer of land on the basis of the inherited cadastral boundaries, the

property form and conceptions of property. The business and land use plans sponsored by the land reform programme reinforced this logic. The paradigm of private ownership in turn reinforced the historical macro-spatial arrangement of private property, homogenous in terms of the rights it conferred (representations), but physically fragmented into discrete parcels of land (its macro-spatial structuring), based on a particular inherited notion of commercial agriculture. However, at the micro-spatial level, on the individual farms, there was greater flexibility in the way space was produced, including the necessity of some consideration of mass settlement on the farms, and requirements for on-going equity in the distribution of land within these spaces. Practically the result was a hybridised reproduction of commercial spaces based on inherited infrastructure and the abandonment or appropriation of inherited infrastructure for alternative uses that signified an alteration of on-farm spaces. These reflected a mix of Hall's (2009b) categories of large-scale farms transferred to large groups for use both by groups and individuals. A second representation of space was the continuation of the late apartheid plans for the expansion of Vleifontein as a core settlement in the area. Both of these representations drew on aspects of the historical production of space in the area, although representations of space based on commercial agriculture tended to produce a model that was not appropriate for the area.

The state applied pressure to enforce the dominant commercial orientation on two levels: through national level discourse, such as pronouncements that land reform projects had failed because they have not resulted in commercial agricultural production; and through decisions on resource allocation at the farm level. Government investments in the research site focused almost entirely on building Mavungeni's large-scale poultry house. If we keep in mind that investment is the material realisation of specific spatial conceptions, then we can see that government oriented its practical interventions towards reproducing dominant capitalist spatial relations. Despite the rhetoric of small-scale farmer support, this translated into few efforts at practical realisation. State interventions such as organisational support (co-ops and producer associations) were explicitly oriented towards facilitating the growth of a commercial farming class, tying a small farmer strategy into a particular version of commercial production, linked into established corporate value chains and the reproduction of dominant spatial and social relations.

This encouragement of a commercial orientation, that usually took the form of land use and business plans, sought to develop integrated commercial plans covering the entire farm. This was by no means unique to these farms (Hall, 2009b). The cadastral boundaries of the farms

were constructed to secure white occupation of the land, to close off spatial possibilities for black inhabitants and over time to facilitate a particular model of production centred on individual white owners and their families. The land reform programme hardly altered the spatial structure of the farms. Rather, the inherited structure was taken over in the given form and the new owners were required to adapt their practices to suit this spatial framework. This second nature of human infrastructure and spatial arrangement provided the structuring framework for future land use. The power of (racial) capital was literally embedded in the land, constituting limits to transformation.

A transformative approach might operate the other way around, identifying the spatial practices of subordinate inhabitants and tailoring the spatial arrangements to suit these activities best. A challenge in realising this was that most new land owners were moving onto land for the first time or moving back onto land on which their historical spatial practices had long since been disrupted in the processes of eviction and forced removal decades earlier. However, the land reform programme did not start from the process of working with new owners to identify what practices they were in favour of and then identifying appropriate spaces for them to occupy. It did not disaggregate "the different interests, resources or livelihood strategies" within each claimant group (Hall, 2009b:38).

Despite the inability of the land reform programme or the various arms of the state to respond to land demand outside the preconceived framework, inhabitants took advantage of the availability of land and the weakness of structures of authority to assert their own spatial visions. The result was the predominance of a patchwork of small-scale production, grazing land that was controlled to a greater or lesser extent on different farms, and residential settlement mostly not contained within a defined portion of the farms. Cousins (2010b:9) proposes a "class analytic" perspective on small-scale farming, based on the twin concepts of petty commodity production and accumulation from below, which differentiates between smallholder producers and focuses on diverse trajectories of production within capitalism. Petty commodity producers function in the context of commodified relations, and Cousins (2010b:11) proposes a distinction between producers who engage in "simple reproduction" and those who engage in "expanded reproduction". The latter regularly requires the hiring of labour. Bernstein (cited in Cousins, 2010b:14), however, warns against a simple alignment of these categories with clearly defined subjective class identities or interests.

In the research site, the historically distinct processes of the production of space on each of the restitution farms resulted in fairly distinct trajectories developing on each farm. At Mavungeni, and to a lesser extent at Shimange, the presence of an infrastructural base and the recent utilisation of the land for production laid the basis for expanded reproduction. At Munzhedzi, occupation and subsequent mass settlement of the land constrained most inhabitants to simple reproductive activities. For those engaged in expanded reproduction, processes of class formation were still under way. A small-scale capitalist class, in Cousins' (2010b:16) terms, was still emerging, with one foot in other categories such as petty commodity producers or worker-peasants. As much as the classes themselves were still emergent, so were class interests and alignments. This was not a linear process, with shocks very much able to reverse gains and generate different trajectories for individuals. Hence at Shimange, there appeared to be a decline in overall production for a period, and opportunities for wage labour continuously posed a threat to sustained agricultural production.

Settlement also surfaced as a different trajectory of land use, and constituted a significant element of land demand. This reflected the broader character of land demand in South Africa (Hall, 2009b). However, this should not be framed in opposition to production. The more important question is how settlement is best integrated with production. The demand for land for settlement had its historical roots in the construction of Vleifontein and the subsequent expansion of the settlement onto neighbouring land. The major late apartheid intervention in the area, the construction of the township, thus fundamentally shaped future spatial structuring and trajectories in the production of space. Vleifontein became a pole of attraction for inhabitants of villages further away, especially Nthabalala, where inhabitants had historical links to the area, having been forcefully removed in the past.

The DoA was powerless to deal with the encroachment of settlement both at Munzhedzi and at Mavungeni. It was not within the department's mandate to deal with human settlement, and the department had a very rigid sense of pre-existing commercial farms remaining unsullied by human settlement or diverse production arrangements. This also prevented the department from investing in the growing small-scale commercial production on all the restitution farms. It was blinded by a conception of agricultural production shaped by the pre-existing white commercial model. The land reform programme was too blunt to respond to the local nuances of production and settlement, to the changing spatial practices unleashed by land reform.

Inhabitants thus used the openings provided by land reform to assert their own land needs tailored to the specific circumstances and constraints they faced. This predominantly turned out to be a combination of small-scale crop production, grazing and residential settlement – typical of many land reform projects across the country (Hall, 2009b). Inhabitants thus significantly shaped the on-farm spaces through their everyday practices which to some extent transcended farm boundaries, producing a potentially vibrant core settlement surrounded by small-scale production. Hall (2009b) argument is relevant here that the failure of business plans reflects a broader conceptual problem of planning for the land, rather than planning for the inhabitants. But this active use of the land by the rural poor as well as wealthier inhabitants also demonstrated the benefits of land access "even when there is no planning and even in the absence of external support" (Hall, 2009b:33). Much of the vibrancy came from inhabitants who did not have formal claim to the land, but who asserted their own, unofficial, claims. This transformed the lived space for many inhabitants who had an opportunity to occupy land previously closed to them or under tighter control.

8.5   Power relations and the state

Lefebvre accorded the state a central role in the production and maintenance of capitalist social relations and space. Despite the slow pace of land reform and the lack of state support for agricultural production or settlement after land reform, the state undoubtedly retained a central role in the on-going production of rural space in South Africa. It played a decisive role at the level of representation. It held together the concept of private property and stood as a bulwark in defence of private property. Almost all conflicts and dissatisfactions were referred to the state for resolution, and this was apparent even where conflicts were seemingly resolved through local action. At Mavungeni, for example, the Xikopokopo group employed a legal strategy (i.e. a strategy relying on the authority of the state) and sent requests to the DoA for agricultural assistance and support in gaining access to tractors and other resources held by the CPA committee. At Munzhedzi, the chief-designate struggled to gain official recognition in order to secure his authority and access to resources. The inhabitants persisted in their genuflection to the state's authority long after it had become clear that the state was unwilling or unable to arbitrate or intervene in practice.

The state fundamentally shaped the options inhabitants saw for themselves. The state introduced democratic land governance institutions and the democratically-elected municipal councils. The state sponsored civil society formations, the co-ops and farmer associations. The

state determined that land reform should be structured on the basis of private property. The state proposed that farms should be commercially oriented. In short, the state intervened to restructure rural space on the basis of an agenda of deracialised capitalism. Its practical interventions were decisive in restructuring space in the area, both historically and in the present. It made investments (resources applied for the practical realisation of a spatial vision) in constructing Vleifontein township, roads, and later land reform, which all fundamentally altered the character of the space.

Yet our view of this overwhelming importance of the state in structuring space must be mediated in the light of the inability of the state to just do what 'it' wanted and, indeed in light of the lack of unified positions in the state in the first place. The state did not have a monolithic agenda in its control of space. Contradictory initiatives from different arms of the state meant it acted at cross-purposes. One example from the research site was the aim of the DoA to support commercial agricultural production while the municipal department of housing aimed to expand settlement on the same farms. Another example was the internal ambivalence in the state over the relationship between democracy, traditional authority and private property – on the one hand, entrenching traditional authority and the authority of private owners, but on the other, seeking to insert a democratic dynamic into the rural areas.

The state was not able to do everything it wanted to, even where the agenda was not contradictory. For example, the state was unable to disburse grants to restitution claimants despite this having been budgeted for and aligning with the broader agenda of productive use of the farms. The state also lacked resources at the local level to implement its spatial model in practice. It was able only partly to produce threads of new spatial practice, for example through the introduction of new institutions of land governance, or sporadic investments in productive activity. So while the state shaped the production of space in the area, it was unable to drive this process forward in a systematic way, opening the door for more localised initiatives (often disorganised, 'opportunist' and open to elite capture) from outside the state to structure space.

Given the marginality of the research area, the power of capital was not directly experienced but was rather mediated through state efforts to retain a model of private property and commercial agriculture. The state represented capital very directly in this instance; but this was a representation of the more general agenda of private property as the structuring framework for the production of space, the maintenance of fragmented parcels of land as

commodities, the continuing dominance of the rights of private owners, and an orientation towards facilitating the profitable use of the land where feasible. The weakness of the state was at least partly related to lack of investment by private capital. This was based on the insufficient profitability of materialising conceptions of how rural space should be arranged, leading to the marginality of the area and pushing it down the hierarchy of spaces.

Traditional authority was also conditioned by the state. The central state held traditional authority together, it provided it with legitimacy by recognising it and allocating it with functions. The daily interactions amongst inhabitants (including local state officials) determine and shape this relationship. In practice it produced a dysfunctional relationship between traditional authorities and elected local government that came from lack of recognition of the former both by councillors and large segments of their constituencies (although this was uneven across the farms). Local officials ('street level bureaucrats') alert higher levels of government, with the authority to allocate resources, about potential sites of investment. If individual officials tasked with this were not in favour of particular traditional authorities (as was the case in the research site with the chief-designate at Munzhedzi, whose legitimacy was not recognised), they could and did bypass the areas controlled by traditional authorities, hence confirming the notion of the power of local bureaucrats to be *de facto* policy makers. They were essentially determining investment policies in relation to particular structures of governance.

Even where higher levels of the state intervened to structure relationships, they had to rely on local officials to follow up. For example, the DoA's interaction with Xikopokopo leaders after orders from the provincial MEC had no result because local officials decided not to pursue the task with vigour but rather stuck to the letter of the law (meet with them, hear their issues, submit a report, propose a solution that relied on local intervention e.g. to resolve the conflict between Xikopokopo and the Mavungeni CPA committee first before providing resources). The higher levels of the state were too far from the everyday practices to do more than issue orders and hope they would be carried out effectively.

All of this is evidence against a monolithic understanding of the state. There must be recognition of the state's critical role in the production of space simultaneously with recognition of the limits of the state. On the one hand, this indicates the continuing importance of political strategies that target the state as a site of struggle, and the value of control over the political framing of the state in laying the ground for practical changes. Even if

weakly implemented at times, and mediated by a number of actors along the way, the agenda of high level state actors does filter into everyday life and the state plays a significant role in structuring civil society. The ability to reproduce the framework of private property and the ability to structure relations of authority are evidence of this. On the other hand, an over-emphasis on the state may lead to a neglect of the potential role the everyday, practical activities of inhabitants can have in shaping space. When spatial practice has moved far enough away from dominant conceptions of space, the relationship may become increasingly brittle and open to sudden structural change. But for now we must conclude that, even though the state is disunited and internally contradictory, and notwithstanding its inability to advance aspects of its agenda, it still has enough discursive and material force to realise the broad contours of its spatial vision. This is particularly related to the reinforcement of the private property framework, and of the state's own capacity to regulate this framework where it matters.

8.6   Conclusion

Returning to the epigraph at the start of this thesis, we may use this analysis of spatial change to say something about social change in South Africa following political democratisation in 1994. Two fundamental points can be made. First, the state ensured a high level of continuity in spatial form, especially through securing the reproduction of private property relations and through entrenching pre-existing forms of authority in the rural areas. This imposed significant limits on the possibility of transformation of spatial relations and consequently of social relations. In Lefebvre's terms, we cannot consider the democratisation in South Africa to be revolutionary in scope, since even the "ideological superstructures, institutions or political apparatuses" (Lefebvre, 1991:54) inherited from the past were hardly changed in some fundamental respects, such as overall property relations and mechanisms of authority. But the second fundamental point is that, despite these significant constraints, land reform enabled a micro-level change in spatial arrangements that, while not strong enough to threaten the structural framework of land reform, nevertheless generated spaces that departed in significant respects from the dominant representations of space. Changes in spatial form at the on-farm, micro-level had not yet translated into macro-level changes. The micro-level changes were effectively contained within the framework of private property and the authority of the state and its proxies. And across South Africa's rural areas as a whole, these micro-level changes were few and far between, given the limited extent of land transfer. It does suggest, however, that if land reform was more widespread, even in its currently weak form, it has the

potential to widen the extent of changes in spatial form and consequently in rural social relations.

The impact of land reform is multi-dimensional (Cousins, 2010a, Cousins and Scoones, 2010). The dominant approach to analysing the effects of land reform emphasised the economic results, and considered the programme a failure. But if we consider the micro-spatial dynamics and the significant role land reform played in opening opportunities for a range of actors (and not only beneficiaries), there was a more subterranean shift in spatial and social relations that can be considered at least to be a partial success, especially if measured on the basis of inhabitants' own desires and needs. The most promising changes in spatial form have emerged at this micro-level, out of lived space, from the everyday activities of inhabitants. In one sense the research site was very specific, especially the fact that there was limited agricultural production prior to transfer of land. This might seem atypical of land reform in South Africa. But in another sense it enables revelations about what people's interests might be when not compelled into adopting pre-conceived production and settlement models from above. An analysis which looks at the broad economic outcomes without considering the micro dynamics will not be able to identify the multiple possible trajectories that emerge as a result.

The findings of the thesis raise a number of development implications, specifically around how to adapt land reform interventions to reflect spatial practice emerging from the ground, how to project micro-level spatial shifts onto a broader canvas. The dominant conception of development is equated with business or commercial activity (Hellum and Derman, 2006). But development might be conceptualised very differently if more attention was paid to supporting the dynamic and ongoing processes of change driven by inhabitants themselves. Commercial and economic activity might be a part of that, but it would not necessarily define the entire project. The farms, which historically were marginal, had potential to become less marginal if sub-divided into smaller units to permit a combination of settlement and small-scale production. Agricultural support might be more effectively provided if it shifted away from large projects like the poultry houses towards nurturing the diversity of small-scale practices that already exist. Greater flexibility could be built into the land reform programme to transfer units of land with contemporary relevance to the inhabitants, rather than reproducing farm boundaries specifically constructed in pursuit of the goal of racial segregation and white domination more than 100 years ago. Spatial practices were already heading in this direction in the research site, producing differential spaces out of everyday practice in combination with the decisive intervention of the state in transferring the land.

A transcendence of the fragmented space – where farms are segregated from one another and from the township – seems to be a precondition for integrated development in the area. This would mean bringing Vleifontein and the farms into a single process, rather than two separate ones run by different arms of government. Greater emphasis could be placed on securing tenure for all inhabitants, whether formal restitution claimants or not. Vleifontein is not going to disappear, even if the Masangani claim is finalised and some inhabitants return to Louis Trichardt. Therefore, housing and the provision of bulk services – roads, water and electricity – are a priority.

The disjuncture between the evident hybridity of property relations, combining collective land ownership and control with a framework of exclusive rights and systems of governance, poses difficult questions for the establishment of democratic, collective land governance institutions. Added to this complexity is the character of some of the counter-claims to the land, such as from the traditional authorities, who in some instances (like Munzhedzi) made claims to ownership as well as control. Inclusion and exclusion are not necessarily mutually incompatible categories, as in the case of overlapping but differentiated rights to land and natural resources. The inclusion of all inhabitants into decision-making processes regarding land governance in the area, and of establishing processes that incorporate all claims to land access in the area, must necessarily be a self-selecting process. That is, those who want to take part must bring themselves forward and those who have no interest must deselect themselves. Not everybody in Vleifontein, or amongst the formal restitution claimants for that matter, is interested in accessing land on the farms for production or settlement.

Governance institutions could seek to draw in all those with an expressed interest, while leaving out those with no interest. This might overcome the dual problem of excluding those who want to be included, and including those who want to be excluded. On the one hand, people who wanted, and had some historical claim to, land access were excluded from decision making or from any consideration on land rights. On the other hand, a large number of formal claimants had no interest in returning to the land but their presence on formal claimant lists constituted an obstacle both to non-formal claimants getting land access, and was choking up decision-making processes (because of the inability to constitute a quorum within the CPAs, for example). At the same time, a process of self-selection would need to pay real attention to the ability of elites to prevent a new redistribution of resources and power

that might threaten their own interests, and of the inability of weaker, resource-poor and lower-status inhabitants from articulating their own interests or desires for inclusion.

 Ideally, the entire space – incorporating Vleifontein and the surrounding farms – would come under the democratic control of all inhabitants, with formal links established between land governance institutions and the municipality, essentially co-governing with the municipality across this entire area. This form of governance could be rooted in the 'adaptation' paradigm that recognises, strengthens and adapts land rights based on the principles of customary law, offering secure rights to property without privatising it. Such a model has been adopted by many African countries following disappointing results with individual titling (Cousins, 2008b:10). Spatial plans could then involve all inhabitants, taking into account settlement and production alike. It would have the added advantage of breaking down the entrenchment of ethnic spatial divisions. This kind of area-based planning was already on the table in South Africa (Manenzhe, 2006), although not adequately implemented, and had proven to be successful in pockets in Zimbabwe and elsewhere (Hall, 2009b).

Nevertheless, land governance arrangements that might transcend the individual farms and incorporate all inhabitants, rather than a select few based on the formal restitution claimants, would encounter severe difficulties in practice. Not only have opportunities been opened for traditional authorities to reassert their own claims to governance, but restitution has laid the ground for the establishment of a layer of claimants who have developed a vested interest in consolidating their ownership and governance rights on the land. Since this nascent capitalist layer have material interests in the status quo, any attempts to broaden the democratisation of land governance beyond the terms established by the restitution programme would be likely to face opposition. The way restitution was formulated at the outset thus has created new obstacles to the realisation of democratic land governance.

Perhaps there is an over-emphasis on rights and formal structures and institutions, both in terms of democratic representation and decision-making, and in terms of dispute resolution. There is an assumption that democratic organisation necessarily operates in favour of the marginalised and resource poor. But such an approach ignores the embedded power relations, some of which the thesis has uncovered, which mean that relative elites are able to dominate whatever structures or institutions are created. Who will drive processes of change, especially in the context where the capacity of the state in Africa (including, it is clear, in South Africa) to carry out land reform is severely limited (Manji, 2001:328)? There may be need to

acknowledge that democratic institutions are ideal types that are unlikely to be realised in their totality. The possibilities are based precisely on the specific context. A potential focus, for NGOs in the absence of other support organisations, could be on building the ability of the marginalised and resource poor to articulate and act on their own interests even in the absence of democratic structures.

The state has absolved itself of its responsibilities by asserting the requirement for the prior existence of democratic structures before it will intervene. The question is how to move towards democracy in practice even while these structures are partial, decaying or do not exist at all. It implies the necessity of other ways of organising, e.g. class or gender-based organisational structure. But we must heed, again, Bernstein's warning (cited in Cousins, 2010b:14) against assuming a simple alignment of classes (or, by extension, genders) with clearly defined subjective interests. Another suggestion is not to try to formalise agreements on boundaries and land rights too much, leaving these as more informal processes that are organically rooted in everyday social practices (Singh, 2008). However, we need to retain an awareness of the dynamics that may lead to some people having less secure tenure as a result (e.g. the da Gamas at Shimange). As Peters (2004) argues, we must recognise the extent to which negotiability and informality can serve to entrench vested interests and act against the interests of the marginal and poor. Further thinking might be done on ways to build accountability and transparency in decision-making in practice even if not formalised, while recognising that accountability ultimately is a function of the balance of social power.

Overall, it becomes apparent that differential space and capitalist space are not two mutually exclusive categories. Although the spatial practices emerging from land reform remain contained within the fragmented spaces of capitalism which are held together in a broader unity by the state, we cannot therefore conclude that these spaces have not changed in favour of previously subordinated inhabitants. Making land available for settlement and production, widening access to that land, introducing the concept (if not yet fully the practice) of democratic authority and land governance, have altered on-farm spaces and reinforced practical links between fragmented spaces, giving more people more options than they had prior to land reform.

APPENDIX 1: LIST OF INTERVIEWS AND MEETINGS

All interviews conducted by Stephen Greenberg except MA = Michael Aliber. Where translation assistance was received, translator's initials are indicated.
MM = Mike Mokgalapa; SB = Sipho Baloyi; SR = Simon Rambau; TM = Themba Maluleke

1. Individual interviews

Name	Gender	Description	Date	Location	Translator	Recorded?
Baloyi, Boysie	M	President of Shimange CPA	2010.05.29	Shimange	--	N
Baloyi, Chris	M	Shimange CPA member; member of local committee	2009.08.26	Shimange	--	Y
Baloyi, Clement	M	Worker and on-farm inhabitant at Shimange	2009.08.28	Shimange	--	Y
Baloyi, David	M	Mavungeni CPA member; secretary of CPA committee	2008.10.27	Mavungeni	--	N
			2009.05.01	Mavungeni		N
			2009.05.06	Mavungeni		N
			2009.06.02	Mavungeni		Y
			2010.02.08	Mavungeni		N
			2010.02.11	Mavungeni		N
Baloyi, Eddie	M	Shimange CPA member; Acting Chair of CPA committee	2009.07.28	Elim	--	Y
Baloyi, Marks	M	Shimange CPA committee chair (now deceased)	2009.05.06	Giyani	SB	N
Baloyi, Morris	M	Chair, Ntwanano poultry co-op, Mavungeni	2009.05.01	Mavungeni	--	N
			2010.02.11	Mavungeni		N
Baloyi, Thomas	M	Shimange CPA member; member of CPA committee	2009.04.27	Ribungwani	SB	Y
Baloyi, Vakisa	F	Shimange CPA member	2009.07.29	Riverplaats	SB	N
Barnett, Eddie	M	Acting Director, Nkuzi Development Association	2009.04 29	Polokwane	--	Y
Beech, Mickey	M	Manager: Bush Valley	2008.10.05	Tzaneen	MA interview	Y
da Gama, Jimmy	M	Shimange CPA member	2009.04.27	Shimange	--	Y
da Gama, Rita	F	Shimange CPA member	2009.04.27	Shimange	--	Y
Erasmus, Cornelius	M	Senior Manager: Restitution Support, Limpopo Department of Agriculture	2009.04.28	Polokwane	--	N
Girardin, Michel	M	Owner of Shiluvari Lodge, descendant of Swiss Missionaries	2009.10.02	Shiluvari	--	Y
Gondo, Joe	M	Representative, National African Farmers' Union (NAFU) Limpopo	2009.04.29	Polokwane	--	Y

Henning, Arthur	M	Farmer at Moddervlei, former owner of Vleyfontein 310LS	2008.11.17	Moddervlei	--	Y
			2009.10.01	Moddervlei		N
Henning, Carl	M	Farmer at Moddervlei	2009.04.30	Moddervlei	--	N
			2009.10.01	Moddervlei		N
Hoffman, Stefan	M	Chair, Soutpansberg district Transvaal Agricultural Union	2009.06.12	Levubu	--	Y
Kharommbi, Mr.	M	Agricultural extension officer, Makhado Department of Agriculture	2009.06.04	Elim	--	N
Khosa, Elias Zifa	M	Former inhabitant of Groenkloof farm, east of Shimange	2009.06.09	Ribungwani	SB	Y
Khosa, Mhlaba	F	Former inhabitant of Groenkloof farm, east of Shimange	2009.06.09	Ribungwani	SB	Y
Khosa, Samuel	M	Member of Shimange CPA	2009.07.28	Shimange	SB	Y
Khosa, Sello	M	Director of Post-Settlement Support Unit, Limpopo Land Claims Commission (subsequently left position)	2008.11.14	Polokwane	--	N
Kwinda, Ndiafhi David	M	Fieldworker, Nkuzi Development Association	2009.04.27	Elim	--	N
Leach, Charles	M	Historian	2009.10.02	Louis Trichardt	--	Y
Leshabane, Zille	M	Munzhedzi CPA member	2009.11.10	Maila	MM	N
Livhebe, Nkumeleni	M	Agribusiness Development and Agricultural Planning Unit, Vhembe District Department of Agriculture	2009.08.27	Sibasa	--	Y
Mahladisa, Vincent	M	South African National Civic Organisation (SANCO), Vleifontein branch executive members	2009.06.09	Vleifontein	--	Y
Ramadwa, Godfrey	M					
Maiwasite, Martin	M	Resident of Vleifontein	2009.06.11	Vleifontein	--	N
Makgakga, Simon	M	Resident of Vleifontein	2009.07.27	Vleifontein	SB	Y
Makhavhu, Thomas	M	LED-Agriculture Unit, Vhembe district municipality	2009.05.04	Thohoyandou	--	Y
Makhuga, Livhuwani	F	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Malaka, Bethuel	M	Former Munzhedzi CPA chair	2009.11.12	Vleifontein	SB	Y
Malatjie, Martha	F	Inhabitant of Munzhedzi	2009.11.11	Munzhedzi	SB	N
Malehase, Mike and	M	Inhabitants of Munzhedzi and Vleifontein	2009.06.10	Munzhedzi	--	Y
Malehase, Andrew	M					
Malete, Dudley	M	Ward 20 councillor, Makhado municipality	2009.06.10	Louis Trichardt	--	N
Malisha, Frans	M	Munzhedzi CPA member; member of Pfano piggery project	2009.07.29	Vleifontein	SB	Y
Maluleke, Winston	M	Chair, Mavungeni CPA committee	2010.02.11	Shimange	SB	Y
Marimi, Richard	M	Shimange CPA member, on-farm resident and farmer	2009.07.29	Shimange	SB	N
Mashele, Wilfred	M	Makhado municipal councillor, ward 17	2010.02.08	Waterval	--	Y
Mashimbye, Norah	F	Member of Shimange CPA	2009.07.29	Bungeni	SB	Y
Mathomu, Constance	F	Planner, Vhembe district municipality	2009.05.04	Thohoyandou	--	Y

Name	Sex	Description	Date	Place		
Matodzi, Elias	M	Land reform advisor, Makhado Department of Agriculture	2009.07.27	Louis Trichardt	--	N
Matodzi, Mabina	F	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Mavunda, Mackson	M	Former inhabitant of Groenkloof farm, east of Shimange	2009.08.25	Ribungwani	SB	Y
Mdluli, Ms.	F	Shimange claimant, farmer at Uitschot	2009.04.27	Uitschot	SB	Y
Milambo, Thoko	F	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Mokgalapa, Elizabeth Avhapfani	F	Munzhedzi CPA member, cousin of chief-designate at Munzhedzi	2009.11.13	Polokwane	--	N
Mokgalapa, Thomas	M	Munzhedzi CPA member, cousin of chief-designate at Munzhedzi	2009.11.13	Munzhedzi	--	N
Moloto, Mr.	M	Soil scientist, Makhado Department of Agriculture	2009.04.30	Louis Trichardt	--	Y
Mphephu, David	M	Inhabitant of Munzhedzi	2009.06.08	Munzhedzi	SB	N
Mudau, Esrom	M	Member of Masangani/Tshikota (Vleifontein) claims committee	2009.07.28	Vleifontein	--	Y
Mudau, Martha	F	Munzhedzi CPA member; member of Pfano poultry project	2009.06.07	Vleifontein	SB	N
Mugwedi, J.V.	M	Butcher and cattle farmer, Vleifontein	2009.06.11	Vleifontein	SB	N
Mukhari, Chief Tsakani Njhakanjhaka	M	Chief of Njhakanjhaka Tribal Authority (now deceased)	2009.11.14	Waterval	SB	Y
Mulembamuthihi, Rose	F	Member of Munzhedzi CPA; member of Pfano poultry project	2009.07.27	Munzhedzi	SB	N
Munzhedzi, Musia	F	Member of Munzhedzi CPA, on-farm inhabitant	2009.05.07	Munzhedzi	SB	Y
Mushandana, Lawrence	M	Chair of Munzhedzi CPA committee	2008.10.28	Munzhedzi	--	Y
			2009.11.12	Munzhedzi		Y
Muvhumbe, Mushavhela Albert	M	PR councillor in Makhado municipality; land reform portfolio	2008.11.18	Louis Trichardt	--	N
			2008.11.24	Louis Trichardt		N
			2009.04.30	Louis Trichardt		Y
Nemanashe, Nyamukhamadi	F	Vleifontein resident, also resident of Xikopokopo at Mavungeni	2009.06.07	Vleifontein	SB	N
Ngobeni, Research	M	Member of Mavungeni CPA, farmer at Mavungeni	2010.02.11	Mavungeni	--	Y
Ngobo, Mpho Patricia	F	Munzhedzi CPA member, member of CPA committee	2009.11.12	Munzhedzi	SB/MM	Y
Nkumeleni, Robert	M	Crop specialist, Makhado Department of Agriculture	2009.07.30	Louis Trichardt	--	Y
Nthabalala, David Naiedzani*	M	Headman Keith Nthabalala's brother	2009.11.09	Maila	--	Y
Nthambeleni, William	M	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Ntshangule, Audrey	F	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Paswana, Frank	M	Munzhedzi CPA member; advisor to chief-designate	2009.06.08	Munzhedzi	SB	N
Paswana, Masakona	F	Munzhedzi CPA member	2009.11.12	Munzhedzi	MM	Y

Pulwana, Jonas	M	Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Rambau, Simon (with Paswana, Frank)	M	Chief-designate, Munzhedzi and advisor	2008.10.24	Munzhedzi	--	Y
Rambau, Simon		Chief-designate, Munzhedzi	2009.05.07	Munzhedzi	--	Y
Rambau, Simon (with Rambau, Violet)		Chief-designate, Munzhedzi and head of Royal Council	2009.10.01	Maila	SB	Y
Sambo, Constance	F	Member of Shimange CPA and on-farm inhabitant	2008.10.24	Shimange	TM	N
Selepe, Solly	M	Senior planner, Limpopo Land Claims Commission (subsequently left position)	2008.11.13	Polokwane	--	N
Seshoka, Jethrick	M	Co-ordinator: Land and Agrarian Reform, Vhembe District Department of Agriculture	2009.05.07	Sibasa	--	Y
			2009.08.27	Sibasa		Y
Shanganise, Andries	M	On-farm inhabitant of Munzhedzi	2009.07.28	Munzhedzi	SB	N
Shirinda, Shirami	M	PLAAS researcher	2008.11.14	Louis Trichardt	--	N
			2008.11.17	Louis Trichardt		N
Sidimela, Patrick	M	Head of Makhado municipality LED/IDP Unit	2009.04.29	Louis Trichardt	--	Y
Sishonga, Kuthama	F	Munzhedzi CPA member; member of Pfano poultry project	2009.07.27	Munzhedzi	SB	Y
Sithole, Kensani	F	Mavungeni CPA member; Xikopokopo occupier	2010.02.10	Mavungeni	SB	Y
Sitholimela, Mr.	M	Agricultural extension specialist, Makhado Department of Agriculture	2009.06.04	Louis Trichardt	--	Y
Tiba, Rosemary	F	Shimange CPA member, member of 'local committee'	2008.10.24	Shimange	--	Y
			2009.08.27	Shimange		Y
Thovha, Solomon	M	Executive member, Nthabalala land claims committee	2009.10.01	Nthabalala	--	Y
Tshabalala, Eric	M	Shimange CPA member; former principal of Efrata school	2009.08.25	Bungeni	--	Y
Tshikota, Peter	M	Vleifontein resident, farmer at Munzhedzi	2009.06.07	Vleifontein	--	N
Tshikota, Thabelo	M	Farmer at Munzhedzi	2009.11.13	Munzhedzi	MM	Y
Vukeya, Samuel	M	Member of Shimange CPA, farmer at Uitschot	2009.06.08	Mavungeni	SB	N

*Headman/chief was present but did not speak directly to interviewer

2.   Group discussions

Names	Description	Date	Location	Recorded?
Baloyi, Alfred	Mavungeni CPA committee focus group	2008.11.15	Mavungeni	N
Baloyi, David				
Baloyi, Samuel				
Maluleke, Eric				

Baloyi, Percy Baloyi, Thomas Shirinda, Sam Shirinda, Willie Vukeya, Phineas	Members of Xikopokopo group, Mavungeni	2008.11.16	Mavungeni	Y
Baloyi, David Baloyi, Samuel Chauke, Gibson Maluleke, Eric Maluleke, Winston	Mavungeni CPA committee focus group	2008.12.03	Waterval	N
Matodzi, Elias Muronga, T. Ndzadza, Mr. Ramukozi, Mr.	Land reform advisors, Makhado Department of Agriculture	2009.06.01	Louis Trichardt	Y
Makubela, Peter Nthabalala, Chief* Thovha, Solomon	Chief Nthabalala and executive members of Nthabalala land claim committee	2009.06.11	Nthabalala	N
Madima, Elisah Rambau, Samuel Rambau, Violet	Members of Munzhedzi CPA; Violet Rambau is head of the Munzhedzi Royal Council	2009.11.09	Elim	Y
Vleifontein farmers	Vleifontein farmers previously farming at Mavungeni (names not recorded)	2009.06.11	Vleifontein	Y

*Headman/chief was present but did not speak directly to interviewer

3.   Meetings attended

Description	Date	Location	Translator	Recorded?
Munzhedzi tribal gathering	2008.10.28	Munzhedzi	SB	N
Makhado municipality and Nkuzi exploratory meeting	2008.11.14	Louis Trichardt	--	N
Limpopo and Makhado Departments of Agriculture, meeting with Xikopokopo group	2009.06.03	Mavungeni	--	N
Shimange CPA committee meeting	2009.08.27	Shimange	SB	N
Nthabalala land forum meeting	2009.11.10	Nthabalala	SB	N
Nthabalala tribal council meeting	2009.11.10	Nthabalala	SB	N
Nthabalala land forum delegation to Department of Land Affairs	2009.11.11	Polokwane	SB	N

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