

ENGAGING COMMUNITY PERSPECTIVES IN SOUTH AFRICA: EVALUATING PUBLIC PARTICIPATION IN THE EXPROPRIATION OF LAND WITHOUT COMPENSATION BILL

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Abstract: The post-1994 era in the South African public imagination was envisaged to herald widespread and transformative efforts to reverse the gross injustices and human rights violations inflicted over many decades of apartheid and colonialism. One of the key measures initiated by the democratic government to drive this nation building project was the land reform programme. The 'land question', which is a popular tagline in South Africa when reference is made to land reform, has come to define the general discourse of socioeconomic disadvantage and change in the post-apartheid and post-colonial period – similarly to other former settler colonies in the African continent and the broader Global South. For South Africa though, this specific issue has been characterised by numerous challenges and failures largely at the level of the state, wherein a significant lack of public engagement, public participation and democratic redistribution was not being done according to 'the will of the people'. On several occasions, the South African state has gone on a 'solo crusade' to implement the land reform programme under complex conditions that are largely unfavoured by ordinary people 'on the ground' – especially those who were the primary victims of land dispossession under colonialism and apartheid. As a result, over the past few years, indigenous black communities across the country especially in (semi)urban and township areas have voluntarily 'occupied' land at their own will and sometimes 'illegally', to take up settlement space and determine their lives on the land of their birth. Beyond the public discourse of 'land invasions' and 'failed land reform projects', this study was conducted to closely understand the extent to which public engagement and participation has been integral in the systematic mechanism(s) to transform the patterns of land ownership and control in the democratic South Africa. To do this, the site of KwaZakhele, Silvertown, in Port Elizabeth was selected to conduct the study. Methodologically, qualitative semi-structured interviews were utilised to conduct the study and the Marxist Concept of Citizenship was selected as a theoretical framework for the study by the researcher. The study has found that, amongst the general legislative and political shortfalls of public participation breakdown, there are other deep seated structural socioeconomic issues that are at the root of the problem – such as economic inequalities and very low prospects of social mobility – which collectively reproduce the persistent inadequacies of political instability and social unrest in the area. The study recommends an astute combination of 'bottom-up' active citizenship and major socioeconomic transformation in the area as a systematic and structural mechanism to empower the community of Silvertown to be the champion of its own liberation struggle for the freedom of its people to own land and democratically participate in their own governance, self-determination, and prosperity.

Keywords: Apartheid, Colonialism, Expropriation, Kwazakhele, Land Reform

Introduction

The purpose of this study is to closely examine the participation of the citizenry in the processes of developing Parliamentary Bills into law in South Africa with a specific

reference to the recently developed Bill that is concerned with the process of land expropriation without compensation. To be clear upfront, the study is mainly concerned about the constitutional process of public participation in the development and implementation of the land reform programme in South Africa, focusing particularly on the local community of Silvertown, KwaZakhele, in Port Elizabeth, on how it has publicly engaged and perceived the recent attempts made by the South African government to interface directly with communities in the development and envisaged implementation of this Land Bill. The ‘land question’ in post-1994 South Africa has been an ongoing subject that remains unresolved and possibly the major source of opinion disequilibrium on the social fabric and public imagination of the country (Kepe and Ntsebenza, 2012). This view could not be captured more accurately than the recent utterances by Kepe and Hall (2018) who expressed that the ‘land debate’ in South Africa is “a metaphor and symbol of economic disenfranchisement ... and the failure of the ruling African National Congress (ANC) to bring about economic freedom or even decolonisation”. Such statements and other related opinions expressed publicly about the country’s ‘land question’ have also relatively informed the dominant approach that the subject has tended to take – which is usually concentrated on the racial, gendered and finalisation outcomes of the debate that can be quantified into percentages and hectares (Hall and Kepe, 2016), at the expense of other related matters that could be as important – such as the key constitutional parameters of democratic engagement and commitment that could be as key, if not more, in driving the public legitimacy of the process.

South Africa is a constitutional democracy that operates within a rule of law that is embedded on universal basic human rights (Mandela, 1996). Part of this constitutional architecture entails a clear structuring of different arms of the state with independent Chapter Nine institutions operating around them as ‘guardianships’, the three levels of government, an independent judiciary, an independent free media, and strong citizenship rights such as the right to freedom of expression, assembly, privacy, association, and to regularly and freely choose a government (Mtshali, 2016: 12).

Research Methodology and Design

The study took on a qualitative method orientation where people’s opinions, actions, thoughts, historical memories, and contemporary aspirations had to be collectively comprehended by the researcher to make sense of the political setting at hand (Ospina, 2004: 3). Importantly, the researcher conducts this study as a young community activist who comes from Silvertown - who is also born, raised, and educated by the indigenous black people of this working-class community. These social characteristics that the researcher shares with the community of Silvertown provided an easy-going accessibility, trust, and reliability into this community to do the study (Malinowski, 1922). South Africa’s COVID-19 ‘lockdown’ strategy was thus viewed by the global community as one of the ‘strictest’ measures ever applied in light of the extent to which the virus was spreading in the country (Cameron, 2020) – recording as high as 20 000 infections per day, with over 30 000 deaths, and a low recovery rate below 80% as of 11 January 2021. As a result, the researcher was compelled to conduct individual telephonic interviews with a total of 10 participants who all participated comprehensively in the study to a point where rapport was already being established with just the 6th participant, given the commonality of the subject to the participants and the aspirations they all share as a group about it

(Opdenakker, 2006: 23). The open-ended nature of the questions and the overall conversation also allowed the researcher to ask follow-up questions to establish further clarity on an issue (Ann, 2013:15). Using the telephone device as a research tool proved to be economically efficient and accessible to every participant irrespective of their socioeconomic backgrounds (Cachia and Millward, 2011). Mobile telephones in South Africa are affordable and easily accessible to every class bracket in society and there is significant infrastructure network provision across all kinds of communities. The social characteristics of the country allowed the research study to be equitably conducted under COVID-19 conditions successfully.

Data Analysis and Interpretation

To analyse and interpret the data, the researcher utilised narrative themes which were categorised according to each research question (Mzileni, 2018:11; Roberts, 2002:116-117). Primarily, the recorded telephonic interviews were transcribed into a written script for the researcher to first consolidate and compare their accuracy with the recordings. When this item was confirmed by the researcher, the transcripts were then categorised with coloured pens into different themes namely: blue for public participation, red for land reform challenges and aspirations, and then green for systematic and structural issues identified and explained by the participants (Ngulube, 2015: 23). The personal subjectivities, activist convictions, and the Marxist orientation of the researcher and the study were disclosed and practised as guiding frameworks in doing this kind of an activity including the interpretation of their meaning and analysis whilst the authenticity of the data presented was maintained. It is from this exercise as well where the researcher established similarities and saturation points in the interview transcripts of the participants – which is a related exercise as well that conveniently allowed the researcher to triangulate the data to affirm its validity (Chenail, 2012:1)

Central Research Question

This article is directed by the following article: What are the perspectives of community members regarding the aspect of public participation in the parliamentary public hearings of the Expropriation of Land without Compensation Bill conducted in Silvertown, KwaZakhele, Port Elizabeth?

Research Aims and Objectives

To understand the extent to which public participation is understood and practiced by the community members of Silvertown, Kwazakhele, Port Elizabeth in the development and envisaged implementation of public policy, such as the Land Expropriation without Compensation Bill. To identify and comprehend some of the structural barriers that may prevent or hinder the community members of Silvertown, KwaZakhele, Port Elizabeth from participating meaningfully in the public hearings of the Land Expropriation without Compensation Bill. To understand the socioeconomic meaning and significance of land reform to the community of Silvertown, KwaZakhele, Port Elizabeth.

Theoretical Framework

This study utilises the Marxist conception of Citizenship. For Marx, the notion of citizenship is embedded in the structural parameters of the society where it is obtained

especially the dominant class orientations of such a territory (Marx and Engels, 1976). In other words, although constitutions of states can guarantee citizenship status to every human being legally registered as per the state – the benefits that are attached to citizenship do not get to be expressed and enjoyed by every human being. Beyond human beings belonging to a state with human rights, the class forces of such a nation determine who gets to practice the actuality of what the constitution promises (Marx, 1875: 531 as cited by Macfarlane, 1982: 414). In addition, Marx also argues that the state as an organ belongs to the convictions of class rule and it operates and distributes privileges and sanctions towards citizens according to the class bracket that a particular person or group belongs to (Marx, 1983).

Drawing closer to the conceptualisation of this study, the legacy of apartheid continues to define the stratified patterns of life in the present day South African (Duncan, Stevens and Canham, 2014: 282). Due to the stringent racial, gendered, and class structures of the apartheid order, the post-apartheid society remains excessively identical to the social science analysis advanced by Marx. South Africa is divided according to class – which is also interrelated to race and gender as the dominant features of collective division amongst other factors such as geographic location and sexuality (Rehbein, 2018: 4). Black people generally including women and poor people, remain trapped on the margins of society without access to opportunities and decent livelihoods (Kepe and Hall, 2019). By extension, these social features of disadvantage also mark the extent of their powerlessness to exercise their citizenship rights in a fulfilling manner.

Therefore, to comprehend the actions and practices of the community of KwaZakhele in its engagement with the state through these land reform public hearings – I underscore the powerlessness they have endured through years of apartheid and post-apartheid disempowerment and the immateriality of their public opinions towards the state as a black working-class community. The country's constitution might have guaranteed them citizenship rights such as freedom to vote, speak, assemble, protest, write, influence, control, and own – however, these have largely eluded them over the past decades (Mubangizi, 2008:139).

To conclude this point, Classic Marxist terms also emphasise this argument when they underscore the concept of citizenship by proclaiming that the working-class must therefore organise and consistently 'revolt' against the bourgeoisie state in order to usher in a revolutionary moment characterised and biased towards the interests and aspiration of workers (Davidson, 2005). This theoretical framework, therefore, including the flexibilities it provides (Marxist anti-dogma thesis) necessitates that it becomes the closet framing to utilise in conducting the study.

Public Participation: Challenges and Prospects in the Composition of Public Policy

The practice of democratic participation and engagement in post-colonial and post-dictatorship societies receives significant attention as one of the salient features to define a breakthrough with the previous regime (William, 2006). In these societies, individual and collective rights to participate get emphasised as one of the key dividends of being in a free society. In this regard, the ushering in of new democratic governments in these contexts provides hope to citizens that the new dispensation will allow them to have liberty to say what they want and choose any trade they want to explore for the betterment of their lives, unlike in the previous regime where they were oppressed (Masango, 2002; Nyalunga

2006b). Consistent with these promises and ideals, these democratic governments get to develop and formalise public participation an important step within their policy making process, drawing largely from their traditions as grassroots organisations and activism in their liberation struggle against the previous regime.

The opposite effect though of these state mechanisms of public participation is that they tend to disempower the urgency of ordinary people and their communities. For instance, because public participation is made a formal government policy – it ends up becoming part of the overall bureaucratic machinery that is measured through ‘scorecards’ and ‘financial years (Masango, 2002:123). As a result, democratic governments find themselves prioritising other matters that concern market-related issues such as economic development, investments, and technical education and training at the expense of visiting working-class communities for comprehensive consultation and engagement (Waterhouse, 2015). Consequently, the practice of public participation gets relegated to be a ‘box-ticking’ exercise that gets done purely for compliance purposes without any tangible or transformative programmes in place that would inform practical changes to policy and people’s lives.

It is these patterns of institutionalisation and formalisation that make public participation become an ineffective instrument of governance that ordinary people do not seriously consider (Masango, 2002; Sebola, 2017). By extension, these communities then get to reorganise themselves back to their horizontal, flat, informal, and free spaces of political engagement to self-determine their own structure of public participation (Greenberg, 2006; Masango, 2002:54). These alternative platforms of organising tend to take on numerous forms of structure – such as protest movements, blogs, social media #hashtag campaigns, and ‘illegal’ occupations and invasions (Coelho and Von Lieres, 2010). The recent international outbreak of protest movements such as #FeesMustFall and #OccupyWallStreet are some of the living examples where people choose to ignore formal and institutionalised platforms of engagement to rather form their own spaces to challenge the status quo.

The participation of the people of Silvertown KwaZakhele, as this study will show and contribute, entails an optimised combination of self-determined organising principles of free community activism using established and formalised platforms like public hearings to advance their own interests in their own terms.

Critique of the ‘Top-Down’ approach in Public Participation

Government officials sometimes confuse the speeches that they read out to community members as meaningful participation, however, when there are no clear efforts to allow members of the public to express their opinions that cannot be regarded as meaningful public participation. As a follow up on the political thought of Jean-Jacques Rousseau, Pateman (1970) considers other theories of democracy as favouring elite and pluralist theories and he adds that "active participation allows citizens to self-develop, as well as engendering positive psychological benefits, including feelings of political efficacy. According to Mattila (2017: 26); Urbinati 2005: 208), Representation makes political deliberation public and subject to the judgement of all. A critique of pluralist theories by Hilmer (2010: 49) reveals that they perceive citizenship and political participation in the form of voting, interest group membership and the private sector. In contending pluralist views, participatory democracy views public participation in a much broader sense. This,

therefore, means that participatory democracy has more benefits than the pluralist theories of democracy. Citizens, as this study argues, have the power to decide on policy proposals and public representatives assume the role of policy implementation (Aragones and Sanchez, 2008:67). In this case, public officials can be regarded as people that implement decisions that are proposed by the public. currently, the process of participation tends to be top-down where the government decides the proceedings and does not give power to citizens to control the event and leads to a perception that public participation is only a benefit not a right (Theron, Ceaser and Davids, 2007). This nullifies the elitist perception that once people are in government, they can act as untouchable rulers of the state. In response to this assertion, Cachalia (2018) argues that strategies that can improve "bottom-up" participation can be interpreted as reinforcing and strengthening representative government, this is done by providing representatives with information they would not have but which is paramount for effective decision. Furthermore, strategies that may assist public representatives to facilitate and promote public participation are also necessary for ensuring the participation of disadvantaged and under-resourced constituencies in decision-making.

Land Reform: The Nature of Land Challenge in Nelson Mandela Bay, Port Elizabeth

The inclusion of poor and landless people is crucial in land reform processes as this helps people understand the plans of the government better. In instances where people are left in the dark on the plans and progress of the land reform process, they tend to take matters into their own hands. The Herald (2018) reported that land invasions are on the rise in NMB and have left the municipality struggling to find a way of stopping them. People usually defend their decision for performing land invasions by stating that the challenge of poverty and inequality in their city began with the dispossession of their land by the apartheid government (Corrigan, 2018). It is important to note that Kwazakhele and other surrounding areas came into existence as a result of land dispossession. An estimated number of 60 000 black people were evicted from the Korsten area, and they settled in Kwazakkhele (Cherry, 2000:344). As one would expect, the construction of their new homes in Kwazakhele was of a low standard. To this effect, people that perform land invasion and occupations legitimise their actions by claiming that they are merely taking back their land. It appears, however, that there is a series of corruption in the land invasion processes in NMB as Nqaba Banga claimed that "We can't allow land invasions in our metro. The whole process has been hijacked by criminals who are selling land to the poor. Some of the ward committees are fleecing people of their hard-earned cash by selling land to them. We have that problem in Motherwell where land is being sold" (Chirume, 2018b).

Depoliticization of Land Reform in Port Elizabeth, Nelson Mandela Bay

The nature of land reform in Nelson Mandela is one that needs to be looked at in the lenses of humanity and not through the political lenses. The squatter problems should be looked at beyond the realm of politics instead, it should be seen as an urgent matter that needs to be resolved in the city. Since the 2016 local government elections, NMB has been benchmarked as a city of political instability (HeraldLive, 2020). The political instability mentioned here was also observed by the late Auditor-General, Kimi Makwethu during the 2018/2019 audit report where the city got its eight consecutive audit opinion. This section will show that the power struggles in the NMB council have withheld the processes of land

reform, and this has signalled a strong need to depoliticise land reform in the city for the greater good of improving the living conditions of the people. The political instability of the city council continues to play a leading role in worsening the lives of citizens and has a bearing in slowing down the pace of public hearing on the expropriation of land without compensation Bill in the city.

In this section, I argue that land reform can be viewed outside of the political realm by allowing citizens to express themselves about the way landlessness continues to have a negative bearing in their lives. The rise in service delivery protests is a resultant of the political instabilities that are currently taking place in NMB. Haynes (2001) believes that citizenship and participation are part of the fight for a fully democratic consolidated South Africa. This means that people must be allowed to express views about land reform processes in NMB and all communities should feel presented, and their views heard. The political chaos emerging from the city council should not affect the service delivery for poor citizens. People's perceptions become well-known when the public is actively involved and participates in community meetings that are organised by the government. Noting the dangers of politicising land reform, Ngcukaitobi (2019) argues that the voices of labour tenants and labour dwellers is suppressed in a way in both the African National Congress and the Economic Freedom Fighters manifestos, but they may be the most important people to help understand the dynamics of land in the country. This shows the danger of using land reform to settle political scores because crucial people in the discussion are left behind. As recommended by the presidential advisory panel on land reform (2019), the voices of the marginalised play a critical role in the expropriation of land without compensation debate and political parties should not side-line their opinions in their plans.

Community Perspectives of Land expropriation without compensation Bill in Kwazakhele Mabecua and Nojiyeza (2019) offer a diagnosis of the inception of the land expropriation without compensation debate, they argue that it is generally influenced by economic exclusion in form of poverty and unemployment, and inequality. when asked about their understanding of this policy, many participants argued that only expropriation can restore equality in South Africa. "Most people still see themselves as superior and inferior to others but if the land is expropriated [without compensation] everyone will be equal, and land will be shared equally"

This research participant perceives land expropriation without compensation as something that will further improve nation-building in South Africa. This means that, in his imagination, when the process of expropriation is done, the country will have a decreased rate of poverty and inequality as land will be shared equally among people. This shows that people have hope that once land has been expropriated, their current economic statuses will change for the better and it seems that this optimism is expected to happen overnight. A community leader in Kwazakhele took this further by stating that: "The only thing that can improve social cohesion is the expropriation of land because as community leaders we argued that the former Telkom Park stadium in Summerstrand [A suburb area in Port Elizabeth] should have been identified and people should be built houses there, where all races can stay together with any segregation".

This community leader offers an immediate solution to the conundrum of landlessness in his area by stating that they have deliberated that the land in the Summerstrand area should be expropriated so that they can be built houses there. This shows that there has not been a

thorough informative session to landless people in Port Elizabeth because the EFF, which is the party that tabled the motion to expropriate land without compensation, in its founding manifesto states that, "once the state is in control and custodianship of all land, those who are currently using the land or intend using the land in the immediate will apply for land-use licenses, which should be granted only when there is a purpose for the land being applied for" (Economic Freedom Fighters, 2014). The focus of the EFF, in this case, is agricultural land and its voice has not been heard when it comes to residential land for poor and landless people. On the other hand, Hendricks, Ntsebenza, and Helliker (2013:341) warn that the land question will never be fixed through renovations of shacks in urban slums or through the evictions of illegal land occupants from urban settings but rather there is a need for a new and different approach to resolving this conundrum. This approach of land evictions and the upgrading of shacks is currently taking place in different parts of South Africa, and it appears that it is still not the way to a successful transfer of land. "We must reimagine social cohesion to mean land reform because we can be happy [as different races] in a stadium but when we return home some return to the suburbs when some go to shacks."

This statement shows that people perceive land as something that will bring justice to them and their families, this participant states that it is unjust that people only talk about nation-building when watching sport and outside sport, the rich remain richer, and the poor remain poorer. In this case, the relationship between white and black people is hostile because of the lack of land on the part of black people. This further shows the dangers of not effectively communicating with constituents becomes a risk because people end up drawing their conclusions which may not be necessarily aligned with the intended policy.

Conclusion and Policy Recommendations

This study made the following findings and contributions of practice. Secondly, it refers to the everyday life findings that the study carried.

Firstly, the study has found that public participation as community principle has not been embraced in this area by both the local and national government. Citizenship participation in the construction of public life in this community is still limited to the general cycle of local and national elections.

Secondly, the elected leaders themselves from this area perceive their term of office in the government structures as a 'clear' mandate to implement policies and social programmes of their choosing without consulting regularly with citizens. In particular, the continuous reference to citizens as the 'electorate' reinforces the narrative that their sole duty is to solely elected leaders into government offices and then wait for service delivery. This 'top-down' approach of governance that is dominant in South Africa, which has been extensively critiqued in this study, obtains its ontological origins from this kind of framing and practice in exercising governance.

Thirdly, as a result of the existing gap between the government and the citizenry, communities have developed mistrust between themselves and the state which has led to numerous land invasions and land occupations done by members of this community in the recent past. These invasions have been attributed to a lack of development, opportunities, and land in the area which compels citizens to take matters into their own hands. This matter also reveals the diverse ways in which members of this community see the purpose of land – which is for purposes of food production, housing, and overall dignity.

Fourthly, this study has also showed that an economically disempowered community gets disabled of its citizenship rights to hold government accountable. The local government largely operates as an institution from the revenue it generates from the ratepayers in the area. In this instance, the unemployed class tends to be unable to competently settle their municipal accounts due to a lack of income. Politically, this deficit weakens their 'bargaining' power in determining how the local government operates and serves people in the area. In other words, the local government sphere tends to be held accountable by those who pay rates and reside in the developed suburbs of the city. These economic inequalities reveal the deep-seated structural issues that undermine the intentions of the Constitution and the universal frameworks of human rights and public participation.

Lastly, the low levels of education and training attainment in the area weaken the knowledge depth of some community members from understanding the Parliamentary processes of developing Bills and some etiquette required to engage in invited spaces of government. Consequently, this leaves room for some community members to be manipulated by numerous groups who have an interest in the outcomes of the land hearings such as NGOs and political parties.

This matter lies deep in the structure of the economy and the levels of disempowerment it has made people endure. As a result, people from these communities get faced with a desperate contrast between choosing an immediate meal to address their present-day hunger or to genuinely advance their aspirations to be liberated through a progressive land reform process that they would have fought for but which does not have guarantees in terms of the extent of its envisaged success by the state and the timelines required to have such resolutions truly realised in this community.

Recommendations of the Study

The study recommends three different kinds of practice suggestions and also three different kind of future research consideration.

Research – a study on a similar theme should be done using, firstly, various kind of theoretical frameworks that are both classical and recently invented – especially those that emanate from the context of Africa. It is useful to engage with African problems facing African people in their own language and concepts. Secondly, a comprehensive multidisciplinary study should be conducted in many Eastern Cape communities that are similar to Silvertown to understand more deeply the economic, cultural, social, political, religious, historical, medical, scientific, and intergenerational forces that all converge to shape the present-day structure of black life in black working-class communities that have a violent history of colonialism, apartheid, land dispossession, class exploitation, mass migrant labour systems, gender humiliation, race oppression, and the current levels of underdevelopment and poverty.

Practice – the study recommends, firstly, that the community members of Silverton, KwaZakhele, Port Elizabeth should form community organisations that will be led by themselves for purposes of advancing their common interests as a race, as a class, and as a community. These organisations should also establish collaborations with other similar organisation in Port Elizabeth, Eastern Cape, across the country and internationally. In addition, such organisations should also seek to form alliances with progressive NGOs and research institutions for purposes of anchoring their activism in factual information, basic

education and training, and legal assistance whenever a need arises to challenge the status quo in court.

Secondly, the study recommends that Parliament should explore and extend the reach of their public hearings to even more far-flung areas of working-class communities for public consultations.

including rural communities. This also entails a similar approach by local, provincial, and national government wherein they must anchor public participation as a mainstreamed practice that should be standardised for all kinds of programmes and policy initiatives between elections. In other words, the best possible government that would be suitable for South African communities is an activist government that sees citizens as informed drivers of their own lives.

Thirdly, the government in collaboration with all the relevant stakeholders mentioned in this research study must accelerate efforts to change the lives of ordinary people in Silvertown and in South Africa broadly. The levels of poverty, unemployment, and inequality need to be structurally transformed so that people can be empowered and liberated to change their own lives and their communities themselves as independent citizens who are free from all kinds of abuse, manipulation and coercion.

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