



Opportunities and Obstacles to Women's Land Access in South Africa

By Catherine Cross and Donna Hornby

**A Research Report for the
Promoting Women's Access to Land Programme**

February 2002

The Promoting Women's Access to Land Programme is a joint project of the National Land Committee and the Department of Land Affairs, in association with the Centre for Rural Legal Studies and the Centre for Applied Legal Studies (Wits).

This research report was made possible through the generous support of the Foundation for Human Rights in South Africa.



Table of Contents

	Page No.
1. Editors' Note	3
2. Executive Summary	6
3. Background and Context	15
4. Introduction and Conceptual Framework	19
5. Methodology	23
6. Literature Review	25
7. Changes in Land Reform	34
8. Defining Women's Land Demand	42
9. State Sector Redistribution	51
10. Communal Tenure Reform	87
11. Civil Society Engagements with Land Reform	111
12. Private Sector Initiatives in Land Reform	132



13. Conclusion	139
14. Research Bibliography and Notes	147
15. Appendix: Methodology	155

The views expressed in this report are those of the authors, and do not necessarily reflect the views of the National Land Committee, the Department of Land Affairs, the other PWAL Programme partners, or the Foundation for Human Rights in South Africa.



ACRONYMS

Afra – Association for Rural Advancement, an NLC affiliate
AGI – African Gender Institute
AgriWesKaap – Western Cape Agricultural Union
CBOs – community-based organisations
Cedaw – Convention on the Elimination of All forms of Discrimination Against Women
CLRB – Communal Land Rights Bill
CPA – Communal Property Association
CPI – common property institutions
DBSA – Development Bank of South Africa
DLA – Department of Land Affairs
DOA – Department of Agriculture
DWAf – Department of Water Affairs and Forestry
Esta – Extension of Security of Tenure Act
EU – European Union
GDP – Gross Domestic Product
Gear – Growth, Employment and Redistribution Strategy
ISDRS – Integrated and Sustainable Rural Development Strategy
Leap – Legal Entity Assessment Project
LPM – Landless People's Movement
LRAD – Land Redistribution for Agricultural Development Programme
LRC – Legal Resources Centre
NGOs – non-governmental organisations
NLC – National Land Committee
PLAAS – Programme for Land and Agrarian Studies, University of the Western Cape
PIR – Project Identification Report
PPAC – Provincial Project Advisory Committee
PTO – Permit to Occupy
PWAL – Promoting Women's Access to Land
RDP – Reconstruction and Development Programme
RWM – Rural Women's Movement
SPP – Surplus People's Project, an NLC affiliate
TA – Tribal Authority
TRAC – The Rural Action Committee, an NLC affiliate
TSCC – Tenure Security Coordinating Committee, KwaZulu-Natal
QOL – Quality of Life survey, DLA



CHAPTER ONE

Editor's Note:

The Promoting Women's Access to Land (PWAL) Programme is a collaborative initiative involving the Department of Land Affairs (DLA), the National Land Committee (NLC) and its affiliates, and various other NGOs working in the land sector. Representatives of these various institutions constitute the Steering Committee that is tasked with the responsibility of giving strategic direction to the Programme. Day-to-day management of the Programme is the joint responsibility of the NLC and the DLA, with the NLC taking a lead role in programme administration.

The Programme, founded in early 2000, was based on a shared analysis that while the cooperating institutions were different in their analysis of the problems confronting land reform, their vision for change and their strategies for *realising* land reform, they shared a common concern (on paper at least) to promote women's land rights. In addition, the gender activists working in the various cooperating institutions also confronted shared experiences of blockages and difficulties advancing a gender equity agenda within their respective institutions and concluded that a strategy of cooperation across their organisations might yield better results for the gender transformation agenda.

The Programme specifically seeks to address *inter alia* the following problems, which problems we assessed to be common to all organisations engaged in land reform:

- Land reform policy, and land reform projects and processes pursued within and outside of the government land reform framework, largely fail to recognise and respond to the different experiences, needs and interests of men and women, and hence, bring limited benefits to poor rural women;
- There has been minimal assessment of the actual gender strategies, if any, which are being pursued in different land reform projects and processes, and their impact on gender relations within rural communities;



- Most field workers and members of communities do not have the gender analytical skills and tools to facilitate/implement gender-sensitive land reform projects and processes;
- There is a very limited body of case studies and best practice examples of how to approach the issue of gender in land reform projects and processes; and
- Few of the land reform policy and implementation systems are sensitive to gender issues.

The Programme was designed to assist our different organisations to shift some of these problems through a process of cooperation and collaboration. Despite our differences in orientation and analysis, the glue that held us together was our shared commitment to “finding the common ground”.

In the initial period of the Programme, work unfolded in a satisfactory fashion. The macro-environment was fairly supportive of the development of state-civil society partnerships and the participating organisations maintained a high level of cooperation. In early 2001, with formal announcements of impending adjustments to the DLA's land reform approach, and in the context of deteriorating relations between the government and certain progressive quarters of civil society, relations between stakeholders cooperating on the Programme became more complex. As much as we had hoped that the Programme could work above these institutional differences and tensions, Programme implementation became increasingly more complicated from March 2001 onwards.

One of the major challenges to the first phase of this Programme has been this research project. The research process was funded by the DLA and the NLC, with the most substantive contribution coming from the Foundation for Human Rights in South Africa. The process of procuring the research services was heavily influenced by the DLA as they are obviously required to conform to established government procedures. Differences of opinion regarding who should be appointed to undertake the research led to a compromise position. The NLC and DLA elected to accommodate their different positions and to appoint both candidates to work in partnership.

The research components were split between the two parties and their respective responsibilities built into their contracts. In terms of the final write-up of the research, Donna Hornby was responsible for the communal tenure reform and civil society chapters, and also made a contribution to the state land redistribution section, focusing on the functioning of the redistribution



programme under the old grant scheme, the Settlement and Land Acquisition Grant (SLAG). Catherine Cross was responsible for the remainder of the chapters contained in this report.

The key points of difference between the two researchers have been their research approach, ideological orientation and conflicting work methods. Major disagreements surfaced in September 2001 and were mediated (and we had hoped resolved) by the steering committee of the Programme. The differences in ideological orientation and analysis have continued to dog the research process up to the point of final write-up and editing.

This research product, in many respects, reflects the differences, schisms and tensions within the Programme and, hence, also the wider context within which the Programme is being implemented. We believe that setting out these differences and tensions very honestly upfront and acknowledging their impact on the operation of the Programme to date is correct. The mapping out of our differences will hopefully point us back to the terrain of cooperation – to our common ground – which we believe exists and which we are committed to seek out.

The research was intended to establish a framework to guide the implementation of the remainder of the Programme and it is, therefore, appropriate that the very real differences in perspective and analysis emerge very explicitly at this juncture. This frames the challenge for the institutional partners - to clearly define the boundaries to our cooperation and to spell out how it is that we can continue this process of cooperation.

The editorial team has taken an innovative approach to dealing with the differences of analysis expressed in the research report and the shortcomings of the research process. Where possible we have tried to reconcile the different perspectives of the researchers. Where differences have proved difficult to reconcile, we have inserted an editorial note at the beginning of the Chapter, which articulates these differences. The editor's notes also indicate where the research has failed to adequately fulfill the terms of the research brief, as clarified following the initial conceptual workshop and finally agreed to by the Steering Committee in consultation with the researchers.

The conclusion and recommendations section has been developed to highlight the major implications of the research for the Programme and points to possible directions for the next phase of continued collaboration.

We hope that this introductory note by the editors will frame your reading of the research report, that the research does not reflect a uniform and



undisputed analysis, but rather expresses many of the tensions and differences which characterise the relations between the various institutions operating in the land sector. We hope that you will read and embrace the findings of this research in the spirit in which we present it.



CHAPTER TWO

Executive Summary

The Promoting Women's Access to Land (PWAL) Programme - a cooperative project of the Department of Land Affairs, the National Land Committee and other NGOs and CBOs engaged in land reform – recognises that the various land reform programmes, projects and processes undertaken since 1994 have encountered specific problems and challenges to achieving gender equity goals. The PWAL Programme seeks to identify and respond to these challenges in order to promote poor rural women's access to land, specifically. The Programme therefore seeks to establish a framework and method to critically assess the gender approach and impact of various land and agrarian reform efforts, to determine what benefits these programmes offer to poor rural women, and to identify the opportunities and obstacles to women's access to land.

The Programme has several components, including: formal research (presented here); training of planners, facilitators and community members; the facilitation of a significant number of grassroots case studies using participatory methods; and a national conference (with southern African and global delegates) which will enable further reflection and formulation of concrete recommendations and strategies to be pursued by the different Programme stakeholders.

This research is the first major undertaking of the Programme and its findings establish a framework that will guide the Programme's further implementation. The issues and themes highlighted by the research determine the types of case studies that will be selected, the focus and content of the training to be provided, and the approach taken to (the issues investigated) through the case studies. The research brief required the researchers to identify the major gender themes or core issues which cut across diverse land reform projects and processes within the three broad streams of land and agrarian reform, viz. state-led land reform, civil society processes and private sector initiatives.

Chapters 3 to 5 introduce the PWAL Programme (Chapter Three: Background and Context), the research and the conceptual framework within which it was conducted (Chapter Four: Introduction and Conceptual Framework) and the



Methodology used to conduct the research (Chapter Five: Research Methodology). Chapters 6 to 8 provide a background to the content analysis which informs the report: (Chapter Six: Literature Review); (Chapter Seven: Changes in Land Reform) and (Chapter Eight: Defining Land Demand), and set the tone for Chapters 9 to 12, the main chapters addressing the three streams of land reform assessed with Chapter Nine: State Sector Redistribution and Chapter Ten: Communal Tenure Reform addressing mainly state-led land reform; while the other two streams are the focus of Chapter Eleven: Civil Society Engagements with Land Reform and Chapter Twelve: Private Sector Initiatives in Land Reform. The Conclusion in Chapter 13 draws together the main findings of the report for each of the three streams analysed, followed by the Research Bibliography and a more detailed Methodology Appendix. Also published in this document is the National Bibliography on Women/ Gender and Land compiled for the PWAL Programme partners.

Specifically, then, *Chapter 3* situates this research report within the context of the cooperative efforts of the PWAL Programme partners who commissioned it, and provides a background to the central problem that motivated these efforts, namely the common constraints to women's access to land encountered by the different programme partners within the land reform programmes and processes each has pursued, and by gender activists within the different institutions working to deliver land reform to poor rural women.

Chapter 4 provides an introduction to the research, while outlining the particular gender conceptual framework that has guided the research. The three respective streams of the research are identified, namely the state sector in terms of land redistribution and communal tenure reform, civil society's engagement with land reform and private sector initiatives in land reform. This chapter identifies key questions posed by the research, which relate to women's ability to obtain land, women's security of tenure on the land and whether women are able to use the land effectively once they obtain access to it.

It further outlines a particular conceptual understanding of gender relations and gender equity, which recognises that the highly unequal relationships between women and men within households, communities and the market are based on and shaped by a value system that favours men over women. It thus states that a definition of gender equity in land reform cannot simply be translated into treating women and men in the same way and neither can it overlook the differences amongst women, since women are not a homogeneous social entity. Women differ in class, race, ethnicity, religion and culture, and their experiences may also differ due to where they live,



where they come from, and other factors. Not all women experience patriarchy in the same form, or in the same way and the PWAL research focuses on poor rural women, as the most disadvantaged category of women.

Chapter 5 outlines the methodology employed in the research process. The research approach pursued was to collect qualitative process-related material on the major topics under examination through key informant interviews with implementers and commentators, and also through in-depth participatory focus sessions with communities. This qualitative material was then complimented by the use of objective indicators drawn from the DLA's Quality of Life national quantitative database on land reform compiled by the Monitoring and Evaluation Directorate. These methods built on the findings of a desktop review of written source materials. Valuable inputs to the analysis were obtained from the introductory conceptual workshop and the mid-term research workshop, both of which included key participants from the DLA, the NLC and various NGOs engaged in land reform.

Chapter 6 reviews some of the literature on land reform generally, and gender and land specifically, which informed the analysis adopted by the researchers. Generally, the literature reviewed argued that the opportunities and obstacles to women's access to land are inextricably tied to a web of traditional social values, attitudes and stereotypes in communities, the traditional institutions that support and enforce these values, and the policies, legislation and particular implementation strategies and practices of each of the three streams of land reform examined in this report. The review assessed literature on the social barriers and institutional factors affecting women's access to land, followed by a review of the literature on state-sector land reform, in terms of poverty and livelihood approaches, recent lessons and changes and findings and additional gender analysis of the DLA's Quality of Life Survey data conducted by the PWAL researchers. A review of the scant literature available on private sector land reform initiatives is also included.

Chapter 7 discusses the implications of recent changes in land reform policy in line with the GEAR strategy, following a review of the DLA's role in land delivery. It highlights the major changes in the new programme, identifying important and new role players in South African land reform, and maps out some of the structural implications for the DLA. The chapter defines land reform in relation to women, recognising their dependency on male authority and status and the reluctance from men to see this change. It further identifies the impact of the (male) farmer / farm worker relationship which reinforces women's dependency on men and defines the changed environment in terms of the government's recognised shift away from



household level anti-poverty interventions toward national delivery goals. The chapter then seeks to locate poor rural women's position within the wider landless population, in terms of their position within households, and in relation to their centrality to rural development. The chapter then raises the question of whether the right demand is being identified or met in relation to poor rural women within the changing context of South African land reform and concludes by briefly assessing land reform today.

Chapter 8 attempts to define women's specific land demand with a view to understanding the extent to which existing land reform initiatives are meeting the needs of women, and particularly poor rural women. The chapter proceeds from an assessment of the factors that determine both the nature and origin of land demand in rural communities, as well as the extent to which changes in the rural economy and in agricultural production have led to changes in land demand. Beginning with an assessment of the changing nature of South Africa's rural economy, including the growing isolation of rural areas from cities and towns following a recent decline in labour migrancy due to rising urban unemployment and the extension of pensions to all South Africans which have both reduced rural household income dependence on urban remittances, this chapter concludes that the resulting breakdown in traditional support networks and the particularly negative impact this had on poor rural women, together with the scarcity of reliable rural wage incomes have forced poor rural women to seek alternative ways to generate cash incomes. The authors argue that this has led to large-scale rural densification as rural people, and poor rural women in particular, migrate to rural towns and cities in search of economic opportunities, and where poor women are forced into "squatter gardening" to raise insecure crops on whatever scarce crop of land they can find.

The authors argue that this trend has produced new types of land demand, namely for residential plots with access to a small patch of productive land, and that this shift represents a "feminisation" of land demand as such demand typifies that of women, and represents a move away from the larger grazing lands in remote areas typically sought by men for livestock or field production. This trend also impacts on household production, and now, instead of field cultivation, women are cultivating small intensive gardens on their household plots, closest to home where tenure rights are strongest and theft least likely. However, loss of livestock production options – as well as child labour time to increased school attendance - also reduces available draught power and results in increasing labour burdens for poor women. Other obstacles to women's agricultural production include the rising costs of household production, including fertilisers once provided by cow dung, water and other inputs. The rising costs of water particularly are discouraging poor



households from production, and growing numbers of poor families have given up attempts to produce their own food. The authors recommend that to enable poor rural women to continue household food production, at least a small profit must be built in to project planning in order to overcome the cost-price squeeze. At the same time, there is an urgent need for the provision of effective agricultural support, including input support, transport and marketing, as well as lower water costs.

Chapter 9 examines the two state sector land redistribution programmes introduced since 1994, including the first redistribution programme that provided poor beneficiaries with a R15,000 (later R16,000) grant, and the new *Land Redistribution for Agricultural Development (LRAD) Programme*, which aims to support black emerging small to medium-scale agricultural producers on the one hand, while providing smaller grants to poor households through a food safety-net component on the other hand. The “old” redistribution programme is assessed from the perspective of the opportunities and obstacles it provided for women’s access to land and lessons for future policy development are highlighted. The new programme, LRAD, is considered in terms of its objectives, functioning, institutional and operational requirements and the opportunities and obstacles it presents for women’s access to land.

The section on the “old” redistribution programme outlines the programme’s objectives in terms of the RDP goal of transferring 30% of the country’s agricultural land to black people within five years; the pro-poor and pro-women focus of the programme as detailed in the 1997 *White Paper on South African Land Policy*, and the principles of gender equity outlined by the *Land Reform Gender Policy*. Obstacles to the programme’s efforts to promote women’s access to land are identified, including that: women often became “invisible” among beneficiary groups; no special efforts were made to target women as beneficiaries, or to ensure that this translated into their increased access to and control over land; and monitoring tools which sought to assess the gender impact merely counted the number of women beneficiaries, but did not assess the extent of their actual benefit. The gap between policy commitments to gender equity and implementation outcomes were traced to the lack of “second tier” policy tools. The authors suggest that if land reform aims to change social relations, indicators of this change should include that: women have independent control over land; the sexual division of labour is challenged and women enter non-traditional areas of production (eg. livestock farming); women are represented on structures and actively participate in public for a; inheritance practices change in favour of women; and; women are informed about land options and opportunities and press for greater autonomy and power in these areas.



The section on the new redistribution programme, LRAD, begins from the observation that the programme is reportedly working well for people and groups interested in highly capitalised agriculture who are able to meet the requirements to access the programme, and it has prominent gender targets intended to ensure full participation by rural women. The authors note that LRAD seeks to address some of the bureaucratic problems experienced under the old redistribution programme, by being more user-friendly; tapping into improved structures for inter-departmental cooperation and fostering public/ private partnerships, and that LRAD is intended to speed up delivery, and has reformulated the un-met 1994 RDP goal of redistributing 30 percent of South Africa's farmland within five years, and now aims to achieve this goal within the next 15 years. The LRAD programme provides grant finance on a matching sliding scale basis to candidate farmers.

Although this section argues that initial fears over LRAD's possible barrier's to women's participation may be misplaced, and that "in practice [LRAD] may give out money very easily to the poor and to women," it subsequently concludes that so far the programme "has addressed only those concerns in redistribution that affect the promotion of agricultural development. It has not successfully addressed questions of how to target the poor in general more effectively, and poor rural women who constitute the majority of the poor in our society, particularly". The authors point out that LRAD contains a set of specific gender targets and principles, and suggest that the obstacles to women's participation in LRAD lie not at the level of bureaucratic procedures and stipulations, but at the institutional level where women's aversion to risk and the danger of negative social reactions to their pursuit of entrepreneurial farming are the main stumbling blocks. This translates into the need for women to enter the programme with the support of a male intermediary, or not at all.

Chapter 10 sets out the major constraints to rural women living under communal tenure systems obtaining security of land access, control and use. The major challenge identified is the highly dependent nature of rural women's land rights. Land rights are tied to men – husbands, fathers or brothers – with the result that at moments of crises in women's lives such as divorce, separation or the death of a husband, women are left extremely vulnerable to eviction or loss of access to resources. A further obstacle identified is the highly patriarchal nature of the institutions that underpin communal tenure which consolidate control of land resources in male hands. The legal and policy imperatives to tenure reform are outlined, including the policy guidelines on the desired shape of tenure reform and the two draft bills. From their analysis of the policy parameters established by the DLA, the researchers conclude that there are potentially far-reaching implications for



poor rural women, with the overriding policy emphasis on the confirmation of *de facto* rights rural women. As the majority users of land in communal tenure areas, women should also be the primary beneficiaries of a legal confirmation of rights. This, combined with a paper commitment to register women's assets in their own names, provides a basis for a radical transformation in the distribution of land resources between men and women. The researchers, however, acknowledge the enormous disjuncture between policy principles and implementation outcomes and advise supporters of this radical interpretation that its adoption will need to be fought for.

The chapter then moves on to highlight the major points raised by some members of the Rural Women's Movement (RWM) in a focus group discussion on the enabling factors and blockages to rural women's secure access to land. The major findings of the Mangete case study in KwaZulu-Natal are also outlined. The researchers, drawing on the focus group discussion and the case study, conclude that there is a critical need to ensure that property records reflect women's interests in land. The legal impediments to women's access, such as marriage and inheritance laws, must also be addressed.

The researchers, moreover, conclude that change, albeit uneven, is happening in some rural districts of KwaZulu-Natal. Land access for single women no longer appears to be so contentious, but land access for married women remains a sticking point. Obtaining a deeper understanding of these processes of change underway in communities living under communal tenure arrangements is critically important to policy and implementation practice. Despite evidence of some change, the highly patriarchal nature of traditional institutions remains an obstacle for rural women and the researchers conclude that clear policy and practical intervention towards the transformation of these institutions is urgently required. The focus group and case study raise some important questions about how much resistance can be expected from individual men and social alliances of men to protect male privileges. While the researchers conclude that men are fearful of women's economic independence and are not entirely satisfied with the changes in women's land access that are occurring in some of their communities, this has to date not led to organised male resistance. The researchers, however, caution that processes of transformation underway in the countryside are and will continue to be difficult and conflictual and the challenge remains for civil society, and rural women more particularly, to bolster rural women's ability to stand up to this resistance and to support, promote and stabilise these trends.

Chapter 11 explores civil society's engagement with land reform, explaining that this engagement was initially conceptualised as a partnership with



government, but that this role has changed over time to include a more critical and strategic approach. Civil society continues to access state-led land reform programmes, while increasingly organising with and within rural social movements whose actions represent an intensification of this engagement. The PWAL research seeks to enquire whether poor rural women's interests are being served by these actions or whether their interests would be better served in different types of action.

This chapter focuses on two types of civil society engagement with the state, namely, attempts to access state-led land reform programmes and rural social movements. The authors argue that women's attempts to access state-led programmes are constrained because the programmes rely on community organisations that tend to be male dominated and neither the state's processes nor its products counter this domination. The research identifies social movements as one way in which civil society organises itself for, amongst other things, engagement with the state. It reflects through focus group interviews that men tend to dominate the leadership of rural social movements, which appears to result in agendas and objectives that neglect the land interests of women. It concludes that attention needs to be given to articulating a demand for land that meets the needs of women as individuals and as members of families, groups and communities. To enable this, women need to be able to analyse and strategise separately from men in order to articulate their specific interests in land.

Recognising that the demand-driven nature of government's land reform programme requires an effective strategy to mobilise demand that would meet the needs and interests of poor rural women, the authors imply that this could imply changes to existing services or products to better address the needs and interests of poor rural women and/ or that new products or services need to be developed to serve the women's interests. The creation and dissemination of gender sensitive information is identified as one useful strategy. It is further reflected that any attempt to meet the needs and interests of poor rural women must be based on a clear vision and framework of gender equity in land reform, matched by the implementation of effective gender strategies.

The report further argues that the current context of land reform provides appropriate conditions for the emergence of social movements. Focusing on the Tenure Security Co-ordinating Committee (TSCC) in KwaZulu-Natal as a substructure of the Landless People's Movement, as well as the Rural Women's Movement (RWM), the researchers note that while the TSCC presents itself as a gender-neutral organisation, it is obviously struggling with the concept of gender equity and its implications for the organisation. The



RWM, on the other hand, had not previously discussed the land needs and interests of women, focusing instead on issues of discrimination, violence and HIV/AIDS. Both rural social movements, however, reflect a will and potential to promote women's access to and control over land. The chapter suggests, however, that the poorest rural women are still largely excluded from and/or marginalised within these movements, for reasons which include: fears of social backlash; low self-esteem and internalised oppression; time constraints associated with the burdens of domestic and child care responsibilities; the patriarchal nature of these organisations and their leadership structures; and their failure to meet the needs and interests of the most marginalised women. A major question that rural social movements should be asking themselves is how they can serve the needs and interests of the poorest rural people, and women in particular and how they can build and sustain strong representative organisations of rural people generally, and rural women in particular.

Chapter 12 maps out the role of the private sector in land reform. It asserts that the developing role of the private sector and its importance to land reform requires an understanding of the impact of global economic developments on South African agriculture and argues that the international economy is increasingly setting the limits for what can be done with the land, and therefore for what poor rural women can gain from land reform. This chapter provides an overview of the impact of globalisation on South African agriculture in a context of the international imbalances in tariff protections, recent agricultural deregulation policies locally, and the industry's near-total exposure to unfettered global competition from lower priced producers.

The researchers argue that these conditions make it extremely difficult, if it is at all possible, for poor rural women to enter into any kind of sustainable commercial production. The only option available to poor rural women, they contend, is to access niche markets through the production of specialty crops. In this instance, poor rural women would require considerable support, beyond LRAD, which the government is currently not providing. The chapter argues that private sector partners provide possible opportunities for support through share equity schemes, joint ventures, collectives and partnerships and mentoring arrangements. It is also reported that transactions taking place in the private sector land market have already delivered far more land in connection with land reform than the government programme, which has transferred less than 2 percent of South Africa's agricultural land to the poor. The chapter examines the growing role of the private sector in land reform, and argued that there is a clear role for civil society to promote and protect the needs and interests of the rural poor and of women, in particular, since men are currently the primary beneficiaries of private sector land reform initiatives, while women have limited access to these opportunities. The



authors contend that although private sector partnership arrangements offer opportunities to both men and women to obtain skills transfer and to build a track record that can open the door to easier bank credit, it is generally more difficult for poor rural women to get access to information, resources and credit. The opportunities for women to access private sector initiatives are further limited by the seasonal or casual nature of most women farm worker's employment conditions. Furthermore, the concentration of private sector land reform initiatives among existing farm workforces - where grossly skewed power relations between farm owners and workers prevail - means that such initiatives are likely to reinforce patriarchal gender stereotypes and roles, and are thus likely to continue to exclude and/ or marginalise poor rural women.

Chapter 13 concludes by drawing out the main obstacles and opportunities for promoting women's access to and control over land in the three streams, namely, the state sector, civil society and the private sector identified by the report, including the key recommendations for addressing the obstacles and increasing the opportunities for promoting women's access to land. This is followed by a full research bibliography in *Chapter 14*, and a more detailed discussion of the research methodology employed to produce this report in the *Appendix*. A separate PWAL project, published at the end of this document, is the *Gender/ Women and Land National Bibliography*, which the PWAL Programme partners hope will contribute to the development of a wider and deeper understanding of the issues affecting women's land rights among implementers, commentators, policy makers, and other stakeholders engaged in state-led civil society and private sector land reform efforts, so that future efforts can begin to clear the obstacles and increase the opportunities for women's access to land.



CHAPTER THREE

Background and Context

The Promoting Women's Access to Land Programme

The Promoting Women's Access to Land (PWAL) Programme is a cooperative project of government and civil society organisations engaged in land reform that aims to advance the land rights of poor rural women in South Africa. The programme is led by the National Land Committee (NLC) – a national network of 10 land rights non-governmental organisations working with poor and landless communities struggling to access land reform - and the Department of Land Affairs (DLA), and is supported by various other NGOs and CBOs, including the Centre for Rural Legal Studies and the Centre for Applied Legal Studies (Wits).

The Programme partners acknowledge the numerous challenges to wide-ranging land and agrarian reform that meets the needs of the poor and landless in South Africa. Principal amongst these problems are: the market-oriented and demand-led nature of the current land reform programme; the limited budgets allocated to land reform; the weak capacity of implementing agencies (and of local government in particular); the tremendously bureaucratic and cumbersome legal and procedural requirements for land reform; the determination of economic viability as a key condition for project approval and the low, and weakening level of commitment to gender equity in land reform. We further acknowledge the generally weak state of civil society, which has substantially failed to generate a coherent alternative vision for land and agrarian reform and lacks both capacity and resources.

The Promoting Women's Access to Land Programme seeks therefore to respond to the specific problems and challenges to achieving gender equity in land and agrarian reform projects and processes.

The Programme focuses on three broad areas, namely: projects pursued within the government's land reform framework; projects and processes which are driven by different civil society actors (such as CBOs, NGOs, broad alliances, etc.) and which are underpinned by the broad objective of redistributing land to the poor and landless; and finally, land reform projects



which are not facilitated or funded by the DLA, including for example, private or joint venture projects.

The Programme begins from the observation that the South African land reform programme is not adequately meeting the needs of the poor and landless, and that the needs of women in particular continue to be neglected even within this limited land reform programme. Further, it's unclear whether land and agrarian reform projects and processes unfolding outside of the government land reform framework are addressing gender issues and bringing real benefits to poor rural women.

The Programme therefore seeks to establish a framework and method for the critical assessment of the gender approach and impact of various land and agrarian reform projects and processes, i.e. to determine what benefits these programmes offer to poor rural women? The process of reflection, analysis and sharing will contribute towards the development of "best or good practice" gender approaches and strategies to pursue in land reform projects and processes. The framework and method established through this Programme will have long-term benefits by refining gender analysis and thinking at the level of policy, strategy, project planning and implementation, as well as monitoring and evaluation systems.

The Programme is designed to create multi-level and multi-sectoral spaces within which this reflection and assessment can occur. This design feature grows from the recognition that while both government and NGOs have publicly committed themselves to promote women's interests through their work, the space and opportunity to critically reflect on whether they are meeting this objective is rarely created. As a result, the very rich gender project and field experience that exists within and across NGOs and the government has not translated into the development of appropriate policy or strengthened gender transformative implementation strategies.

The Programme has several components, including: formal research (presented here); training of planners, facilitators and community members; the facilitation of a significant number of grassroots case studies using participatory methods; and a national conference (with Southern African and global delegates) which will enable further reflection, distillation of lessons and formulation of concrete recommendations and strategies to be pursued by the different programme stakeholders.

The PWAL Programme is steered by a committee comprising representatives of the different agencies – the DLA, the NLC and various other NGOs – working in partnership through the Programme.



The Programme's Research Component

This research is the first major undertaking of the Programme and its findings establish a framework that will guide the further implementation of the Programme. The issues and themes highlighted by the research determine the types of case studies that will be selected, the focus and content of the training to be provided, and the approach taken to (the issues investigated) through the case studies.

The research brief required the researchers to identify the major gender themes or core issues which cut across diverse land reform projects and processes within the three broad streams of land and agrarian reform, viz. state-led land reform, civil society processes and private sector initiatives. The themes and issues highlighted should relate to the core achievements and successes, as well as the core problems and barriers to enabling gender equity. The issues could range from diverse influences such as attitudes and perceptions, intra-household power relations, community leadership, tools and methods, etc, and could also relate back to the policies, policy mechanisms or implementation systems of land reform projects. The researchers were specifically tasked to identify case studies in the three different land reform streams. The research aimed primarily to synthesise existing case studies, research and thinking in the sector, and to provide additional investigation in less studied areas of land and agrarian reform, with particular emphasis on civil society processes.

A conceptual workshop involving approximately thirty land reform practitioners from the DLA, the NLC and other NGOs was held in June 2001 with the primary objectives of developing a conceptual framework to guide the research focus, and identifying the major themes to be explained through the research. The two-day workshop used small group techniques to unpack, identify and justify key points of intervention for women in state, private sector and civil society land reform processes. The workshop participants subsequently identified the major points for investigation in the three different land reform streams.



Drawing on the outcomes of the conceptual workshop and discussions between the steering committee and the researchers, the Programme partners agreed that the research would focus on:

- Land redistribution, with a specific focus on the opportunities and blockages for poor rural women in the emerging Land Redistribution and Agricultural Development (LRAD) programme, and on the key lessons emerging from the redistribution programme as it has operated to date;
- Tenure reform, focusing on the acquisition, securing and use of rights under traditional authorities, highlighting implications for communal tenure reform legislation currently under development;
- Private sector processes with a view to mapping out very broadly the land reform initiatives undertaken by the sector, with a specific focus on the small grower schemes in sugarcane and forestry and aiming to identify possible points of engagement, if any, to promote poor rural women's participation and benefit; and
- Direct civil society action for land reform, with a view to developing a 'global' picture of what is happening and how poor rural women's interests are being promoted, while focusing in-depth on two or three such grassroots initiatives.

A mid-term research workshop including representatives of the DLA, NLC, various other NGOs, the private sector and communities that participated in the research process received and interrogated the preliminary research findings and identified outstanding issues for further investigation.



CHAPTER FOUR

Introduction and Conceptual Framework

This research addresses the preliminary work needed to begin intensive case studies on the opportunities and obstacles to promoting women's access to land. The report addresses land redistribution in the state sector, tenure security, popular land movements in the rural civil society sector, and private sector land reform initiatives.

The key questions posed by each research section relate to women's ability to obtain land, women's security of tenure on the land, and whether women are able to use land effectively. As stated previously, the three broad areas of the PWAL study are the state sector, the private sector and civil society. The immediate objective of this work was to develop a framework for defining the series of in-depth case studies that are expected to follow in the main phase of the PWAL Programme. That is, the purpose of the research was to explore and raise issues, not to provide final answers and closure.

The Programme defines women's access to land broadly to include not only access gained through land reform programmes and processes, but also other means of access, particularly communal access in the Tribal Authority areas of the former homelands. The Programme further recognises that tenure security is not exclusively defined by legal mechanisms, as women receiving access to land also require acceptance at ground level, and the tenure security they receive through legal provisions requires enforcement.

Both women's land access and women's tenure security are closely related to conditions for home production for men and women, and these are increasingly determined by conditions in the international agricultural market. Globalisation is destroying the market for South Africa's traditional crops, and international supply chains have come to dominate the structure of South African agricultural production. In this cold light, the international market will determine what production options exist for rural women who obtain land and succeed in maintaining their control over it.



One of the main points in this phase of the PWAL research is what Lahiff, in a new review of land reform options for South Africa for PLAAS (Lahiff, 2001) correctly defines as the neglected side of the original mission for land reform – addressing livelihoods and taking action against rural poverty. This line of approach fits in with a broadening interest among NLC affiliates in tackling livelihood and poverty issues among their regional constituencies.

Land access, therefore, needs to be looked at in the context of what it can do for the poorest and most disadvantaged rural women. That is, it is often a case of looking at what women can do with land that will improve their lives and their families' lives, and what the impact will be on rural poverty more widely. Tenure security is integral, as is the question of transforming gender roles and relations in the countryside.

The study further suggests that the private sector's future role in land reform may be of central importance in influencing the gateways that poor rural women will have to pass in future to gain access to land. It looks as if the private sector, both in relation to organised agriculture and in relation to individual farmers, is probably set to play an increasing role in government's efforts to speed up and streamline land delivery. This raises questions about the likely implications for poor rural women as recipients and beneficiaries, if they are placed in the position of having to deal with the institutions of organised capital. Both land access and land security for women may become problematic in new ways.

As it is now oriented, the PWAL Programme intends to devote future effort to determining whether in fact gender targets are being met under this new approach to land access and tenure security which DLA is adopting as a result of its review process. Research may also need to look at how women fare in relation to some of the initiatives that are being framed privately, wholly or partly outside the net of government land reform.

The Conceptual Framework

The PWAL research has been informed by a particular conception of gender and gender relations that broadly sees gender as a socially and culturally produced determinant of the relationship between men and women within a particular context. This relationship is heavily influenced by stereotyped beliefs about the kinds of behaviour considered to be appropriate to or typical of men and women. These beliefs create a value structure that defines and protects often highly unequal power relations between women and men within



households, communities and the market. These unequal power relations heavily circumscribe women's ability to gain access to the most basic resources, including land, which they need in their pursuit of a sustainable livelihood.

Gender research seeks transformative solutions to institutionalised gender inequality. The PWAL research focuses on poor rural women, as perhaps the single most disadvantaged category of women. In relation to land, gender attitudes hold the key for access to land as a scarce and valued resource and also define how women are allowed to think about and use land.

But achieving gender equity in land reform does not translate simply into treating men and women in the same way. Women's participation in land reform is hampered by the burdens of child-care and other domestic responsibilities, by threats of violence, and by discrimination in the market, and these impediments must be specifically addressed in order to effectively promote women's access to land. Notions of equity must also account for differences among women. Women are not a homogeneous social entity - they differ in class, ethnicity, religion and culture, and their experiences may also differ due to where they live, where they come from, and other factors. Not all women experience patriarchy in the same form, or in the same way.

The PWAL research seeks to highlight the barriers to rural women's land access in the full context of their specific social reality. We also seek to place our consideration of poor rural women's land needs in the wider context of the failure of land reform to meet the needs of the rural poor and landless generally. The key question this research seeks to answer is whether land reform is benefiting the poorest rural women, as the most vulnerable group with the greatest need for access to land.

The PWAL research brief states that land reform has often failed to recognise and respond to the different experiences and needs of women and men in regard to land, and therefore has brought little benefit to women. Following the initial workshop, the PWAL Programme Steering Committee further noted that women also differ in terms of their location within the household structure as wives, widows or single daughters, and expanded the brief to include specific consideration of these differences, and the impact of these differences on women's ability to obtain land in their own right, to obtain secure tenure afterwards, and to use their land to develop livelihoods and earn income for themselves and their families.

Women attempting to obtain land are held back not only by male resistance to what is seen as a threat to the patriarchal male position as controller of



resources, but also by the danger of men's direct reaction in defence of this position. This reaction can take the form of unjust land deprivation, violence, or deprivation of economic support (Ngubane 1997; Artz 1997).

The PWAL research findings highlight increasing gender role conflict between men and women, as poor women strive to gain land access and move into a more central role in land management and household production. In South Africa's countryside today, it appears to be central to women's access to land to ask to what extent men are accepting women's increasing participation in decision-making around land, and to what extent a man's resulting insecurity leads him to reject and oppose a transformed role for women. The research results suggest that increased conflict and backlash from men need not be a universal reaction. Instead, there are hopeful signs of positive and mutual change in gender roles and power relations, which offer opportunities for improved access to land for the poorest rural women.

Also central to the research is the question of how these struggles around male and female gender roles are playing out in relation to land reform and land delivery, that is, how the three streams of land reform are interacting with existing gender roles. Here some serious questions remain. Although the new initiatives from DLA represent a potential gain for women, their implementation to date appears to be class-bound, and their impact on the rural poor in general, and the poorest rural women in particular, constrained. The new models of redistribution rely heavily on the initiative of the beneficiaries themselves. Because transformation of gender roles among the poorest women appears to lag well behind such changes among rural elites, very poor women are the least likely to approach government offices and officially designated service providers. For rural beneficiaries, the routes to participation in the new models of land redistribution are developing along lines that are probably unintended by policy makers. It appears that these routes may in practice hold back poor women from involvement in the programme, in spite of a stated policy commitment to women and the poor.



CHAPTER FIVE

Methodology

In order to carry out the PWAL research brief, methods were needed which could identify shortfalls in implementation as well as good practices to be encouraged, and which would also enable valid comparison between the experiences and practices brought forward by implementers and commentators in the different provinces chosen for the study. These methods needed to be participatory, reflective, and qualitative, and would build on the findings of a desktop review of written source material.

The PWAL research brief related the overall objective of improving the poorest rural women's land access to the process aspects of implementation and practice, as the areas where research could best contribute to an improvement in results for women. The methodological approach employed was directed toward collecting qualitative process-related material on the main topics through key informant interviews with implementers and commentators, and also through in-depth participatory focus sessions with people from communities. This qualitative material was then given more perspective through the use of objective indicators. Quantitative data was taken from the DLA's Quality of Life (QOL) national quantitative database on land reform compiled by the Monitoring and Evaluation Directorate, which is an important resource for objective survey information collected from beneficiaries.

Actual methods chosen included desktop analysis of available written sources, focus sessions with community representatives on identified themes, key informant interviews which included extended case method studies for comparison, and quantitative analysis of the National Land Reform Evaluation database now lodged with the Monitoring and Evaluation Directorate to obtain comparative measures of women's access to delivery.

In addition to the formal research procedures, valuable inputs to the analysis were also obtained from the introductory conceptual workshop and the mid-term research workshop held in June and October 2001, respectively. Both workshops included participants from the DLA, the NLC and various NGOs involved in the implementation of land reform. The mid-term research workshop, in addition, included representatives from communities engaged in



the research process, as well as representatives of the private sector. The major objective of the June conceptual workshop was the development of a conceptual framework to guide the research focus, and the identification of major issues or themes to be examined through the research. The October mid-term workshop provided an opportunity for key stakeholders in the land sector to receive and critically interrogate the initial findings of the research, and to identify outstanding issues for further investigation.

Provinces to be chosen for more intensive study were identified by the PWAL Programme Steering Committee following the initial conceptual workshop. This workshop had set the parameters for the research and thus established a clear basis for identifying the provinces to form the basis of more in-depth study. For the private sector emphasis, KwaZulu-Natal, with its small grower schemes in the sugarcane industry, and the Western Cape as the province with the most available outside resources, the most private sector activity and the most effective options for market production, were selected. KwaZulu-Natal and the Northern Province were identified for in-depth study of communal tenure reform and popular land movements. State land redistribution would be examined across all three identified provinces, which was expanded to include the Free State province following the mid-term review workshop, which called for an expanded investigation of the state's new Land Redistribution for Agricultural Development (LRAD) programme.

For a more in-depth overview of the research approach and the specific research methods applied, as well as a list of interviewees and participants in focus group discussions, see the Methodology Appendix.



CHAPTER SIX

Literature Review

Editor's Note: The research brief required a literature review of written materials dealing with women and gendered aspects of land reform implementation, which findings would structure the research to follow. In accordance with the brief requirements, this analysis would cover the bibliography on women, gender and land compiled by the PWAL Programme and published with this report, as well as other relevant sources. Key references of the bibliography have not been reviewed and an analysis of literature pertaining to the civil society focus of the research is absent from this chapter.

The literature reviewed for this research argues that the opportunities and obstacles to women's access to land are inextricably tied to a web of traditional social values, attitudes and stereotypes in communities, the traditional institutions that support and enforce these values, and the policies, legislation and particular implementation strategies and practices of each of the three streams of land reform examined in this report, namely state-led land reform, private sector land reform initiatives and civil society engagements with land reform. For the purpose of this review, the social barriers and institutional factors affecting women's access to land are addressed separately, although the link between these two issues and the challenge of extending the reach of democratic local governance structures and national Constitutional imperatives inherently places reform of these factors within the ambit of those challenges which must be fundamentally addressed by state sector land reform efforts. While both private sector and civil society land reform processes must also challenge these barriers, the institutional reforms (i.e., constitutional enforcement, legal reforms and capacitation of elected local governments) needed to unblock the path to such changes are tasks of the state.

Social barriers

The underlying social attitudes blocking women's access to land have been particularly intractable, and while the literature has identified a range of issues, it has not suggested specific strategies to address them. An important challenge at the heart of the dilemma lies in the low self-esteem of many rural



women. Interviews in the Northern Province, North-West, Mpumalanga and the Western Cape often referred to rural women as timid and unwilling to challenge men's authority. The NLC (2001) notes that it is not easy to find rural women in the Northern Province involved in the provincial civil society land rights movements, and refers reluctantly to apathy on the part of many women. A frequent general observation is that few rural women are even prepared to speak in meetings, although this is reportedly changing in some areas and among some categories of women.

While promoting women's land rights requires complex processes that stretch beyond simple legal changes, such changes are an important step toward empowering women to challenge many of the social barriers they face – including the traditional restrictions on women's independent land rights. Male primogeniture, for example, is now invalid under Section 9 of the Constitution, and most of the traditional principles of land allocation are probably also constitutionally invalid. However, the courts have yet to put these principles into practice, and some have even refused to rule in cases that would establish a clear precedent for the Constitutional gender rights provisions overriding the entrenched position of traditional leadership. Instead, the courts so far have thrown the issue back to the government to settle through legislation (Mann, 2000). However, PWAL Programme interviewees point out that the higher courts do not necessarily agree on this issue, and a different precedent could still be set.

Growing evidence has emerged that men and male leaders use obstructive behaviour – including domestic violence - to resist women's attempt to participate in land reform (Ngubane, 1999; Fast, 1997; Artz, 1999), but it is argued that more investigation is needed to understand the interplay of gender and other issues (Lund, 1998). It seems clear that the extent of public representation women can mobilise varies considerably according to area and circumstances (Waldman and Ntsedi, 1997; James and Ngcobo; 1997).

Jacobs' (1999) study of land reform in Zimbabwe, conducted in villages settled prior to the controversial present fast track land resettlement programme, offers a useful comparison. In the village case studies, participation in land reform re-settlement was double-edged: women did not necessarily gain greater autonomy by joining a land reform settlement, since their husbands were living at home, still controlled land use and access and sometimes attempted to manage the women's labour time and manipulate other household resources to maximise profits. In general, land reform increased women's labour time and some felt they were treated more as labour units than prior to land reform. At the same time, however marriages often improved, since the move away from the husband's relatives increased



the woman's social autonomy and the personal respect paid to her by her husband. Men living away from their relations were also sometimes more willing to help with tasks otherwise defined as women's work. Jacobs' cautions that land reform exercises can lead to unexpected side effects at household level, which are not necessarily good or bad.

The literature also clearly demonstrates that efforts to promote women's independent and secure land rights will inherently challenge the traditional power structures that enforce gendered roles in land allocation and use. The authority of traditional leaders, other community-based governing structures, and men in general is based on their ability to allocate or withdraw rights to land access and use. It is therefore evident that the promotion of women's independent land rights represents a threat to existing power relations and will inevitably lead to conflict in certain contexts.

Institutional factors and women's access to land

In Traditional Authority districts particularly, but also on missions and many farms, rural micro-level governance institutions – *amakhosi* (chiefs), *izinduna* (headmen) and informal local committees – still exercise power and authority in spite of the election of democratic local government structures in rural areas. These institutions are, however, often on shaky ground, and some community members believe they are in danger of collapsing altogether as other institutions and the rural cash economy encroach on their traditional authority to allocate land and community membership. If women are allowed to hold land outside of the authority of such traditional leaders, their social control functions will be further undermined (Cross & Friedmann 1997). Some community members – most conservative rural men in particular - believe this could lead to the collapse of the structures and to violence.

This impasse, in all its ramifications, blocks implementation of women's land rights in most rural areas of South Africa. The South African literature on women and land rights has documented various ways that women are obstructed from exercising full control over land, and explains how this increases women's marginality and dependency. The literature has examined various aspects of this problem, including: women's lack of access to public process in their communities; their increased poverty burden; their coping mechanisms and efforts to sustain their household livelihoods; collective initiatives to access land; gender violence and other mechanisms through which men resist women's attempts at independence; and the nature and capacity of the institutional structures found in traditional communities.



Subsequent literature has sought to document the barriers to land reform delivery, focusing particularly on the impact for rural women.

State sector land reform

Poverty and livelihood approaches

Pro-poor land reform commitments made by the first post-apartheid government and a strong and increasing land reform focus on poverty and livelihoods apparently receded during the 1999-2000 moratorium on the land redistribution programme. This has led to fears that land access for the poor and for poor women in particular – with important implications for household livelihoods – will lose their priority status under the new policy framework (Turner and Ibsen, 2000). However, recent policy statements and the reference document for LRAD insist that the anti-poverty objective remains a high priority, and DLA head office officials interviewed argue that anti-poverty goals will be one of the DLA's chief responsibilities as the department redefines its future brief. The DLA's recent Quality of Life report (2000) insists strongly that poverty alleviation, rather than national productivity goals, is still at the heart of land reform.

In practice, actual delivery has often failed to impact on poverty. Mokgope (2000) discusses an Eastern Cape redistribution scheme where the commercial functioning of the scheme has collapsed, along with the irrigation. On this farm, poor women beneficiaries need special provisions - against the rules of the redistribution community - to collect natural resources such as firewood. An LAPC study of redistribution farms in the KwaZulu-Natal land reform pilot area found similarly that evicted women who had moved to the farm were unable to improve their household livelihoods by farming (Mngadi, Mbhele, Masondo and Cross, 1998). Water had not been delivered to some farms visited three years after settlement, and no agricultural activity was possible, although some beneficiary women planted crops with limited water requirements. In general, a strong reliance on natural resource harvesting – on extraction rather than production – is a sign of poverty in rural communities



(Cross, et al, 1996), and of economic failure in a land reform context. For the poorest rural women in outlying areas, it is a frequent last resort.

Recent lessons and changes

The government itself now faults its earlier procedural approach for being narrowly legalistic. It reports (Land Info, 2000, 8:1) that delivery of both land redistribution and restitution has sped up due to a new preference for negotiations over attempts to map out the respective legal and moral rights of the parties and then award an administrative solution.

At the same time, difficulties of getting legal approaches to work based on the recognition of existing informal rights have become clear in the last three years. Consensus decision-making mechanisms in weakly structured beneficiary groups face similar problems. The current emphasis of the new Land Redistribution for Agricultural Development (LRAD) programme on individuals and very small groups emerges from the problems encountered in large beneficiary groups. Both established communities and new ad hoc beneficiary groups tended to encounter conflict when faced with difficult and time-consuming formal decision processes required under the previous redistribution programme. In an interview, TRAC North-West described the history of the Goedevonden restitution case, illustrating how well-intended delivery processes can break down into chaotic outcomes once legitimate local institutions lose control over the settlement process.

The Quality of Life study data on land reform delivery

Against this background, we examined the DLA's 2000 Quality of Life report, a large survey providing recent statistics on the progress of state sector land reform - including gender indicators – gathered in 1999, prior to the moratorium and the introduction of LRAD. Interviews suggest that the poor results reported in this study were one of the reasons for the moratorium. Poor results in a gender context are another possible contributing factor. Apart from the official results, we have done some further work on the database, and this may qualify some of the earlier findings.

The QOL report notes that central factors for assessing land reform success include the five indicators identified by the DLA's Monitoring & Evaluation Directorate, namely: food security, access to services, local institutions, targeting vs exclusion, and the role of agriculture. In this list, food security, which is normally defined as available, affordable food, stands in for household or personal income as a measure of the economic difference land



reform has made to the household. Very little gender analysis was initially done in the official data evaluation, but since that is the focus of this research, this section briefly sketches the general findings of the study and then elaborates on the gender findings of our own additional work extracted from the data.

The general findings of the survey include the following:

- Seventy-seven percent of households surveyed were redistribution beneficiaries;
- Land reform beneficiaries tended to have better access to services than African rural households in general;
- Production levels remained low, with less than ten percent using their land for agriculture and many not using their land at all;
- Nearly three quarters of the individual plots were being used mainly for residential purposes. Sixteen percent were vacant or fallow, and 8 percent were being planted with crops;
- Only 9 percent of community plots were under cultivation, about a quarter were used for grazing, another quarter were vacant or fallow, and 6 percent were under residential use;
- More than 80 percent of beneficiaries had signed on with the expectation that they would be able to plant crops and generate an income, but only 22 percent said they had managed to do this. The QOL report refers to "missed opportunities for income generation";
- Nearly 80 percent of beneficiary households were categorised as poor, and nearly half as 'ultra poor'; and
- Despite an average 1.4 community projects per land reform project, none of the projects in the North-West or KwaZulu-Natal produced any income at all. Nationally, half were generating an income, though few were making a profit.



Such dismal findings confirm the widely held view that land reform cannot provide measurable benefits to the rural poor without other forms of support, confirming the NLC's (2001) criticism of the lack of appropriate planning and absence of aftercare support for land reform projects. It also recalls Mokgope's (2000) observations about the collapse of production on land reform farms, and the need for poor women beneficiaries who actually moved onto the farms to rely heavily on collecting natural resources rather than organised production.

Turning to gender, the study found that:

- Women household heads had fewer and smaller plots of land than male heads;
- Women heads were less likely than men to use their land for crop production; and
- Poverty levels, were not however, very different for men and women headed households, respectively – suggesting that women were engaged in non-agricultural income generation efforts.

For additional gender analysis, we disaggregated the data by heads of household, income level, and province, and further separated beneficiaries according to their position within the household. This appears to be quite a strong factor in a number of processes. Our analysis according to these categories revealed the following breakdown among the land reform beneficiaries surveyed for the DLA's QOL study:

- 22 percent of beneficiaries surveyed were women heads of household;
- 42 percent of beneficiaries surveyed were male heads of household;
- 20 percent of beneficiaries were wives of heads of household participating with their husbands;
- 4 percent of beneficiaries were wives of heads of household and sole beneficiaries;
- 2 percent of beneficiaries were other women in the household;

These findings include a better showing for women as beneficiaries in their own right than the 11 percent that the DLA reported to the PWAL



researchers. In addition, the overall share of women as beneficiaries, at roughly 45 percent of the total, suggest that land reform has not been excluding women as badly as was sometimes feared. However, women's participation in community income-generation projects was less encouraging:

- Only 17 percent of project participants were single female heads of household;
- At 51 percent of project participants, men dominate such projects;
- Married women who were sole beneficiaries comprised 6 percent of participants;
- Overall, 43 percent of women household heads participated in projects; and
- A greater portion (68 percent) of male household heads participated in projects.

This finding supports the assessment of general difficulties reportedly blocking rural women from penetrating male-structured institutions. However, it is also clear that women heads of household are not entirely excluded from project participation. Nevertheless, similar constraints were evidenced in relation to access to land, as follows:

- 48 percent of plots held by women were communal plots obtained with their grant;
- In contrast, 68 percent of plots held by men were obtained in this manner;
- 10 percent of plots held by women were individual plots obtained with their grant; and
- Only 8 percent of plots held by men were individual plots obtained in this manner.

From this data, it appears that women were less likely to have the usual kind of plot held in land reform projects, and more likely to have obtained plots in some other way – by PTO, as community garden plots, through purchase or inheritance, or in some other way. It is not clear whether women are using other routes to compensate for reduced access to the usual kind of plot, or



whether women are hanging on more strongly to plots they had already obtained through routes other than land reform.

Among beneficiaries engaged in agricultural production, women were slightly more likely to rely on rain-fed cultivation than men, and noticeably more likely to have hand irrigation only, if they had any. Men were considerably more likely to have some form of technical irrigation. Access to irrigation varied directly with income, with the rain-fed alternative at the bottom and the technical irrigation associated with higher incomes. Since most land reform farms rely on irrigation, this factor alone puts women household heads at a considerable disadvantage in agricultural production. This helps to explain the DLA finding that women make less agricultural use of land than male household heads. It also raises questions about women's access to decision-making on large projects.

A similar pattern emerged in relation to the type of economic activities that women pursued. Women household heads strongly tended to cultivate field crops, a domestically familiar but usually unprofitable activity. This points to the common exclusion of women heads of household from carrying on highly visible, profit-making land use activities in rural communities to avoid the risk of a hostile backlash from men. Men were involved with activities such as poultry, dairying, orchards or vineyards – the most common single category. However, such profit-making land use activities were not common for either gender surveyed.

While women's representation in land reform clearly still needs improvement, this was not drastically below gender parity at the time of the survey. However, women's conditions of involvement once they become beneficiaries leave a lot to be desired in terms of land access, access to water for farming, and participation in economic activities. Part of the problem appears likely to be institutional, since women do not involve themselves in project activity as often if they have no partner to join with them. This obstruction may also play a role in determining access to other resources – including irrigation water – women need in order to undertake economic activity and make effective use of the land they receive.

These findings suggest that weak female participation is being reproduced beyond the level of becoming a land reform beneficiary, with social and institutional blockages affecting women's access to the resources needed to engage in production once they are involved in a land reform project.



Private sector land reform initiatives

The literature available on private sector land reform in South Africa is still limited, except for the some literature on reported cases in the Western Cape, where gender-related tensions around participation are evident. Eckert, Hammann and Lombard (1996) argue that share equity schemes are able to redistribute wealth effectively, and also boost agricultural results. Agricultural economists, Kirsten (2000) and Lyne (2000) argue that the private sector is better suited to efficient land reform delivery than the government, due to the nature of government bureaucracy and the lack of effective incentives for efficient delivery. Lyne in particular argues that the private sector has been more effective in terms of total land redistributed, and that share equity schemes are a very good mechanism for bringing the poor directly into relations of production without requiring them to undertake unrealistic obligations.

However, SPP (1999) argues that many farmers attempting share equity schemes do so because the farm is already near insolvency and they need to get their money out. The SPP also notes that farm workers on profitable farms may not be effectively empowered, perhaps because they are unable to purchase sufficient shares to give them a real voice. In such cases, workers do not become owners in any real sense, but nevertheless assume far greater obligations and risk losing their grants if badly run share equity farms collapse, perhaps exposing them to legal action without returning any lasting benefit to them.

There is currently no provision to ensure farms bought on share equity plans will be well run, or able to withstand rapidly changing conditions in the international market or the collapse of traditional South African export crops. Little, if any, of the published debate about share equity schemes and other private sector initiatives displays any concern for the interests of women in the process.



CHAPTER SEVEN

Changes in Land Reform

Editor's Note: This chapter begins to reveal some of the differences and tensions between the PWAL partners, as echoed between the researchers who compiled this report. Particularly highlighted in this section, and repeated in Chapters 9 and 12, is a disjuncture in the analysis of the new LRAD programme and the role of the private sector, respectively. Specifically, the LRAD analysis contained here and in Chapter 9 proceeds from an assumption that the problems experienced in the previous redistribution programme could not have been addressed through changes to that programme and that they will be addressed by LRAD. A particular analytical gap lies in the omission of the reason that the old programme led to the predominance of large group projects. In the view of the editors, this was due to the gap between the size of the R16,000 grant and the price of a typical farm under current restrictions on farm sub-division. These restrictions remain in place under LRAD and the R20,000 grant size available to the poor does not close the gap toward individual farm purchases, suggesting that poor individuals will still be forced to pool their grants if they wish to purchase a farm. The author assumes that the food safety net component will involve small household gardens (inherently excluding the purchase of extra land), but does not analyse the implications of this for women, or for poor rural women in particular. Further, in discussions of the prospective shift in land reform responsibilities from the state to the private sector, the author rather uncritically accepts that this is a positive trend, provided that anti-poverty efforts by the state address the needs of poor women, without critically examining the long-term impacts of such a shift for women's access to the agriculture sector or the formal rural economy. Other conceptual tensions revealed by this chapter in respect of gender analysis, the conflation of gender and women, and the institutional obstacles to the translation of policy objectives into practical implementation, and the role of civil society and its relationship to the state are too numerous to mention in detail here.

The land reform programme adopted in 1994 was based on the principles and values of the Reconstruction and Development Programme (RDP). These



were consolidated with the adoption of the Constitution in 1996. The DLA initially focused its land reform programme on the redress of the apartheid legacy of land dispossession, the alleviation of poverty and the improvement of household welfare. From the outset, there was a clear need for a gender perspective in land reform policy, especially since the majority of the country's landless are poor black women.

Changes have subsequently emerged both from within the DLA, as a result of its internal reassessment, and in keeping with the government's Growth, Employment and Redistribution (Gear) strategy, South Africa's structural adjustment programme. Through the Department of Land Affairs, the government suspended the land redistribution programme in 1999 and 2000 to allow for an intensive review of its role in land delivery. The parameters of this review were defined by the government's search for economic efficiency, a central focus of the Gear strategy. This led to changes centred on the decentralisation of land reform delivery, an emphasis on increasing the speed of delivery, and a greater stress on market production. A major new goal emerging from the review was the development of an African commercial farming class able to compete with the country's historically white agriculture sector.

Past efforts to deliver land to large groups had proved slow and unwieldy, yielding little improvement in women's land access and women's subsequent land security. The previous land reform model was based on complex transfers of land to fairly large, self-organised beneficiary groups who had access to service organisations and/ or non-governmental organisations (NGO's). This collective-oriented approach is changing toward one based on public/private partnerships, profit-making private sector delivery, and individual initiative. The new programme includes a food safety net component directed toward the poor, but this side of the undertaking has not moved forward as far as the market-driven option for emerging commercial farmers.

The new programme which aims to achieve this goal – the Land Redistribution for Agricultural Development (LRAD) programme – involves a wider array of role players than the old programme, including not only the DLA, but also the Land Bank and the Land Reform Credit Facility. The Land Bank, as the institution overseeing much of the administration and support of the profit-making end of land reform, and the Land Reform Credit Facility have become central institutions in this new programme. Numerous private sector actors, including organised agriculture, are now also involved, and these private sector initiatives seem to be increasing.



Proposals for tenure reform in the former homelands have also been reconsidered partly in the light of the demands of market production for small to medium farm operations, but these are also faced with the complexity of the role and accountability of traditional leaders and traditional structures. Perhaps the major stumbling block to tenure reform is the implicit conflict between traditional prerogatives and the Constitutional rights of rural women. These conflicts are critical to women's access and control over land.

Against the backdrop of slow delivery in land reform, new role players have entered the stage. Private actors are gaining prominence in land reform, and initiating programmes and projects independently of the government. At the same time, the government appears to be devolving some of its land reform functions to the private sector. If this trend continues, it will be increasingly important for civil society to engage with the private sector, while maintaining a close watch to ensure that the principles of gender equity are not undermined. The role that civil society can play in such initiatives is not yet clear, but the sector will inevitably need to develop approaches and strategies to engage with private sector programmes to protect the rights and interests of its poor rural constituents.

The entry of the private sector into land reform also has important structural implications for the DLA. If this trend continues, the DLA's responsibilities for land reform could be repackaged to include a more limited focus on the poverty component of LRAD (while still providing leadership of the land delivery process) along with tenure initiatives and the completion of the restitution programme. An alternative path could see a redefinition of the DLA as a smaller funding agency with a monitoring and oversight brief, with most of the operational responsibilities for land reform undertaken by various private sector initiatives.

In other words, if the DLA fails to engage effectively with the private sector initiatives, it may lose control of redistribution altogether as private sector role players bring their resources to bear. In that event, it is unclear how the land interests of poor rural women would be protected and advanced, especially since the emerging evidence indicates that men are the primary beneficiaries of private sector land reform initiatives, which appear to simply reproduce existing skewed power relations on farms – their main site of operation.

Defining land reform in relation to women



Conceptualising women's relationship to land is central to guiding an effective land reform programme. The important questions are: "what should land reform do for women?" and "what are we thinking of when we talk about women getting land?" Land has multiple values for the rural sector and for women in particular. In this regard, it is important to develop a strategy that would serve the needs and interests of both constituencies in a way that would prevent the needs and interests of one group (usually those of women) being subsumed and subsequently excluded or marginalised in favour of meeting the needs and interests of the larger constituency. In rural communities, access to land and control over the use of land creates personal autonomy and raises the status of the individual, both within the household and within the wider community.

In the former homelands which comprise the 13% of land reserved for African occupation by colonial and apartheid policies, access and use rights to land are largely confined to male heads of households. Women's access to land and control over the use of land has largely (although not exclusively) been mediated through their relationship to a male household head, whether a husband, brother, son or other male relative. The predominantly male right to direct land allocation also coincides with and defines a wider set of primary rights within the community. Only male heads of household who have been formally allocated land rights hold full citizenship rights within their communities, including the right to build a house, plant a crop, control their productive earnings from the land, access public resources and participate in public debates. Women's secondary rights to land similarly correspond to secondary rights in respect of other community activities, rendering them as subjects, or minors, both within their households and within the wider community, as dependents of the formal rights holder. A similar dichotomy exists within other rural settlements, including missions, informal settlements and the former 'black spots', where tenure and other rights are mediated through the landowner.

Rural women have begun to struggle for and assert their rights to land over the past 30-40 years, largely as part of the struggle against apartheid and the institutions of the former homelands created by that system. The results of this struggle have been slow to emerge, however, largely due to the reluctance of men to accept the informal and legislative changes which have provided the space for the allocation of land rights to women because this would also result in women gaining autonomy and independent citizenship rights, thus reducing male power within the household and the community.

A similar citizen and subject duality prevails on the white commercial farms where white and black relationships to the land, to the productive enterprise,



and as a result to the wider array of rights that comprise full citizenship were decreed by apartheid land laws. Farm workers and labour tenants typically do not have independent land rights, and their access to and use of land is mediated by their employment relationship with the farmer, and dependent on the farmer's goodwill, without which they could be summarily evicted. Post-apartheid legislation, including the *Land Reform (Labour Tenants) Act of 1995* and the *Extension of Security of Tenure Act of 1997* have attempted to strengthen the occupation and use rights of farm dwellers, but many farmers have resisted these moves for the same reason that Tribal Authorities and men have resisted efforts to expand women's rights to land: it is the right to land which largely determines the unequal power relationship between men and women, and between farmer and farm worker. Recent conflict between farmers and farm workers has revolved around attempts to reduce the farmers' power to evict farm dwellers, a power that lies at the heart of the farm dwellers' conditional relationship to the land, and thus at the heart of the farmers' power. These conflicts have also increased the impetus for the casualisation of farm labour – a trend that disproportionately affects women farm dwellers (whose relationship to the land on farms is usually mediated a second time through their relationship to the male household head).

While the challenges to promoting women's access to land centre largely on these local (community) and micro (household) level power relationships, the government land reform programmes have tended to prioritise national-level delivery goals over household level anti-poverty interventions and social processes to meet these challenges. Increasingly, following the recent policy changes, the government has concentrated its efforts on attempts to increase the contribution of agriculture to national production (GDP) goals, and thus de-emphasised the processes needed to redistribute national income and assets (including land) in favour of the poor, and to restructure the power relationships which govern access to and control over resources at the level of the community, farm and household. Although the recent policy review process in the DLA, with its focus on increasing production, also provides for anti-poverty measures, these have not advanced at the pace of the central objective, and questions remain about whether these goals are compatible and mutually supportive, and also about whether poor rural women will benefit from the national production focus.

The majority of the country's landless population are poor rural women, so an effective land reform programme must recognise the centrality of women's needs and interests. The former homelands comprise predominantly women-headed households, and irrespective of household type, women bear the additional burdens of domestic and reproductive responsibilities. The national unemployment crisis has increased the role of women in household livelihood



generation as men's earning power has declined. As a result, both national and household level objectives depend on the improvement of women's access to and control over resources, including land.

Currently, however, women are carrying these burdens without either the necessary physical or social resources. If women's access to and control over land can be increased through land reform, and if this can be supported to become an effective anti-poverty asset for poor rural women in particular, then rural development can begin to occur from the bottom up.

The PLAAS policy paper suggests that the government should mount and administer a sweeping, 'vast' land reform settlement initiative in the rural sector, aimed at a total transformation of rural land relations to redress the effects of apartheid. In the context of the rural countryside today, PWAL interviews and the literature review cast doubt on whether this kind of reform, once widely demanded, is possible or desirable in light of the nature of land demand and the household support options open to rural women now. Except in specific narrow sectors, land development and production options are likely to be intensive, and will involve smaller parcels of land that have either production or location advantage, and preferably both.

In the context of the recent changes in South African land reform, the central question may be whether the right demand is being identified or met in relation to poor rural women and their needs. Critically, land reform delivery needs to be much better targeted and supported. Vast areas as an end in themselves would be pointless and unsustainable, and the government's present target of redistributing thirty percent of the land over a fifteen-year period is a more sustainable approach. However, the decentralised and partially-privatised land reform through which it plans to meet this goal risks further neglecting women, in spite of the nominal priority given to empowering women through the new programme.

The rural economy has changed significantly since the time of colonial land dispossession. Modern complexities of farm management, finance and technology, together with the need to reach competitive markets make partnership arrangements with the private sector an important option for improving rural land relations for women and the poor. Such arrangements are also important to realising the government's goals of ensuring that its expenditure produces economic results, in keeping with Gear. DLA's new initiative, LRAD, will be central to meeting this new imperative for land reform. As in the previous programme however, there are still doubts about LRAD's ability to meet its strongly stated goals of gender advancement. Few women currently have either the economic or social resources needed to benefit from



profit-making land reform, and the success of LRAD's food safety-net provisions remains uncertain.

Moves to introduce tenure reform in the former homelands – and to improve tenure security for farm dwellers – are also part of the government's new focus, but uncertainties and disagreements were unresolved at the recent Land Tenure Conference in Durban in November 2001. Lack of secure tenure is probably constraining applications for LRAD from the former homelands and farms, and women's position remains particularly insecure pending the outcome of the intractable struggle over the roles, powers and functions of traditional leaders.

Locating land reform in a time of change

Where does land reform stand today? Until very recently the atmosphere both in and outside the DLA has been marked by slowdown and uncertainty, with several PWAL interviewees describing the situation as one of "paralysis". There now appears to be a new land reform order coming into place as a result of the DLA's recent moratorium and internal policy review. On the other hand, civil society has responded with land occupations. We need to consider where land reform is located now, where women are, and where civil society is placed in relation to both old and new land reform initiatives.

The international literature argues that land reform activities by the private sector – sparked by, but not limited to national land reform programmes – usually generate more land transfers than official state-led redistribution (de Janvry, 1989). South Africa appears to be no exception (Lyne, 2001). The possibility exists that the government's role in land reform will increasingly shift to the private sector, which faces fewer constraints. The extent to which the government is planning for such a shift is one of the questions facing future PWAL research.

Recent critiques of land reform that offer a starting point include Cheryl Walker's (2000) excellent work, which is discussed below, the PLAAS policy briefing paper (Lahiff 2001) and the review from Turner & Ibsen (2000). The DLA has also sought to evaluate the impact of its programmes, with a series of Quality of Life surveys (May, et al, 2000, 2001) beginning in 1998.

Lahiff's paper discusses the failures and shortcoming of land reform delivery up to the final quarter of 2001. He argues that the tenure reform programme has had little impact, describing the tenure situation in the former homelands



as 'chaotic', and says that ESTA has produced wide gaps between its intended outcomes of greater tenure security, and its actual outcomes of promoting evictions and dispossessions. Turning to restitution, Lahiff notes that progress has been very slow, that most resolved cases are urban and not rural, while the bulk of the claimants are rural. Lahiff estimates that it will take 150 years to resolve the remaining restitution claims if budgetary allocations remain static.

Lahiff also criticises the old redistribution programme in detail, particularly arguing that: inexperienced officials inadvertently created long delays that lead to sellers losing interest; reliance on landowners to determine what land was available when, and at what price; poor coordination with provincial departments of agriculture, resulting in poorly designed projects and lack of aftercare; cumbersome approval mechanisms requiring Ministerial approval; and imposition of inappropriate business plans on poor communities worked together to deliver poor results. In addition, Lahiff notes that the moratorium on land delivery from late 1999, caused by the review of previous policies led to a loss of momentum, and a reduced budget allocation for redistribution. He also criticises LRAD for not ensuring that women and the very poor will be able to participate, for its bias toward commercial agriculture, and for leaving the design of projects in the hands of private consultants. He does not believe that it will meet the needs of rural land redistribution.

Criticism of over-bureaucratic and unresponsive delivery systems has echoed widely particularly across civil society, but also among private and academic commentators (Kirsten, 2001). The National Land Committee has criticised the DLA for, among other problems, weak planning and lack of aftercare, which have undercut production options and even resulted in beneficiaries being ejected from farms they have obtained through land reform (samaYende in Mail & Guardian, 12 October 2001). The NLC has also particularly criticised the shift in redistribution resources away from the rural poor expected under LRAD.

Despite the apparent rift between the DLA's new policies and focus on individual access to land reform on the one hand, and civil society's critical focus and work with communities on the other, opportunities for joint efforts between the government and civil society continue to exist. One common focus lies in the need to promote poor rural women's access to land. It is now becoming increasingly clear that much or most of rural development depends on women gaining greater access to and control over resources, and both government and civil society clearly see the central importance of getting women into land reform on an effective basis. What is lacking is clarity on how this is to be done.



CHAPTER EIGHT

Defining Women's Land Demand

Locating work: migrancy and household support

South Africa's rural economy is today less integrated with the major cities than during the height of labour migrancy in the early 1980s. Severe unemployment and the introduction of government pensions to Africans in the 1990s have displaced the reliance of poor rural households on remittances from their urban family members. At R540, a monthly pension cannot ensure the livelihood of a rural household, but it is an important contributor to limited household cash incomes.

Growing numbers of poor rural women live with their parents and rely on their parents' pension income, but poverty research for the International Food Policy Research Institute (Cross, Mngadi and Mbhele, 1999) suggests that it has become increasingly difficult for poor rural women supporting children with no employed husband to find anyone willing to contribute to the support of their households on a regular and reliable basis. While brothers once routinely supported the fatherless children of their sisters, this support may now be only sporadic, and confined to domestic emergencies. Poor rural women are unlikely to secure regular support from anyone except their parents, and particularly their mothers.

The breakdown in the traditional extended family support network means that poor rural women now face the imperative to either earn an income or grow food to prevent their children from starving, especially in the absence of effective and widespread distribution of the child support grants. In such situations, women often try to cultivate crops, but are frequently frustrated by lack of access to land, and particularly by lack of access to sufficient land to grow an adequate crop. In case where women are able to access land, they are sometimes able to sell some of their produce to generate a cash income to sustain their households. For the poorest rural women who lack sufficient resources to purchase inputs, extra physical labour is required to generate this income.

At the same time, growing urban unemployment has increased job competition, with low-skilled rural labour migrants poorly placed compared to



better-skilled and connected urban workers. This has reduced the role of urban remittances to rural households to as low as 20 percent of household income in the 1990s (May, Carter and Posel 1995), with less than half of urban households now benefiting from any such remittances.

Households without a reliable cash income face severe poverty risks, but rural wage incomes are still largely reliant on insecure and exploitative farm employment with extremely low wages. Without such wages, however, the poorest households, in which poor rural women predominate, must seek other ways to generate cash income.

Foot prints: rural families moving on

The result of these declining urban remittances has been the growing isolation of the rural economy. With fewer rural people working in town, rural /urban exchanges have been undermined, and communication is breaking off. Fewer families in rural districts now have anyone with the experience of migrant labour that could enable the household to find a place in the major cities.

The next result of this isolation has been for rural people to try to improve their access to wage earning and urban resources by moving closer to jobs and services. This has led to large-scale rural densification taking place around small towns and secondary cities in the countryside.

Wide belts of informal settlement have developed around these rural centres. Many of these towns are struggling to sustain new delivery needs, and some have lost important shares of their tax base through out-migration of economic elites. However, research in the four coastal provinces suggests that in most cases, incomes of rural families living in informal settlements around small rural towns or cities are still higher than those of families remaining in remote rural areas. The income differentials feed continuing migration from outlying rural areas toward rural towns, creating demographic hot spots around the destination areas.

Poor rural women with families often gravitate to these rural informal settlements because they offer better access to opportunities to earn cash income, and because governing committees are usually more sympathetic to women's circumstances than traditional leaders, and more willing to allocate sites. However, when rural women make the decision to move closer to an urban settlement, they tend to lose access to land. These dense settlements



usually have little available land for non-residential uses, and what little is available does not go to the poorest women. Many women in this situation resort to squatter gardening, raising an insecure crop on whatever unused patch of land they can find. Since these dense rural settlements on the edges of towns offer good opportunities for cash crop production, women's lack of secure land rights in such situations often wastes a good opportunity.

Preferences: what women and men want from the land

Against this backdrop of voluntary peri-urban migration and population densification, new, mainly residential land use demands have emerged within the densifying rural settlements.

Apart from cases in which families or communities are trying to reclaim land from which they were removed and redistribution cases in which people are trying to enter commercial agriculture, the land demand among most rural families is for a small plot of land near an urban or peri-urban centre. These plots must be small, because the destination areas are crowded and institutionally turbulent, and individual households cannot usually access or defend large plots.

At the same time, families settling around rural towns normally want some form of production option to ensure household food security and/or to help generate cash income. Demand for access to peri-urban residential land that includes land for a manageable garden reflects the needs of women particularly in relation to the contemporary rural economy, due both to their central role in supporting the households and the challenges posed by rural isolation and declining urban wage remittances.

Middleton's important article on Merino Walk (1997) notes the differences between men and women's preferences in relation to land access. In this study, men tended to opt for larger landholdings of a size sufficient to support extensive cultivation and stock grazing, but which could also be converted into a resource for settling relatives and connections to create local patronage. This kind of holding is usually found in outlying rural areas, and requires strong institutional standing to defend.

In contrast, women preferred smaller holdings located near transport routes and/or urban settlements. This kind of settlement option gives better access to infrastructure and services, which minimises the labour time and transport costs required to obtain basic resources such as water and energy, as well as



health care and access to schools. However, these smaller holdings provide future settlement opportunities only for the family's own children, if for anyone. These relatively small plots usually do not fall under the authority of traditional institutions. It is these small-holdings in areas close to towns and not governed by conservative rural institutions that probably carry the lowest risks of dispossession for women land holders.

These findings present a particular challenge for land reform policy-makers and implementers rooted in the difficulty of delivering land to poor rural women which both provides a viable production option and is located on the kind of land they want.

In this light, the growing trend for rural families to reject relatively larger inherited landholdings and to move instead into dense areas close to towns and cities represents a feminisation of the land system in the countryside. That is, movement into crowded destination areas reflects women's priorities winning out in domestic discussions of whether to move and where to settle. Underneath this trend is women's increasing role in supporting the household, which is giving women a stronger voice.

Household production: how cultivation is changing

These fundamental changes working their way through the rural economy also affect production systems, and undermine the old land economy of extensive crop production and stock raising. In its place is developing a squeezed and compressed form of intensive production, based on small quantities of higher-value garden crops instead of staple maize production in larger fields.

The separation of production land from residential land, which grew out of the traditional tenure system, has largely disappeared. Instead of field cultivation, women are cultivating small intensive gardens on their household plots, closest to home where tenure rights are strongest and theft least likely. Formally allocated "betterment" fields have been abandoned in many areas as poorly located and unproductive (see Andrew 1992 for documentation of this trend in the former Transkei). In many areas of the interior and particularly in the North-West province, there is reportedly very little field agriculture surviving, and field cropping is also under pressure in the coastal provinces.



There are several reasons for the trend to compress and intensify household cultivation, most of which actually result in increasing the labour burden for poor women. Loss of livestock production options through stock theft subtracts draught power from the household, reducing the cultivated area to that which can be worked with a hand hoe. Near-universal schooling has reduced children's labour time, leaving women bearing almost the entire labour burden of family food production, along with their responsibilities with child raising, collecting water and firewood, other household reproduction duties, and income generation activities. Further obstacles to women's productive land use lie in the costs and risks associated with household production. In poor families, it tends to fall to women to raise the cash income needed to purchase inputs for their own cropping operations.

Household production capacity today

Historically, rural households owned livestock that provided both household ploughing capacity and fertiliser in the form of cow manure. This is no longer the case, and commercial substitutes have to be purchased.

Since relatively few families now own ploughing oxen, most households cultivating larger plots now rely on tractors. Tractor ploughing for one medium sized field can cost more than R400. The costs of commercial chemical fertilisers are prohibitively high for field cropping aimed at the traditional goal of household food security. Without fertiliser, large fields are easily exhausted and become worn out, with very low yields. Abandonment follows easily, in favour of gardens that can be fertilised with household rubbish or small amounts of chemicals.

But the most difficult obstacle is water – rivers have dried up, and experienced agriculturalists insist that rainfall patterns have changed. In most parts of South Africa, and even in the coastal provinces, it's no longer possible to rely on rain-fed agriculture.

This means that some kind of irrigation is required. Poor rural households cannot afford wells or irrigation equipment, so they use household waste water for hand irrigation, or tap water delivered through low-tech furrow systems or plastic pipes. Drinking water used on fields has to be purchased, and recent interviews in the Northern Province (ECI, 2001) document how households are dropping out of food security cultivation due to the unaffordable costs of using delivered water for irrigation purposes. In spite of an expressed commitment to making water resources available to small rural



farmers (DWAF, 1995), the Department of Water Affairs and Forestry has made no plans for household irrigation demands when it delivers community water supplies, though there is often extra water capacity that could be applied to meet cultivation needs.

This policy means that it is usually too expensive for a poor family to irrigate an entire field, and growing staple bulk crops like maize is no longer worth the costs. This provides further impetus to shrinking household cultivation plots and the shift toward higher-value vegetables. This major shift impacts directly on land reform demand, moves land use further from the extensive landholding patterns favoured by men and brings cultivation conditions in the rural areas closer to what women prioritise.

The cost-price squeeze for cultivating families

The rising costs of household production inputs, including ploughing, fertiliser and water, have dramatically shifted the cost structure and risk profile of household food production. Many rural households, especially in the poorest provinces such as the Eastern Cape and Northern Province, have been forced to abandon food production, and many others face the danger of the same outcome. Many poor women respondents in these provinces bitterly lamented losing their cultivation option due to rising costs and falling wage incomes.

Poor families chose to cease food production because they face a cost-price squeeze, in which the costs of production are not matched by rising returns to household income. The higher the input costs, the higher the unsecured risk to the household, because a crop failure now represents not only lost labour time, but also the loss of production cost investments, which can average between R1000-R1500 for a family that may have no other cash income save a pension. Increasing numbers of poor rural households give up because they can no longer afford this risk. This risk is particularly harmful to poor women, who have no means of making up the shortfall unless they raise a cash crop, without which they may be forced out of production.

The effects of this cost-price squeeze on household food production has important implications for land reform targeting poor rural women. Unless women have working husbands who are willing to subsidise household food production, poor women need to generate sufficient income from one year's crop to continue production the following year. If they must also meet the costs of household reproduction activities from their production income, many



women may be unable to use the land they get through land reform, and find it more economical to purchase food from supermarkets in the nearest town.

Thus to enable poor rural women to continue household food production, at least a small profit must be built into project planning to overcome the cost-price squeeze. At the same time, there is an urgent need for the provision of effective agricultural support, including input support, transport and marketing, as well as lower water costs.

These changes to the rural economy and household food production options make it important to ask the following: what is South African land reform delivering? Is what's being supplied really what women want and need? Are we making the right assumptions, just because so many women say they need land? Under what conditions do they need it, and for what exactly?

What the changes in the household production economy tell us is that crop production is no longer economic for many households in rural areas, and is particularly threatened for women heads of household with no wage income. Some serious choices face poor rural women producers and their supporters in civil society.

Possible outcomes include that:

- Government will subsidise some of the input costs (it must be noted, however, that DWAF has done little or nothing to make affordable irrigation water available to rural households to grow crops, and instead seems to try to discourage people from using the piped water they do have);
- Models for household farming will be developed that allow rural women to make the small profit necessary to keep going and even expand; land reform and particularly LRAD can play a major role here;
- Nothing will be done to help, and the new costs and risks of small-scale household production will continue to force women out of production, reducing their food security and leaving them without any recourse if they lose their cash income.
- The first two are good possibilities, while the third is alarming. However the problem is addressed, it is clear that land is not all that must be delivered. Land access and secure land tenure are only the beginning, after which attention must be paid to improving the security of the production process itself for the rural women who rely on it.



In terms of women's power within the household, mere household food production for consumption is not as useful as the ability to generate cash income. While subsistence production helps to feed the family and provides an economic fallback option when other income options fail, cash generation is first prize. Such cash income can often mean the difference between sending the children to school or being unable to pay school fees. Many women on KwaZulu-Natal's North Coast told us that their crop earning was all that was keeping their children in school once their husbands were unemployed. All of these factors, from poverty and livelihoods to the factors promoting population migration and undercutting food security impact on the shape of women's land demand.

Women and men as farmers

Once they have access to land, women and men appear to take distinctly different gendered approaches to farming. Women plant their land more often than men, and worry more about household and human resources for cultivation, including money, labour and technical advice. Men show more concern over physical resources such as equipment and the land itself. Case studies suggest that men's approaches to farming are usually entrepreneurial and profit-driven, while women are cautious and conservative.

This trend has been widely observed in Africa, where married men and women often farm separately, and for different objectives (Bryceson, 1995). Men risked more cash investment in the KwaZulu-Natal case studies, and used much more agricultural equipment and credit than the majority of women in the sample (Cross, et al., 1997).

Traditionally in much of Africa, women, whether wives or heads of household, prioritise direct food yields. This is partly because household food production is considered to be part of women's legitimate gender role, and women farming for household consumption alone are not likely to anger local power structures by challenging entrenched gender roles.

In the DBSA case studies, women farmers also saw money as their limiting factor, and disliked risking it on uncertain returns. Instead, women cultivators tried to grow food to reduce their food budget, allowing them to redirect some



of this money to other domestic uses. Most women who sold their crops appeared to aim only at offsetting some of the costs of production, and not at making an outright profit that could make a stir in the neighbourhood and increase the danger of a backlash.

Women farm in situations where profit margins are narrow or non-existent, and their approach is very risk averse, anti-investment, and self-limiting. Rather than taking the risks involved with credit and agricultural loans, women tend to increase their labour time to compensate for using less fertiliser and fewer inputs.

Women's responses to institutional risks – both social and economic – have important implications for land reform. As much as women are averse to the risks posed by engagement with economic institutions, like bank credit, they are also averse to the risks posed by challenging social institutions such as the traditional gender roles in household production. Since many women appear to avoid entry into commercial or profit-oriented production to avoid negative reactions from men and risk the possibility of losing their land (Ngubane, 1997), it follows that women who might be interested in entrepreneurial farming would tend to undertake some less ostentatiously visible informal business instead. In other words, women living in areas under the control of conservative social and political institutions seem to prefer to stay low, well under the radar of the local authorities. The Quality Of Life data seems to confirm that even on land reform projects, single women heads of household come forward less often than men to claim resources and to participate in land-based earning activities. It appears, therefore, that women who receive land in community-based land reform might require high levels of institutional protection before they would be able to approach entrepreneurial farming with confidence. Unfortunately, the same would apply to women using their own community land plot with LRAD financing.



CHAPTER NINE

State Sector Redistribution

Editor's Note: This Chapter, focused on state sector land redistribution, contains schisms and differences in analysis that, despite our best efforts, have been difficult to reconcile. The first section of the chapter, which presents a gender analysis of the old redistribution programme was compiled by one researcher, while the final section, on LRAD, was compiled by the second researcher. In the first section obstacles affecting women's access to land were identified in respect of the old redistribution programme, which operated in terms of the old grant scheme, the Settlement and Land Acquisition Grant (or SLAG). The barriers which women confronted under the old scheme include the experience of women becoming "invisible" within larger land reform projects; women's belief that they are not the owners of the land despite being listed as beneficiaries; the gap between stated policy gender goals and implementation, and the lack of effective tools to monitor and evaluate the gender impact of the programme, among others. The LRAD section fails to follow through this analysis to examine the extent to which these gaps and obstacles have been addressed in the department's substantially modified approach to land redistribution pursued under LRAD. These two sections do not speak to one another adequately, which has led to a wide gap in the analysis of this chapter.

The conceptualisation of South Africa's land redistribution programme began in the early 1990s and was more or less operational by late 1996. The programme was formulated as one part of a three-legged land reform programme that also included tenure reform and restitution. A range of forces and factors, including the World Bank, the Freedom Charter, the Reconstruction and Development Programme (RDP), and the multi-party constitutional negotiations influenced the shape of post-apartheid land reform. As a result, the programme contained the dual state commitment to a market-led process and to shifting land ownership and state land reform resources to poor rural black South Africans.

Land reform implementation was difficult from the beginning, although not all of the difficulties encountered related directly to the programme. The Department of Land Affairs was a new organisation that for some years was



constrained by a lack of capacity in terms of both staff numbers and skills (Hornby, 1998), together with tensions between new and old bureaucracies and bureaucrats. Delivery on transfer objectives was therefore slow but by 1998/99 was starting to improve. The then Minister of Land Affairs and Agriculture requested a comprehensive review of land reform in order to improve efficiency and products (Lahiff, 2001) on offer. The new minister appointed following the June 1999 national election declared a moratorium on all new redistribution projects pending a fresh comprehensive review which aimed to extend the redistribution programme to include options for emerging small and medium-scale commercial African farmers. The new Land Redistribution for Agricultural Development (LRAD) programme resulting from this review was finally launched in August 2001 and is now the official redistribution programme of the department. It is still too early to assess properly whether it has succeeded in resolving all the problems it sought to address, although departmental officials are optimistic while NGOs and some CBOs are critical of the programme's shift away from a poverty focus.

This section begins with an assessment of the old redistribution programme in order to draw out lessons for a socially and economically transformative land reform that addresses the specific land needs of women. The question posed is whether this old programme successfully transferred land resources to poor, rural women and if not, why not, and how this might have been improved. The new programme, LRAD, is then considered in terms of its objectives, functioning, institutional and operational requirements, and specifically in terms of the opportunities and obstacles it present for women's access to land. The conclusion is that LRAD has addressed only those concerns in redistribution that affect the promotion of agricultural development. It has not successfully addressed questions of how to target the poor in general more effectively, and poor rural women who constitute the majority of the poor in our society, particularly.

The "old" redistribution programme

The redistribution programme was the 1994 democratic government's response to the dispossession of Africans by colonial and apartheid rule, which had resulted in 87% of the land being owned by the country's white minority, which comprised about 10% of the population, while the black majority was confined to the remaining 13% of the land. The transitional period in the early 1990s was characterised by the belief that a democratic government would effect a social and economic transformation of society through a range of measures, including the transfer of property rights from



whites to blacks. These measures would result in a significant improvement in the economic status of the rural poor.

The goal of redistribution was defined by the RDP in 1994 as the intention to transfer 30% of agricultural land to black South Africans within five years. The RDP also described land reform as the "central and driving force of a programme of rural development" (RDP, 1994:19). It stated further that land reform, together with the provision of support services to disadvantaged rural areas, would "build the economy by generating large-scale employment [and] increasing rural incomes" (RDP, 1994:20).

The principles and mechanics of how this was to happen were further detailed in the White Paper on South African Land Policy (DLA, 1997). The aim of redistribution, according to the White Paper, was to "provide the disadvantaged and the poor with access to land for residential and productive purposes" (DLA, 1997:9). The poor are defined as those who are landless, labour tenants, farm workers and emerging farmers, while "special attention will be given to the needs of women" (DLA, 1997:38). The purpose of this benefit is to improve livelihoods and quality of life (DLA, 1997:38).

Prioritisation criteria for project approval were also developed to enable careful allocation of limited state resources. Along with geographical spread, good institutional capacity at project level and the viability and sustainability of projects in terms of land use, environment, local authority support and market access, the most significant criteria for our purposes is that:

"The most critical and desperate needs will command government's most urgent attention. Priority will be given to the marginalised and to the needs of women in particular" (DLA, 1997:45).

Redistribution was to achieve certain outputs, which included:

- "A more equitable distribution of land and therefore contribute to national reconciliation and stability;
- Substantially reduce land-related conflict in areas where land disputes are endemic;
- Help solve the problem of landlessness and pave the way for an improvement in settlement conditions in urban and rural areas; and
- Enhance household income security, employment and economic growth throughout the country." (DLA,1997:38).



The legal mechanism for doing this was the Provision of Certain Land for Settlement Act, 126 (of 1993), which was later amended to accommodate a range of land reform options. Act 126 provided for the designation of land for settlement and for the state to give financial assistance to people acquiring designated land. The Communal Property Associations Act, 128 (of 1996) was also adopted to enable groups of people to form juristic persons to buy, own and manage property under a group land-holding entity.

The financial assistance was provided through land acquisition grants of initially R15 000 (later R16 000) as well as planning, facilitation and community capacity building grants. The grants were to be awarded to "eligible" people - namely, people that were married in civil or customary law or "habitually" cohabiting with another person or who had financial dependants. Further criteria were that the person had to be:

- Lawfully resident in South Africa;
- Legally competent to contract;
- His or her household earned a total of less than R1500 per month; and
- Neither the person nor his or her spouse had received any benefits from the housing subsidy scheme.

At the same time as the publication of the White Paper in April 1997, the Minister of Land Affairs approved a document outlining gender policy for land reform. The document, titled Land Reform Gender Policy, aimed to create an "enabling environment for women to access, own, control, use and manage land"¹ and support production.

In addition to the commitments to gender equity made in the White Paper, this policy document specified a set of principles that would ensure:

- women's participation in decision-making around land reform projects;
- communication strategies;
- gender-sensitive methodologies in project identification, planning and data collection;
- legislative reform;
- training for both beneficiaries and implementers;
- collaboration with NGOs and other government structures; and
- compliance with international agreements such as the Beijing Platform for Action and the United Nations' Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)²



These amounted essentially to a set of principles to support women's participation in land reform. The assumption seems to have been that mere participation would result in a shift of resource allocation to women. The focus on poor rural women is diminished, presumably because it is assumed that all rural women are poor and therefore class differentiation is unnecessary. These assumptions are assessed below.

Invisible women

In a submission to the Department of Land Affairs (DLA) during the policy consultation process, the African Gender Institute (AGI) pointed out that "the policy does not show how unequal power relations between women and men will be addressed ... and does not put in place mechanisms to ensure this happens" (AGI, 1996:1) The policy document makes frequent reference to gender equity in sections that deal with principles but is silent about mechanisms when it comes to policy instruments. The AGI offered a four-point critique of the policy (AGI, 1996:2-9), which included that:

- The conflation of gender and women does not enable a proper analysis of gender relations or of the differences between women. The policy also creates women as a special category rather than recognising that they are also farm workers, the poor, the landless and are also in relationship with men who are these things;
- The legalistic approach assumes that the removal of legal impediments is sufficient to achieve the objectives of gender equity whereas it is not only law that shapes gender and power relations;
- Thirdly, the policy reference to households as the beneficiary unit masks the gendered allocation of resources and other difficulties women may have within these institutions; and
- Finally, the policy does not set the parameters for a proper discussion about the impact of customary law and practice on gender equality.

The AGI critique remained valid throughout the implementation of the first redistribution programme. Although individuals were eligible for grants, in practice they were awarded to households that fit the above criteria. Furthermore, because households could not afford land on the open market, they tended to pool their grants and access land as groups. The reality of land reform redistribution projects was therefore that groups of people formed themselves into community trusts or communal property associations in order



to acquire land under Act 126. Women were never targeted as a special beneficiary category for independent land rights but became invisible members of households and groups applying for grants to buy land.



The Ekuthuleni community near Melmoth in KwaZulu-Natal applied to upgrade their occupational status into ownership, which the minister approved in 2001 in terms of Act 126. Consultants responsible for the business and development plan, the legal entity and site layout plan held about six half-day meetings with the community and additional meetings with the land committee. Men dominated these meetings, which were very poorly attended, both in terms of numbers and contributions to discussion. The facilitators never requested to hear women's views specifically, nor did they meet with women separately.

Research by a land NGO at the time showed that many women were very concerned about their tenure security. It appears that the children of single women who take their father's surnames or women cohabiting but unmarried are at risk of losing access to their land and homes as men claim the land. "This is the land of the Dlamini's. You are Mkhize." This issue was not directly addressed in the planning or legal entity process. Furthermore, many of the women were the formal beneficiaries on the DLA list because their husbands had not been present or "were too lazy or drunk" to sign up. Very few of these, when asked, thought that this meant they held the land rights. Indeed, most insisted that the land was their husband's even when shown their names on the list and even if they were not officially married to their 'husbands'."

Attempts to monitor whether gender equity was being achieved became a simple numerical count of the number of women involved in a project and particularly the number of women-headed households. This was a fairly arbitrary indicator since there was no special attempt to increase the number of women either by DLA officials or by community members. It was therefore no more than a random count of rural women as members of groups, some of which became land reform beneficiaries. At most these figures would indicate the proportion of women and women-headed households in rural groups and one could expect, as is shown later, that these figures would be consistent with other estimates of the female rural population. What these figures fail to indicate is whether or not women specifically are benefiting from land reform, and whether the very poor women in rural communities have been successfully targeted. These shortcomings were the direct results of the blurring of women's needs into household needs and the blurring of household needs into community needs that were so distinctive of the redistribution programme.

These problems with the first redistribution programme confirmed that the mere removal of legal restrictions was inadequate to facilitate women's



increased access to material resources that would improve gender equity measures in society. Rural women, both very poor and better off, did not come forward to claim independent land rights or to demand land reform products that would meet their specific needs. Indeed, they tended only to access land through their partners in households and through community leaders. Partly this was because these were the models on offer, although the new, more individualistic LRAD doesn't seem to be having any greater success with women (see LRAD section below). A more likely explanation of blockages lies in the absence of effective implementation tools for officials to ensure that gender equity goals are met, including policy guidelines, strategies and other mechanisms to prevent women from becoming "invisible" within land reform processes. Without these tools, officials cannot assist in countering the tendencies to revert to traditional practices and customs that are known and familiar, and which often only recognise the right of men to speak, act and make decisions on behalf of the family.

This tendency to "default" was recognised by the Legal Entity Assessment Project (Leap), which analysed and assessed a number of CPAs and community trusts in KwaZulu-Natal that were set up to take transfer of land, mostly under the redistribution programme. (Cousins, T and Hornby, D, 2000).

Leap has argued that trusts and CPAs are communal property institutions (CPIs) because they have the function of administering, allocating and managing land rights at community level. Given that in practice grants were awarded to groups, it is then precisely these institutions that sit at the intersection of government policy intention and individual beneficiaries. CPIs are responsible in the long term for ensuring women's equitable and secure access to land for residence and a range of livelihood activities. It is therefore these CPIs that are tasked with the duty of carrying out social transformation at the most local level.

How have they performed in terms of poor, rural women's access to land? The answer to this is complex. Firstly, although there is a general perception that land reform CPIs are failing (particularly in terms of delivering development to rural communities), the DLA has not developed clear indicators for assessing their performance. Leap has thus pointed out that there is no basis for assessing success or failure (Cousins, T, and Hornby, D, 2000).

Secondly, the DLA has responsibilities in terms of monitoring CPAs and providing mediation support in conflicts over rights but it has not yet developed the capacity or procedures to undertake this duty. Nobody is



therefore providing this key function of institutional support to CPIs, with the result that many CPIs either default back to systems of land administration with which they are familiar or find themselves in difficult situations of conflict and administrative ambiguity. Familiar systems, in Leap's experience, tend to be traditional practices of land allocation with localised control residing in the *induna* (headman) who usually accounts to an *inkosi* (chief). Conflicts, real or potential, emerge when the new institution - the CPI - tries to compete with the traditional institutions.

Thirdly, there is a tendency to use women's representation on the committees or trusts as an indicator of gender equity. Besides the fact that this is no indicator of poor women's improved access to land, women's representation as an indicator of gender equity is also highly problematic for a number of other reasons. These include that:

- Communities often opportunistically vote women onto committees because they are informed that DLA requires this. This means that the women on the committees are not necessarily the best representatives of women's land interests;
- Women on committees often can't see what their role is or how to represent the interests of women;
- Some women have said they won't be available for re-election because meetings are time-consuming and the DLA no longer comes to see whether they are participating;
- Women don't feel able to participate in discussions during meetings;
- Committee meetings are often held at times that don't suit women; and
- If women are given an executive role, this tends to be the role of secretary with responsibilities for meeting minutes. There are no examples of women as chairpersons of CPA or trust committees.

The question that needs to be addressed is how these limitations continue in spite of policy principles that prioritise women as a special category of beneficiaries. DLA's obligations to gender equity are prescribed by the Constitution, the White Paper on Land Policy and the Land Reform Gender Policy, as well as the international agreements noted earlier. The Constitution enshrines the right to equality between women and men in the Bill of Rights, thus binding all state and private institutions and actors. Additionally, the Office on the Status of Women, which is located in the president's office,



commits itself in its mission to ensuring that a gender perspective is embedded in all the policies and programmes of the state. How is it then that women, and poor rural women specifically, do not appear to be gaining any particular benefit from land reform?

Walker suggests that the answer lies in a "persistent, recurring gap between policy and implementation, between principle and practice" (Walker, 2001:2). Although gender equity concerns are dealt with in a fairly rigorous manner at first tier policy level these don't often translate effectively into practice. DLA's "strong formal and public commitment to gender equity as a high-level policy goal" is not coherently carried through into implementation guidelines (or "second-tier policy documents") such as consultants' briefs, criteria for project approval and training manuals.

"These are documents which begin to operationalise policy, by translating broad commitments into general national or provincial guidelines and standards for projects and by concretising the objectives of the national programme in specific projects or implementation tasks. They set the parameters within which projects will be approved, funds disbursed, consultants appointed and managers and staff rewarded or penalised for their performance" (Walker, 2001:20).

The absence of operationalising guidelines means that the DLA's commitment to gender equity is erratic and not always visible at the implementation levels. Part of the problem, Walker argues, is that the conceptual tools underlying the first tier policy documents are derived uncritically from existing orthodoxies and formulae, which makes them very difficult to translate into implementation strategies and procedures. In addition, the department gives inadequate support to the implementation of gender equity and to the staff in the gender unit responsible for supporting implementation. Finally, the minister does not account politically on the question of gender equity and neither is there any demand for her to do so from women who might have an interest in gender equitable land reform (Walker, 2001:18).

Walker could have added three additional areas in the redistribution project cycle that seem to elude gender sensitive practices, namely, form of tenure, layout plans and the implementation of development and business plans. It is in these technical processes that state land reform resources are allocated. Land will be parcelled up and made available to specific households, grant money will be invested in collective enterprises and business or livelihood



activities, development needs will be prioritised and money allocated for the provision of limited services. In most redistribution projects, decisions about how these allocations should be distributed are made either by consultants or by consultants in consultation with community representative structures. The department's approval criteria are based on whether budget allocations are met and, more vaguely, whether the project will improve people's livelihoods. Not much reflection has taken place about how gender equity is or is not being achieved, or how it could be achieved in layout and business plans and development priorities, confirming Walker's general point about procedural indicators.

Blockages and opportunities for poor, rural women

The key blockages to poor, rural women accessing land under the old redistribution programme were the following:

- The household as a beneficiary unit does not facilitate or secure women's separate access to land rights;
- Legal entities, as the nearest and most local manager of land allocation and rights, tend to default to traditional practices that do not recognise women's rights to land as prescribed by the Constitution and land policies because they are not institutionally supported to do so; and
- Implementation procedures do not build in mechanisms for ensuring that women, and poor women in particular, have either independent access to land or secure access through their households.

The key opportunities here for poor, rural women lie in clarifying exactly what benefits policy objectives intended and in developing mechanisms for enabling these explicit benefits to be realised in implementation. What is clear is that policy change alone does not necessarily result in changes at either implementation or community level. To change policy will simply create a framework in which to struggle for the reallocation of resources. Policy alone will not reallocate the resources, but explicit policy underpinned by an explicit vision of social transformation will enable and support a struggle for this reallocation.

How could this happen? Hargreaves and Meer (2000) suggest that the development of a clear set of indicators to measure whether poor, rural women are getting better access to resources, including land, is important if



gender equity in land reform is to be achieved. This is both an important lesson arising from redistribution and an opportunity for women wanting to access land through LRAD if it is corrected.

In order to assess whether the DLA is meeting its legal and constitutional obligations and its own commitments to gender equity, Hargreaves and Meer argue that it is "necessary to know what changes are to be measured" in order to determine impact (2000:266-7). The DLA, however, does not have the indicators to do this despite a fairly well developed monitoring and evaluation system. Part of the problem, the authors argue, is the lack of conceptual clarity on what gender equity in land reform should look like, as demonstrated by the five problems they cite below:

- Firstly, DLA policy has consistently failed to view race and class categories through gender lenses and has prioritised race (as has government generally) as a target social category. This means that policy has not factored in the reality of men and women of particular races or classes "experiencing differential access to and control over resources, power and authority" (Meer 1999);
- Secondly, the DLA places emphasis on equal participation and land rights, which effectively defines equality in relation to other family and social members. What the DLA does not do is take a position on equal and independent land rights;
- Thirdly, as noted above, the policy approach to social transformation prioritises the removal of legal barriers to women's involvement and access to land reform benefits. This approach neither builds in resources to shift unequal power relations between women and men, nor demonstrates how changes to these relations might shift social structures, beliefs and the division of labour on which these relations are built;
- Fourthly, the use of the household as the unit of analysis and distribution of benefits reinforces existing gender inequalities. The authors note that there has been an attempt to move from household to person but that in practice the household remains the effective beneficiary unit; and
- Finally, they note that "women" and "gender" are often conflated, resulting in inadequate analysis of the location of women in a web of race, class and gender based power relations.



As a result of these conceptual weaknesses, the monitoring and evaluation indicators that the DLA has drawn from its RDP and White Paper commitments do not measure progress on gender equity. Part of the problem, according to the authors, is that the monitoring and evaluation approach needs to match the department's vision in order to answer the question 'what are we monitoring?' But, as is evident above, the department has not articulated a gender-equitable vision, which means that the monitoring and evaluation directorate has nothing from which to develop gender equity indicators.

The authors suggest that if land reform aims to change social relations, the following would constitute some of the indicators of this change:

- Women have independent control over land;
- The sexual division of labour is challenged and women enter non-traditional areas of production (eg. livestock farming);
- Women are represented on structures and actively participate in public fora;
- Inheritance practices change in favour of women; and
- Women are informed about land options and opportunities and press for greater autonomy and power in these areas.

These indicators, if government were to adopt them, would result in changing delivery priorities and therefore to implementation procedures and the allocation of resources during implementation. Unfortunately, these earlier findings are not evident in the new redistribution programme, LRAD, which also fails to provide indicators for gender equitable outcomes, as demonstrated below.

The Land Redistribution for Agricultural Development programme (LRAD)

The new government land redistribution programme, the Land Redistribution for Agricultural Development (LRAD) programme, was officially launched in August 2001, after more than two years of policy development. It is reportedly working well for people and groups interested in highly capitalised agriculture who are able to meet the requirements to access the programme,



and it has prominent gender targets intended to ensure full participation by rural women. The previous redistribution programme, which sought to subsidise market land purchases by relatively large groups of mainly poor rural beneficiaries, has now been withdrawn.

This earlier approach was widely criticised as too slow and overly bureaucratic, with a very long and complex project cycle that held up delivery and put unsustainable procedural burdens on the beneficiary groups. In addition, weak coordination with other line departments sometimes resulted in resettlement taking place without supporting services and infrastructure, and lack of aftercare also contributed to some of the projects falling apart in confusion after the land was handed over to beneficiaries and the DLA withdrew.

LRAD seeks to be more user-friendly, and to tap into improved structures for inter-departmental cooperation and to foster public/ private partnerships. Targeting agricultural production specifically, LRAD is intended to speed up delivery, and has reformulated the un-met 1994 RDP goal of redistributing 30 percent of South Africa's farmland within five years, and now aims to achieve this goal within the next 15 years.

The LRAD programme provides grant finance on a matching sliding scale basis to candidate farmers. It is designed to have a much shorter and more locally driven project cycle than the earlier approach, and is expected to need fewer expensive outside consultants. The decentralised focus allows for approval to be granted to candidates at provincial level instead of requiring central approval by the national minister.

In spite of the anxiety expressed by some commentators about the possible barriers to women's participation, interviews indicated that far from excluding women and the poor by its requirements, LRAD in practice may give out money very easily to the poor and to women. Instead of women being excluded by bureaucratic procedures and stipulations, the PWAL interviews suggest that the barriers to women's participation in LRAD are at the institutional level, and are likely to involve risk aversion and the danger of negative social reactions to women putting themselves forward to get involved with entrepreneurial farming. Interviewees emphasised that women seem unwilling to come in on their own to approach LRAD entry points, and that independent approaches from women candidates without facilitators or partners were rare.

In this light, women's need for outside help to make contact with the programme – whether these are established farmers, NGOs or others with



the capacity to assist isolated beneficiaries among women and the poor – is probably the most serious obstacle to women's participation in land reform under LRAD. Flowing from this, the poorest rural women are effectively excluded from LRAD by both gender and class factors.

However, a number of other obstacles can also be identified at implementation level. One of these is the strong concentration of LRAD activity in the progressive farming sector, outside the reach of rural non-farm groupings. The Free State is perhaps the one province where information has been available on beneficiaries entering LRAD without going through the farm sector. Likewise, there appears to have been little progress on the LRAD food safety net component. This section first outlines the history and anticipated operation of LRAD, and then looks at practice.

LRAD objectives and progress

LRAD was approved by the Minister in April 2001, and rollout was becoming visible from June and July that year. The programme is still in its early stages, with some provinces only starting serious LRAD activity at the end of 2001. Northern KwaZulu-Natal had only received application forms and undertaken staff training as late as November, while the Western Cape was rumoured to have spent its entire LRAD budget before the middle of the year. LRAD delivery has been uneven, particularly with respect to some processes and priorities, and there are reportedly significant differences between provinces depending on the stage of programme development and the kind of agricultural operation most common to a region.

LRAD is designed to be forward-looking with respect to developmental goals in relation to needs at both household level and national level. What is perhaps open to question is whether the goal of creating a new class of African commercial farmers is realistic in a rural economy in which many established commercial farmers are failing to survive.

The LRAD programme provides grant finance for agricultural development but also covers settlement, though it does not cover housing. Participation requires some level of agricultural intention and commitment, but allows in principle for poor rural households on farms and in the former homelands to receive significant amounts of finance aimed at improving their income and nutritional status.

The programme is split into two elements: The commercial component aims to promote small to medium scale commercial farming, and is expected to



approve applications on strict market criteria, using business plans. The poverty-driven food safety net component allows for families whose involvement is pegged on small household gardens. It appears that market criteria are not going to be applied strictly in relation to the food safety net component. Both DLA officials and the Land Bank report that own-contribution requirements are being handled with wide latitude in regard to the food safety net implementation. LRAD is intended to be flexibly administered, and is not restricted to ambitious male candidates with resources and commitment to commercial farming. LRAD grants allow for land, infrastructure, improvements or inputs.

If the programme takes off strongly in the former homelands, the available finance feeding into poor rural districts may have the effect of opening up a new market for agricultural land, which currently has little cash value in most areas and is not usually sold other than for conversion into residential sites. If LRAD can cover what would now be informal land sales, or if the Communal Land Rights Bill is eventually able to stabilise the current informal land market in the former homelands, the LRAD grant finance would convert into local cash flow as soon as it comes into the hands of the seller. Should this happen, the LRAD initiative will have major effects on rural tenure, as well as introducing a powerful new cash flow into these impoverished rural districts.

Defining LRAD

Some of the general characteristics of the LRAD programme can be summarised in terms of its goals, requirements and functions, as follows:

- Targets all black people: there is strong Coloured participation in the Western Cape, and KwaZulu-Natal is reportedly drawing mainly Indian participation so far;
- Requires agricultural commitment, or at least a home garden;
- Does not require household membership, but can accommodate several household members as individuals;
- Includes gender targets as clear requirements;
- Aims at either profits or food security and income generation for the rural household;



- Aims at national agricultural growth and maximizing land use potential;
- Intended to provide a disincentive to rural-to-urban migration;
- Locates approval of applications at provincial level;
- Expected to play out in coordination with district and provincial spatial development plans;
- Accessible in the former homelands – if homeland candidates already have land they can apply the grant against improvements, either for food security or for profit;
- Relies on strategic partners in the private sector;
- Accommodates and also assumes bank loans as part of the funding process;
- Allows for buying any land on the market, with DLA and DOA staff expected to supply information on available land to applicants; and
- Works easily with the terms of share equity schemes, allowing individuals to get equity up to level of their grant.

In addition, LRAD can be partly defined by the functions that it does not address. Some of these can be described as follows:

- Not closely linked to the Integrated and Sustainable Rural Development Strategy (ISDRS), which is expected to be addressed through tenure reform and specific nodal plans;
- Not closely connected with Urban Renewal planning at this stage;
- Does not include commonage leasing, which is a separate programme aimed primarily at stock grazing;
- Does not include purely residential projects or housing initiatives;
- Does not accommodate absentee owners; and
- Is expected to discourage group production projects.



LRAD financing farmers

LRAD grants funds to individuals or to very small groups, with a requirement of an own contribution to be matched against a linked government contribution on a sliding scale. The amount that can be accessed by a single individual runs between R20,000 at the low end, up to R100,000. By adding up the grants that can be accessed by several family members or a small partnership, relatively large amounts of finance can be assembled even by the rural poor.

These grants are intended to cover land acquisition, improvements, infrastructure, fixed capital investment and short term funding for production inputs. They do not cover top structures for housing.

At the poverty end, a small own contribution brings in four times as much as the candidate is expected to mobilise, but at the top end, an own contribution of R400,000 is needed to obtain the grant limit of R100,000. The own contribution can represent cash or assets for applicants aiming at commercial production, but interviews also reflect imaginative use of the own-contribution provision to cover the time of the consultant on large share equity schemes where significant amounts are involved.

Beyond the top end, additional finance can be accessed by commercial bank loans, or by deals with the DLA's LRAD strategic partners, the Land Bank and the Land Reform Credit Facility, which retails LRAD funds through commercial banks. In addition, Ithala Bank, the successor to the KwaZulu Finance and Investment Corporation, helps to finance farms in its region that value R1 million or more. It is anticipated that agents such as the Land Bank will generate their own profits by delivering top-up loans above the value of the LRAD contribution. Both grants and loans to candidates committed to small-scale commercial farming are to be assessed and approved on strict commercial banking grounds.

For the poorest, entering the programme under the food safety net component, an own contribution is also stipulated. The own contribution from a poor candidate can be future labour, or in-kind commitments involving household assets or equipment. This contribution from the candidate unlocks R20,000 in grant finance. Interviews with both the DLA and Land Bank staff confirm that the own contribution is being more or less ignored for the food safety net candidates, on the grounds that there is no way to monitor whether or not a labour contribution requirement is being met in practice. In effect, the



R20,000 safety net grant can be understood as free of charge, and largely without strings attached other than those that tie it to agriculture.

LRAD implementation is projected to continue for the next 15-20 years. The actual numbers of beneficiaries who receive LRAD assistance will depend largely on how successfully the DLA publicises the programme; how conditions in the local and international market develop for South African small producers; and how much assistance civil society is able to render to women particularly. For poor rural women, the level of their involvement is also likely to relate to how effectively their risk perceptions – and the institutional barriers on which risk perceptions hang – can be addressed by both the DLA/ DOA partnership and by civil society as partners and intermediaries for the poor.

LRAD as an operational programme

LRAD planning has been framed to avoid the problems experienced in many of the DLA's earlier projects. In particular, stress is being placed on transparent and accountable management, and the use of measurable indicators of success. In this way it is hoped to avoid the danger of having too many uncoordinated and unmeasured functions unravelling at the same time, paralysing operations and leading to a lack of accountability from managers. Implementers are expected to sign performance contracts, and partnership agreements are also formally structured.

How successful the DLA will be with its new emphasis on performance measurement will become clear as LRAD unfolds. It is expected that closer and more accountable management will help the DLA to overcome the problem of underspending its budget, which has contributed to falling budget allocations in recent years. Others argue that the new stress on speed could lead to serious mistakes.

Some of the implementers interviewed expressed enthusiasm and a sense of turnaround in relation to LRAD and its procedures, feeling a new confidence after the period of slowdown and discouragement during the moratorium. However, several interviewees outside the DLA were pessimistic that the DLA would ever overcome the unresponsiveness and demoralisation which they saw as contributing to the expansion of private sector land reform as an active alternative to government delivery.

The project cycle for LRAD has been carefully engineered to make approval of applications fluid and fast, on a highly decentralised basis. In order to



ensure that projects are not caught without the necessary backup and delivery of services that are supplied by other line departments, the committees that make LRAD decisions are expected to have representation from other relevant departments from the beginning. There has been serious concern within the DLA over the dilemmas experienced in past delivery efforts, when other departments were sometimes expected to provide services on what was often an ad hoc, last-minute basis.

Since these difficulties were partly due to the national office of the DLA retaining central control over implementation in the provinces, decentralisation has been a key feature of LRAD. Decentralisation has gone together with the systematic efforts at coordination at provincial level, intended to ensure that the other stakeholder departments and bodies are fully informed and on board at all times.

The DLA relies heavily on its strategic partners, and particularly on the Land Bank, which is the main partner dealing with the assessment of candidates applying for higher levels of finance. DLA staff, and probably for the most part staff from other involved departments who serve on project committees, have little if any experience in assessing small farming finance on the grounds of formal commercial standards.

The project cycle in LRAD

Together with decentralisation of LRAD functions has gone individualisation of procedures. The project cycle for LRAD starts with the process of making contact, the one-person version of the knock on the door. Applicants are expected to find their own way to one of LRAD's numerous entry points. In addition to the provincial and district DLA offices, the District Councils, Land Bank branches and Land Reform Credit Facility banks, plus all the stakeholder departments, can act as entry points for the LRAD applicants. In addition, consultants working in the field as well as stakeholder NGOs can be approached as intermediaries.

Once inside, the applicant is assisted by district staff in the Land Unit to complete his or her paperwork. Land units are to be set up as close as possible to District Councils, and preferably inside the District Council offices. These units are expected to comprise staff from key departments, including the provincial DLA, and the departments of agriculture, housing, local government and public works.



Applications then go to the Project Screening Committee for review. This committee includes representatives from the departments of land affairs, agriculture, housing and local government, and forwards recommendations to the Provincial Grants Committee. The Grants Committee includes the same departments, as well as the Department of Public Works. This committee makes a further recommendation to the DLA Provincial Director, who has final authority to make the decision to accept or reject the application.

Interviewees from the DLA who were involved with delivering LRAD were sometimes uncomfortable with the responsibility of assessing applicants' business plans. Hesitancy and inexperience seem to have contributed to the situation reported in the Northern Province, where LRAD applications were reportedly sent directly across to the local branch of the Land Bank for assessment and a *de facto* decision, on the grounds that top-up loans would usually be required anyway. Some interviews also gave the impression that the DLA's key interest was thought to lie more with the poverty side of LRAD, where the department's institutional experience was most useful. Although the picture is far from clear and information has only come in from a few offices, a situation may be developing where the DLA keeps control mainly of the food safety net programme for the rural poor, while decisions on applications for the commercial component could be taken across on a *de facto* basis to the Land Bank, or perhaps shared with other commercial banking services.

Women in LRAD

The goals of LRAD as set out in the framework document specifically include economic independence for rural women. Women candidates are encouraged to apply for LRAD grants individually, and women-only projects are expected to be encouraged by officials. Most measurably, a minimum one-third of LRAD-funded transfers of land are supposed to go to women in order for the programme to meet its objectives and commitments.

In view of the changes observed in land demand (see Chapter 8), with garden plots superseding extensive field cultivation, the opportunities offered by LRAD for women to buy additional land may be coming at a strategic moment, when many women would otherwise be in danger of losing land access entirely, or having their options squeezed down to a small garden plot.

It is clear that women can become successful commercial and semi-commercial producers. Outgrower schemes run by marketing organisations, in which rural families produce commercial crops on their own land with a



support package from the sponsor, continue to be very successful on a micro-scale for women on the KwaZulu-Natal North Coast and elsewhere. Women farm workers have also been successful participants in share equity schemes, particularly in the Western Cape. But it is unclear whether any support programme outside of LRAD is going to enable women specifically to become independent owners and operators of middle-sized farms.

The LRAD programme is open to individual families and individual women, but the interviews indicate that such applications are few. No one interviewed for the PWAL research reported that women were entering LRAD in any numbers, and those who had experience of trying to involve women expressed frustration.

The driving force for most projects is either civil society such as NGOs, other organised assistance programmes including many in the private sector, or individual farmers. The need to publicise the availability of LRAD has been identified, but for successful engagement by women and the very poor it is clear that organised support will still be needed in most cases. Women do not seem to see themselves taking on the responsibility of grant finance without some kind of local or outside assistance to support them and help to dilute the risks of a backlash from men in the community who may feel threatened. It may also be the case that women, particularly poor rural women, are discouraged by the prospect of committing to an own contribution, when they have few resources to risk on such a project.

It also remains unclear whether there is any land reform option on offer that would make secure residential land with a small household cultivation option available to women, without the intervention of a supporting partner, and without procedural complications that would discourage prospective beneficiaries. This option is where most of women's demand for land reform is located. However, the stipulation that projects based on group production should be discouraged under LRAD is likely to work against women being able to build their own support associations through collective action. More programmes are probably needed that will support women who are not farm workers to take advantage of LRAD grants in areas that do not support sugar or timber.

LRAD in practice

At this stage, LRAD has not yet reached its final development, and changes in practice can still be expected. So far, it appears that the Western Cape is most advanced, and is reported to have spent its relatively small initial LRAD



budget tranche of R10 million. The Free State has also received large numbers of applications, and delivery is advancing. However, KwaZulu-Natal is reported to have had little LRAD activity as yet in the African communities, though there are reports of applications coming in from Indian candidates. According to interview data, Northern KwaZulu-Natal was just receiving its application forms and completing its LRAD training process in late November 2001. Mpumalanga has recently lost its provincial director, who was committed to the project, and the LRAD programme there is thought to be moving slowly, held back by complicated committee structures in the province. The Northern Province has begun delivering LRAD, but is having difficulty mobilising capacity and experience, and the Land Bank is therefore reportedly involved on a regular basis.

The perception in the national DLA is that the designed flexibility of the LRAD process will naturally lead to differing approaches in different provinces, within the terms of the founding documents and in relation to local conditions. It is not clear whether the project cycle will be the same in every province. Particularly, there will be variations in the extent of the involvement of the Land Bank and the private consultants acting as service providers. These factors have a strong bearing on the chances for poor rural women to gain access to the programme.

However, there appears to be enough progress in the Western Cape and the Free State to allow some observations to be made about the emerging LRAD practice, and to identify some of the trends which should be considered in efforts to broaden poor women's access to land through government redistribution.

Perhaps the major point is that much or most LRAD activity appears to be concentrated in or around the large farm sector. That is, the high level of interest in land reform among important sectors of organised agriculture and among individual progressive farmers makes the farmer/ farm worker relationship a popular route to LRAD delivery, as well as to wider approaches to land reform that involve the private sector. With their advantages in contact with the institutions of the developed economy, farmers are often acting as intermediaries in official and unofficial redistribution. Since they can demonstrate a financial track record in using formal credit, farmers are able to assist groups of their workers in obtaining bank finance. Farmers can also facilitate groups of farm workers in locating consultants to help in approaching the DLA. Ironically, it seems to be some groups among the farm workers – perhaps the most abused and excluded group of rural dwellers – who have the easiest access to LRAD, because they are in the closest institutional contact with concerned interests in the commercial farming sector.



On the other hand, non-farm groups in general, and poor rural women specifically, appear to remain largely excluded from LRAD, although not entirely. LRAD is not reaching the former homelands, the people of the former 'black spot' tenancy areas, or the large numbers of rural people now living in dense informal settlements around rural towns and cities, and it is not reaching poor women.

Access to LRAD among farm workers is also limited in practice, primarily to those whose employers can be described as 'progressive farmers'. LRAD access for women farm workers would further appear to be limited to those women who are themselves regular farm employees, or who are married to full time male farm workers. Women who are temporary and seasonal farm workers - a growing category of all farm workers, and particularly of women farm workers - maintain a very marginal position as workers and are also likely to be excluded. In this light, the only category of women who have any effective access to LRAD benefits is relatively small, and in practice, most rural women currently have no real LRAD access. Equally serious is the fact that there is little sign so far that the food safety net component of LRAD – the component that poor rural women would be most likely to pursue - has really begun to take shape.

This is not happening because the LRAD procedures prevent poor women or non-farm residents from gaining access to the programme. LRAD policy and procedures are designed in principle to be open to the rural poor as broadly as possible. However, beyond the farm sector, there appear to be at least four stumbling blocks at the implementation level of LRAD delivery affecting poor rural women in particular, and the success of the food safety net programme generally.

Procedures and rules: Considerable confusion exists around the actual procedures, which are fairly complex and seem to be changing. This is said to be making DLA staff in provincial offices nervous and uncertain about taking ownership of the process and promoting it at all levels of the community.

Lack of experience with evaluation standards: It appears that many DLA staff expected to help with LRAD application decisions are inexperienced with the type of farming being undertaken, and even less with the banking standards being applied, leading to the reported tendency to refer decisions to the Land Bank. This inexperience may contribute to anxiety on the part of staff, and inhibit them from promoting the programme as enthusiastically as they otherwise might.



Information flow: There has been little effort to publicise LRAD, or to spread information about the programme into the former homelands, or other non-farm rural districts. Overall, LRAD is not well known to the rural public, and in many cases prospective beneficiaries first hear about the programme from the farmers who employ them. For the rural millions who do not work on farms, or whose employers are unsympathetic, there is often little or no information about LRAD available, which appears to be promoting the bias in LRAD delivery toward farms.

Intermediation and delivery in practice: The Free State situation suggests that participants usually feel the need for intermediation and support before formally approaching LRAD offices, and therefore approach consultants first. Due to the way women and the non-farm poor view this process of enlisting an intermediary, they are not usually willing to do so even when an intermediary is close by, and therefore are effectively excluded.

Of these obstacles, the issues of changing regulations and intermediation appear to be the most difficult to address, and deserve further discussion.

Procedures: The shifting character of LRAD rules and procedures is reportedly the result of a struggle between the Treasury and the DLA over the extent to which the wider use provisions for LRAD grant finance are allowed under Act 126, the legal vehicle under which LRAD was intended to operate. Act 126 provided only for land acquisition and production costs and does not cater for many of the transactions allowed under LRAD, include land leasing.

Critics characterise LRAD as a reluctant compromise between the DLA and DOA, which did not fully meet the goals of either department. It is still unclear how far DOA is prepared to support LRAD delivery. DOA was said to be developing another programme, for sunrise packages intended to assist poorer farmers, and perhaps adapted to supercede or compete with LRAD. Complications between departments at national level are reported to be holding back LRAD implementation, leading one consultant to suggest leaving the land delivery function to local government.

There also appears to be some tension and ambiguity over the role of the Land Bank, as well the connection to DOA. While some provinces are routinely referring applications to the Land Bank before starting the project cycle, some provincial directors are also reportedly reluctant to concede their authorisation powers to the Land Bank, and that applications approved by the Land Bank are being delayed for much longer than the agreed one week maximum.



Intermediation²: For the future PWAL case studies, the issue of intermediation in the delivery of LRAD should be considered. For rural people, the process of approaching a formal government agency entails risks of rejection and loss of whatever resources in money and standing have been committed. Even with important resources on offer, few rural people are willing to leave their home communities and walk independently into an urban government office and sit down to ask for consideration. Rural people feel disadvantaged formal bureaucratic situations, and dread being dismissed and rejected, or told to go away because they are important enough to qualify. For example, it has proved necessary for the Department of Housing to take their campaign for the rural housing subsidy into rural areas, and to call rural meetings in order to get a response.

LRAD staff further reported frustration in efforts to persuade rural women even to speak in local meetings. The accepted gender role of poor rural women does not allow them to approach government bureaucracies independently, as such approaches should be made by men if they are made at all. It is nearly impossible for such marginalised women to approach an urban office independently. In this sense, LRAD's stress on individual initiative may not be a practical, and may be most difficult for poor rural women.

Thus LRAD probably needs to be made available inside or very near to communities in order for prospective beneficiaries of either gender to come forward. Since community-level LRAD offices are probably impractical, this may mean that before candidates will approach the programme, it will be necessary for them to find intermediaries who can provide information, structure an approach and assure them that they have a good chance of qualifying. In addition, these intermediaries need to be found locally for such contacts to be likely.

In practice, the system reported from the Free State appears to involve approaches to consultants already working in the field, though perhaps in another community. The prevalence of this kind of intermediation process has been underpinned by the custom or cultural convention in this part of Africa that powerful interests able to grant assistance are properly approached only through intermediaries. Although direct dealings have appeared in urban areas, in the rural sector a direct approach is still customarily seen as incorrect procedure, as self-important or as bad manners. In spite of LRAD's theoretical accessibility to all individuals coming in off the street to apply, it appears that the knock on the door is not the start of the cycle – rather, it is the knock on the consultant's car window.



The main difference from the earlier service delivery process appears to be that the LRAD does not involve communities, but instead technically applies to individuals, and in practice to family groups. This means that LRAD delivery will spread mainly in clusters, by areas where delivery has already started. More importantly, it also means that LRAD delivery is likely to be bounded by class and gender, and inaccessible to poor women in spite of gender targets.

Candidate beneficiaries generally first make local contact with an intermediary who is working in their area, and who can help them develop a plan and make an application. However, pending full case studies yet to come, it appears that the poor do not attempt this process at all, feeling that it the programme is restricted to well-off households with resources. Expecting rejection and humiliation for their weakness and poverty in the eyes of the powerful, the poor tend to hold back. As the most marginalised sector, poor rural women are the least likely of any rural dwellers seek intermediation and start out on the path that leads to LRAD beneficiary status. In spite of LRAD's intended accessibility, poor rural women are in practice excluded by both custom and class.

If a group of community representatives approached the service delivery process of the previous programme, this would result in delivery to the entire community. Poor families were included, without needing to make an approach of their own. However, in the case of LRAD delivery, for one well-off family to approach the consultant and enter the process does not directly help women among this family's poor neighbours, or help the women-headed households in the area. These marginalised women feel unable to make an approach on their own even to a consultant working in the area, due partly to entrenched gender roles, and partly to the fact that only well-resourced, elite families understand that they are likely to qualify to enter the programme. This trend may be reinforced if strict business criteria are applied to candidates.

Free State LRAD projects appear to be concentrated in livestock farming: the province's soil and climate are unsuitable for crop production without irrigation, and many African families who have been shed from farm labour forces have their own livestock and are living in the very crowded urban settlements of QwaQwa and Thaba'Nchu, or in smaller informal settlements. This situation creates considerable demand for this relatively inexpensive and uncomplicated form of farming, and had led to a spate of applications. However, Free State interviews indicate that only families with resources, and particularly livestock resources, are entering the LRAD process.



There was no indication in the interview data of any substantial food safety-net programme in the Free State. The leading consultant believed that the poor are better catered for by the DLA's municipal commonage programme, or that they would otherwise find themselves with more land once the successful LRAD beneficiaries have left the former homelands. Although the candidate profile was not known, the reported practice in the Northern Province of putting applications across to Land Bank for decisions, on the rationale that top-up loans will generally be needed, suggests that the applications there are also coming from better resourced candidates and not in any numbers from the poor. At this point, the LRAD food safety net programme appears to be off to a slow start at best.

In both provinces, women reportedly did not come in as candidates unless they had an intermediary to support them. One widow in the Free State had entered LRAD in her own right, coming in as the head of a group comprising her son and daughters, with consultant support. However, the relatively elite married women in the Free State who did come in as part of a consultant-supported family group application were reportedly very strong and assertive candidates, who tended to take a conservative view of how to run the enterprise. They were reportedly inclined to prevent the male beneficiaries from applying for unnecessary credit.

These married women who apply as part of family groupings appear to be relative elites in relation to prevailing levels of rural poverty in the Free State. If this pattern applies to LRAD applications more generally, it is possible that LRAD may be able to meet its formal gender targets by concentrating on elites, without admitting any significant fraction of poor women, or of women who do not have husbands to act for them. That is, when women do apply to LRAD in the Free State, it appears that prevailing gender roles still require that men act for them, whether intermediaries or husbands.

The better-resourced families entering LRAD are reported to have considerable success, because they have experience of livestock farming and do not feel obliged to invest in expensive agricultural machinery. These groups are too small to qualify as CPAs, which are excoriated by the Land Bank as impractical for business dealings because they do not fall under company law, and cannot regulate many normal business transactions. Instead, these very small family associations form either closed corporations or trusts as legal entities, which are easy to deal with and do fall under the provisions of company law. Although the Free State is receiving applications from medium-sized groups of 20-30, these are being discouraged because of the known problems associated with decision-making, and candidates are being persuaded to stick with very small associations of two to five close



relatives.

Once these small groupings acquire land they take a low-tech, low-cost approach, and are reported to be applying reasonable management practices and making very significant profits on herds of 50-60 head of cattle. In one case cited, a small family group reportedly earned a 36 percent return on its investment, compared to 3.7 percent for over-capitalised white stock farmers in the same area. While it is not clear from the interview data how far women actually benefit in family LRAD enterprises, it would seem that they probably do at least as well as they would from any other reliable family income, and probably better in that their beneficiary status is likely to increase their voice in decisions. LRAD is playing a crucial role in allowing families of dismissed and evicted farm workers to retain and further capitalise on their savings in livestock, instead of being forced to liquidate their cattle assets – at distress prices – for lack of accessible grazing land. It seems that the potential of livestock farming under LRAD needs to be further explored, and may provide a fruitful PWAL case study.

While the benefits of cattle farming do reach women in married relations, this kind of stock farming may not be open to all rural women in livestock-farming areas. In the Free State and in other livestock-farming provinces of the dry interior, women's benefits are likely to be limited by the strong association of livestock farming with men. In the case of married couples where both husband and wife apply to be beneficiaries, this problem becomes less significant, since the family as a whole will benefit. However, it is important that a productive pattern of husband and wife partnerships was reported, in which the husband looks after the cattle while the wife runs a chicken production operation, like pigs or chickens which are not subject to traditional restrictions. These partnerships in which men and women are allocated separate responsibilities on a gender-role basis are reported to be very successful in terms of generating increased earning, and have been reported from other parts of the country in connection with crop farming. These partnerships may offer an important way forward for married women in LRAD. It remains to be seen, however, whether such mixed livestock operations will be open to women-headed households. In livestock farming areas, where crop irrigation for a family with two or three beneficiaries may not be practical, there may be customary gender role obstacles for many unmarried women who might want to enter LRAD.

Overall, it appears that under existing practice, LRAD is accepting some female candidates outside the farm sector as beneficiaries, but the women who gain access to LRAD do not include the poorest rural women. Instead, LRAD candidates are likely to be predominantly elite married women. Poor



rural women are held back by class factors, and by customary gender roles as well as by lack of information and formal outreach. Women household heads appear least likely to become beneficiaries of LRAD. The poorest women are not likely to approach LRAD in the first place, and women heads of household who have no men to support their application appear to be unlikely to approach the programme even if they have resources. Without husbands, women are not able to approach consultants as intermediaries, and consultants who work at community level appear to be the main *de facto* entry route for beneficiaries at all economic levels.

These obstacles to poor rural women in gaining access to land through LRAD are compounded by the apparent weak state of the food safety net component to date. The problems for DLA implementation staff in delivering LRAD and in coping with procedures seems to be contributing toward shifting responsibilities to the Land Bank in many instances, while in some cases provincial directors have been unwilling to give final sign-off authorisation to beneficiary applications approved by Land Bank. The combination has both delayed the commercial farming side of LRAD and much more seriously held back the emergence of a real approach to delivering land to the poor. It is unlikely that the access problems of the poorest rural women relative to LRAD will be resolved until a stronger effort is made to implement the food safety-net component of the new redistribution programme.

Conclusion

Land redistribution is one of three legs of the post-apartheid state's land reform programme. Although its development was influenced by many actors, resulting in a dual approach that included a market-led orientation, the redistribution programme adopted in 1994, and which began to be implemented in 1996, included a clear focus on redistributing land and state land reform resources to the rural poor. Institutional problems and slow delivery led to an internal review aimed at improving efficiency in 1998/99. However, the new minister appointed in June 1999 placed a moratorium on the programme and ordered a fresh review to include options for the promotion of black small to medium-scale commercial farmers. The resulting LRAD policy, launched in April 2001, has met with mixed reviews, ranging from enthusiasm among DLA officials to criticism from civil society organisations of the programme's expected shift in resources and focus away from the rural poor.



This chapter has assessed the old redistribution programme from the perspective of the opportunities and obstacles it has provided for women's access to land and highlighted lessons for future policy development. The new programme, LRAD, has also been considered in terms of its objectives, functioning, institutional and operational requirements and the opportunities and obstacles it presents for women's access to land.

The "old" redistribution programme

The first land redistribution programme aimed, in terms of the RDP, to transfer 30% of the country's agricultural land to black people within five years. The pro-poor focus of the programme, as well as other objectives of land reform, were detailed in the 1997 *White Paper on South African Land Policy*. Most significantly, for women, the White Paper added that, "special attention will be given to the needs of women". In setting out the priority criteria, the White Paper said: "The most critical and desperate needs will command government's most urgent attention. Priority will be given to the marginalised and to the needs of women in particular" (DLA, 1997:45). The redistribution programme was to achieve certain outputs, including:

"A more equitable distribution of land and therefore contribute to national reconciliation and stability; substantially reduce land-related conflict in areas where land disputes are endemic; help solve the problem of landlessness and pave the way for an improvement in settlement conditions in urban and rural areas; and enhance household income security, employment and economic growth throughout the country." (DLA, 1997:38). The mechanism through which this was to be achieved was a R15,000 (later R16,000) grant to eligible beneficiaries with monthly household incomes below R1500.

In the same year, the DLA produced another policy document, the Land Reform Gender Policy, which aimed to create an "enabling environment for women to access, own, control, use and manage land" and to support production. This document specified a set of principles that would ensure: women's participation in decision-making around land reform projects; communication strategies; gender-sensitive methodologies in project identification, planning and data collection; legislative reform; training for both beneficiaries and implementers; collaboration with NGOs and other government structures; and compliance with international agreements such



as the Beijing Platform of Action and the *United Nations' Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)*. Various initial critiques were raised about this policy, including the argument of the African Gender Institute that "the policy does not show how unequal power relations between women and men will be addressed ... and does not put in place mechanisms to ensure this happens".

These critiques gained credence during the implementation of the redistribution programme, which in practice provided grants to households, who in turn pooled their grants with other households to purchase land under legal entities including trusts and CPAs, in which women often became "invisible" among beneficiary groups. No special efforts were made to target women as beneficiaries, or to ensure that this translated into their increased access to and control over land. Monitoring tools which sought to assess the gender impact merely counted the number of women beneficiaries, but did not assess the extent of their actual benefit. This chapter suggests that these problems resulted from the lack of effective implementation tools aimed at meeting more specific gender goals. Other problems included the tendency of CPAs and other common property institutions to "default" to traditional norms and practices in the absence of effective institutional support from the DLA. Once again, both the lack of effective tools for both implementing and monitoring performance and the reliance on the mere participation of women to address gender equity goals are cited.

The contrast between the wide array of constitutional, legislative, policy and international commitments to gender equity by the government and the DLA on the one hand, and the limited implementation of these goals on the other is traced to the lack of "second-tier" policy tools in the form of consultant's briefs, project approval criteria and training manuals which could help translate national gender equity goals into gender equitable implementation practices.

The key blockages to poor rural women accessing land under the old redistribution programme were identified as: the household as a beneficiary unit does not facilitate or secure women's separate access to land rights; legal entities, as the nearest and most local manager of land allocation and rights, tend to default to traditional practices that do not recognise women's rights to land as prescribed by the Constitution and land policies because they are not institutionally supported to do so; and implementation procedures do not build in mechanisms for ensuring that women, and poor women in particular, have either independent access to land or secure access through their households. These problems are traced to the lack of a clear set of indicators to measure whether poor rural women are gaining access to land,



and a lack of conceptual clarity within the DLA's gender policies, and several examples of this are cited. The authors suggest that if land reform aims to change social relations, the following would constitute some of the indicators of this change:

- Women have independent control over land;
- The sexual division of labour is challenged and women enter non-traditional areas of production (eg. livestock farming);
- Women are represented on structures and actively participate in public fora;
- Inheritance practices change in favour of women; and
- Women are informed about land options and opportunities and press for greater autonomy and power in these areas.

The authors argue that if adopted, these indicators would shift delivery priorities, implementation procedures and the allocation of resources during implementation, but note that “unfortunately, these earlier findings are not evidence in the new redistribution programme, LRAD, which also fails to provide indicators for gender equitable outcomes”.

The Land Redistribution for Agricultural Development programme (LRAD)

The new redistribution programme, LRAD, was officially launched in August 2001, and this section begins from the observation that the programme is reportedly working well for people and groups interested in highly capitalised agriculture who are able to meet the requirements to access the programme, and it has prominent gender targets intended to ensure full participation by rural women.

LRAD seeks to address some of the bureaucratic problems experienced under the old redistribution programme, by being more user-friendly; tapping into improved structures for inter-departmental cooperation and fostering public/ private partnerships. Targeting agricultural production specifically, LRAD is intended to speed up delivery, and has reformulated the un-met 1994 RDP goal of redistributing 30 percent of South Africa's farmland within five years, and now aims to achieve this goal within the next 15 years. The LRAD programme provides grant finance on a matching sliding scale basis to



candidate farmers. It is designed to have a much shorter and more locally driven project cycle than the earlier approach, and is expected to need fewer expensive outside consultants. The decentralised focus allows for approval to be granted to candidates at provincial level instead of requiring central approval by the national minister.

Although this section argues that initial fears over LRAD's possible barrier's to women's participation may be misplaced, and that "in practice [LRAD] may give out money very easily to the poor and to women," it subsequently concludes that so far the programme "has addressed only those concerns in redistribution that affect the promotion of agricultural development. It has not successfully addressed questions of how to target the poor in general more effectively, and poor rural women who constitute the majority of the poor in our society, particularly".

The authors suggest, however, that the obstacles to women's participation in LRAD lie not at the level of bureaucratic procedures and stipulations, but at the institutional level where women's aversion to risk and the danger of negative social reactions to their pursuit of entrepreneurial farming are the main stumbling blocks. This translates into the need for women to enter the programme with the support of a male intermediary, or not at all. Other obstacles are identified at the implementation level of LRAD, including the current concentration of programme activity in the progressive farming sector, and outside the reach of rural non-farm groupings, including the predominantly female population of the former homelands and non-permanent farm workers, of which women form a significant portion.

The authors note that LRAD implementation has been uneven between provinces, and that the programme has a dual objective of promoting commercial farm production among emerging black small to medium-scale farmers on the one hand, and reducing poverty and contributing to household welfare through its food safety-net component, on the other hand. The first component adheres to strict market criteria, while the second is envisioned to support household gardens. The programme requires a commitment to agricultural production, as well as an own contribution from prospective beneficiaries, but the authors quote DLA officials and Land Bank staff noting that this requirement is not being rigidly applied to the food safety-net component. The authors then detail the various characteristics, requirements and mechanisms of the LRAD programme, in particular its focus on speedy, decentralised and accessible delivery mechanisms, including the early involvement of other departments responsible for service provision to beneficiaries in the project cycle, which is also described in this chapter.



LRAD's gender goals specifically include economic independence for rural women; women candidates are encouraged to apply for LRAD grants individually; women-only projects are expected to be encouraged by officials; and, a minimum one-third of LRAD-funded transfers of land are supposed to go to women in order for the programme to meet its objectives and commitments. While the authors note that LRAD should provide important opportunities for women in the context of their land needs for garden plots, they also note that "no one interviewed for the PWAL research reported that women were entering LRAD in any numbers, and those who had experience of trying to involve women expressed frustration".

Obstacles to women's participation are cited to include: the lack of publicity and information about the programme; women's reluctance to take on the responsibility of grant finance without local or outside assistance to prevent a backlash from men in the community who may feel threatened; the possibility that particularly poor rural women may be discouraged by the prospect of risking scarce resources on an own contribution; and the possibility that LRAD's policy of discouraging group-based projects might work against women being able to build their own support organisations through collective action. The concentration of LRAD activity on progressive farms also means that

"non-farm groups in general and poor rural women specifically, appear to remain largely excluded from LRAD, although not entirely. LRAD is not reaching the former homelands, the people of the former 'black spot' tenancy areas, or the large numbers of rural people now living in dense informal settlements around rural towns and cities, and it is not reaching poor women," the authors note.

The authors add that access to LRAD for women farm workers is also limited to those women who are themselves regular farm employees, or who are married to full time male farm workers. Women who are temporary and seasonal farm workers - a growing category of all farm workers, and particularly of women farm workers - maintain a very marginal position as workers and are also likely to be excluded. In this light, the only category of women who have any effective access to LRAD benefits is relatively small, and in practice, most rural women currently have no real LRAD access. Equally serious is the fact that there is little sign so far that the food safety net component of LRAD – the component that poor rural women would be most likely to pursue - has really begun to take shape, largely as a result of the current targeting of the programme.



The authors highlight four general areas which currently present obstacles to the effective implementation of LRAD generally, including: confusion among DLA staff over changing rules and procedures which is reducing their enthusiasm to implement the programme widely; lack of DLA staff experience in evaluating projects according to business principles, resulting in some provinces handing decision-making powers over to the Land Bank; lack of information about the programme in significant areas, including the former homelands; and perhaps most significantly for women, the tendency of rural people to seek intermediaries – such as consultants, NGOs or other capable service providers – to help them apply to the programme.

The authors suggest that future PWAL case studies should examine the issue of intermediation in the delivery of LRAD. Beginning from a general reluctance among rural people to directly approach government bureaucracies – due to the risk of rejection and possible loss in resources or standing – this tendency particularly inhibits poor rural women who are further constrained by assigned gender roles which restrict them from taking such initiatives independently of male assistance, whether in the form of a husband or male consultant. “In this sense, LRAD’s stress on individual initiative may not be a practical, and may be most difficult for poor rural women,” the authors conclude. This is because poor rural women are the least likely of any rural dwellers to directly seek intermediation and start out on the path that leads to LRAD beneficiary status, such that despite LRAD’s intended accessibility, poor rural women are in practice excluded by both custom and class.

Interviews in the Free State and Northern Province suggested that women did not approach LRAD service providers unless they had an intermediary to support them, and that women who did apply were generally elite married women who applied as part of a consultant-supported family group application. The authors suggest that this trend may mean that LRAD will be able to meet its gender targets, but that it may do so without admitting significant number of poor women who do not have husbands to act for them.

The authors also note that LRAD is playing a crucial role in allowing families of dismissed and evicted farm workers to retain and further capitalise on their savings in livestock, instead of being forced to liquidate their cattle assets – at distress prices – for lack of accessible grazing land.

The potential of livestock farming under LRAD needs to be further explored is suggested for another PWAL case study. This chapter briefly examines the respective gender implications of such projects, noting that while married



women do benefit from cattle farming, the strong association of livestock production with male gender roles limits women's access to this form of production. While women married to cattle farmers may form partnerships in which they produce chickens or pigs, which are less constrained by gender role limitations, such an option would not be available to women-headed households, who may as a result be constrained to enter LRAD in livestock farming areas with limited potential for crop production.

The authors conclude that while LRAD is accepting some female candidates outside the farm sector as beneficiaries, this does not include the poorest rural women. Instead, LRAD candidates are likely to be predominantly elite married women. Poor rural women are held back by class factors, and by customary gender roles as well as by lack of information and formal outreach. Women household heads appear least likely to become beneficiaries of LRAD. The poorest women are not likely to approach LRAD in the first place, and women heads of household who have no men to support their application appear to be unlikely to approach the programme even if they have resources. These obstacles to poor rural women in gaining access to land through LRAD are compounded by the apparent weak state of the food safety net component to date.

Case Study Recommendations

A study of how to provide LRAD information more widely across the spectrum of rural target groups to alert them to LRAD options and possibilities. Outreach at the moment is still poor, and land redistribution will not achieve its potential unless what is on offer is widely known to the whole rural community. What can be done most quickly and cost-effectively?

A review of legislation and policy around LRAD delivery, with a view to revising or replacing it at necessary so as to help stabilize procedures and secure delivery of LRAD benefits as originally intended under the policy. It is very important to cut back the uncertainty which currently seems to be affecting LRAD delivery staffers, while ensuring that the programme is not crippled by legal technicalities, and is able to deliver the full range of intended benefits. What needs to be done?

A case study of women without husbands or sons wanting to apply or having applied to LRAD, across different types of area. Results from the research point to problems in accessing which affect some but not all of the poorest rural women. Those who have most difficulty in gaining access to LRAD



seem to be women heads of household and others who have no men to act in their interest. How are women alone seeing this problem?

A review of gender targets under LRAD, to ensure that participation of the poorest rural women is both required and enforced, with penalties for non-delivery as necessary. Results suggest that there is a risk that enough relatively higher-class women will be able to enter LRAD with the help of husbands so that gender targets may possibly be met without really helping the poorest of the poor. How should gender targets be framed to include the poorest women?

An in-depth look at the processes and implications of intermediation, with a view to widening the entry gate for the poorest women. This might include a review of the TOR of consultants to consider provisions for promoting participation by the poorest women. Intermediation appears to be the critical bridge which beneficiaries use to gain access to LRAD, but this mechanism seems to be difficult for many of the poorest. How can this process be made easier? Can women be hired as consultants?

A review of obstacles perceived by LRAD delivery staff, aimed at how to improve DLA response time and skills for considering LRAD applications. In spite of the re-framing of land redistribution, respondents continue to describe DLA response as slow and ineffective. There appear to be many reasons for slow response – how do the delivery staffers themselves see the issue? What do they want addressed?

A case study of DLA procedures in evaluating LRAD applications, to be contrasted with a study of Land Bank procedures so as to identify points of commonality and difference. This study is intended to help address the implicit tension between the Land Bank approval route and the project cycle route. How do the two delivery processes work? How do they interpenetrate? Do they support each other or interfere? How do they relate to delays? And, how should delivery be structured to reduce possible problems?

A case study to determine the variation in LRAD procedures and project cycle between provinces. LRAD is designed to be very flexible, and identical procedures are not required or expected. How is the process of developing access procedures and a project cycle different in different areas? What factors cause the differences? What are advantages and disadvantages? Is there one or more sets of procedures that is/are most efficient?



If cases can be located, a study of existing projects which involve women only, targeted on very poor women. Very poor women seem to be badly underrepresented in reported LRAD projects, and women-only projects like the Mangethe women's collective are a possible option which seemingly has not been much used as yet. It would be useful to determine what form these groups take spontaneously, when women come together for themselves. How are such groups able to organize and operate? How effective are they? What about disputes and divisions?

A study of gender roles and expectations in rural households using partnership approaches to land-based production. Results from several provinces point to new, more equitable gender relations emerging around husband and wife production partnerships, in which each partner handles a different part of production while putting the income into the common household pot. How do these arrangements work? How do men and women feel about partnerships, and how can they be promoted?

If cases can be identified, a study of private sector land reform in relation to poor rural women. Interviews so far suggest that the private sector is addressing poverty mainly in relation to farmworkers, and the most of the participating farmworkers are not likely to be the poorest of the rural poor. However, it is clear that private sector initiatives do have a strong idealistic element in certain cases. Are there instances where the private sector is in fact dealing with the most disadvantaged rural women? What kinds of initiative are involved, and how successful are they?

A case study of several progressive chiefs and their views on gender, land and production relations, to try to establish grounds for working out viable approaches to land allocation and securization. The Mangethe case suggests that the patriarchal male alliance which blocks rural women's access to land may break up if traditional authorities withdraw their support. This case draws attention to a progressive chief who has formed an alliance with his women constituents to improve their land access, as a means to his goal of coming to terms with tenure security, private tenure and the land market. How can progressive chiefs be engaged around these issues?

Identification of production options open to women which are effective in income terms, including an inventory of production models being used by women beneficiaries. These would include any kind of stock raising, intensive niche crops, vegetable production, and any others. The Mangethe study also suggests there is reason to think that if women can both get land and also use it for income generation, they can accelerate the process of gender role transformation, by giving men a stake in their land-based earning.



Profitable production models are urgently needed. Which crops can work for poor rural women? How do women see their production models?



CHAPTER TEN

COMMUNAL TENURE REFORM

Shifting gender inequity in communal land tenure systems is one of the objectives of tenure reform (DLA, 1997:32). Many women living under these systems suffer insecurity in relation to their rights of access to, control over and use of land because these are mediated by their husbands, fathers or brothers as the primary decision-makers in the household, and because divorce, separation or the death of a husband can leave women vulnerable to eviction or loss of access to resources. The institutions that underpin communal tenure also consolidate control of land resources in male hands, resulting in descriptions of these systems as patriarchal.

However, communal tenure in Africa has proved extremely resistant to attempts by reformers to introduce western property systems, either failing to deliver the benefits expected or defaulting back to the previous system once the reform resources diminish (Lahiff, 1999:1). These reform attempts and failures have also often had dire consequences for women's security and access to basic resources such housing and land³. The emerging consensus on tenure reform is therefore that such reforms should move cautiously on legal formalisation and adapt gradually (Bruce, et al,1994).

The Department of Land Affairs (1999) has recognised the risks of tenure reform and has asserted the importance of giving legal effect to existing or *de facto* tenure rights as the foundation of any workable reform programme. In 1997, it explicitly chose (DLA,1997: xi,xii) to move slowly in developing a framework that builds on local institutions and processes that work well for people, while adapting them to conform to formal property law and Constitutional requirements.

Beyond this caution, however, not much progress has been made on a legal framework that will begin to regulate communal tenure and its administration. The key obstacle to progress appears to be the government's unwillingness to tackle head-on the role of traditional authority structures and leaders. While these institutions argue that land should be transferred to them as indigenous rural governors, the government (and others) argue that their hereditary and patriarchal nature flies in the face of Constitutional rights to democracy and equality. Part of the difficulty underlying this impasse is to find a role for



traditional institutions that is both consistent with the Bill of Rights and that takes "into account the realities of African land holding systems as 'complex, variable and fluid", (Shipton and Goheen, 1992: 318), as "social process" (Berry, 1993), and thus as "inherently negotiable" (Cousins, 1999:1).

In South Africa, as in the rest of Africa, communal tenure systems fulfil social and economic functions for a large number of citizens. Communal tenure is the system of land administration followed by African people living in group or community situations, often in tribal authority districts under modified forms of what is known as customary law. This law is largely informal and is defined and shaped at the micro-local level by unwritten negotiations based on shared views among neighbours and community members. "Communal" means, in most cases, a "mixed tenure regime, comprising individual, family, sub-group and larger group rights and duties in relation to a variety of natural resources" (Cousins B, 2000:154). In communal tenure contexts, therefore, communities, families and individuals do not actually share land but rather hold "layered" interests in a given land parcel.

Most land is, however, under the *de facto* control of the male head of household in trust for all members of his household. Men can as a result withdraw women's land rights, or appropriate women's labour or earnings derived from the land parcel. In addition, the husband's relatives often have a strong stake in determining who can use the land and what can be done with it (Ngubane, 1997; 1999). As a result, the system creates great insecurity for women wanting secure land use tenure, whether as single mothers or as wives. The same applies to unmarried youth of either gender. Today there is strong demand for formal legal tenure security for individuals from women and younger people in traditional communities, but these demands are opposed by older men and those empowered by the existing system (Small, 1997; Cross & Friedmann, 1997).

This section will begin by looking at the legal and policy imperatives to reform tenure including the policy guidelines on the desired shape of tenure reform and two draft bills. It then assesses rural women's interests in tenure reform by looking at issues raised by the Rural Women's Movement committee and a case study at Mangete in KwaZulu-Natal. This forms the basis for developing criteria for further case study work that could contribute to the development of tenure law and policy processes that are sensitive to women's needs and interests in land.

Legal and policy imperatives to reform tenure



The imperative to reform tenure in South Africa has multiple sources. The Constitution outlines a legal requirement in Section 25 (5) and (6), which obliges the state to take reasonable legislative and other measures to:

- enable citizens to gain access to land on an equitable basis, and
- provide either secure tenure of land to people and communities whose tenure is legally insecure as a result of past racially discriminatory laws or practices or comparable redress.

The tenure problem this aims to address is the fact that people living in the former homelands have not had legally recognised rights to their land although their families may have maintained uncontested occupation of it for generations. This is the result of "the colonial denial that indigenous systems of land rights constituted property rights" (Claassens, 1999:130). Although these rights are currently protected by the *Interim Protection of Informal Land Rights Act* (1996), this law is a temporary measure that does not confer property rights but requires that no person with *de facto* rights may lose them without their consent or through normal expropriation procedures. A law that confers positive legal rights rather than mere protective rights to the *de facto* rights holders should replace it.

The White Paper on Land Policy (DLA, 1997) also asserts the need for tenure reform. According to the White Paper, the consequences of the lack of legally enforceable rights in the former homelands, occupied state land and townships include:

- "Vulnerability to interference or confiscation of rights whether by the state or other people;
- Difficulty in securing housing subsidies and other development finance;
- No administrative support for the system of land rights which operates in practice, which in turn contributes to internal breakdowns and administrative chaos giving rise to abuses of power by officials, some *amakhosi* and powerful elites - the position of the poor and vulnerable is exacerbated by the lack of legal certainty and administrative protections;
- Unscrupulous individuals take advantage of the lack of enforceable land rights to bring others onto the land in exchange for money and to bolster their personal power" (DLA, 1997:30-31).



The White Paper also notes that the lack of clarity on the status of black land rights constrains investment in land (DLA, 1997:33). Municipalities cannot deliver basic services such as water and roads in situation where titles have lapsed, informal subdivisions have taken place and tenancy and sub-tenancy arrangements exist without first embarking on a rights enquiry process (Dube, et al, 1998). This has caused serious delivery blockages but is not easily resolved since the confusion is the result of legal chaos and under-resourced administration of black land rights under apartheid. Rural entrepreneurs, such as shop owners and farmers, are demanding titles in order to secure their investments and to use land as collateral.

Finally, the White Paper recognises the importance of communal systems and their facilitation of poor people's access to natural resources. However, the lack of institutional capacity at community level for managing common property resources has put the livelihood strategies of the rural poor at risk (Shackleton S, Shackleton C and Cousins B, 2000). The key capacity constraint at this level is the absence of linkages into the broader network of state regulatory and administrative institutions, such as courts, police, land surveying and registering services, and the adaptation of these institutions to meet the needs of institutions managing common property (Cousins, Hornby and Ziqubu, 2001:1)

While the sections on tenure in the White Paper make scant reference to women's interests in land, there is a general section that is said to apply to all land reform programmes. In this section, the White Paper states that there should be "specific mechanisms to provide security of tenure for women, including the registration of assets gained through land reform in the name of women as direct beneficiaries". This key policy statement, which is in addition to requirements that women are enabled to participate effectively in land reform processes, is supported by the need to remove legal impediments. Most significantly, the legal impediments referred to include "reform of marriage, inheritance and customary law which favour men and contain obstacles to women receiving rights to land" (DLA, 1997:50).

Moves toward implementation

The White Paper outlines a set of guidelines that should inform a new tenure policy. These are that:

- Tenure reform must move toward rights and away from permits;



- Tenure reform must build a unitary non-racial system of land rights for all South Africans;
- Tenure reform must allow people to choose the tenure system that is appropriate to their circumstances;
- All tenure systems must be consistent with the Constitution's commitment to basic human rights and equality;
- A rights based approach has been adopted in order to secure tenure in the face of overcrowding and the legacy of forced overlapping of rights to avoid the risks of dispossession and heightened insecurity for the most vulnerable during reform. The rights based approach must therefore recognise and accommodate the *de facto* vested rights that exist on the ground. This includes legal rights as well as interests that have come to exist without formal legal recognition.
- New tenure systems and laws should be brought in line with reality as it exists on the ground and in practice. This is based on the recognition that previous legal reforms that attempted to impose new systems on existing situations either failed or were irrelevant. Thus, the recognition of *de facto* systems of vested rights in land as a starting point for solutions is fundamental to tenure reform. Furthermore, the most basic form of vested rights in land is established occupation. This must not be jeopardised unless viable and acceptable alternatives are available (DLA, 1997:60-61).

Although these principles, like many other policy statements in the White Paper, refer explicitly only to racial inequalities and transformation and not gender relations, loose interpretation suggests far-reaching potential implications for poor, rural women. *De facto* rather than only legal rights, must be recognised and a key indicator of a *de facto* right is "reality on the ground" in terms of established occupation. Occupation must refer both to recognised residence and use, including use of arable fields and natural resources. Since poor rural women are the majority users of land in communal tenure contexts, they should also be the primary beneficiaries of the legal rights derived from this base. This, combined with the policy document's reference to the need to register women's assets in their own names, provides a base for a radical transformation in the distribution of material assets between women and men.

However, there is a vast difference between policy principles and implementation outcomes, and supporters of this interpretation will need to



struggle for its adoption against traditional decision-makers, including customary leaders, husbands, brothers, policy-makers and bureaucrats in order that it becomes a reality. Part of this struggle will also include advocating for a clear conception of what tenure reform should deliver in general and more specifically, what it should deliver for poor, rural women.

Processes over the past few years to draft reform legislation have failed to reach consensus on what is required. For instance, one of Agriculture and Land Affairs Minister Thoko Didiza's first decisions when she assumed office in June 1999 was to halt work on an almost-complete Land Rights Bill and to order a new look for an alternative. The alternative 'Communal Land Rights Bill' (CLRB) was finally presented at the DLA's National Land Tenure Conference in November 2001, following multiple earlier promises from the minister that draft legislation was imminent.

The CLRB proposes to transfer land to traditional communities, which are defined in terms of shared rules that are derived from customary or common law. These communities would be represented by rights holder structures.

The draft CLRB prescribes a number of functions for these bodies, including:

- land allocation;
- formulation of rules;
- land use management;
- promoting compliance with the law and the Constitution;
- safeguarding the interests of the 'community';
- informing members of their rights;
- maintaining land registers; and
- helping resolve disputes.

The draft bill also provides for the traditional community to receive a title deed and for the property rights of community members to be registered. The rights holding structure can apply for a common-hold title deed and it must compile and maintain a community register of land rights. These rights can be surveyed and indicated on a general plan and members may apply for their registration with the consent of the community. The outcome of registration is an individual or family title document. NGO responses to the unofficial draft circulated prior to the tenure conference indicated some alarm about the proposals. An NLC Technical Committee, which comprised representatives from various NGOs, argued that the CLRB is flawed because it entrenches neo-tribalism instead of securing land rights in the former homelands (NLC Technical Committee, 2001). After the conference, the committee issued a



statement re-affirming the principles that the bill should incorporate, namely that:

- Rights to land vest in people, not in institutions;
- Functions of land ownership must be clearly separated from those of administration;
- Rights holders must be free to choose the type of tenure and the system of administration that they want;
- Any institution engaged in land administration remains accountable to the rights holders.

Failure to respect these principles, which the first bill sought to realise in law, will effectively entrench the power of undemocratic institutions of land administration and render all people living under them subjects rather than free citizens.

"Traditional leadership, based on ascribed and hereditary rule, is fundamentally incompatible with the democratic freedoms upon which the South African constitution is based. The fundamental issue is whether rural residents should continue to be subjects, when their counterparts in urban areas enjoy the full rights of citizens" (NLC Technical Committee, 2001:2).

Significantly, neither the draft bills nor the critiques confront the gender implications implicit in the concepts of "community member" and "rights holder". Members of communities, in actual common property institutions such as CPAs and trusts, have tended to be either a household or a household head (Cousins and Hornby, 2000:12) Unless the household is differentiated in law and the nested and/or subsidiary property rights of women members protected, one can assume that rural women's rights to land will continue to be mediated by their male relatives. Likewise, law needs to make explicit the extent of the rights that fall under the ambit of a rights holder. Does, for instance, a married women's right to a cropping field on her husband's plot, define her as a rights holder? Unless this is explicit, power relationships that determine material resource allocations in households will not shift because implementers are unlikely to volunteer to challenge them. Rural men may well become citizens if the principles promoted by NGOs are affirmed in law but rural women are likely to remain the subjects of their male relatives.



The NGO critique is correct to challenge the department's plan to transfer land to traditional institutions since the transfer would not address the vulnerability of poor rural women's access to their primary livelihood resources, namely land. However, what has not been addressed is how the state, with its minimalist land reform budget, is to transform communal tenure such that it does not default back to patriarchal norms and practices. There is no easy answer to this but a start would be to analyse what is currently changing and how this impacts on the conditions of risk for poor, rural women. This analysis would need to examine changes to social relationships that are affecting kinship ties and how these changes are reshaping norms that define how responsibilities and rights are understood and allocated.

Answers to these questions would suggest what social changes tenure reform should support, since communal tenure is deeply embedded in these relationships. Rural women themselves are quick to identify some of these changes, and the types of interventions which might reduce their insecurities, as the following focus session and case study material suggests.

The Rural Women's Movement

A focus session with some members of the KwaZulu-Natal Provincial Committee of the Rural Women's Movement (RWM) and other women was convened to inform views on state led tenure reform programmes. However, the issues discussed also allowed various observations to be made about some of the women's concerns in relation to land specifically. The purpose of the focus session was to look at what enables and blocks poor rural women from accessing and securing land.

Discussion on accessing land

Most of the women in the group accessed the land they use for residence and cropping through marriage. One woman, who is unmarried and has dependants, accessed land use through inheritance following a ruling by the tribal court in her favour. After the death of her parents, her brother attempted to take over her sugar cane plot. She took the dispute to the *inkosi* who ruled that the sugar cane plot is hers because she lives in the area (her brother lives in Durban), but she only has use rights to the residential land because it "belongs" to the group of siblings.

The women described the general steps for accessing land as follows:



- An approach is made to the *induna* (headman) and councillors;
- The *induna*/councillors discuss the matter with the *inkosi* (Chief);
- The *induna*/councillors/ *inkosi* verify that 'dues' (tribal levies) are paid up (receipts must be produced to prove this);
- The *inkosi* must approve the person; and
- The *induna* or tribal councillor demarcates land by counting footsteps or the Department of Agriculture may survey the new plots – especially when grazing land is being converted into a residential site.

The fact that the women knew the procedures for accessing land is important. As the Legal Entity Assessment Project (LEAP) has pointed out (Cousins T and Hornby D, 2000:3), indicators for a democratic, equitable and transparent land tenure system must include whether the rules and processes are known and accessible to all members of the community. However, the dominance of men in traditional authority institutions and their power to grant approval based on personal assessments creates a monolithic patriarch that is daunting for many poor, rural women⁴, particularly when the norm in many places is that only men should approach these institutional representatives.

In terms of records, the women said that the Department of Agriculture must survey the land for Permit To Occupy (PTO) applications, while in other places communities make their own records. For example:

- In Mondlo, the *inkosi* maintains a membership register. Each household has a piece of paper that the *inkosi* stamps and signs that describes the land for their houses and fields.
- In Kholweni, there is a map of the whole community indicating household boundaries, which is kept in Ulundi, and used to resolve disputes.

These general mechanisms for accessing and securing land are dependent on whether a person is eligible for land, however. The women described the eligibility criteria as follows:

- A man can apply if he is married, or just prior to his marriage;
- No single people without dependants (men or women) are eligible;



- In some places a woman with dependants can apply. In some places, she is eligible only if she has a male child. In other places, a male relative must accompany her.

The women said that it is up to the *inkosi* to determine how these things are done. They noted that some *amakhosi* have accepted changes and have explained this to the men – even though the men are not happy about the changes. This acceptance possibly came about because some *amakhosi* attended workshops and then started to do things differently. It is the *izinduna*, rather than the *amakhosi*, who effect the operational steps listed above, but the decisions must be approved by an *inkosi*.

This suggests that practices affecting women's access to land in communal tenure systems are changing in some places, but that these changes are uneven. Policy and implementation would need to build on these moments of opportunity, extend them to new communities and deepen them by ensuring that poor, rural women are also benefiting. It should also be noted that the latest draft of the CLRB would in practice leave all change towards gender equitable access and tenure security to the goodwill of traditional leaders. While such bottom-up changes that improve women's access and security of tenure are highly desirable, it is clearly not constitutionally acceptable that women's rights to land are left vulnerable to the subjective decisions of individual traditional leaders.

This is particularly so since women in the focus session said their key point of access to land is through marriage (often their husbands' parents' land), although they also access land from their own parents if they have not married. While this mediation of land access may be intrinsically problematic⁵, it is particularly problematic for single women who have no significant male relatives and who are often extremely poor as a result.

Women said they all used land for residence but five of the women also used their land for some kind of agriculture, although it was never the only activity in which they were involved. Access to grazing, firewood, grass, water and natural resources on communal land or arranged with neighbours is accessed as a result of being a member of the community.

Discussion on securing access

While most women did not feel that their tenure on tribal land was insecure, one woman (single with joint rights to residential land and exclusive rights to a sugar cane plot following tribal court adjudication) said "tenure is never



secure as long we are under *inkosi*'. Her explanation for this view was that “*amakhosi* expect you to be their subject and can chase you away if you are not obedient”, confirming the NGO critique of the DLA's latest draft bill that residents are subjects and not citizens under traditional authority land administrations. The others said, however, that there are procedures that limit the powers of traditional authorities. Thus:

- People cannot simply be evicted. There is a procedure for discipline – if there is a problem with someone they must first go through the tribal court, or, depending on the nature of the problem, even the magistrate's court. Only after a hearing can they be evicted; and
- There is a map of the community indicating boundaries that is kept in Ulundi and used to resolve disputes.

Losing land rights and access

When might people lose access to land? Where are women vulnerable?

Divorce:

- In a divorce women can lose their access to land. A man may leave the woman with the children or visa versa. Unlike in urban situations where assets are sold regardless of whether the man or woman leaves the home, in rural areas it is the parent that keeps the children who retains the land.
- What happens in divorce depends on the marriage contract. If the couple is married in community of property then things must be shared. If they had an ante-nuptial contract then it depends on whose name the property is registered under. Usually it is registered in the man's name (Two women present noted that they register what is theirs in their own names). Most women do not have a marriage certificate, which they regarded as a problem. When men migrate to the cities, they sometimes get married without the wife in the tribal area knowing. On his death the urban wife comes with the marriage certificate and claims rights to his property.

Death:

- When the husband dies, the woman retains the use of the land, for herself and her children. The problem arises when the eldest son inherits the land and he does not respect his mother;



- In polygamous marriages, the first wife sometimes wants to claim everything;
- If a woman lives with her parents and her brother sets up a family on the land and the parents die, the woman can explain to the *inkosi* the difficulties she's having with her brother and she may be given her own place.

Written records were felt to give people more security:

- In one place the *inkosi* has issued each woman in a polygamous marriage with a PTO in order to give her children security;
- PTOs help in inheritance disputes. It assists when children are trying to take land away from their mothers, for it provides the mother with a written record and proof.

During the discussion some participants initially said: "I have a PTO for my place". Later on, however, they noted that the PTO was in their husband's name. One said "I am going to go and discuss this with my husband, to change this and put my name on too".

Women's recommendations to improve their access and security

The government says that women should have rights in land, but this appears difficult in practice. How could this be achieved?

- Written records are important in securing land rights: marriage certificates, records of property (PTOs or alternatives);
- Property should be registered in both the husbands' and wives' names;
- In a polygamous marriage there should be a PTO in each wife's name, so that when the husband dies, each wife has her own piece of land;
- Women from different areas should get together and share ideas, as there are different practices we can learn from;
- Hold workshops for *amakhosi* on these issues and discuss how they should treat their subjects. This committee must write down ideas for this;



- This committee should discuss these issues in depth and come up with recommendations to submit to KwaZulu-Natal Minister of Traditional Affairs, Nyanga Ngubane. This worked for us before. We did get results. These land issues are very important for women.

At the end of the focus session, women felt that the Rural Women's Movement needed to address the land issues women are facing. This workshop was the first time they had focused on land as an issue for women. Further work in analysing these issues and their variations is needed, as well as identifying the blockages and opportunities for women in using their land. Although they were not asked why land has not been a concern for the RWM before, it appears that their primary focus has been on domestic violence, HIV/Aids, infrastructure development and local economic development and employment. The aforementioned issues are frequently raised by women (see for example the World Rural Women's Day workshop report, 2001) and may well constitute aspects of the structural and material disempowerment that prevent them from being able to assert their rights to land. Nevertheless, it is quite clear that unless tenure reform specifically addresses the needs of poor, rural women to secure tenure, then their homes and basic livelihood assets can be stripped from them, rendering them acutely vulnerable.

Mangete Case Study

This case study maps out some significant changes in conditions of land access for women in the Mangete community in KwaZulu-Natal. It profiles a Tribal Authority system which, in the context of constitutional imperatives for change; moves by the national government to render services such as rural housing; the strengthening of elected local government structures and the effects of party politics, has undergone some progressive changes.

It is in this space, this "hole in the fence", that rural women, mainly the elite among them, have managed to extract some gains for themselves. The case study also illustrates how women's organisation, and the increased status and bargaining power which this has brought for organised women vis-à-vis the Tribal Authority and the wider community of men, has achieved important results for women's chances of using land economically.

Underpinning all of this are economic changes, through which some women have become associated with cash crop production of sugar on outgrower



schemes, and men have not come together to oppose women taking up this role.

The Mangete area lies in the north coastal zone in KwaZulu-Natal just inland before the Tugela River. The Mangete area is under the jurisdiction of a Tribal Authority headed by *Inkosi* Mathaba, a relatively well-educated and articulate man. He has appointed several subordinate *izinduna* to take immediate charge of land issues. The area also has formally elected councillors who reportedly have a good relationship with both *Inkosi* Mathaba and the Tribal Authority.

Land access for women at Mangete: changing practices

At Mangete, the *inkosi* claims to actively support women's rights to have independent control of land and to use it for income-generating business enterprises. The women themselves (as well as the *izinduna*) confirmed that changes have happened and that the *inkosi* makes a regular practice of allocating land to women who approach him. He is also known to defend women's land rights in instances where sons or other heirs try to interfere.

Women interviewees reported that if a single woman comes from outside the community and wants land, it can be done, but she has to have a guardian – this is some male person in the household to whom final responsibility for the land can be assigned, and who would inherit the land later. For a single woman, it would usually be a son. It is not clear from the interviews whether women perceive the same conditions to apply to single/ unmarried women from within the Mangete community.

Women interviewees stated that the single/ unmarried women who receive land allocations have good security of tenure. They were not aware of a case in which a woman has been evicted from land. She would be in complete control of the land, and could cultivate for the market, or enter a sugar outgrower scheme.

According to *Inkosi* Mathaba, he will approve a land allocation to a married woman if the current rights holder has given approval for the transfer, a potential sticking point in a patriarchal land system that disapproves of land allocations to women. If the husband is opposed to the transfer then the *Inkosi* cannot formally allocate the land. In the case of a married couple, the man would have no control over the land once it was allocated to the woman, and could not interfere with how she used it. In the case of women who are single or widowed, they can approach him directly and do not require an



intermediary. *Inkosi Mathaba* says he would only allocate land to women aged 21 or older, but that after that they would have full discretion over any land allocated to them.

Inkosi Mathaba justifies these land allocations to women on the basis of his interpretation of traditional practice. As he sees it, in the past when a man married, the family as a collective landholding group gave *makoti* (the bride) a piece of land for her use and that of her descendants, and her husband could not interfere with that land. This view does appear to be ethnographically correct for the period in which families held land on a quasi-collective basis, but it is not certain from the vantage point of the present how far the husband or his male relatives were really unable to interfere in the use of the wife's land, if for instance she had found some option for a non-customary land use. Approved customary uses were then, and are still, restricted to household cultivation and conversion of plots to residential use in order to settle children and grandchildren on the family holding.

Concerning issues of succession and the thorny question of whether widows can take over authority to run their own homes after the death of a husband, *Inkosi Mathaba* felt that women should eventually be given full powers as legal adults, so that they cannot be held subordinate to male relations. In the past the eldest son would inherit his father's 'powers' – i.e., authority – as head of household, but now there seems to be no reason why the mother once widowed could not run the house on her own, without depending on her children for approval. He stated that he does not support the children taking over this authority as long as the widow is capable of running the house and property – the children might out of selfishness dispossess their mother, and possibly also other family members.

It is not fully clear whether *Inkosi Mathaba* holds this view because he favours the unconditional independence of women, or because he thinks the widowed mother would be more consistently responsible in taking care of the interests of all the family members who have some assumed share in the household enterprise and its assets. This might imply potential un-realized conflicts if the widow as head of household wanted to sell her property or leave it by will to someone outside the usual line of succession.

The woman interviewees saw the practice somewhat differently, stating that divorced women or widows return to their fathers, who can either give them land on an informal basis as between family members, or otherwise carry out the full *ukubeka* placement ceremony with witnesses.



The women interviewed at Mangete generally understood the land access system more or less in the traditional way. That is, married women are not permitted to hold land in their own right. The women individually did seem to see land as the property of men, but there was also an awareness that at Macambini women without husbands could get land allocated to them, and would then have security of tenure and use. *Inkosi Mathaba* also appears to be opposed to widow inheritance (*ukungena*) – the practice which requires that a widow surrender control of her land, house and other household resources to the extended family, in return for marriage to one of her husband's brothers and the expectation of continued support for herself and her children. He returned a number of times to women's right to control their own land, without relying on men and without men being allowed to interfere in what women wanted to do with their land.

Economic motivations for widening land access

In Mangete, the opportunities for women's land use seem to include profit-making sugar cultivation, and the *inkosi's* opinion is that the women sugar farmers normally have full control over their sugar production earnings. One of the motivations for allocating land to women is *Inkosi Mathaba's* argument that more women should be engaged in business ventures, and noted that for this they need land. These business ventures might not necessarily involve cane growing, but could be informal businesses. The women interviewees did not identify sugar growing or any kind of productive land use as their first priority: they spoke first about land for settlement by those who need it most. However, productive agricultural land use probably ranked second for most of the women, ahead of non-farm economic uses. Women interviewed made it clear that they wanted land in their own right, which they could use for crop production.

Men's fears

The major concern raised by the women interviewees centred on resistance by men to land allocations for women. Some of the women's comments suggest that some men in the community use land to control women, applying conditionality of access as a weapon. The women interviewed were not sure what a man might do if his wife wanted to use her land to make money on the produce market. It is possible that he might try to stop her, or even take the land away. If a woman tried to go too far with the land assigned to her, the husband might beat her or leave her, confirming Artz's (1999) argument about "economic violence".



In the women's opinion, men are threatened by women who are economically independent. Most men seem supportive of women bringing some cash income into the household as a contribution towards household reproduction. Problems arise, however, when the woman wishes to engage in some initiative that will see her income threatening the position of the husband as the main supporter of the household. The major issue thus seems to be that men will only tolerate women's earnings where they are low enough not to threaten the balance of power within the household.

Which women?

In discussions on fees and charges for women obtaining land, *Inkosi* Mathaba asserted that he generally opposes the khonza fee. He feels that if people want to own land, they should be at liberty to obtain it at a low fee (between R200-300). Some *izinduna* charge a R200 fee for confirming a land allocation. *Inkosi* Mathaba says he is aware of a private land market operating in which local landowners sometimes sell land for as much as R2, 000. Interviews in the community suggest that the total charges at Macambini probably amount to considerably more than R200 once extras have been added. In light of low average incomes in the area, charges in the R1, 000-2, 000 range may be difficult for women outside the local elite.

According to *Inkosi* Mathaba, most women in the area are not well informed and aware of the authority they could potentially have over land and requests for an allocation in their own names are few. Many or most women still have a more traditional conception of land ownership and still perceive women to be minors. He did, however, acknowledge that a small group of very powerful women have obtained their own land allocations and are handling cane-growing projects in the area. The bargaining strength of elite women appears to rest on their level of organisation and the consequent tilting of local power relations. *Inkosi* Mathaba was generally unconcerned with how men in the Mangete community might perceive the various changes in land allocation practices. He argued that even if men did have problems, they would not confront him as they are not well organised. Interestingly, in his view the men are the members of the Traditional Authority, and they must comply with its decisions⁶. Interviews bear out *Inkosi* Mathaba's position, in that there does not appear to be any vocal or organised resistance from men to the *inkosi's* allocation of land to local women.

Inkosi Mathaba himself concluded that the women most likely to benefit from progressive changes are those who are well informed, self-confident, having



plans for economic land use, and married under community of property, i.e., the more affluent women in the community.

Understanding the conditions for change

This section attempts to map out some of the underlying conditions that have contributed to changing the circumstances of women, specifically the elite, in Mangete. The Mangete area is an Inkatha Freedom Party stronghold; the research suggests that *Inkosi* Mathaba's political strategy of winning the support of elite women in the community could possibly relate to his desire to exclude competition from the ANC.

Inkosi Mathaba, like many *amakhosi* in KwaZulu-Natal and elsewhere, feels a considerable threat to the position of *amakhosi* in the rural land system generally. He cites the main problems as: (1) the influence of the Municipal Demarcation process, which he compares to British governor Theophilus Shepstone's historical rearrangement of the constituencies and powers of *amakhosi* in colonial Natal; and (2) his perception of the government's current initiatives to make land more accessible to women and to evolve tenure options to make Traditional Authority communal tenure compatible with full land registration. *Inkosi* Mathaba may be pre-empting these changes, and securing his support base, by offering women an attractive and progressive alternative that is compatible with the existing administrative structures controlling rural land in KwaZulu-Natal. A further source of pressure on the *inkosi's* position, as he sees it, is the Department of Housing campaign to publicise the rural housing subsidy and to deliver rural housing, which in the Inyoni area is being taken forward in a way that gives little role to *amakhosi*, and would introduce a conflicting source of power and authority over land matters.

Faced with these various dangers, *Inkosi* Mathaba appears to be trying to work his way toward a solution, possibly not only for his own Traditional Authority district, but one that might have wider application through his reported contacts in Ulundi. In his own district he has already gone far to recognise and promote *de facto* women's access to land for economic use and profit-making enterprise.

In addition, *Inkosi* Mathaba's comments seems to suggest that he sees the Mangete constituency of local women – specifically the more empowered local women – as more important to his office than the constituency of local men. In this light, the respective electoral performances of the Inkatha



Freedom Party and the African National Congress in his constituency would be considerably dependent on the support of the local women.

In supporting women's struggles for control over land for economic use, *Inkosi Mathaba* appears to be supporting an existing trend. There are a substantial number of women in the Mangete community who are already active sugarcane growers. Many of these women are operating on land from which they were removed, and which was restored to the Traditional Authority in 1993 following a court judgment. *Inkosi Mathaba* estimates that there are approximately 150 family landholdings operating as small farms under the Macambini Canegrowers Association, with most of these holdings being managed by women. These women are making money and this further acts as a lever for progressive change in the community.

Although inconclusive, one factor that may influence *Inkosi Mathaba's* position on land allocations to women lies closer to home in the realm of his own family life. He noted that when he personally needed land, he felt obliged to ask his mother, who had inherited his late father's powers in relation to their family landholding and had control of a large tract. As the male heir, he could possibly have acquired the land without going through his mother, but it seems from his comments that he would have thought this disrespectful.

The Macambini Women's Association

The women's sugar association developed on the 100 hectares of land that was restored to the Traditional Authority in 1993. This land is reported to have been reallocated to many of the people who originally lived on it, as well as to others needing land. It is highly fertile sugar land, which had been in production before being restored to the Traditional Authority. Once the restoration of the land had taken place, many of the women who received rights seem to have wanted to continue the sugar production for household income generation.

A group of 48 women reportedly came together and petitioned the local *induna* for land, which they received in due course. The quantity of land they received was relatively small, apparently in the vicinity of 6-7 hectares. This land is not under title, but has been allocated according to the usual communal tenure system. The women then established the Macambini Women's Association with the purpose of carrying out collective sugar cultivation on the land. Each member paid a joining fee of R300, and the group obtained a sugar quota.



The group dealt with Hulett's at Amatikulu to set up an outgrower scheme with commercial sponsorship, and began to work on the usual outgrower basis, in which inputs, services, credit and advice are made available by the sugar distribution firm. The size of the group was large relative to the amount of land they had for production, and incomes were relatively low. Figures are not fully certain as reported, but women in the group receive approximately R800 per year for their activity in the production group. This represents a relatively small contribution to household income, possibly one month's income for an average rural family.

The members of the women's association then decided they needed additional sugar income, and managed to obtain additional individual sugar quotas so that they could produce a crop at home, on their own land. Each woman growing sugar on her own would then receive a roughly estimated R5 000-6 000 per crop.

Though details and time sequence are unclear, the women's association referred to having successfully lobbied the KwaZulu Legislature to allow sugar quotas to be allocated to women. These quotas were allocated on the grounds that women were now often the main supporters of their families.

Having successfully established themselves in sugar production and obtained a significant level of individual income, the women's association most recently moved to use their organisation to secure their children's education in a direct way. At the time, there was no high school accessible from their area. The women took the initiative to approach white farmers in the area, collecting donations of building supplies for the purpose of improving their local school facilities. They succeeded in this project, and were able to build classrooms and upgrade the school to a high school.

The connections between women's income, women's autonomy, women's capacity to organise and women's commitment to investing in the family to overcome future poverty is clearly visible through the history of this self-organised women's group.

Conclusions and Implications

Securing women's land rights

The focus group and the case study confirm the need to secure women's access to land. Women are significant users of land and the income that they derive is critical to the sustainability of their rural households. An important



blockage is that women do not have independent legal evidence about their interests in their husbands, brothers or father's properties. The need for evidence of these interests emerges at crisis moments in women's lives such as divorce or the death of a spouse, when the rights they had as a result of their relationship to the household through their husband are placed under stress.

This confirms the need for some of the policy thrusts identified, namely the need for property records that reflect women's interests in land as well as changes to legal impediments to women's access, such as marriage and inheritance laws. In terms of policy and implementation practice, the land interests of individual household members need to be unravelled and ways need to be found to protect these against internal household claims. Precise mechanisms to achieve this would have to be carefully unpacked and negotiated to prevent changes increasing women's vulnerabilities as more powerful members of households and communities find ways of exploiting openings.

Although the participants in the focus session were fairly elite rural women (such as the wives of *amakhosi* and *izinduna*, see Research Methodology Appendix), their concerns and proposals regarding records echo findings from other projects and processes (Ziqubu, 2001; Hargreaves, 1998).

While the recognition of *de facto* rights is indeed the correct approach, it is important to note that certain categories of women and children will become particularly vulnerable as men move to secure their landholdings against such claims. There is some evidence that the women and children most at risk in these patrilineal systems are those with different surnames from the remainder of the household. This might include the children of an unmarried woman who have their father's surname but reside in the household of their mother's father. These members become vulnerable to eviction when the male head that gave them land dies and a new male head resents the tacit claim on land made by the presence of another family on his landholdings. Any attempts to formalise or register these interests in land might result in pre-emptive evictions.

Progressive changes for women? How far have we come?

The focus group and the Mangete case study suggest that change, albeit uneven, is happening in some rural districts of KwaZulu-Natal. It appears that for single women, access to land is no longer as contentious: it is increasingly conceded that single women need their own land to support their families.



However, while the practice of allocating land to single women with dependants seems to be more commonplace, conditions of access remain fairly dependant on a male, whether a boy child or male relative. The Mangete case study suggests an exception for unmarried women in the community, which conclusion must be more closely examined. Land access for married women remains a problem throughout.

Understanding these processes of change underway in communities living under communal tenure arrangements is critically important both to policy and implementation practice. These processes must build on the changes that are taking place and an understanding of the opportunities which these present for poor rural women. In this way, spaces for women's land access and benefit can be forced open and gains extended to other communities. A deeper understanding of the process of change and the conditions under which these shifts take place will serve as an important basis for challenging the intransigence of traditional institutions and their leadership.

The Mangete case draws attention to what is likely to be a critical sequence for change in women's access to land in the rural districts, i.e.: pressure from central government through the Constitution and through programmes of delivery by central government, carries through to a recognition by normally conservative structures that they must respond in order to have a chance of maintaining their position. From this point power structures re-position and may become more sympathetic to the interests of the women who want to use land for economic activity. The adaptability of traditional institutions is also pointed to by the RWM focus group discussion. At a more general level, women in the focus session were divided as to whether traditional authority land administrators undermine women's interests in land. There is some indication from the discussion, however, that some changes are occurring within these systems to accommodate the land needs of women who are, after all, the majority of any *inkosi's* subjects.

The point remains, however, that the highly patriarchal nature of traditional institutions that administrate land in communal areas and govern the lives of rural dwellers remain an obstacle for poor rural women. Clear policy and practical intervention to transform traditional institutions and their practices, which build on existing openings for change, is critical to ensure that all rural women living under communal tenure systems benefit.

The issue of women's freedom to use land for economic activity, and to control their resulting income, and not merely to receive land and use it under the authority of men for limited household reproduction – may form the pivot for re-orienting gender relations in conservative rural society. It is at this point



that domination of women by men is being forced to give way. Once women obtain the right to economic use of land, and to obtain land directly for that purpose, there may be reason to believe that their right to dispose of the land outside the formal line of succession will follow.

The Mangete case study suggests that the legal entrenchment of women's rights at a national level could potentially have a powerful effect on the alignment of forces inside closed communities at local and district level. Combining with the sad and dangerous effects of unemployment on rural society, comes a space for better off and more empowered women to organise – to force a hole in the fence. With important changes emerging in the rural districts of KwaZulu-Natal, in the heart of conservatism, it remains for civil society to develop ways of defining and widening this hole in the fence, so that poor rural women are able to take advantage of new land options.

Resistance to change

The Mangete case study raises questions about how much intervention by individual men and social alliances of men to protect male privileges is actually likely to occur. Within the Mangete community, there appears to be little resistance now, either from men or from other women, to the idea of single women obtaining land and making economic use of it. Although it is often heard in rural areas, the argument did not come up at Mangete that allowing single women to hold land amounts to promoting sexual immorality. Instead, the contentious gender and land issue at Mangete appears to be conflicting expectations around land for married women.

What appears to have happened in the case of Mangete is that the pressure of unemployment in this rural district, combined with genuine opportunities for women to make money in cultivation with outside support from the private sector, has opened a hole in the fence of male opposition. That this trend is more widely based is shown by the acquiescence of the former KwaZulu Natal Legislature, dominated by conservative traditional *amakhosi*, in the application from women to be allocated sugar quotas. That there is some level of reluctant acceptance from men appears from the lack of organised male resistance, or even public opposition from men, to *Inkosi* Mathaba's programme of allocating land to women.

The Mangete case does, however, illustrate men's fears of women's economic independence. Women wanting to engage in vegetable production for cash say they feel obliged to buy in their husbands' permission by allocating them work in fencing their collective gardens. Their fear is that the



husbands will block their economic activity if there is no payoff in it for them. Explanations from the women centre on men's well-known dislike of wives who have access to their own independent incomes, and can escape control by the husband.

Therefore, instead of men going secretly to the power structures to dis-establish individual women's claims to land, as emerged from Ngubane's (1997) prior interviews in other areas on the Natal North Coast, men at Mangete seem to know they do not have the unequivocal support of the local power structures, and limit themselves to demanding some share of the activity. Women still fear their husbands' opposition, however, and many women may not be able to involve themselves in cash cropping in the first place because of their husbands' refusal to grant permission.

The RWM focus group does not speak very explicitly about men's resistance to change and their fears of women's steps towards economic independence. Some of the group participants did, however, mention that men are not happy with the changes in women's land access that are occurring in their communities.

In conclusion, it is important to acknowledge that those who hold power and authority – in this case men within households, men in the wider community and men on traditional governance and land administration structures – and who stand to lose most, will resist change. Processes of transformation that are underway in the countryside are and will continue to be conflictual and difficult, as they play out at different institutional levels, including the household. The challenge for civil society broadly, and rural women in particular, is to bolster poor women's ability to stand up against this resistance and to provide support to promote and stabilise these trends.

Case studies/project work for the PWAL Programme

In relation to communal tenure reform the PWAL Programme should, firstly, undertake and support more extensive documentation of and analysis on rural communities that are undergoing visible processes of internal change, as this specifically relates to rural women's access to and control over land. These case studies should be undertaken through a participatory approach which maximises opportunities for learning and critical reflection within the case study community.



These case studies should specifically seek to:

- Identify the changes to social relationships that impact on communal tenure and in particular on poor, rural women's access to and control over land in order to identify key points for change and stability; and
- Map out the community processes and norms that enable and block women from accessing and securing land.

These case studies should be designed to enable the identification of broad changes to policy and implementation practice that are required to support and stabilise these changes on the ground. The targets for lobbying on the case study results include traditional institutions for changes in practice and the government for reforms to policy and law.

The PWAL Programme is challenged to feed the case studies into learning, sharing and strategising spaces for rural women. Organised groups of women, such as the RWM, form a logical starting point for this work. Working at the grassroots level will ensure the building of capacity for rural women to push for and drive these changes from below.

The second area of work for the PWAL Programme in regard to communal tenure reform is that related to the recording of land rights. It is proposed that the PWAL Programme consider working in alliance with projects attempting to record people's rights in common property situations in order to identify how poor, rural women's land rights can be secured. Examples include the tribal authorities that keep registers of members' land rights, the Association for Rural Advancement's project Piloting Local Administration of Records (PILAR), the Surplus People's Project work with saailande in Namaqualand and the Border Rural Committee's attempts to demarcate and record rights in land reform projects. Any one of these projects would assist women and men to understand what records can and cannot do to secure women's rights in land.

This project work should specifically seek to establish:

- What kind of record provides legal evidence of poor rural women's interests in land acquired through a household, and the policy and implementation implications of that finding; and
- Whether a record of a poor rural woman's interests in land does give her more security, and if not, why not and what is required.



CHAPTER ELEVEN

Civil Society Land Reform

The notion that civil society can undertake land reform is a recent one in South Africa. The role of civil society in land reform after 1994 was generally conceptualised as one of partnership with the government, although this notion changed over time to include concepts of critical and strategic partnership⁷. Partnership entailed an implicit acceptance that (a democratic) government is primarily responsible for land reform delivery while the role of NGOs, community based organisations and other civil society structures is both to enable that duty and to critique the government's performance in carrying out this duty.

Towards the end of the decade, however, civil society began to reassess. The Mbeki regime and its increasingly restrained allocation of resources for the social democratic transformation of society, combined with a "paralysis" in land reform delivery and land occupations in Zimbabwe created the conditions for considerable review and debate about the role of civil society in land reform. Although this reassessment has not to date taken the form of a clear-cut break with the state, it has created political space for the articulation of positions that imply a break may be possible. For instance, in a mini internal survey in 2001, AFRA found that some staff members conditionally supported land occupations:

"... three out of four respondents felt that there are certain instances where it is very difficult not to support [occupations]. The opposing view was that under no circumstances should land occupations be supported because a democratically-elected government has legitimate policies" (AFRA, 2001:16).

The possibility of a break with the state does not mean that such a break is imminent or easy either to conceptualise or to effect. There are indeed increased threats from communities and their representatives to occupy land and there have been very public occupations in recent years (such as Bredell and Groot Vlaktefontein), but these do not amount to a conscious, carefully articulated civil society alternative to land reform. They constitute rather an increasingly vociferous lobbying of the state to meet rural people's demands and needs. They are strategies within the status quo rather than new political



goals. As such, the change in relationship between state and civil society does not so much indicate civil society's withdrawal from engagement with the state, but an added tempo of that engagement as a result of the state's increasingly conservative political, economic and social goals.

Other types of action, such as random or unorganised occupations, also do not indicate that an autonomous civil society alternative to state land reform is developing. Whether or not non-organised occupations are increasing (as is perceived), the fact is that they do not yet constitute conscious political action in any explicit sense. They may suggest that the conditions are developing for a concerted counter to state-led land reform but they are not yet in themselves that alternative. To become an alternative land reform goal, the people or groups undertaking these occupations would need to organise, connect with other groups planning or undertaking the same actions and articulate a political objective that stands in tension with the objectives of state-led land reform. Such a possibility may indeed challenge the state sufficiently for it to adjust its land reform objectives to meet the expressed interests of the rural poor.

For the purposes of this analysis, however, civil society land reform is understood in a limited sense as the direct actions taken by people to satisfy their need or entitlement to land. This may ultimately result in a politicised civil society alternative to state-led land reform but need not necessarily do so. There are therefore three possible categories of actions. The first is collective action that is influenced by the organising activities of external structures, such as NGOs or political parties. This category probably has the best possibility of leading an alternative land reform because of the capacity to mobilise organisational and financial resources. The second is autonomous collective action that may involve community leadership or community structures. And the third is autonomous individual action, in which a single person or family acts to enable access to land. The actions cover a range of possibilities, including applications to government land reform programmes or to other owners and managers of land, participation in rural social movements, occupations or encroachment.

The question for this section is whether the interests of poor, rural women are being served in these actions or whether they would be better served in different types of actions and organising. Friedman (1999) and Meer (1999) have pointed out that the state-led land reform programme is part of a social transformation agenda that aims to reverse the social and economic inequalities that resulted from systemic racial discrimination. Land reform is thus primarily concerned with the skewed racial distribution of land in which the beneficiaries, as the historically disadvantaged, are defined in racial



terms. An issue to analyse and investigate therefore is whether civil society actions that aim to challenge the state or to provide an alternative to the state operate with a different conception of who the primary beneficiaries should be in land access. A fully transformative agenda could be expected to include poor, rural women - who are single, mothers, wives and members of communities - as active organisers and beneficiaries.

This section focuses on two types of civil society engagement with state, namely, attempts to access state-led land reform programmes and rural social movements. Women's attempts to access state-led programmes are constrained because the programmes rely on community organisation that tends to be male dominated and neither the state's processes nor its products counter this domination. While social movements are one way in which civil society organises itself for, amongst other things, engagement with the state, men also tend to dominate the leadership of rural social movements, which appears to result in agendas and objectives that neglect the land interests of women. The conclusion is that attention needs to be given to articulating a demand for land that meets the needs of women as individuals and as members of families, groups and communities. To enable this, women need to be able to analyse and strategise separately from men in order to articulate their specific interests in land.

Accessing government land reform

The White Paper on South African Land Policy notes that practices discriminating against women acquiring land must be removed if land reform is to be effective (DLA, 1996: vi). It also specifies women as priority beneficiaries of redistribution and grant allocations (DLA, 1996: ix, xiii). However, the programme, its components and the mechanisms that were designed in terms of the policy do not advance women's interests in land in the ways the policy suggests these interests should be advanced. In addition to the issues analysed in Chapter 9, factors that have affected this outcome are the demand-driven nature of the programme and the absence of effective demand for programmes and procedures that satisfy the interests of women.

Land reform as defined in 1994 was created as a demand-driven programme in order to avoid the problems of state-led development not properly targeting people's real needs. The programme was therefore designed so that individuals or groups of people had to decide that they needed land (or a tenure upgrade), identify the land they required, negotiate a sale and price with the owner and then approach the government for a subsidy. A supply-



driven alternative would have involved the government in supplying appropriately apportioned land and services to qualifying people in areas identified as suitable.

The demand-driven programme, however, has never functioned as expected and from the start the government has had to provide potential beneficiaries with support, such as assisting them to meet the requirements for the release of subsidies (grants), identify land and negotiate sales. Indeed, in practice this support is no longer thought of as extra support but as a requirement of the redistribution programme that must be met in order for state money to be released. A new programme, the Land Redistribution for Agricultural Development (LRAD) programme, was created to meet some of the problems of the old redistribution programme. One of the key problems of the earlier programme was that it was difficult to mobilise demand amongst the poor so that the services were used effectively.

There are two sets of questions posed by the demand-driven nature of government land reform programmes. The first relates to processes prior to an applicants (or claimant's) appearance at the DLA's door and the second to issues affecting applicants and claimants once the door has opened. Although the latter point belongs generally with state sector land reform, some concerns are raised here because they create the conditions for collective action from women who need land.

Before the DLA door: Information and demand

As noted, the demand-driven nature of the land reform programme requires that people wishing to claim or apply for land must approach the department (or the Land Claims Commission) for assistance. Other factors within the different legs of the programme lead, under certain conditions, to a tacit requirement that community representatives make this approach on behalf of the group. For instance, poor people accessing land under the redistribution programme have had to pool their grants in order to afford land purchase, due to the small size of the grant relative to the purchase price of available land units. (It is possible this may change under the new Land Redistribution for Agricultural Development (LRAD) programme, although group purchases by the poor are unlikely to disappear). Most rural restitution claims are group based because of the way government prioritises claims and the pressure Commission officials place on claimants to arrange their claims in this way.

Group-based approaches to land reform are not undesirable⁸. However, when such approaches are combined with a demand-driven mechanism, the



question that needs to be asked is "how is demand mobilised?" and particularly "how is demand that meets the needs and interests of poor, rural women mobilised?" This question has two components. The demand can be for existing products or services with a focus on how they are implemented or it can be for a service or product that doesn't exist but would conform to the parameters of certain policy or guidelines.

This section deals with the first component, and focuses on information gathering and dissemination as a key strategy to mobilise demand. Different actors have different information about land reform, and about who benefits and how these benefits might be accessed. In order for information gathering and dissemination to be an effective strategy in mobilising demand from poor, rural women, officials need to understand the information bases from which such women operate as well as what inhibits them from accessing and using information.

Community representatives and officials

Understanding how demand is mobilised that satisfies the needs and interests of poor rural women is crucial because many land reform applications are initiated by community representatives, the majority of whom are male leaders with some status and often economic power in communities. These leaders approach the government for advice and support. The interactions with officials involve the following initial steps:

- Representative knocks on the DLA door / Enquiry;
- DLA official gives and gathers information and assesses land needs;
- DLA official draws up a project identification report (PIR)
- Provincial project advisory committee (PPAC) approves PIR⁹

These critical steps, and the information that is shared through them, determine how the representatives and officials understand what the proposed land reform project is supposed to achieve and who is supposed to benefit. Together the official and the community representative construct an information base that determines subsequent outcomes. That is, the information will determine and frame what type of project will result from an enquiry and application, what the land will be used for, who the "beneficiaries" will be and what form of tenure they will adopt. Each of these components will have an impact on the extent to which women's land needs and interests will be met.



During the PWAL research conceptual workshop, participants from NGOs and the DLA argued that women's access to land is particularly affected by the way information is managed in the steps outlined above.

"The DLA official's task in gathering and disseminating information [is particularly important], because it provides the first opportunity to assess women's needs and to recommend and develop an appropriate plan to accommodate them. Providing information to women is also important to facilitate women's future participation and sense of ownership of the project since a lack of information is excluding" (PWALP, 2001:8).

The above observations are made from the perspective of the officials' role in ensuring gender equitable land reform. These assume that women will be represented in the group that first knocks at the door and that they are able to access information about land reform. This is not the experience of most service organisations including the DLA, who know that it is mostly men, and not women, who represent communities.

In addition to the officials' perspective, the community representative's perspective when he approaches the department also needs to be assessed. The representative makes the approach on the basis of information that he has, which relates to some conception of what he believes the community, or members of it, want to do with the land. The processes at community level that shape this information base and goal are obscure to most outsiders. However, there are certain indications that these processes do not encourage women to articulate their own land interests. For instance, many women at the Rural Women's Day Workshop (NLC, 2001:13) demanded better access to information about land benefits, rights and options, clearly suggesting that they do not have such information and that its absence disempowers them¹⁰. Furthermore, some research shows (see Chapter 8) that many women would prefer smaller portions of land that are better serviced and located closer to urban opportunities and yet many implemented redistribution projects involve large tracts of very rural land instead.

Quite clearly, one of the reasons why the land reform packages that communities adopt do not meet women's land interests is that community representatives and officials are not able to articulate these interests in a way that enables them to impact on the package. The information available to the "community" and the purpose for engaging with land reform is likely to be interpreted in ways that advance the land interests of men, based on an assumption that these represent the interests of women and men alike. For example, information that suggests that groups of households can access money to buy land for farming carries a strong connotation that the benefit is



for families - not women and men - and that the purpose is to create commercial agriculture. Challenges to the structure of the household and its allocation of resources are not in any way implied. An example of a male-biased outcome resulting from this information would be the provision of extensive rural land with water for livestock and large-scale irrigation, rather than compact peri-urban land for residential and garden use with water for household needs plus small-scale irrigation. Livestock production is a traditional male domain, whereas women are more likely to bear responsibility for household food needs.

Thus the nature of the land reform information provided to the communities by the DLA, and the way that individual officials engage with the information gleaned from community representatives has a fundamental bearing on the extent to which the projects that emerge from this information exchange will meet the land interests of women.

Information and poor rural women's interests

Land NGOs have recognised that the provision of adequate and appropriate information is crucial to the ability of rural people to assert their land rights. Hence, the DLA together with land NGOs organised two widespread information campaigns in 1998 and 1999 to inform communities about their rights to claim land under the restitution and labour tenants legislation and programmes, and to mobilise demand for the claiming of these rights prior to legal cut-off dates. Both these campaigns sought to reach into communities where people that might have wished to submit claims lived. They gave detailed information on who qualified, where applications could be made, what they entailed and details of whom to approach for further information¹¹. They included road shows, posters and radio inserts. However, neither campaign explicitly targeted women's needs or tried to address the specific issues that women confront. One assumes that the reason for this was that the information appeared to be gender neutral because the "product" and processes on offer appeared to be neutral with respect to the needs of women and men.

The construction and dissemination of information that addresses women's needs is admittedly difficult in the context of tight time-frames, limited budgets and legal definitions that don't easily disentangle women and men's rights (the *Restitution of Land Rights Act* and the *Land Reform (Labour Tenants) Act*). Nevertheless, information that does not address how poor, rural women can benefit from a programme and what they need to do in order to benefit, effectively obscures the types of power dynamics that act to block women



from being able to access and act on information, including their own beliefs and perceptions about whether or not the information is directed at them. The failure to provide information that enables women to engage with and access land reform assumes that women begin from the same base as men in being able to translate information into actions and benefits. This assumption ignores the power imbalance between women and men. As such, it is tantamount to maintaining the dominance of men's interests in land, and confirms Meer (1999) and Friedman's (1999) observations about the racial nature of the transformation project within which land reform has been pursued.

We note in Chapter 9 that women are only likely to apply for the benefits offered by LRAD if they have the support of intermediaries. It is carefully structured information that will enable women both to see that it is worthwhile to approach an intermediary, and where to find such a person or organisation.

Identifying future case studies

What then are appropriate ways of identifying, developing and communicating information that enables poor rural communities, and women in particular, to maximise their opportunities for engaging with land reform? What follows is not the only way of answering this question, but provides an approach and some strategies as a point of departure for a fuller consideration.

Objectives:

- One objective is to provide widespread information that will enable poor, rural women to understand how they benefit from land reform as individuals, as members of families and as members of communities and what they have to do to realise each of these benefits within these different groupings. Other objectives of providing information that differentiates between women and men's interests, and that focuses on poor rural women's interests, would need to be clarified.
- The information objectives would need to be checked against the programmes' target group to ensure that the DLA intends both men and women, and poor rural women in particular, to benefit and that it has the resources and procedures in place to enable this to happen. This investigation needs to move beyond the DLA's policy statements to an assessment of resource allocation and procedures given the noticeable gap between policy and practice when it comes to meeting gender equity goals in land reform.



Principle:

- The provision of equal access to information must be promoted. The initial focus should be on current areas of land reform that need to be communicated rather than on reformulation of old communication strategies because more resources will be available to support current issues. A good information base also assists people to understand other options more easily. Possibilities include a national information campaign targeting potential LRAD applicants, since this has not yet been undertaken.

Issues for strategy:

- Potential women applicants (with differentiation for class, social and marital¹² status) are in the best position to guide decisions about what information women will need and how it should be presented. Strategies for mobilising gender-sensitive demand should therefore include working with a range of potential women applicants to develop and test information around a specific land reform programme.
- Information travels fastest when it is about realisable benefits, which is why success stories in a particular district so often result in increased local demand for the benefit. Like the point above, this suggests that working with potential applicants could generate information that women can use to articulate demand as well as a local resource base for other women to use around how to access the benefits.

These objectives and principles determine the following criteria for a possible case study:

- The case study must be relevant to the current interests of officials, potential beneficiaries and other service organisations. This will ensure that the resources are available for the case study to succeed.
- The investigation must result in concrete actions that move towards satisfying poor, rural women's needs and interests and should not remain "pure" research.
- The case study must enable policy recommendations to emerge from an evaluation of what works in practice.



- The case study should work with information gathering and sharing with a range of actors since this is a key factor in the mobilisation of effective demand.
- The case study should focus on two or three small groups of women who wish to consider applying for LRAD benefits. The groups may already exist or may have to be created (through the community networks of the NLC affiliates, other NGOs, DLA provincial structures or advertising).
- Each group should be fairly undifferentiated within but should reflect social and marital status and class differentiation between groups as well as a range of purposes (profit-making or household security production) for the land.
- The objective of the case studies would be to identify what the procedures are for women, firstly, and different women, secondly, to access these benefits and what the
- information is that different women need in order to facilitate their access to LRAD benefits. There also must be a focus on appropriate media for communication, which these women can help develop. This might include community radio and drama at particular times and moments (such as pension pay-out points or schools).

Summary

This section has focussed on one type of solution to the problem of mobilising demand that reflects women as well as men's interests in land, namely the creation and dissemination of gender-sensitive information. Other ways of mobilising this type of demand include intensive community fieldwork and workshops most frequently undertaken by NGOs. These methods, however, would also require very careful consideration of the programmes on offer and whether their objectives include women as beneficiaries and whether they have the resources and procedures in place to support different women when they act. Therefore, whether the method involves large-scale mobilisation or small-scale intensive mobilisation, the initial conceptualisation remains the same.

Finally, this section has not differentiated fully between women who would engage with land reform as independent women and women who would engage with land reform as members of households. This is however an



important differentiation since poor rural women's real lives span across these situations and interests. The mobilisation of gender differentiated demand would have to deal with both categories of poor rural women if the needs of all these women are to be effectively addressed. Meeting these varied interests will have implications for strategy, objectives and indicators. An approach that analyses the risks for different categories of women and what support is needed to minimise them will enable a differentiated assessment of vulnerability and where support should be located.

In conclusion, the success of a demand-driven land reform programme in which the primary implementing mechanism is group application requires effective mobilisation of demand. Specific efforts must also be made to mobilise demand which differentiates between the interests of women and men if women's land needs and interests are to be articulated with respect to the existing land reform products. Information dissemination is a key instrument in efforts to mobilise demand and empower potential beneficiaries, but the mode of dissemination and the creation and communication of information that clearly identifies which women can benefit and how they can realise the benefits are crucial issues for the mobilisation of women's specific land demand. A case study focusing on differentiated groups of women using action research based on current real information dissemination needs (such as LRAD) is proposed.

Into the DLA's den

In the previous section it was noted that the mobilisation of gender sensitive demand involves two aspects:

- Informing women, and poor rural women specifically, about how they differentially benefit from products DLA offers.
- Demanding products that meet the land needs that poor rural women have identified for themselves.

Information creates demand if it results in benefits. Since there are questions about DLA's delivery over the past two years¹³, some observations need to be made about what happens after the initial application. Likewise, a brief assessment needs to be made of whether the current products meet women's needs. Each of these aspects will be briefly discussed because issues related to them create the conditions for collective action that challenges the state, which is dealt with in the next section. More information on these issues is available in Chapter 9.



Lahiff (2001:4) has pointed out the significant paralysis in DLA delivery that has resulted from moratoria during reviews in 2000, the development of new programmes and capacity issues as a result of the rapid staff turnover. At one level this doesn't appear to have much significance for gender. Women and men who expected to benefit from land reform have equally noted the paralysis. On the other hand, the capacity constraints mean that the relative lack of attention to the implementation of gender objectives (Hargreaves and Meer, 2000; Friedman, 1999) has continued in land reform projects, and may even have declined as political pressures around delivery increase¹⁴ (See Chapter 9 for an analysis of the failure of the redistribution programme to meet its gender objectives). The paralysis has also stunted the processes that should have been undertaken to integrate gender into projects in a way that can be successfully implemented. The net result is that women who may wish to benefit from land reform as women are still confronted with the challenge of trying to prise their way through small gaps to win approval from programmes that declare themselves gender neutral but are in reality not sympathetic to women's land interests¹⁵.

The research indicates that what many women want from land reform differs from what men want in significant ways. In terms of access to land, women appear to need a much greater focus on location in terms of access to household services and resources while men's needs for large tracts of land are more pressing than location. Women's needs for secure tenure for themselves and their children are also much more important than men's¹⁶, probably because men have secure tenure in terms of customary inheritance whereas women tend not to. Tenure reform may therefore have more opportunities to support women's land needs than any other land reform programme. Women also appear to face different challenges related to the use of land. These include efforts to secure exclusive use of the financial benefits from their male relatives, the success or failure of which determines how much they are prepared to invest in the land.

Differentiation between women also affects their land use needs. Research using the sustainable livelihoods framework conducted by Oxfam¹⁷ in a community near Durban shows that there are four categories of agricultural land using rural dwellers. The first is households in which there are no remittances or pensions. These households, which tend to be women-headed, are too poor to undertake agriculture and survive mostly through handouts and part-time labour on other people's subsistence plots. The second is households with a single remittance or pension and include women-headed households. These participate in community gardens, tending their own pieces of land and sharing collective burdens such as fencing. The



third is households with a double income (remittances or pensions or both) that undertake subsistence agriculture on fields allocated to individual households. The fourth group comprises households that are mostly male-headed that also have businesses (taxis, tuck shops), and these tend to have herds of livestock and small-scale commercial fields of sugar, timber or other crops.

This research demonstrates that class interests differ within a single community and also that the interests of women and men with respect to land differ. Men are likely to have and want large tracts of land for livestock and (relatively) large-scale arable production that they support through other means. Women on their own are much poorer and focus their production strategies on household survival. This suggests that land reform products as they are currently conceptualised are not geared towards meeting the land needs of the poor (women). There is therefore space for mobilising a demand for land reform products that meet the real needs of poor rural women.

This analysis suggests that, on the one hand, government paralysis has also disabled the processes of developing implementation procedures that are responsive to women's interests and that, on the other hand, the land reform products on offer do not appear to meet women's land reform needs. This partly reflects the general shift in government policies from a concern for social needs to a focus on economic productivity. Attempts to shift the political priorities of the government and to resuscitate reconstruction and development (RDP) principles would require significant civil society mobilisation. The next section looks at how collective action in rural social movements may be dealing with these concerns.



Establishing And Participating In Rural Social Movements

Conditions for the emergence of social movements

NLC research refers to the conditions for the emergence of social movements:

"The neo-liberal policies of the new government have not only failed to change the class structure and social relations of the apartheid capitalist order, but, most importantly, these policies are perpetuating these social relations. The policies have not only failed to eradicate poverty, but are themselves the source of poverty. Patterns of land ownership still resemble the old order seven years into the new democratic order. By allocating the crucial responsibility of socio-economic development to the capitalist class, the state has simply abdicated the mandate of transforming apartheid social relations" (NLC, 2001:32).

The report goes on to argue that this development lies at the heart of the emerging social movements, which are responding to the effects of these policies. Social movements are thus organised, collective responses to the values embedded in state policy with the intention of causing these values to shift to greater equitability of access to resources.

However, by its own admission, the report fails to analyse the gender dimensions of social movements and possible strategies for improving these. It also notes that there appears to be some uncertainty about how to engage with the issue. It does not, in other words, consider in any detail the conditions for the emergence of social movements that fully integrate gender equity into the process and vision of a transformed society.

"Although women constitute the majority of people living in rural areas, all the three movements have expressed concern about poor participation by women in the activities of the movements. Attempts have been made to create conditions for women to actively participate without much success. In the case of LRC, separate workshops have been organised to encourage women's participation but the emerging



view is that perhaps the traditional values in rural areas might explain the apathy." (NLC, 2001)

Social movements speak

This section examines the KwaZulu-Natal Tenure Security Co-ordinating Committee (TSCC) and the Rural Women's Movement (RWM), and argues that rural social movements have tended to present themselves as gender neutral with respect to land. While there are good strategic reasons for this, there is also evidence that women do have specific needs that are not being addressed in land reform while men are both threatened by and uncertain how to take on the challenges of gender equity. The NLC social movement research above attributes women's apathy to traditional values. The PWAL research disagrees, and argues that the challenge is to assist women to analyse their lives in ways that enable them to experience their interests and needs as legitimate and to develop strategies for articulating these effectively.

This section does not intend to be representative of rural social movements. For a broader discussion of these see the NLC social movements research (NLC, 2001). It intends instead to analyse the moments of opportunity for shifting power relations between women and men and to examine whether or not these have been exploited.

The KwaZulu-Natal Tenure Security Co-ordinating Committee

The Tenure Security Co-ordinating Committee (TSCC), a KwaZulu-Natal community based structure (see methodology) was formed to address community level needs that exist as a result of people's landlessness or ownership of marginal, unproductive land. The TSCC forms part of the Landless People's Movement (LPM). Like the LPM, the purposes of the TSCC are to build rural people's strength through:

- Helping to acquire land to improve livelihoods, and lobbying and negotiating with the DLA to give people land;
- Encouraging development when people have acquired land; and
- Protecting and promoting human rights, including educating people about their rights, preventing abuses by farmers and unfair evictions.



Some members of the TSCC also thought that the purpose was to ensure that people in tribal areas also get land and to ensure that the *amakhosi* do not oppress them. However, there was no consensus on this point.

Views expressed by the group initially suggested a fair degree of polarisation between women and men. According to men, who spoke first, women are represented on committees and that representation means that they can raise issues if they wish to and will be listened to "if what they say makes sense". In fact, they often outnumber men but lack self-esteem and don't use the positions men give them. This, according to one of the men, creates the impression that men are oppressive. The presence and participation of women in these structures – in spite of the extra burdens of child care and domestic responsibilities which mitigate against such participation - appears to indicate a level of political will among women to ensure that their land needs and interests are met.

The men also pointed out that they always ensure that women are included on land reform beneficiary lists. However, it is not clear whether the committee provides support and assistance with child care to these women to enable them to participate fully. Some of the views expressed clearly indicate the existence of sexist attitudes which would evidently lead to women being marginalised in the committee, unless they become a strong assertive group. One of the views expressed was, for example, that, "women who came back from Beijing with their rights should not abuse the rights of men" Men are heads of households while women are supporters of them in that role. It was noted that some women have tried to challenge that role by beating their husbands and refusing sex with them. This clearly indicates a belief in male supremacy.

In discussions about ownership rights, men argued that widowed women are easily deceived by men, which results in a woman giving such a man all the property she has inherited from her husband, and that this is why it is important for men to marry their deceased brother's wives. Asked if this deception also affects men, one man replied that this would happen only if a woman has "given him muti to make him stupid", because men would never give away their inheritance. The difference, according to some of the men, is that women are loose and they move into their husband's house when they marry and are therefore not as attached to the inheritance.

Women noted that although there has been considerable education about women's rights, there are still many women who are too afraid to assert these rights because they fear repercussions in their homes. This may be the result of low self-esteem as a result of internalised oppression. Many women may



not view their own opinions as valuable and may expect other women in leadership positions to speak on their behalf.

One woman said she has wanted to raise certain issues in the committee. In particular she has wanted to know about other structures and organisations that are focussing on women's issues. She noted that in Durban the TSCC was asked to comment on women being excluded from land reform and the structure was unable to respond because it doesn't talk about women's rights to land.

As the conversation progressed and women raised various issues, the polarisation lessened and a dialogue was created. A man pointed out that low self-esteem also afflicts men and noted that the question of women's rights to land need to be sorted out when land allocation takes place. The men also began to acknowledge that the committee has discussed human rights but not women's rights specifically because it has not looked at rights for men and women. It was noted that there is a need to do this. Another man said that although the committee had not discussed discrimination, it was hoped that the Constitution, which protects women's right to equality, would enable women to speak about their rights. He pointed out that because women had not raised the issue before, the men did not know there was a problem. A woman responded to this observation by saying that her church group had discussed the impact of different kinds of marriage on inheritance, but she had not thought of raising these issues before in the TSCC. She added that the TSCC is the community's "shining light", and therefore needs to address these issues in such a way that they don't cause problems. From this view, it is also evident that women often refrain from raising gender issues because they believe this could give rise to conflict, which might cause divisions within the movement.

The establishment of the TSCC had been a response to a particular issue affecting the whole group and not just particular members. That catalyst had been the focus of the group. Following these discussions, however, representatives agreed that issues affecting women's participation, equality and land rights need to be addressed, and that women must be supported to build their confidence to participate actively to address these new concerns. Some of the strategies the committee thought they could adopt to address women's equity included:

- We need to meet other structures like the Rural Women's Movement (RWM) and see what are they doing and what we can learn from them;



- Training to strengthen the group in gender issues;
- Women should meet to identify problems and to highlight ways in which they are oppressed. After that, they should forward their issues to the TSCC and say how they can be integrated.
- Constitutionally women have rights but in practice it is difficult to exercise them. We need to identify problems and come up with solutions.

However, it was also noted that:

- We are not sure where we are going. Everyone wants land, and now women and youth want it too. Women need to cough out their oppression and speak about it. We need to drive hard to promote the status of women, but we cannot be equal since we (men) were made before women.

The committee agreed that a first step would be to arrange for women in the TSCC to meet with women from the Rural Women's Movement to discuss land and women's issues in relation to it. This, it was expected, would enable a clear identification of the problem areas and ideas and solutions on how to address these. These recommendations would need to come back to the full TSCC committee, which would respond to them and find ways of integrating them into the TSCC purposes.

Observations included that the TSCC and its sub-structures have had very little or no discussion on gender in relation to the content of their work. The assumption has been that having women on the committee is sufficient to be "equitable", and vaguely, that women are expected to raise and take up "women's issues". This reflects an attitude in the sector generally, which has not led to the promotion of women's particular interests or gender equality.

The facilitator also noted the strongly patriarchal attitudes and behaviours within the committee and that the women were cautious and careful about how they engaged. The issues were loaded and different men and women displayed very different levels of hostility, openness and analysis. Despite this, there was a will to take the initial discussions further.

Following the focus session, a report-back meeting was held with AFRA, which acknowledged that it had not found an effective way of working with gender in its rural social movement work. A particular issue they were grappling with was how to integrate the experiences of the Rural Women's



Movement (which AFRA had played an important role in establishing) with those of the TSCC. The focus session findings prompted AFRA to rethink its work with the TSCC and gender issues and to recognise the importance of enabling the committee to take on these issues. In addition, the TSCC subsequently contacted AFRA and the researcher to request a presentation on the research and its findings as a first step in the process of working with the concerns raised during the focus session.

These follow-ups indicate a high degree of willingness to work with women's land interests. It is noteworthy that the TSCC thought that the presence of women on the committee was equivalent to achieving gender equity, that women had issues they wanted to raise about their land interests but had not thought of raising them in the TSCC, and that both women and men valued the opportunity to discuss the issue. In addition, both AFRA and the TSCC acknowledged the difficulties they faced in working with gender issues, which suggests that support around concrete planning and conceptualising around women's needs and interests in social movement structures would be helpful.

Opportunities and obstacles to women's access to land

This section has looked at two aspects of social movements that are supported by outside organisations. These are:

- The Tenure Security Coordinating Committee (TSCC), a sub-structure of the LPM with which AFRA - an NLC affiliate - works closely, and
- The Rural Women's Movement.

The focus with the TSCC confirms the wider assessment that women's representation on committees leads people to assume that gender issues are addressed, but that this is not the case because men continue to defend their rights of dominance and women are careful not to challenge these too forcefully. As a result, women often do not raise the issues they may wish to raise, and opportunities for discussing and analysing gender concerns are not created. However, it was also clear that both men and women felt that they lacked the tools or skills to work with gender issues and women's rights to land, and that this was a serious obstacle. Their proposal to equip themselves more effectively as a positive starting point suggests a willingness to engage gender issues. This willingness is not unanimous, however, and challenges can be expected.



Issues raised about tenure by the focus members of the Rural Women's Movement committee are also pertinent here. Firstly, the women's concerns about tenure security further confirm that what appears to be gender neutral interests in the social movements disguise some very complex issues for women. Some of these relate to the state, such as the need for allocation of state resources for tenure reform, independent property rights for women and registration systems that reflect women's interests in land. Others, however require the development of conditions conducive to the assertion of rights by women in relation to their husbands, households and communities, such as demanding the right to joint titling or an independent field for cropping.

Secondly, the fact that the Rural Women's Movement had not previously addressed land issues with any seriousness also raises the question of how great a priority land is for women. It may be that the structural constraints under which women live are so disempowering that these have to be addressed before land rights can emerge as an issue. However, it may also be the case that women have not consciously recognised the opportunities that land offers in shifting material resources within the household, or that they fear the risks of attempting this. Alternatively, it's possible that the types of land issues that concern women – such as location, size and use of land - are not raised (or not raised in ways that women can engage with them). What is evident is that women need to be supported to analyse their structural and material circumstances from the perspective of the location and control of resources. This may create a base from which interests can be identified and strategies adopted to pursue these interests.

Thirdly, the focus group discussion suggests both that there is wide variation in practices around women's access to and securing of land and that practices are changing in some places. As a result, it is not sufficient simply to say that women cannot access land or inherit land or access tribal courts to assert their rights to land. Clearly some women have done all these things. This creates a rich opportunity for networking, analyses, and understanding of what is and what is not working, as well as which women are benefiting and which are being excluded. This would create a base from which to advocate for changes that support secure land rights for all women. There are currently some gaps through which some women can and do fit. The challenge is to widen them so that all women can benefit.

Finally, the discussion also suggests the following areas for further attention:

- The relative benefits for women of different types of land for different purposes - such as location, extent and use;



- What types of tenure (procedures, records) would reduce women's vulnerabilities as members of households and communities?; and
- What would need to change in order for women to use land productively?

Answers to these questions would suggest where women would prefer to live, how they would use their land if they could choose the land and how much support they would need from outside agents (NGOs and government) to improve their livelihoods. It is possible that the reason why so many of the Bredell occupiers were women relates to these types of questions, and thus to the type of land reform that is currently on offer.

In conclusion, although some social movements include gender equity as an item on their agenda, none appear to be significantly furthering poor, rural women's access to land. The important constraints include the assumption that men and women's interests in land are similar or the same, the lack of opportunity for women to identify, analyse and articulate their own interests, and the inadequate attention paid to strategies to enable women to articulate and incorporate their interests into the collective demand.

Opportunities do exist, however. While both men and women feel conceptually ill-equipped to effectively address women's equitable access to land, they are willing to develop these tools. Women, when given the opportunity to discuss their land needs and interests, recognise their importance and the need for action to achieve dispensations that result in more equitable land access outcomes within social movements, traditional authorities and government.

Case study options

Criteria for case studies suggested by the above analysis include:

- The case studies should, if possible, build on the participatory action research already undertaken with the TSCC and RWM for this report.
- The case studies should provide opportunities to work with the leadership of structures that represent the interests of poor rural women (amongst others) to better enable them to support these women and articulate their interests.



- The case studies should facilitate an analysis of the differences between women and men's interests in land, develop strategies for dealing with these differences and aim to incorporate poor, rural women's agendas in the collective rural people's demands.

A number of different types of case studies are suggested from these criteria, including:

- Networking and analytical action work with the Rural Women's Movement and the Tenure Security Co-ordinating Committee (which should include the Landless People's Movement leadership). The purpose should be to empower the committees both as committees representing women and men, and the committee members as community resource people to conceptualise and use gender concepts. This should build toward a set of demands for land reform that meets the needs of poor rural women as well as other rural people.
- Case study work on CPA's.



CHAPTER TWELVE

Private Sector Land Reform

Editor's Note: This section should have also have focused, according to the research brief, on forestry and sugarcane small grower schemes as key private sector initiatives considered relevant to a discussion on poor rural women's access to land. The researchers were briefed to: (1) map out the terrain in terms of small grower schemes (actors, scale and extent); (2) explain the operations of these programmes (selection criteria, conditions for participation, support services provided, etc.) and profile the major beneficiaries of these programmes as they currently operate; (3) highlight the major barriers and opportunities for poor rural women's participation in these schemes; and (4) define selection criteria for and suggest possible case studies. The PWAL Programme still considers this focus area to be important and will find alternative ways to undertake this very necessary analysis of small grower schemes.

Globalisation and South African agriculture

Following the agricultural deregulation policies introduced in the mid-1990s, the South African agriculture sector is almost completely unprotected by tariffs and subsidies. The industry is, as a result, exposed to unfettered global competition from lower-priced producers. Even before the introduction of the Growth, Employment and Redistribution (Gear) strategy in June 1996, South Africa had moved swiftly to open its economy and remove tariff barriers, but other countries had not reciprocated. South Africa currently has a four percent tariff protection, comparing unfavourably in protective terms to both the US (22%), and the EU (45%). As a result, South Africa has lost its previously strong position in the highly competitive international agricultural commodity market, and the position of the country's once prosperous large-scale commercial farming sector is now precarious.

Large-scale farming in South Africa is no longer competitive in a single staple crop: wheat has crashed as an export crop; maize is going the same way; sugar looks extremely marginal, and the market for fruit - formerly the mainstay of the Western Cape agricultural economy - has collapsed. South



Africa's soil, water and climate are not generally conducive to intensive agriculture, with limited high-productivity lands and expensive irrigation requirements. Producers in more fortunate countries are able to grow most crops more cheaply than local farmers.

With domestic farm products now regularly undersold by imports, many South African commercial farmers have ceased production and left the industry. Those who remain are highly efficient, motivated and competitive, but are barely breaking even. They are seeking innovative solutions to break out of their current low-income trap.

These conditions also constrain the options for poor rural women, who stand at the end of the queue for entry into any kind of sustainable commercial production. Rural women have almost no resources of their own compared to established commercial farmers, and even with strong LRAD support, they will not be able to establish themselves in most crops that have to be sold outside the local community in order to make a profit.

Niche crops: finding markets for land reform

The only option remaining for poor rural producers in South Africa will be to access and maintain a position in niche markets through the production of specialty crops. These products can draw high prices and preferential marketing conditions in Europe and America. South Africa has some competitive advantage in crops such as *rooibos*, *buchu*, and various organic crops. *Rooibos* in particular has developed a strong overseas market, and is being produced by extremely poor rural farmers in the Cedarberg.

These markets present some opportunities for the rural poor, but market entry will not be easy. Global markets in general discriminate against the poor, and some of the structural conditions in these supply chains can be summarised as follows:

- The global supply chains that deliver niche products to their final markets in Europe, the US and Japan set the prices, and these prices are unstable though usually fairly high;
- These supply chains pass risks and uncertainties down from the powerful retailers at the top of the chain (i.e. the higher up in the supply chain, the lower the risks);



- The greater risks fall on the small growers at the bottom, who have least power and are least able to absorb this burden. Poor rural women producers in South Africa would find themselves in this uncertain position.

Selling organic crops into sophisticated niche markets requires certification, which requires a high level of quality control. These exacting quality and sanitation demands mean that poor rural LRAD producers will require careful and thorough support to enter niche markets. The South African government has not moved towards providing this kind of support. The absence of this support means that niche market production is not a particularly viable option for poor rural women, who are at the end of the queue for resources and technical skills and whose position in the community as cash farmers is not at all secure.

Private partners: access to skills and capital?

Such unfavourable market access conditions mean that many poor women will need a private sector partner, with skills, capital and a track record in agricultural production to overcome these obstacles. As farmers seek new ways to position themselves in the international market and also to access government support, the private sector is moving to promote niche markets for small growers, and to develop crop production options that fit into land reform and that target poor people. Such arrangements between large-scale commercial farmers and poor rural land reform participants can take different forms, including:

- Share equity schemes, through which land reform beneficiaries use their land reform grant to buy shares in a working commercial farm;
- Joint ventures, through which an established farmer and a beneficiary group start a new production enterprise together;
- Collectives and partnerships, where arrangements can involve sharing of equipment or facilities to cut costs; and
- Mentoring arrangements, in which established farmers provide technical advice free of charge to new producers with little experience.

Through such arrangements, established white farmers benefit from the marketing advantage of being associated with South African land reform



producers, who are then able to claim shelf space from up-market European retailers. Partnerships or simple mentoring arrangements for technical advice, can be based on the desire of established producers to promote goodwill and improve local relations with independent small producers who are land reform beneficiaries.

The emergence of these private sector initiatives has sparked a new small industry of private and profit-making support services. These developments are likely to lead to major changes in the delivery of land reform. Many of the private initiatives do not go to government for finance, but rather approach the commercial banking sector to fund their joint project on its own commercial merits. While private credit is usually only accessible to land reform beneficiaries if they have support from government programs such as LRAD, established commercial farmers, as well as suppliers of inputs and equipment, already have the track record needed to approach banks directly, so circumventing the need for state credit options.

Meanwhile, it is reported that transactions taking place in the private sector land market have already delivered far more land in connection with land reform than the government programme. Formal government land reform is generally agreed to have transferred less than 2 percent of South Africa's agricultural land to the poor.

In the Western Cape, the advanced established farming sector is heavily involved in land reform initiatives. The developing trend appears to be for these land reform partnerships to bypass government delivery because it is widely seen as slow and unresponsive, in favour of existing private sector service and input providers.

At the same time, organised agriculture is working on ambitious plans for greatly expanded partnership arrangements: AgriWesKaap hopes to transform the character of the South African farming sector by bringing many more disadvantaged producers into private provision through partnerships. If these plans bear fruit, it is possible that that government may lose its leading role in land reform as organised agriculture and private farmers crowd in with different plans and approaches.

As private sector penetration of land reform gathers speed, there is a clear need for the involvement of civil society to uphold the interests of the rural poor, and that of women in particular. Given access to advice and support, women producers are able to grow crops such as *rooibos* or organic baby vegetables. If such mutual support can be put together in an honest and transparent way, small growers, especially women will find that the profitable



small international niche markets are within their reach. Without private provision, it is unlikely that state extension services will be able to deliver the level of technical advice needed to make overseas niche markets accessible in a wide range of different crops.

It is not easy, however, to distinguish those advantaged commercial farmers whose intentions are honest from those who try to use involvement in land reform initiatives to sell worthless shares in chronically unprofitable farms. During the PWAL research interviews, share equity schemes in the Western Cape, KwaZulu-Natal and Mpumalanga were generally viewed positively as favourable opportunities arose for former farm workers, but reports of less favourable outcomes for individual schemes emerged from the Free State and Northern Province. In the Northern Province, the NLC has also highlighted cases of fraud by farmers in mismanaged partnership schemes. The Western Cape still reportedly has not provided aftercare support to share equity beneficiaries buying farms under LRAD, and advocacy is needed to ensure that adequate services maintain the value of land reform projects. It will be important for civil society to engage with the private sector to ensure a better and more consistently fair opportunity for women and the rural poor, and to advise and assist in cases where partners fall apart.

A range of strategies are required to ensure a reasonable place in the international market for South African land reform beneficiaries. All major stakeholders need to be involved, but most of the responsibility will fall on civil society, with help from the DLA and DOA. South African civil society organisations need to increase their engagement with international civil society alliances working for land reform. On the other hand, the government must meet the challenge to mediate global market exposure to accommodate small-scale commercial farmers under land reform, including women and secondly, to provide enabling legislation that would promote gender equity as well as easy access to certification. This in turn, could provide some rural women with greater access to international markets. However, the question would remain to what extent poor rural women, who have support from the private sector, would be able to sustain their positions in these markets. Even if access to these markets is a possibility for some rural women, it is almost obvious that only a small minority would benefit.

Women and the private sector

Women face more obstacles than men in accessing private sector land reform opportunities. Most of the beneficiaries currently involved in private



sector land reform initiatives are male farm workers, mainly because most of the new partnership arrangements in the private sector have arisen on farms and men dominate the permanent workforce on most farms. These initiatives are, however, gradually dispersing outward from the farms – going beyond the farmer/worker relationship to reach rural people who are not farm workers. Although this outreach has not yet moved very far, some *rooibos* and organic crop production initiatives have begun in communities that are not associated with the farm sector.

Women have, however, found some opportunities to participate in farm-based enterprises, with African women workers now filling the positions of foreman and crew leaders on a well-known share equity wine farm. The white owners of the parent farm believe that these women workers were able to move ahead because the operations manager of the parent farm is also a woman, the daughter of the original farm owner. A growing presence of white women in commercial farm technical positions in the Western Cape may be creating a conceptual space for women farm workers in lower paid positions. But the general situation in share equity schemes and joint ventures is still one of male dominance of the better jobs. Research suggests (Artz, 1999) that male beneficiaries often put substantial effort into keeping women marginal to protect their own positions.

The PWAL interviews identified two points in the project cycle for share equity schemes when women beneficiaries might find themselves excluded from decision-making and information networks. The first point of exclusion arises during the initial stages of negotiation between the established farmer and his workforce or neighbouring land reform community, when male bonding relations tend to exclude women. The second exclusion arises during the establishment phase, when consultants are brought in to develop a budget and business plan to present for LRAD funding. Theoretically, women could be brought into the process effectively if DLA gender policies were observed during decision-making processes. However, since contact between the DLA and private sector initiatives ends once the farm has been purchased and the arrangements come into force, it is also possible that women's exclusion would be re-established as men (farmer and farm worker) form informal partnerships to maintain decision-making power.

The interviews also suggested that two negative factors common to other kinds of land reform also face women involved in farm-based private initiatives. The first relates to the general education gap among poor rural women, a factor of increasing importance in the face of the growing technical skills requirements of agriculture. Modern farm management tends to require a minimum Standard 7 education level, and the PWAL interviews in the



Western Cape found that in some cases women applying for training as forepersons of wine estates were turned away because they were ill-equipped for the technical aspects of the course. Course managers suggested that many poor rural women seeking advancement in agriculture would require additional education and skills to benefit from the course being offered. Closing this gap will require capacity building, and the private sector may need to help provide this.

The second negative factor facing women arises from their increased vulnerability in relation to domestic economic responsibilities and household and community power relations. Change brings risk, and the poorer and more vulnerable sections of society – which include poor rural women – are less inclined to absorb the shocks these risks can present. On the one hand, poor rural women supporting dependents, are more vulnerable to the economic risks of change. On the other hand, as the interviews reflected, they are also more vulnerable to the social risks of change, as other workers or beneficiaries may reject a woman seen as unduly pushy: husbands may desert their wives or resort to domestic violence and employers may dismiss assertive women employees as trouble-makers who are easily replaced.

In this context, organised support for and of poor rural women is essential. To gain access to private sector partnerships, poor rural women need capacity building and training, as well as gender and rights education. Although private sector partnership arrangements offer opportunities to both men and women to obtain skills transfer and to build a track record that can open the door to easier bank credit, it is generally more difficult for poor rural women to get access to information, resources and credit. The opportunities for women to access private sector initiatives are further limited by the seasonal or casual nature of most women farm worker's employment conditions. The concentration of private sector land reform initiatives among existing farm workforces - where grossly skewed power relations between farm owners and workers prevail - means that such initiatives are likely to reinforce patriarchal gender stereotypes and roles, and are thus likely to continue to exclude and/or marginalise poor rural women.



CHAPTER THIRTEEN

Conclusion

This research report identifies and analyses the opportunities and obstacles to promoting women's access to land in three broad areas, namely, the state sector, the private sector and civil society.

The key questions posed by this research relate to women's ability to obtain land,

women's security of tenure on the land and the extent to which women are able to use the land effectively. These questions are addressed from a particular conceptual understanding of gender relations and gender equity.

The framework for the research acknowledges the existence of highly unequal power relationships between women and men within households, communities and the market, which are influenced and shaped by a value system that favours men over women.

Thus, achieving gender equity in land reform cannot simply be translated into treating

women and men in the same way. Notions of equity must also account for differences among women. Women are not a homogeneous social entity – they

differ in class, race, ethnicity, religion and culture, and their experiences may also

differ due to where they live, where they come from, and other factors. Not all women experience patriarchy in the same form, or in the same way.

The PWAL research focuses on poor rural women, as perhaps the single most disadvantaged category of women. It recognises the implications of changes in land reform policy, in line with the GEAR strategy. This strategy calls for greater private sector involvement in traditionally state-led development efforts, which has increasingly been interpreted to include land reform. The resulting land reform policy shifts include an increased focus on individual applicants and the development of an emerging African commercial farming sector as an important goal. This new framework appears to offer few opportunities to the poorest rural women, because it fails to practically address the multiple social, institutional and economic obstacles that stand in their way.



State sector redistribution

The land redistribution programme adopted in 1994 included a clear focus on redistributing land and state land reform resources to the rural poor. Institutional problems and slow delivery led to an internal review aimed at improving efficiency in 1998/99. However, the new minister appointed in June 1999 placed a moratorium on the programme and ordered a fresh review to include options for the promotion of black small to medium-scale commercial farmers, resulting in the Land Redistribution for Agricultural Development (LRAD) policy, launched in August 2001. This chapter assessed the old redistribution programme from the perspective of the opportunities and obstacles it provided for women's access to land and highlighted lessons for future policy development. The new programme, LRAD, was considered in terms of its objectives, functioning, institutional and operational requirements and the opportunities and obstacles it presents for women's access to land.

The section on the "old" redistribution programme outlined the programmes objectives in terms of the RDP goal of transferring 30% of the country's agricultural land to black people within five years; the pro-poor and pro-women focus of the programme as detailed in the 1997 *White Paper on South African Land Policy*, and the principles of gender equity outlined by the *Land Reform Gender Policy*, which aimed to create an "enabling environment for women to access, own, control, use and manage land" and to support production. The section highlighted obstacles to the programme's efforts to promote women's access to land, including that: women often became "invisible" among beneficiary groups; no special efforts were made to target women as beneficiaries, or to ensure that this translated into their increased access to and control over land; and monitoring tools which sought to assess the gender impact merely counted the number of women beneficiaries, but did not assess the extent of their actual benefit.

The gap between policy commitments to gender equity and implementation outcomes were traced to the lack of "second tier" policy tools. The authors suggest that if land reform aims to change social relations, indicators of this change should include that: women have independent control over land; the sexual division of labour is challenged and women enter non-traditional areas of production (eg. livestock farming); women are represented on structures and actively participate in public fora; inheritance practices change in favour of women; and; women are informed about land options and opportunities and press for greater autonomy and power in these areas.



The section on the new redistribution programme, LRAD, begins from the observation that the programme is reportedly working well for people and groups interested in highly capitalised agriculture who are able to meet the requirements to access the programme, and it has prominent gender targets intended to ensure full participation by rural women. Although this section argues that initial fears over LRAD's possible barrier's to women's participation may be misplaced, and that "in practice [LRAD] may give out money very easily to the poor and to women," it subsequently concludes that so far the programme

"has addressed only those concerns in redistribution that affect the promotion of agricultural development. It has not successfully addressed questions of how to target the poor in general more effectively, and poor rural women who constitute the majority of the poor in our society, particularly".

The authors suggest that the obstacles to women's participation in LRAD lie not at the level of bureaucratic procedures and stipulations, but at the institutional level where women's aversion to risk and the danger of negative social reactions to their pursuit of entrepreneurial farming are the main stumbling blocks. This translates into the need for women to enter the programme with the support of a male intermediary, or not at all. Other obstacles are identified at the implementation level of LRAD, including the current concentration of programme activity in the progressive farming sector, and outside the reach of rural non-farm groupings, including the predominantly female population of the former homelands and non-permanent farm workers, of which women form a significant portion.

LRAD's gender goals specifically include economic independence for rural women; women candidates are encouraged to apply for LRAD grants individually; women-only projects are expected to be encouraged by officials; and, a minimum one-third of LRAD-funded transfers of land are supposed to go to women. However "no one interviewed for the PWAL research reported that women were entering LRAD in any numbers, and those [officials] who had experience of trying to involve women expressed frustration".

Obstacles to women's participation are cited to include: the lack of publicity and information about the programme; women's reluctance to take on the responsibility of grant finance without local or outside assistance to prevent a backlash from men in the community who may feel threatened; the possibility that particularly poor rural women may be discouraged by the prospect of



risking scarce resources on an own contribution; and the possibility that LRAD's policy of discouraging group-based projects might work against women being able to build their own support organisations through collective action.

Equally serious is the fact that there is little sign so far that the food safety net component of LRAD – the component that poor rural women would be most likely to pursue - has really begun to take shape, largely as a result of the current targeting of the programme. The authors suggest that future PWAL case studies should examine the issue of intermediation in the delivery of LRAD. Since poor rural women are the least likely of any rural dwellers to seek intermediation, the authors conclude that LRAD's stress on individual initiative may not be practical, and may be most difficult for poor rural women. The authors suggest that this trend may mean that LRAD will be able to meet its gender targets, but that it may do so without admitting significant numbers of poor women who do not have husbands to act for them.

The authors conclude that while LRAD is accepting some female candidates outside the farm sector as beneficiaries, this does not include the poorest rural women. Instead, LRAD candidates are likely to be predominantly elite married women. Poor rural women are held back by class factors, and by customary gender roles as well as by lack of information and formal outreach. Women household heads appear least likely to become beneficiaries of LRAD. These obstacles to poor rural women in gaining access to land through LRAD are compounded by the apparent weak state of the food safety net component to date.

Communal Tenure Reform

The section on communal tenure reform sets out the major constraints to rural women obtaining security of land access, control and use under communal tenure systems. The major challenge identified is the highly dependent nature of rural women's land rights. Land rights are tied to men – husbands, fathers or brothers – with the result that at moments of crises in women's lives such as divorce, separation or the death of a husband, women are left extremely vulnerable to eviction or loss of access to resources. A further obstacle identified is the highly patriarchal nature of the institutions that underpin communal tenure which consolidate control of land resources in male hands.

The legal and policy imperatives to tenure reform are outlined, including the policy guidelines on the desired shape of tenure reform and the two draft bills.



From their analysis of the policy parameters established by the DLA, the researchers conclude that there are potentially far-reaching implications for poor rural women. With the overriding policy emphasis on the confirmation of *de facto* rights rural women, being the majority users of land in communal tenure systems, they should be the primary beneficiaries of a legal confirmation of rights. This, combined with a paper commitment to register women's assets in their own names, provides a basis for a radical transformation in the distribution of land resources between men and women. The researchers, however, acknowledge the enormous disjuncture between policy principles and implementation outcomes and advise supporters of this radical interpretation that its adoption will need to be fought for.

The communal tenure section then moves on to highlight the major points which some members of the Rural Women's Movement (RWM) raised in a focus group discussion on the enabling factors and the blockages to rural women's secure access to land. The major findings of the Mangethe case study in KwaZulu-Natal are also outlined. The researchers, drawing on the focus group discussion and the case study, conclude that there is critical need to ensure that property records reflect women's interests in land. The legal impediments to women's access, such as marriage and inheritance laws, must also be addressed.

The researchers, moreover, conclude that change, albeit uneven, is happening in some rural districts of KwaZulu-Natal. Land access for single women no longer appears to be as contentious as it has been in some areas; land access for married women, however, remains a sticking point. Obtaining a deeper understanding of these processes of change underway in communities living under communal tenure arrangements is critically important to policy and implementation practice. Despite evidence of some change, the highly patriarchal nature of traditional institutions remains an obstacle for rural women and the researchers conclude that clear policy and practical intervention towards the transformation of these institutions is urgently required.

The focus group and case study raise some important questions about how much resistance can be expected from individual men and social alliances of men to protect male privileges. While the researchers conclude that men are fearful of women's economic independence and are not entirely satisfied with the changes in women's land access that are occurring in some of their communities, this has to date not led to organised male resistance. The researchers, however, caution that processes of transformation underway in the countryside are and will continue to be difficult and conflictual and the challenge remains for civil society, and rural women more particularly, to



bolster rural women's ability to stand up to male resistance and to support and promote these trends.

Civil Society Engagements with Land Reform

Civil society's engagement with land reform was initially conceptualised as a partnership with government. This role has changed over time to include a more critical and strategic approach. Civil society continues to access state-led land reform programmes, while organising increasingly with rural social movements. The PWAL research specifically enquires whether poor rural women's interests are being served in these actions or whether they would be better served in different types of action.

This section focuses on two types of civil society engagement with the state, namely, attempts to access state-led land reform programmes and rural social movements. Women's attempts to access state-led programmes are constrained because the programmes rely on community organisation that tends to be male dominated and neither the state's processes nor its products counter this domination. While social movements are one way in which civil society organises itself for, amongst other things, engagement with the state, men also tend to dominate the leadership of rural social movements, which appears to result in agendas and objectives that neglect the land interests of women. The conclusion is that attention needs to be given to articulating a demand for land that meets the needs of women as individuals and as members of families, groups and communities. To enable this, women need to be able to analyse and strategise separately from men in order to articulate their specific interests in land.

The demand-driven nature of the government's land reform programme also requires an effective strategy that would mobilise demand to meet the needs and interests of poor rural women. This means both that existing services and products should seek to better address the needs and interests of poor rural women, but might also imply the new products or services need to be developed to serve their interests. For example, the creation and dissemination of gender sensitive information could be a useful strategy. Any attempt to meet the interests and needs of poor rural women must be based on a clear vision and framework of gender equity in land reform, matched by the implementation of effective gender strategies.

The report argues that the current context of land reform provides appropriate conditions for the emergence of social movements. The report specifically



focuses on the Tenure Security Co-ordinating Committee (TSCC) in Kwa-Zulu Natal as a substructure of the Landless People's Movement and the Rural Women's Movement (RWM) The TSCC presents itself as a gender-neutral organisation, but is obviously struggling with the concept of gender equity and its implications for the organisation.

The RWM, on the other hand, has not yet addressed the land needs and interests of women, since it has focused instead on issues of women's oppression in relation to discrimination, violence and HIV/AIDS. Both of these rural social movements reflect a will and potential, through their struggle with concepts of gender equity and women's empowerment, to promote women's access to and control over land

It is suggested that rural social movements start linking up with one another through exchanges and that NGO's provide support to these movements in order to develop a better understanding of gender relations in their organisations, as well as to develop clear gender strategies for promoting women's access to land. However, the research also suggests that the poorest rural women are still largely excluded from and/ or marginalised within these social movements, due to a variety of reasons, including fear of social backlash, low self-esteem coupled with internalised oppression, time constraints associated with the burdens of domestic and child care responsibilities, the patriarchal nature of these organisations and their leadership structures, as well as a failure to meet the needs and interests of the most marginalised women. A major question, thus, for rural social movements should be, how to serve the needs and interests of the poorest rural people, and poor rural women in particular, and how to build and sustain strong and representative organisations of rural people generally, and rural women in particular.

Private Sector Land Reform Initiatives

An understanding of the developing role of the private sector and its importance to land reform requires an understanding of the impact of global economic developments on South African agriculture. The international economy is increasingly setting the limits for what can be done with the land, and therefore for what poor rural women can gain from land reform.

The impact of globalisation on South African agriculture is evident in the fact that the sector is almost completely unprotected by tariffs and subsidies, as a result of recent agricultural deregulation. This in turn has exposed the industry to unfettered global competition from lower priced producers.



These conditions make it extremely difficult, if it is at all possible, for rural women to enter into any kind of sustainable commercial production. The only option available to rural women is to access niche markets through the production of specialty crops. In this instance, rural women would require considerable support, beyond LRAD, which the government is currently not providing.

Private sector partners seem to provide possible opportunities for support through share equity schemes, joint ventures, collectives and partnerships and mentoring arrangements. It is also reported that transactions taking place in the private sector land market have already delivered far more land in connection with land reform than the government programme. Formal government land reform is generally agreed to have transferred less than 2 percent of South Africa's agricultural land to the poor.

Within the context of greater private sector involvement in land reform, there is a clear role for civil society to promote and protect the needs and interests of the rural poor and of women, in particular. Men are currently the primary beneficiaries of private sector land reform initiatives, whilst women are facing greater obstacles in their attempts to access these opportunities. Although private sector partnership arrangements offer opportunities to both men and women to obtain skills transfer and to build a track record that can open the door to easier bank credit, it is generally more difficult for poor rural women to get access to information, resources and credit. The opportunities for women to access private sector initiatives are further limited by the seasonal or casual nature of most women farm worker's employment conditions. The concentration of private sector land reform initiatives among existing farm workforces where grossly skewed power relations between farm owners and workers prevail means that such initiatives are likely to reinforce patriarchal gender stereotypes and role, and are thus likely to continue to exclude and/ or marginalize poor rural women.

Greater clarity is required on which women are currently benefiting from engagement with the private sector, how these relationships with the private sector are structured and whether there are any options for poor rural women to build sustainability through these partnerships.

In this context, organised support for and of poor rural women is essential. To gain access to private sector partnerships, poor rural women need capacity building and training, as well as gender and rights education.



CHAPTER FOURTEEN

Research Bibliography

AFRA News, No.51, November 2001, Association for Rural Advancement, Pietermaritzburg.

African National Congress, 1994, *Reconstruction and Development Policy: A policy framework*, Johannesburg.

Andrew, N, 1992, "More than a football field! Access to land among rural South African women", Unreferenced journal article.

Bruce, J, Migot-Adholla, S and Atherton, J, 1994, "The findings and their implications: Institutional adaptation or replacement?", in Bruce, J and Migot-Adholla, S (eds.) *Searching for land tenure security in Africa*, Kendall-Hunt: Dubuque, Iowa.

Bryceson, D,F, 1995, *Sub-Saharan Africa betwixt and between: Rural livelihood practices and policies*, Paper for Between Town & Country international conference, Rhodes University, South Africa, June 1999.

Cousins, B, 2000 (ed.) *At the Crossroads: Land and Agrarian Reform in South African into the 21st Century*, Programme for Land and Agrarian Studies, University of the Western Cape and National Land Committee.

Claassens, A, 1999, "Land rights and local decision making processes: Proposals for tenure reform" in Cousins, B (ed), *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*, Programme for Land and Agrarian Studies, University of the Western Cape and National Land Committee.

Cousins, T, Hornby, D and Ziqubu, N, 2001, "*Using local practices and records to secure individual tenure rights in common property situations*", Paper presented at the DLA National Land Tenure Conference, November 2001, Durban.

Cousins, T and Hornby, D, 2000, "*Leaping the fissures: Bridging the gap between paper and real practice in setting up common property institutions in land reform in South Africa*". Paper presented at the CASS/PLAAS CBNRM 2nd



Annual Regional Meeting in Cape Town on "Legal Aspects of Governance of CBNRM" on 16-17 October; Pietermaritzburg.



Cousins, B, 2000, "Tenure and Common Property Resources in Africa" in Toulmin, C and Quan, J (eds), *Evolving land rights, policy and tenure in Africa*, DFID/IIED/NRI, London.

Cross, C, and Friedman, M, 1997, "Women in tenure: Marginality and the left hand power," in Meer, S (ed.), *Women, Land and Authority*, Cape Town: David Philip.

Cross, C, L Luckin & T, Mzimela, 1996, "On the edge: Poverty, livelihoods and natural resources in KwaZulu Natal", in Lipton, M and Lipton, M (eds.), *Rural Livelihoods in KwaZulu Natal*, Indicator Press, University of Natal, Durban.

Deininger, Klaus, 2000, *Is there scope for growth with equity: The case of land reform in South Africa*, Centre for Social and Development Studies, Working Paper No 29, University of Natal, Durban. (simultaneously published as Policy Research Working Paper, No. 2451, World Bank, Washington, DC).

Department of Land Affairs Journal 3, 1999, Department of Land Affairs, Pretoria. Communication Services monthly newsletter, May-June 1999. [Tenure Newsletter, vol 3, 1999].

"Discussion document on national water policy for the next century", Department of Water Affairs and Forestry, 1995, Government Printer: Pretoria.

Dube, H, Hornby, D, Trench, T and Zakwe, M, 1998, *Scoping exercise for DLA's Tenure Upgrade Project in Blaaubosch*, Department of Land Affairs, Pietermaritzburg.

Fast, H, "Who holds the share? Gender dynamics and share-equity schemes", in Agenda 42, 1999.

Friedman, "Effecting equality: Translating commitment into policy and practice", Agenda, special monograph, 1999.

"Growth, development, poverty and inequality", in May, J (ed), *Poverty and Inequality in South Africa: Meeting the Challenge*, David Phillip and Zed Press: Cape Town and London.

Hargreaves, S and Meer, S, 2000, "Out of the Margins and into the Centre: Gender and Institutional Change" in Cousins, B (ed.). *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*, Programme for Land and Agrarian Studies, University of the Western Cape and National Land Committee.



Household study: An investigation of the use of "the household" as the unit of subsidy allocation and the basis for beneficiary identification in land reform policy, 1999, Surplus People's Project and Centre for Rural Legal Studies, Cape Town.

Hornby, D, 2000, *Ekuthuleni Workshop Report*, Association for Rural Advancement, Pietermaritzburg.

Hornby, D, 1999, *Tenure rights and practices at Ekuthuleni*, Case study for the National Land Committee tenure study project, Johannesburg.

Hornby, D, 1998, *"All we need is a peace of land"*, Labour tenant research, National Land Committee, Johannesburg.

Jacobs, S, 1999, "Gender, class and democracy in Zimbabwe's land resettlement programme", in *Land reform & agrarian change in Southern Africa*, Occasional Paper Series, Programme for Land and Agrarian Studies, University of the Western Cape.

James, B, and Ngcobo, S, 1997, "Evicted farm workers and gender in the small town of Aberdeen", in Meer, S (ed.), *Women, Land and Authority*, David Philip: Cape Town.

Kepe, T, 1998, *Development on the Wild Coast of South Africa*.

Kepe, T, 2001, *Mkambati land claim: Implications for restitution & economic development*.

Lahiff, E, 2000/1, in a new review of land reform options for South Africa for PLAAS.

Lahiff, Edward, 1999, *NLC Tenure Study*, National Land Committee, Johannesburg.

Lahiff, Edward, 2001, *Land reform in South Africa: Is it meeting the challenge?*, PLAAS Policy Brief No 1, Debating land reform and rural development, Programme for Land and Agrarian Studies, University of the Western Cape.

Land Info, 8:1, Department of Land Affairs, 2000.

Lund, F, 1998, *Lessons from Riemvasmaak, Vol 2*.



Lund, F, "Remaking community at Riemvasmaak", Agenda 42, *Land and housing: women speak out*, 1999.

Mann, M, 2000, "Women's access to land in the former bantustans: Constitutional conflict, customary law, democratisation and the role of the State", in *Land reform agrarian change in Southern Africa*, Occasional Paper Series, Programme for Land and Agrarian Studies, University of the Western Cape.

May, J, Carter, M and Posel, D, 1995, *The composition and persistence of poverty in rural South Africa: An entitlement approach*, LAPC Policy Paper No 15, Land & Agriculture Policy Centre, Johannesburg

May, J, 1997, "Experience and perceptions of poverty in South Africa", Participatory Poverty Assessment, Final Report, Unpublished report to the World Bank, Government of the Netherlands and ODA.

May, J, 1999, "The structure and composition of rural poverty and livelihoods in South Africa", in Cousins, B (ed) *At the Crossroads: Land and Agrarian Reform in South African into the 21st Century*, Programme for Land and Agrarian Studies, University of the Western Cape and National Land Committee.

Meer, S, "Constraints to land reform and gender equity goals", Agenda, special monograph, 1999.

"Meeting the challenge? The emerging agenda for poverty reduction in post-apartheid South Africa" in Wilson, F, Kanji, N and Braathen, E (eds.), *Poverty Reduction: What Role for the State in Today's Globalized Economy*, 2001, Zed Press: London.

Middleton, S, 1997, "Women's land rights and needs: The case of Thornhill and Merino Walk", in Meer, S (ed.). *Women, Land and Authority*, David Philip: Cape Town.

Mngadi, T, Mbhele, T and Cross, C, 1998, *Livelihoods among settled families on four redistribution farms in the KwaZulu-Natal land reform pilot area*, Research report, Land and Agriculture Policy Centre, Johannesburg, Unpublished.



Mokgope, K, "The mismatch between land policy and improved livelihood opportunities for women", Agenda 46, 2000.

National Land Committee, 2001, *Women, land and authority: gender in land relations in South Africa*.

National Land Committee, 2001, *First conceptual workshop report, Promoting Women's Access to Land Programme*, Johannesburg.

National Land Committee, 2001, *Social movements in the context of globalisation: Experience and lessons for South Africa*, Johannesburg.

National Land Committee, 2001, *The land is ours: Rural women unite*, Workshop report on World Rural Women's Day at Kimberly, 13-14 October 2001, Johannesburg.

National Land Committee Technical Committee, 2001, *Tenure reform for communal areas in the former 'homelands': Secure land rights or neo-tribalism?* Handout at the Department of Land Affairs' National Land Tenure Conference in Durban, November 2001.

Ngubane, S, "Title to the land?", Agenda 42, 1999, *Land and housing: Women speak out*.

"Policy conclusions", in May, J (ed), *Poverty and Inequality in South Africa: Meeting the Challenge*, David Phillip and Zed Press: Cape Town and London.

Poverty and Inequality in South Africa: Meeting the Challenge, 2000, David Phillip and Zed Press: Cape Town and London.

Roberts, Benjamin, 2000, "A Dynamic Analysis of Household Livelihoods and Asset Accumulation in Post-Apartheid South Africa: Evidence from KwaZulu-Natal", Paper presented to the Opportunities in Africa: Micro-evidence on firms and households Conference, Centre for the Study of African Economies, St Catherine's College, Oxford, April 2000.

Roberts, Benjamin, 2000, "Monitoring and Evaluating the Quality of Life of Land Reform Beneficiaries: 1998/1999", Report prepared for the Department of Land Affairs, Pretoria.

Rogerson, Chris, 2000, "The spatial context", in May, J (ed), *Poverty and Inequality in South Africa: Meeting the Challenge*, David Phillip and Zed Press: Cape Town and London.



Rogerson, C and Vaughan, A, 2000, "Livelihoods and assets", May, J (ed), *Poverty and Inequality in South Africa: Meeting the Challenge*, David Phillip and Zed Press: Cape Town and London.

Shackleton, S, Shackleton, C and Cousins, B, 2000, "The economic value of land and natural resources to rural livelihoods: Case studies from South Africa", in Cousins, B (ed), *At the Crossroads: Land and Agrarian Reform in South Africa into the 21st Century*; Programme for Land and Agrarian Studies, University of the Western Cape and National Land Committee.

Smith, H and Pienaar, K, 2001, *Tenure Forms*, Paper presented at the Department of Land Affairs' National Land Tenure Conference in Durban, November 2001.

South Africa, Department of Land Affairs, 1997, *White Paper on South African Land Policy*, Pretoria.

South Africa, Department of Land Affairs, 1997, *Land Reform Gender Policy*, Pretoria.

Small, J, 1997, "Women's land rights: A case study from the Northern Transvaal", in Meer, S (ed.). *Women, Land and Authority*, David Philip: Cape Town.

Stols, Annareth and Stevens, Thildé, 2000, *Monitoring the Impact of Land Reform on the Quality of Life: A South African Case Study*, Centre for Social and Development Studies, Working Paper No 31, University of Natal, Durban.

Stols, A, and Stevens, Thildé, 2000, *Monitoring the Impact of Land Reform on the Quality of Life: A South African Case Study*, paper presented to the Institute for the Study of Quality of Life Surveys Conference, Gerona, Spain, July 2000.

Toulmin, C & Quan, J. 2000. *Evolving Land Rights, Policy & Tenure in Africa*.

Toulmin, C, and Quan, J (eds), 2000, *Evolving land rights, policy and tenure in Africa*, DFID/IIED/NRI, London.

Turner, S & H Ibsen. 2000. *Land & agrarian reform in South Africa*. Research report No. 6.

Waldman, L & M Ntsedi. 1997. 'Women on Highveld farms: an outlook for development', edited by Meer, S. David Philip, Cape Town.



Walker, C, 1997, "Cornfields, gender and land", in Meer, S (ed), *Women, Land and Authority*, David Philip: Cape Town.

Walker, C, 2001, *Piety in the Sky? Gender Policy and Land Reform in South Africa*, Research Report on Phase Two of the South African Case Study, UNRISD.

Whitehead, A and Tsikata, D, 2001, *Policy Discourses on Women's Land Rights in sub-Saharan Africa*, Draft paper prepared for the UNRISD Project on Agrarian Change, Gender and Land Rights.

Woolard, I and Klasen, S, 2000, "The nature and measurement of poverty and inequality", in May, J (ed), *Poverty and Inequality in South Africa: Meeting the Challenge*, David Phillip and Zed Press: Cape Town and London.

Ziqubu, N, 2001, *Ekuthuleni Workshop Report*, Association for Rural Advancement, Pietermaritzburg.



NOTES

¹ The titling programme in post-colonial Kenya is often cited as an example in which many poor, rural women lost access to land and homes when urban male relatives sold land after receiving titles to it.

² One elderly widow in Ekuthuleni community near Melmoth said she could not approach the *induna* when her land was claimed and invaded by a person from a neighbouring tribal ward because she didn't have a husband or a brother nearby, and a woman couldn't approach the *induna* on her own (Mrs Mhlongo: 1999: pers comm).

³ Some caution is required here since research in Kenya suggests that attempts to change family relationships around land had an uneven outcome including increasing men's control over household land. (Whitehead and Tsikata: unpublished:9)

⁴ Therefore, despite his efforts to institute some progressive changes for women, the *inkosi* still upholds the Traditional Authority as a male patriarchal institution that is not subject to transformation.

⁵ These terms were coined by AFRA in an attempt to name the relationship of support for a democratic government while retaining the right to critique and lobby for particular objectives. The shift to strategic partnership involved the idea that NGOs might support particular sections of a government department or particular departments against other departments or sections in order to achieve defined outcomes.

⁶ This assertion doesn't need to be debated here so suffice it to say that group approaches can both be efficient and enable the development of reciprocal relationships that contribute to livelihood strategies.

⁷ Concept workshop for the PWLA research project, Johannesburg, June 2001.

⁸ NLC (2001): Rural Women's Day Workshop Report

⁹ Somewhat less effective has been information about the LRAD, possibly because the communication objectives were to announce the launch rather than to communicate to potential applicants.



¹⁰ Married women in households may well have very different needs from single or divorced women who head their own households.

¹¹ Implementation was brought to a near halt when the minister declared a moratorium on redistribution projects and while officials worked on the new programme, LRAD.

¹² There were a number of critical media reports in *The Natal Witness* and *Mail&Guardian* during 2001 noting the lack of progress on land reform.

¹³ Anecdotal reports from DLA officials to the researchers include accounts of officials turning women only applications down because it is not understood that it promotes gender equity. For many gender equity means the involvement of both women and men on an equal basis and thus, ignoring the power imbalance out of which women's experiences are constructed.

¹⁴ Hornby D (2000): *Ekuthuleni Workshop Report*, Association for Rural Advancement, Pietermaritzburg.

¹⁵ Taylor N (2001): *Pers comm*; Pietermaritzburg.



Appendix

Research Methodology

Methods used during the research included a conceptual workshop, two focus sessions, interviews including extended case method inquiries and a literature review. The body of the report has provided a broad overview of the research process. This section offers the reader an in-depth account of each of the research methods applied in the course of the study.

Desktop analysis

In accordance with the brief requirements, the first task was an analysis of written materials dealing with women and gendered aspects of land reform implementation. This analysis covered the bibliography compiled by the Promoting Women's Access to Land (PWAL) Programme on women, gender and land, as well as other relevant sources. Findings from the desktop study were used to structure the research.

Conceptual Workshop

Participants in the conceptual workshop held in Johannesburg on the 6th and 7th June 2001 were drawn from the Department of Land Affairs (DLA), the National Land Committee (NLC) and its affiliates and various other NGOs engaged in land reform. Nine participants were drawn from the DLA and twelve from the NGO sector. The workshop was designed and facilitated by the two researchers with input and support from the steering committee of the PWAL Programme.

The primary objective of the workshop was to develop a conceptual framework to guide the research focus and to identify the major issues and themes to be examined through the research. A secondary objective was to facilitate dialogue between implementers and theory/ policy-makers so that the research concepts would reflect land reform realities, and to build consensus amongst gender and land reform practitioners on conceptual approaches to women's access to land and land reform.



The workshop programme involved group sessions to unpack state, private sector and civil society led land reform processes, to identify and justify particularly important moments and opportunities in land reform processes to promote women's land access. Activities involved mapping land access; prioritising the most important programmes in each of the three land reform streams for women's access; identifying key areas of interest and concern for women in land access processes; and identifying useful concepts and theories to explain gender issues in land reform.

The purpose of the mapping exercise was to understand how participants viewed the scope of the different streams of land reform covered by the research (private sector, state and civil society) and to identify what programmes or processes are underway in each of these sectors. Participants were divided into three mixed groups to discuss the streams and to document them in a table. It was observed that the groups understood the categories very differently and thus put actors such as traditional authorities, churches and the Land Bank in different streams. In addition, one group understood the task to be to identify all actors relevant to a particular stream, and thus placed NGOs and CBOs under the state-led stream as well as the other streams.

The prioritisation exercise identified programmes in each stream that participants thought had the greatest impact on women's access to land. The effect could be positive or negative, that is, enabling or blocking women's access.

Identifying important points for women's access to land involved unpacking a key area of focus into the sequence of actions (or milestones) that comprise it and then arguing for a particular action as the most important action of the sequence for women's access to land. The workshop process group decided that none of the participants knew enough about the private sector stream to undertake the exercise. Redistribution and tenure reform were selected as the key components of the state-led stream and grassroots organising was selected as the key component of the civil society-led stream.

The inputs on concepts, theories and theoretical frameworks were intended to assist participants to interrogate the implicit or explicit concepts or theories they use in their work in order that the research process move key gender actors towards a common conceptual framework. A workshop report is available from the National Land Committee.



Focus sessions

The focus sessions used participatory research tools, with an action research focus that was intended to enable participants to pursue the issues and concerns they identified. Two focus sessions were held with community based organisations in KwaZulu-Natal. The first session was held with the Tenure Security Coordinating Committee (TSCC), which was identified because it is part of the Landless People's Movement, a social movement launched in 2001. The second session was conducted with the Rural Women's Movement (RWM), which was identified as a source of community information about traditional authority tenure systems.

The Tenure Security Coordinating Committee (TSCC):

This focus session was held in Vryheid on September 6, 2001. Facilitators were drawn from the staff of the Association for Rural Advancement (Afra), an NLC affiliate. These were: Sizani Ngubane, Bheki Ndlela and Musa Zakwe who all work at various times with the committee, following an intentional decision to enable as inclusive a research process as possible. Tessa Cousins supported the facilitators, together with the researcher Donna Hornby, design the process for the focus session.

Purpose of the focus session:

The aim of the focus session was to talk about how the TSCC supports women's access to land.

Structure of the TSCC:

Representatives on the committee are drawn from community based organisations, including the Vryheid-based Farm Eviction and Development Committee, the Ingogo Crisis and Development Organisation, the Estcourt Farmworkers Committee, the Ekuthuleni Land Committee and the AmaHlubi Development Committee. One member of the committee is also a representative to the Landless People's Movement. Some of the community-based structures were formed with Afra's assistance. AFRA also facilitated the formation of the TSCC.

Participants in the focus session:

Mbongeni Masondo – Vryheid (Baqudoseni): Treasurer of the Farm Eviction and Development Committee (FEDC) and chairperson of the TSCC. Lives on privately owned land, which the tenants are trying to acquire through land reform.



Shadrack Mangaliso Kubheka - Ingogo (Newcastle): Member of Ingogo Crisis and Development Organisation (ICDO). Elected from the TSCC to serve on the Landless People's Movement (LPM).

Twister Majola – Estcourt: Active since 1994 in fighting forced removals and in the illegal farm strike in Estcourt. Chaired the committee set up after talks with the then Minister of Land Affairs. Also serves as a trustee of his community's land trust. Deputy chair of the TSCC.

William Mnyandu - Melmoth: *Induna* elected to lead the process of gaining ownership of the land his community lives on which was previously church land, and later state land. Also chairperson of a forestry initiative and elected to serve on the TSCC.

Thandi Mhlongo – Melmoth: A member of the TSCC and involved in community youth structures.

Rev Jacob Mhlongo - Ingogo Zion Mission: A member of the ICDO and chair of the school committee, deputy chair of the ecumenical body and a member of the TSCC.

Khanyisile Nkosi – Ingogo: Secretary of the ICDO and a Community Health Worker.

Thobekile T Hadebe - Amahlubi (Estcourt): A member of the Estcourt District Forum, the Amahlubi Board of Control (formed to claim back land lost), and the Development Committee. Also secretary of the Amahlubi Water Project, of the Health Committee and of the Siyaphambili Sewing Group. She participates in functions of the AmaHlubi Royal House and is a member of the TSCC.

Thembi Ndlovu - Uitzicht Farm (Vryheid): Mother of four and unemployed community worker. She is deputy chair of Khiphikhona Community Organisation, a member of FEDC, secretary of the TSCC, deputy chair of Bhekokuhle, a cooperative assisted by Uphaphe and looking for land, secretary of the school Governing Board and member of the church disciplinary committee.

The Rural Women's Movement (RWM):

This focus session was held in Melmoth on September 3, 2001. The facilitators were Ndabezihle Ziqubu, Bongive Dlamini and Sizani Ngubane



and Tessa Cousins (consultant), who also facilitated the design together with Donna Hornby.

Purpose of focus session:

The purpose was to develop a picture of how women access land, secure it and make use of it, i.e, of what enables and blocks poor rural women in these processes.

Methods and tools:

The PWAL Programme and the research objectives were explained to the participants. Each woman then drew a picture of herself, depicting what she considered important about herself. She then noted information about her community. This was presented in plenary. Participants then each made a map on newsprint to show the land they use and what they use it for. In two cases (Babanango and Mpumusa) two women worked together. As each map was presented we discussed how the women accessed the land they were describing and then led this on to a general discussion about who can access land, how and on what basis – and the variations and similarities between the various places. We then discussed how secure this access is for the women, and for different people. The probe question here was under what circumstances access can be lost, by whom and how. Finally the group discussed ideas for improving women's access and security.

There was less time for the session than planned due to delays in picking up participants who came from around the province and to various transport difficulties people encountered. Thus we were unable to explore the issue of land use and the enabling and blocking factors related to it.

The women were impressed by how much ground was covered in the short time, and enjoyed the process and valued the outcomes. They want a follow-up to complete discussion and to make some plans for action and lobbying on the issues that had been raised.

Participants in the focus session:

Women who participated in the focus session were drawn from various traditional authority areas in KwaZulu-Natal, including Mpumusa, Ntumeni, AmaHlubi, Emaqodini, Mbongolwana, Emondlo and Kwahenqe, and comprised a fairly representative geographical spread. However, not all the women present were elected members of the KZN Provincial Committee of the RWM, some of them having been nominated pending an election. Furthermore, three of these women are connected to traditional authority families through marriage to an *inkosi* or through a brother. Others have been elected to senior positions in their communities, such as tribal councils, work



closely with an *induna*, or have had favourable rulings from the *inkosi* in a land dispute. One was present because she had accompanied the *inkosi's* wife, who is not allowed to travel alone. The group was therefore not representative of poor rural women living under traditional authorities.

Sibongile Zondi and Dulcie Zondi - Mpumuza (near Pietermaritzburg): Dulcie is married; the 3rd wife of the *inkosi*, 44yrs old, and has four children but the eldest died and cares for three orphan children. She has her own place, with one big house and a small one and one for the children. She is active on the Transport Forum and tenders for road maintenance. Sibongile has four children, owns livestock, and grows crops on land she accessed through marriage to the *inkos's* brother. The *inkosi* called in surveyors to demarcate large plots for allocation to his brothers. Her husband has a PTO for their land.

Mpumuza is a tribal area of about 8 000 people under an *inkosi* with *izinduna* and a traditional council. Unemployment is high and there is much poverty. There is an umbrella women's body, Nsikayesizwe. Women's structures are active and engage in development and poverty alleviation projects, including crèches, schools, sports fields, a hall and sewing. Sites for schools, sports field, etc. were identified and allocated by the *inkosi*. Women have organised HIV/Aids education programmes for women and young people (40% of people have HIV/Aids). There are educated people in the community, including teachers, lawyers, high-ranking officials and members of parliament.

Ntombi Dube - Ntumeni (near Eshowe): Married to the *inkosi* and has one son, but four other children live with them and are raised as theirs. They have three houses: a big one, a rondavel and a traditional hut. Her husband's parents used the plot they live on, which they began to occupy when she married and moved to Ntumeni. She is a local government councillor and chair of the Amakholwa Women's Organisation, an umbrella body for women's clubs.

Kholweni is near Eshowe and falls under the Uthungulu District Council. Previously mission land, it now falls under an *inkosi* who is not a hereditary chief, but is elected through voting. There is a map of the whole community indicating household boundaries, which is kept in Ulundi and when there are disputes this is used to resolve them. Women are involved in craft and poultry projects. There is also an irrigated community garden and a tribal sugar cane field, which generates funds for the tribal council.

Vamisile Mthembu - Amahlubi (near Estcourt): Married with five children, she is involved in farming and sewing. She is a member of the chief's council, a



trustee of the AmaHlubi Land Trust and a school committee member. The land she lives on and uses was passed on to her husband from his parents. They do not have a PTO but she feels secure. She does not believe the *inkosi* will evict them.

The Amahlubi live under *Inkosi* Hadebe. There are housing areas with piped water, creches and schools. There is grazing land for animals, and the cropping fields are allocated to people by the *inkosi*, most of which have gone to men but two women have been allocated fields. The trust allocates the new land. The *inkosi* will allocate land to people on request when they are to be married.

Sizani Kangala - Emaqodini (Ndwedwe): She has four children, two grandchildren and has never married. She has houses, a garden, fruit trees, poultry and a sugar cane field (about 1 ha). The land for houses and the sugar cane field belonged to her parents who are both dead now. When her father died her brother took her mother to register with the sugar mill but, without telling her, registered himself as the owner. When she discovered this she took the dispute to the *inkosi*. The brother now lives in Durban. The *inkosi* decided the field should be in Sizani's name, as she is the one present but the land where the houses are remains for all the children although Sizani is the one who lives there.

Emaqodini is near Ndwedwe and is a traditional authority area under *Inkosi* Ngcobo. They get firewood from a nearby farm through an old agreement. There is grazing, grass and water for community members on communal land. Development is slow, but women are very active and what has come is largely due to their efforts. Women's groups are involved in sewing and craft (weaving grass and plastic into mats). They try to encourage women to get involved in one way or another

Sibongile Ngcobo - Mbongolwana (near Eshowe): Married with five children and two grandchildren, she works with the local *induna*. She is a councilor in the Umlalazi Municipality and owns a tuck shop. She works with various committees in the area and tenders for road maintenance through the Rural Road Transport Forum. Sibongile is involved with groups who work in cropping and craft (they sell to overseas markets through "Duncan"), sugar cane and sewing.

Mbongolwana falls under the authority of *Inkosi* Ntuli.

Betina Mazibuko - Emondlo (near Vryheid): Married with four children and eleven grandchildren. Her husband has been unemployed since March 1993.



She has tried to involve him in wirework craft. They have a house plot and their own field. Her daughter (23 years old) was killed in 1993 in an attack on her house. There was violence in the area at the time and they targeted her because she was a woman leader in development. She did not run away and a year later she was elected onto the chief's council where she deputised for the *inkosi*. She is now chair of the chief's council and is involved in traditional court trials to ensure that there is no bias against women.

Mondlo, in the Vryheid area, is a traditional area under *Inkosi* Mdlalose. It's almost like a town now with houses so close together. There are house plots, fields and a communal garden. A membership register is kept by the *inkosi*. Each household has a piece of paper that is stamped and signed by the *inkosi* that describes the land for their houses and fields. Betina encourages women to be in women's groups. She assists young people to get training and bursaries and involves school kids in sporting activities to prevent crime. She has arranged virginity tests for girls, taking them to Ulundi, to fight against Aids. She is active in the Rural Roads Transport Forum.

Mambatha Zulu and Velelephi Shoba - Kwahenqe (Bambanango): Mambatha is married with five children. One son, now employed by MTN, has built a big house for her. She paid for him to go to university by making amacanzi (grass mats). She works as a community health worker and through this with a number of groups. Velelephi has a polygamous marriage with five children. The family is very big, with many houses but not well off financially. She is involved in a sewing group and poultry project, a community garden and in making amacanzi. She accessed land when she married.

KwaHenqe at Babanango is a traditional authority area. The *inkosi* passed away and his wife is now acting. The *inkosi* allocates land, and there are no PTOs. Her permission is needed to change land use. Firewood comes from by agreement from a neighboring farm (it is a long way to walk). They get grass for weaving from a nature reserve at Port Durnford, where they pay R12 a day to get permits to cut grass. Water, *ikwane* (reeds) and grazing are from the communal land. Development is slow in the area partly due to violence in the past. Now there are organisations involved in different activities although there is a shortage of water in winter, which limits crop production. There is high unemployment but men do not like to be involved in projects, which they regard as women's work.



Key informant interviews

In terms of the brief, 25 to 30 key informant interviews averaging about an hour each were to be sought, including about five to seven people from communities. Due to the complexity of the issues under investigation, a total of 49 in-depth individual interviews were conducted, ranging between one hour and two and half hours, with two respondents interviewed twice. In total, five key informant interviews were conducted by telephone, with the remainder done in person.

Informants interviewed included implementers and policy-makers, people in communities, and members of the gender and land network who provided gender-related information on land reform projects and processes in their areas. Outside of the Mangethe community, interviews covered the experience of consultants and other field implementers on land reform practice, both in relation to opportunities and shortcomings. These interviews provided extended case study material for comparative use in identifying trends.

For the Mangethe case study, sixteen interviews were conducted with women to discuss land access, cash cropping and community governance institutions in the area. Seven interviews were conducted with representatives of the Mangethe Tribal Authority administration.



List of interviewees:

Civil society

Thembanani Furumele, Nkuzi, Northern Province
Marc Wegerif, Nkuzi, Northern Province
Thabo Malobane, TRAC Mpumalanga
Brandon Canham, TRAC North West
Ruth Hall, CRLS, Western Cape
Karin Kleinbooi, CRLS, Western Cape
David Mayson, SPP, Western Cape
Judith Robb, Human Rights Commission

Private sector:

Paul Cluver, farmer with share equity scheme, Western Cape
Carl Opperman, Director, Agri Wes Kaap
Johann Hammann, (two separate interviews), consultant to DLA, Western Cape
Moegammat Kara, Spier Estates training programme for small organic farmers
Jane Roberts, farmer participating in land reform, Eastern Cape
Ingrid du Toit, formerly Land Bank, B N Buziba & Associates, Pretoria
Rick Dillon, senior consultant to DLA, Free State

Mangethe and KwaZulu Natal:

Chief Mathaba of Macambini TA (three separate interviews)
Ndlunkulu Mathaba, mother of chief
2 *izinduna* at Macambini TA
Anonymous male Macambini TA employee
8 women residents of Macambini TA
6 women Macambini sugar growers at Mangethe
2 Empangeni area women
Cherryl Walker, former KwaZulu-Natal land restitution commissioner
Peter Rutsch, legal representative for Dunn grouping

Government and semi-government:

Caroline Samson, Land Bank, Pretoria (two separate interviews)
Mike de Klerk, economist, HSRC Pretoria, formerly Land Bank
Peter Sapsford, DLA Pietermaritzburg
Mampone Maleka, DLA Northern Province
Carmen van der Merwe, Director of Redistribution, DLA, Pretoria
DLA official, Vryheid
Michael Aliber, consultant economist, formerly DLA





Extended case method studies:

Seven extended case study accounts were obtained from implementers, covering the last time they engaged with any aspect of gendered land delivery. Extended case study is a sociological technique adapted to the study of bureaucratic organisations in relation to how effectively they undertake their designated tasks. It allows for systematic comparison across different kinds of structures or projects. The method asks people being interviewed to describe and reflect on the last time they dealt with or encountered whatever is being studied as part of their official duties.

Quantitative database analysis

In order to provide comparative background to the research and answer questions about women's objective situation in relation to land and agrarian reform, a short quantitative analysis was carried out using the survey database collected by the National Land Reform Evaluation study, now lodged with the Monitoring and Evaluation Directorate. This very large national database contains the results of the 1999 survey in a fairly complete form. Due to time constraints and limited funds for technical assistance, no in-depth analysis was to be undertaken, and the work focused on constructing a cross-tabulation analysis designed to go substantially further than the original analysis brought out by the DLA consultant team which carried out the survey.



FOOTNOTES

³ The titling programme in post-colonial Kenya is often cited as an example in which many poor, rural women lost access to land and homes when urban male relatives sold land after receiving titles to it.

² One elderly widow in Ekuthuleni community near Melmoth said she could not approach the induna when her land was claimed and invaded by a person from a neighbouring tribal ward because she didn't have a husband or a brother nearby, and a woman couldn't approach the induna on her own (Mrs Mhlongo: 1999: pers comm).

³ Some caution is required here since research in Kenya suggests that attempts to change family relationships around land had an uneven outcome including increasing men's control over household land. (Whitehead and Tsikata: unpublished:9)

⁴ Therefore, despite his efforts to institute some progressive changes for women, the inkosi still upholds the Traditional Authority as a male patriarchal institution that is not subject to transformation.

⁵ These terms were coined by AFRA in an attempt to name the relationship of support for a democratic government while retaining the right to critique and lobby for particular objectives. The shift to strategic partnership involved the idea that NGOs might support particular sections of a government department or particular departments against other departments or sections in order to achieve defined outcomes.

⁶ This assertion doesn't need to be debated here so suffice it to say that group approaches can both be efficient and enable the development of reciprocal relationships that contribute to livelihood strategies.

⁷ Concept workshop for the PWLA research project, Johannesburg, June 2001.

⁸ NLC (2001): Rural Women's Day Workshop Report



⁹ Somewhat less effective has been information about the LRAD, possibly because the communication objectives were to announce the launch rather than to communicate to potential applicants.

¹⁰ Married women in households may well have very different needs from single or divorced women who head their own households.

¹¹ Implementation was brought to a near halt when the minister declared a moratorium on redistribution projects and while officials worked on the new programme, LRAD.

¹² There were a number of critical media reports in *The Natal Witness* and *Mail&Guardian* during 2001 noting the lack of progress on land reform.

¹³ Anecdotal reports from DLA officials to the researchers include accounts of officials turning women only applications down because it is not understood that it promotes gender equity. For many gender equity means the involvement of both women and men on an equal basis and thus, ignoring the power imbalance out of which women's experiences are constructed.

¹⁴ Hornby D (2000): *Ekuthuleni Workshop Report*, Association for Rural Advancement, Pietermaritzburg.

¹⁵ Taylor N (2001): *Pers comm*; Pietermaritzburg.