

**THE ROLE OF LAND REFORM IN ADDRESSING WOMEN EMPOWERMENT IN
THE RURAL COMMUNAL AREA OF NQADU, EASTERN CAPE, SOUTH AFRICA**



A mini thesis submitted in partial fulfilment of the requirements for the award of Master of Development Studies to the Institute for Social Development (ISD) Faculty of Economic and Management Sciences (EMS) University of the Western Cape



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ABSTRACT

Endless debates on the land reform policy and the ‘radical’ proposed strategy of expropriating privately-owned land without compensation had South Africans questioning the effects of the strategy, and the unpopular decision to adjust Section 25 of the Bill of Rights in the Constitution. Traditional leaders like King Zwelithini Goodwill, leader of the Ingonyama Trust, were reassured that communal land would not be included in the redistribution of land for the public interest– mainly because distributing privately-owned land entrusted to traditional leaders would violate the statutory land laws. What is not addressed in the communal land entrusted to traditional leaders is the protection of women’s right to land in patriarchal communal areas operating under customary laws.

This discussion of women accessing rural land has resulted in an increasing number of women gaining opportunities to access and control residential and agricultural land. However, in practice, access to land does not guarantee sustainable use and ownership of the acquired land - rather, temporary access is given. Women’s control and ownership of communal land are dependent on their social networks and affiliations to men in their family and community.

This study investigated the ownership of land as a factor of empowerment amongst women living in the rural community of Nqadu, which will be referred to as Nqadu throughout the study, and the existing relationship between traditional authorities and municipal officials in hindering or enhancing the power within the Nqadu women. In addition, the thesis highlighted where the Land Reform Policy and its gender-equality mandate is not upheld in the rural area of Nqadu, it also discussed reasons why it is not upheld and explore how women see the land reform policy as a mechanism for their enhanced and improved livelihood.

The aim of this study was not merely to create enlightenment about the imbalances in women’s land ownership and control but to also to investigate women empowerment in relation to land ownership in Nqadu, Eastern Cape. The researcher argues that communal rural practices disregard gender mainstreaming and work as an isolated system apart from the prevailing norms in the legal systems in administering the allocation of land to women.

To investigate the effects of the customary laws on the fulfilment of livelihood assets and its impact on the mobilisation of women to own and control land within communal

traditional areas, the Sustainable Livelihoods Approach (SLA) was employed. A mixed-methods approach was used, and semi-structured interviews and questionnaires and secondary statistical data were also utilised to support the qualitative data. To gain enlightenment on development of the tenure status in the Mbhashe local municipality, the municipal officials who are responsible for the land-related issues in Mbhashe were also interviewed.

Due to data limitations within the primary statistical data, a greater focus was placed on the strategies used to handle land allocation in Nqadu, which is largely a male dominated traditional councils. In addition, semi-structured interviews and focus group discussions were conducted alongside the collection of secondary data in the form of statistical data and policy documents, i.e MLM IDP and the DRDLR.

Although the policies and programmes tabled by the DRDLR in relation to land reform have initiated conversation and implementation as far as land tenure is concerned, the coordination of the statutory and customary laws and practices are mutually exclusive. The Nqadu women continue to depend on social affiliation and structural relations within their relationships with the Nqadu men. It is advised that local and municipal government's focus the target population for gender mainstreaming projects and gender-equal policy frameworks on men as much as women. This strategy will reduce the copying mechanism used to remain silent in households or communities that hinder their empowerment. Land reform has aided in the transformation of land from black to white, however, the proportion of women who have complete ownership and control over residential and agricultural land in communal rural areas is has not improved. Women must be provided the same opportunity to control assets like land, if not land reform will continue to be a political mechanism to empower of black people, or create a wealthier class within the black community but not all genders.

KEYWORDS

Communal land

Customary law

Gender equality

Land reform

Nqadu

Rural development

Rural women

Social capital

Statutory law

Women empowerment




DECLARATION

I declare that *The role of land reform in addressing women empowerment in the rural communal area of Nqadu, Eastern Cape, South Africa* is my own work, and that it has not been submitted for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

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Date: October 2020

Signed: 



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LIST OF ABBREVIATIONS AND ACRONYMS

ANC – African National Congress

APP – Annual Performance Plan

AsgiSA - The Accelerated and Shared Growth Initiative for South Africa

ATS – Agrarian Transformation System

CLaRA – Communal Lands Right Act

COGTA – Cooperative Governance of Traditional Affairs

CRDP – Comprehensive Rural Development Plan

Dept. – Department

DFID – Department for International Development

DLA – Department of Land Affairs

DoW – Department of Women

DRDLR – Department of Rural Development and Land Reform

FAO – Food and Agriculture Organisation of the United Nations

GEAR – Growth, Employment, and Redevelopment (plan)

IDP – Integrated Development Plan

LED – Local Economic Development

LGBTIQ -Lesbian, Gay, Bisexual, Transgender, Intersex and Queer

MLM– Mbhashe Local Municipality

NCOP – National Council of Provinces

NDP – National Development Plan

NGM – National Gender Machinery



NGO – Non-Governmental Organisations

NPC – National Planning Commission

OSW – Office on the State of Women

PTO – Permission to Occupy

RDP – Reconstruction and Development Programme

RETM –Rural Economy Transformation Model

SLA – Sustainable Livelihoods Approach

SLAG –Settlement/Land Acquisition Grants

SLF – Sustainable Livelihoods Framework

StatsSA – Statistics South Africa



CHAPTER ONE: THE PROBLEM OF WOMEN EMPOWERMENT IN RELATION TO LAND ISSUES IN SOUTH AFRICA

1.1 Introduction

This chapter introduces the study on women empowerment in relation to land issues in South Africa by providing a detailed background and outlining the problem statement. In addition, the research aims, objectives and the rationale of the study are addressed, providing the reader with an understanding of the intended findings of the study. Relevant research questions are identified to address the question of land reform as one of the means to empower women in the Nqadu rural area of the Eastern Cape so that they can become owners and controllers of critical assets such as land.

1.2 Background

The South African apartheid system was shaped by the country's colonialist history, and the apartheid regime continued and perpetuated the colonialists' strategy of banning black people from owning productive land that was historically theirs (Ntsebeza, 1999; DRDLR, 2011). This mechanism included forcefully moving families to the peripheries of productive land, which was mandated by a more permanent and – at the time – legal strategy. Black South Africans were forced to part with their assets and subsequently driven into cities and urban areas in an attempt to find economic opportunities under working conditions that were frequently unjust and unbearable. The increase in industrial development and mining activities meant that men were forced to move away from their homelands to faraway cities in search of employment to sustain their households in rural areas, which resulted in the separation of families.

Married rural women who stayed behind automatically became heads of their households, until such a time as their sons were old enough to take on that responsibility (Beninger, 2010; Walker, 2002). Rural women, and in particular married women, had the responsibility of utilising the resources at their disposal to sustain their households' livelihood while awaiting remittances or the return of their husbands. Residential land and available vacant plots of land for agricultural use were utilised for the purpose of subsistence and small-scale farming in order to reduce food insecurity and poverty in their homes. When households did not have enough land to increase their crop variation, social networks were used as an alternative to gain access to more land and sell a wider range of crops and produce meals that had better nutritional value for their children.

With the rise in migration to and from rural and urban areas, it was common to see women contributing far more than their male counterparts in the agricultural sector. A look into the present contribution of women in agriculture, especially subsistence and small-scale farming, further indicates that women continue to contribute to the sustenance of livelihoods through agricultural land use, despite the fact that most of their security within the land is owned and controlled by traditional male authorities who operate under customary law.

1.2.1 Post-Apartheid government policy strategies and their impact on land ownership

Apartheid helped promote the persistent experience of inequalities not only by racial discrimination but by class and gender-based discrimination (Meer, 2005; Walker, 1998). Consequently, disempowerment, poverty, and unemployment are issues faced by the historically disadvantaged and continue to be challenges that cripple human development amongst the black community and women at large. It has been over twenty years since the introduction of democracy, yet these challenges persist, with a gradual shift from polar racial inequalities to class and gender-based inequalities and within races. To eradicate these issues, the government developed and implemented several policies and programmes designed to reduce the number and extent of inequalities and eventually develop South Africa (Parliament of the Republic of South Africa, 1994). This allows South Africans to become active citizens living in a capable state with economic and social prosperity.

For the purpose of the study, the Reconstruction Development Programme (RDP), Growth Employment and Redevelopment plan (GEAR) and National Development Plan (NDP) was introduced to evoke the political and situational climate at the time when the aforementioned policies were put into effect. The Reconstruction and Development Programme (RDP) was the first inclusive development-based policy to be executed by the democratic government, although it has been surpassed by the NDP, and it continues to be the cornerstone for South African policies.

1.2.1.1 The Reconstruction and Development Programme (RDP)

Comprising of six basic principles: “integration and sustainability, people-driven, peace and security, nation-building, meeting basic needs and building infrastructure, democratisation and assessment and accountability”, the RDP was approved by Parliament in November 1994 (Parliament of the Republic of South Africa, 1994: 8 - 9). The overall objective was for the RDP to be a policy framework that encourages and implements holistic development. The policy planned to create socio-economic prosperity in a coherent manner, thereby contributing to a

prosperous, inclusive, and integrated environment in South Africa that accommodates active public participation and basic human needs (Parliament of the Republic of South Africa, 1994).

Much of the work done through the RDP was consultative and participatory in nature. The 1994 government entrusted the functionality of the national strategy to task teams within the Presidency's office, councils such as the National Economic Development and Labour Council (NEDLAC), development experts, and specialists made up the sectoral forums aimed at advising ministers. To ensure a participatory approach, local and provincial representatives were the connectors to the immediate community, the final decision-makers (Parliament of the Republic of South Africa, 1994).

The Parliament of the Republic of South Africa mentions five key programmes that were essential objectives of the policy, and these include: “meeting basic needs, developing our human resources, building the economy, democratizing the state and society and implementing the RDP” (1994:9). The need to meet both the short and long-term basic needs of the South African people was one of the programmes identified in the policy. In essence, according to the Parliament of the Republic of South Africa's Government Gazette Number 1954 of the Republic of South Africa, the development and strengthening of basic needs extended from “job creation, land and agrarian reform to housing, water and sanitation, energy suppliers, transport, nutrition, health care, the environment, social welfare and security” (1994:9). Therefore, government's initial priority to create sustainable job opportunities, strengthening, reconstructing, and equalising the possession of residential and agrarian land in both urban and rural areas for all people to live in a developmental environment where health, security, technology, and education are accessible. In alignment with the RDP principles, the attainment of a participatory, peaceful and secure nation that not only builds together but grows together could only be achieved through active and equal participation of all people, regardless of their gender or race. This meant that the active protection and inclusion of women had to be a focus in country's developmental policies and activities.

However, what did this mean for the disempowered communal rural women that depended on their male family members to access land? How did the RDP equalise and reconstruct the then-existing proportion of agrarian land in rural communal areas like Nqadu through the land and agrarian reform policy? In preparation for the Beijing Conference on women, the South African government entrusted the RDP office with the “mandate to spearhead a broader empowerment programme for women” (Parliament of the Republic of South Africa, 1994:41). Though the vulnerability of women was highlighted in the RDP the stance on rural development was aimed at

broadening “access to services and support to small-scale agricultural producers by ensuring access to land, appropriate markets, credit facilities, training and support” (Parliament of the Republic of South Africa, 1994: 41). This strategy of providing access to land, financial services and skills were under the assumption that all rural women are involved in small-scale agricultural projects and that the land temporarily provided was in their full control. In addition, the keyword in the Parliament of the Republic of South Africa’s (1994) statement is ‘access’. However, having access to an asset such as land does not guarantee an uninterrupted, lifelong opportunity to control and manipulate the accessed land at one’s discretion, and neither is it sustainable, as there is room for it to be taken away from the owner. Land ownership should have been the foundation of the discussions around resources that have financial and longstanding impacts on women’s power, their livelihoods and those of their families.

1.2.1.2 The Growth, Employment and Redistribution (GEAR) Programme

The introduction of the Growth, Employment, and Redistribution Programme (GEAR) gave the three-pronged land reform policy a market-based development approach in comparison to the RDP (Karriem & Hoskins, 2016; Terreblanche, 1999). Rather than building on the RDP’s strategy of equally distributing ownership of capital assets amongst the poor, GEAR focused on a market-based approach to grow assets. This meant that those with assets would be provided with tools to increase their wealth, and distribution would occur thereafter, rather than creating developmental mechanisms that provided assets in order to grow wealth within the poor communities. This strategy has resulted in women being both physically and socially, unable to get out of the poverty and dependence cycle, also known being asset-poor (Terreblanche, 1999)

The GEAR microeconomic strategy was mostly aimed at maintaining and strengthening fiscal disciplines and promoting broader developmental goals that are directed at rebuilding and restructuring the South African economy (Ministry of Finance, 1996). Unfortunately, the competitive approach to enhance and speed up economic activity through an integrated approach did not provide the anticipated results the provision of housing, land reform and the accelerated development of the infrastructural sector as predicted in the policy. Again, we see the country’s development strategy neglecting the opportunity to use the land reform policy as a mechanism to empower rural women through the land reform policy. A contributing factor could have been the lack of public participation as a greater dependence was placed on the contributions from private industries and investors that would contribute to the achievement of the strategic goals of GEAR (Terreblanche, 1999).

1.2.1.3 The National Development Plan (NDP)

The NDP is the current strategic national document that serves as a vision in building a developmental state by enhancing state capabilities and public participation (NPC, 2011). This is aimed at being done through prioritising the introduction of good quality health, economic and social services in both urban and rural spaces in order to expand livelihood opportunities. The NDP was created to provide the South African government with a blueprint to develop South Africa and ameliorate poverty and inequality. The task team appointed to construct the NDP, the National Planning Commission (NPC), advocated for the use of an integrated strategic planning process that would develop an interactive and successful civil society that contributes to innovative and ground-breaking research and debates on matters regarding the development of the country as a whole, with a focus on the poor and vulnerable. This meant that a greater focus would be given to not only the youth and the disabled, but women that live in poverty-stricken areas, therefore providing an opportunity for disempowered rural women to regain their independence for the control of land through the already existing land reform policy.

Although the NDP continued with the developmental approach of the RDP, chapter six of the strategic document identified the need to create an economically active rural community that resides in an inclusive and integrated rural environment. Therefore, job creation and agrarian reform were the main concerns. The provision of effective and successful land reform and secure tenure to "...communal farmers, especially women..." highlights the deep need for the African National Congress (ANC) to enhance food security and provide support to households that participated in a subsistence and small-scale farming within rural communities (NPC, 2011:58). This, speaks to the social upliftment and empowerment of women with a focus on the socio-economic potential of rural areas with economic potential highlighted as a tool to create inclusivity and integration in rural areas

The investigation of the study, was focused on the security and support of women living in communal rural areas that either do or do not participate in communal farming, posing the question: "What has the land reform policy done for rural communal women?"

1.3 The conception of the land reform strategy in South Africa

Through the formalisation of the Provision of Land and Assistance Act of 2008 and the Constitution, the land reform policy was aimed at achieving both economic and gender equality with regards to the access and ownership of land and provide land use administrative assistance

that is effective and efficient enough to contribute to the development of the rural and peri urban areas (Lahiff in Binswanger-Mkhize, Bourguignon & van den Brink, 2010). In addition, the outcome of the programme would result in restored land to the historically dispossessed through the land restitution programme. In addition, provide security of tenure to those living in the former homelands through the land tenure programme, and redistribute land through the land redistribution programme to transform the racially skewed land holding pattern in South Africa (DLA, 1997). Although the land reform strategy was aimed at equalising the access to land within races, in rural communities that were black, gender equality and power relations were key areas that needed external interventions from all three tiers of government.

1.3.1 Land reform as a form of state intervention for disempowered rural communal women

Women have always been subject to oppression, from the period of slavery, apartheid and in a more modern context. The apartheid system saw millions of black South Africans forced off productive land that was bestowed to them by their ancestors. According to Karriem and Hoskins, “land dispossession was officially codified in the Natives Land Act of 1913 and the Native Trust and Land Act of 1936, whereby the African majority was confined to 13% of the land in the former homelands” (2016: 332).

By the end of apartheid, 86% of all agricultural land was controlled by 60,000 white farmers, mostly men, while more than 13 million black people still lived in the overcrowded former townships that are characterised by low levels of economic development and extremely high levels of poverty compared to the rest of the country (Lahiff, 2007: 1578). In contemporary times, rural spaces are the spatial contrast of urban townships, as there is an abundance of land. However, women that live in spaces ruled by chiefdoms find owning land to be a challenge unless they are married. The post-apartheid government had to come up with a legislative policy that would incorporate the goals of the Constitution and the needs of the newly freed South Africans, especially the urban and rural poor women that were facing issues of poverty, unemployment and inequality in all socioeconomic areas. To deracialise and equalise the spatial orientation of land in South Africa, Walker states, that the 1994 government introduced the land reform policy as a strategy that had:

“... emerged out of the constitutional negotiations and policy debates of the early 1990’s[and] had three main components: restitution for those who had lost land rights as

a result of the racially discriminatory policies of the past; redistribution of land to poor and landless or land-hungry black people; and tenure security for black people living on commercial farms and under attenuated forms of communal tenure in the former native reserves or Bantustans” (2007: iii).

The three-pronged land reform programme would ensure an equal distribution of land to the dispossessed that were victims of land grabs under the apartheid regime (Karriem & Hoskins, 2016). Unfortunately, there was no direct focus on the equal distribution of land between genders within races. According to Cross and Hornby the Department of Land Affairs (DLA) focused the land reform policy on reversing the workings of apartheid by redressing land inequalities through land redistribution, tenure, and restitution, in the hope that all these programmes would inevitably contribute to the “alleviation of poverty and the improvement of household welfare” (2002: 39). Yet, households in rural areas continued to be run according to social and cultural norms that hindered women from owning and controlling land.

1.3.1.1 Land redistribution

To address racial spatial inequalities in South Africa, the ANC implemented the land redistribution programme that would play a supportive role in the achievement of equal land possession for the dispossessed and previously spatially and economically disadvantaged. The objectives of the DLA were focused on transferring formally ‘white agricultural land’ to “urban and rural poor, farmworkers, labour tenants, as well as emergent farmers” also known as poor or low-income black communities (1997: 12).

According to Lahiff (in Binswanger-Mkhize, Bourguignon & van den Brink, 2010: 171) land redistribution is a strategy that is “based on a system of discretionary grants that help certain categories of people acquire land through the market”. There is no specific mention, or a distinct reference made to a gender-equal strategy in redressing deracialisation. The ‘willing buyer – willing seller’ approach crippled the poor and forced households into owning, at times, unproductive commercial land that was not only costly to maintain but challenging to receive financial and agricultural returns under unproductive conditions. Based on the DLA’s White Paper on the Land Reform Policy, the intention of land redistribution was to “provide the poor with land for residential and productive purposes in order to improve their livelihoods” (1997: 12). The irony of this strategy was that between 1995 and 1999 the Settlement/Land Acquisition Grants (SLAG) which was designed for the poor to acquire land, as Lahiff (2007) puts it, was only available to

working poor men. This automatically excludes seasonal, occasional workers, and women as the land was distributed to working households that earned less than R1 500 per month giving these selected households access to R16 000 grant. This is meant that women who are dependent on remittance from their husbands were excluded and prohibited from owning property as well as access to the R16 000 grant which would be used to purchase residential or agricultural land (Stickler, 2019).

Willing buyer – willing seller

Although the SLAGs were enough for the procurement of residential land at the time, it became virtually impossible for a household in the targeted economic bracket to purchase and maintain agricultural land. As a result, black low-income men within rural communities combined their social and financial capital and purchased land for agricultural use. This, however, did not mean that the rural economy would develop at an accelerated rate due to the lack of skills, machinery, and post-settlement support available to the SLAG beneficiaries (DLA, 1997; Stickler, 2019). To accommodate this issue DRDLR Green Paper on Land Reform referred to the recapitalising and developing programme to strengthen informal and commercial farming partnerships through the provision of land and agrarian reform, therefore providing support for increasing food production (DRDLR, 2011). A challenge posed by the market-based strategy was that white commercial farmers or landowners could sell land at their discretion, meaning that leverage was given to landowners to dictate which plots of land would go on sale, and for how much. In addition, although negotiations took place the grants allocated were not enough to purchase farmland at market prices. The researcher believes that the quality of land was also an issue that surfaced, especially if the buyer was not well acquainted with environmental issues that are needed to be taken into consideration when growing various crops with minimal to no equipment and hence the land acquired was often deemed useless.

1.3.1.2 Land restitution

The land restitution programme played a primary role of returning/restoring land that was historically stolen from the black population by colonisers and the apartheid government through oppressive legislation and practises. The DLA's White Paper on the South African Land Policy listed the following mechanisms that would be utilised to ensure that equality and justice would be provided to those that were removed from their land and homes in an unjustifiable manner (1997: 14):

- Restoration of the land from which claimants were dispossessed;
- Provision of alternative land;
- Payment of compensation;
- Alternative relief comprising a combination of the above; or
- Priority access to government housing and land development programmes.

The Constitution and Restitution of Land Affairs Act, no. 22 of 1994, are legislative guidelines that assist the government and the Claims Commission in implementing the restoration of land to the dispossessed in a manner that does not discriminate against a racial group, physical ability or sexual orientation (Lahiff and Li, 2012). The execution of programmes that incorporate the mandate of equally restoring land to households of the majority, and rural women who are in a constant battle with regards to the ownership of land in their households.

1.3.1.3 Land tenure

Since the conception of the Native Land Act of 1913, Bantustans were created by pushing a large number of black households to ‘unwanted’ or unused land by the apartheid government, this meant that agricultural land was reserved for mostly white male farmers and non-arable land was provided to black men in rural communities. Lahiff and Li define tenure reform as “...the protection and the strengthening of the rights of occupiers of privately owned farms and state land (for example farm workers and tenants), and to the reform of the system of communal tenure prevailing in the former homelands” (2012:6); however, this study focused on communal land tenure for women.

According to the DRDLR, the Communal Land Rights Act 11 of 2004 was designed to provide “legal security of tenure by transferring communal land, including KwaZulu – Natal Ingonyama land, to communities, or by awarding comparable redress” (2004: 1), due to the fact that black people were confined to “...less than 15% of all farmland typically held under informal or insecure tenure and racially segregated ‘homeland’” (Wegerif, 2004; Stickler 2012: 1). This, however, does take into account the security of unmarried poor women in communal rural areas. As pointed out by Lahiff and Li (2012), the Communal Land Rights Act of 2004 (CLaRA) was criticised by human and land rights activists, women-based movements and organisations, and non-government organisations resulting in it being declared as unconstitutional and thereby leading to its lack of support and legal challenges in a number of rural communal areas in South Africa. Though the

land is 'communally owned' as depicted in the Communal Tenure Model of the DRDLR, the processes, and mechanism for owning a portion of that land by women is highly skewed.

The Commission for Gender Equality state that the provision to land for rural communities of various economic backgrounds usually depends on the "social organisation that cuts across the community, tribe and family" (2009: 58). Women have the unfortunate challenge of "patriarchal cultural system(s)" imposing on their empowerment to own and control the land (2009: 58).

The most vital aspect in this study is the execution of the DLA's provision of security of land tenure to those living in the former homelands through the land tenure programme which is done by "formalising communal land right in rural areas" as stated by Thwala (2001: 14). According to Ntsebeza, tribal landowners obtained rural communal land through the "permission to occupy" system which was based on written statements that listed conditions to one's occupation (1999: 4). Tribal leaders in the Eastern Cape and KwaZulu Natal areas, were given authority and power to operate the land in a way they saw fit, however, that did not mean they were considered free as land would still be removed from their possession "without being consulted if the government, the normal owner of land, deemed fit" (Ntsebeza, 1999: 4). This often led to much land insecurity among communities due to their vulnerability of living on land that they could potentially be evicted from. This inconsistency identifies the premise of the discussion regarding the objective of land reform and its impact in filtering into rural spaces and empowering women to become landowners.

1.4 Problem statement

The land reform programme has been in motion since the introduction of the RDP, which was the national development strategy of the first Democratic Party in 1994. Due to a change in leadership and economic development strategy the RDP was removed, becoming the predecessor of the GEAR and, finally, the NDP. The NDP was initiated to create a developmental state that has active participation and enhanced capabilities in both rural and urban spaces (NPC, 2011).

Gender equality is more prominent in urban areas: rural spaces witness less gender-equal transformation due to cultural norms that unfortunately are barriers to gender mainstreaming. Research has shown that social norms exclude rural women from owning and controlling natural assets, and in order to gain secure livelihood assets most rural women resort to marriage and those who marry out of choice do not have complete ownership to property obtained through customary marriages (Agarwal, 1994; Gaidzanwa, 2011). As a result, the national government released

countless policy frameworks for local governments to promote gender equality and women empowerment in rural areas (FAO, 2018). Land reform programmes are no different when it comes to gender-equal implementation.

Though the process of redistributing and providing land claims to the rural poor has been slow, with only 3% of the land being redistributed by 2004, the strategies to redistribute land has increased a need to issue fair and adequate land claims. The strategy to redistribute and restore land equally among men and women has moved to a more comprehensive approach on paper. However, institutional changes have not occurred as women are still disempowered and discriminated in rural communal spaces (Cousins, 2007; Hall, 2010; Karriem & Hoskins, 2016).

1.5 Study aims and objectives

1.5.1 Aim

The purpose of the study is to investigate the impact that the land reform policy has had in empowering rural women, especially in the communal village of Nqadu, Eastern Cape, South Africa. Greater interest has grown in investigating whether women are able to request individual title deeds to land in order to secure themselves and their families, without relying on relations with a man. Therefore, this thesis investigated land tenure as the main focus from the existing three land reform strategies adopted by the DRDLR.

1.5.2 Objectives

- To investigate the impact of land reform in equalising land tenure amongst rural women living in Nqadu;
- To determine the linkages that exist between communal and modern law with regards to gender inequality in Nqadu;
- To investigate the transformation of communal laws in women empowerment;
- To review feminist social agency amongst the people of Nqadu; and
- To determine the role of the local government in contributing to rural women empowerment in Nqadu

1.6 Research Questions

The investigation and discussion regarding land reform is one that will continue to be discussed considering the pace and lack of transformation that is occurring during the implementation of the

programme. Creating an inclusive environment for women and ensuring that the executions of land tenure claims are non-sexist is a goal that is not addressed when traditional practices and customs are concerned. As a result, the following questions will assist to determine what the effects of land reform have been on rural women, and whether they consider themselves landless and disempowered by not having the privilege to own and control land.

The central research question guiding this study is whether the land reform policy has empowered rural women living in communal areas. In answering this question, the research addressed the following specific research questions;

- What are the conditions that apply to secure and control land in Nqadu?
- What is the association between women, communal traditional leaders, and local government officials in Nqadu?
- How do the Nqadu women deal with landlessness? and
- Does Section 25 of the Constitution and land reform policies mean anything to the Nqadu women?

1.7 Study contributions

Researchers such as Agarwal (1994); Cross and Hornby (2002); Davis, Horn and Govender Van Wyk (2004) has posed critical questions regarding the relationship between land reform and gender inequality in developing countries. However, there seems to be limited work on the impact that the South African land reform programme has had on the lives of rural women residing in communal areas, especially where empowerment and customary law is concerned (Bayeh, 2016; Boender, Malholtra & Schuler, 2002; Cross & Hornby, 2002; Daniels, 2016; Gaidzanwa, 2011).

This study investigated the existing mechanisms used in the communal village of Nqadu to allocate land and the functionality of the mechanism to enhance gender mainstreaming in patriarchal gender imbalanced rural areas. Therefore, this study contributed to knowledge base on the impact that land reform has on communal rural women and the livelihood strategies they employ in order to work around the existing system.

1.8 Rationale

The lack of empirical data on 'hidden' homelands in the Eastern Cape has necessitated for an investigation on the impact of development policies and customary practices. There is even more

need to investigate and document, the impact of land reform on gender equality and the attainment of fulfilled capabilities among women of the Nqadu led by King Mpendulo Zwelonke Sigcawu.

1.9 Thesis Structure

This thesis comprises the following chapters:

Chapter One: The research problem of women empowerment in relation to land issues in South Africa

Provides the contextual background to the study and the focus area, this chapter outlines the situational context of the study by providing the background to how South Africa's land story began and the strategies that the democratic government implemented in order to eradicate the effects of land deprivation and inequalities. Additionally, the aims and objectives of the paper are outlined along with the problem statement, research questions, rationale, and significance for the study.

Chapter Two: Existing literature and how it covers women empowerment

This chapter reviews the relevant literature on land reform, the status of policy execution in communal areas and the impact of communal and statutory structures on the attainment of women's empowerment. A prime focus in this chapter is the definition and classification of empowerment in the context of women living in communal areas. This chapter paves the way for the elaboration on the policies, frameworks and programmes utilised by the national government in order to equalise land possession in both urban and rural spaces, in a way that does not hinder the democracy of civil society, especially women.

Chapter Three: Theoretical framework to study women empowerment in relation to land issues

The theoretical framework assists chapter two in exploring the epistemology of the study by applying the theoretical framework that best explains and make sense of the realities of Nqadu women. The use of the sustainable livelihoods approach is utilised as a way of identifying the vulnerabilities of the Nqadu women, how they resist these shocks and stresses, identifying the social group that imposes these pressures as well as the strategies that the women use in order to by-pass the dysfunctional nature of the land allocation system when it comes to the ownership of land by women.

Chapter Four: Research methodology to study women empowerment in relation to land issues

This chapter will provide the reader with an understanding of the main research questions that were identified to commence the data collection process and the research instruments that were utilised in order to answer the posed questions. Clear motivations as to why the chosen sample design, techniques and criteria used to attain the sample size are discussed. Data collection processes challenges faced, and control measures are highlighted in order to round up the chapter with the rationale of the selection data analysis measures used and the limitations of those measures.

Chapter Five: Policies, legislative and departmental frameworks and documents relating to gender mainstreaming and land reform

This chapter provides a detailed description and explanation of the rural development policies and programmes, along with the gender frameworks that are executed to contribute to the goals of the South African Constitution and the National Development Plan of a non-sexist society. In addition, the relevant legislative documents such as the land reform white paper and green paper are scrutinised along with the department of women and land reform and rural development annual performance plans. It further highlights the expected targets and focuses regarding gender equality and land reform within the country for the 2018/2019 financial year and whether or not rural women are being represented and supported within the land tenure programme when it comes to communal land that is under the authority of traditional leaders and councils.

Chapter Six: Data analysis and findings in relation to women empowerment

This chapter identifies the data analysis methods utilised, the process that went into identifying the appropriate methods used and how the data are to be analysed in order to effectively present the findings as reliably as possible ensuring that the strategy used is valid. Detailed findings are listed and explained in a concise manner that answers the aims and objectives that were initially indicated in the conception of the research study.

Chapter Seven: Towards an interpretation of The role of land reform in addressing women empowerment in the rural communal area of Nqadu, Eastern Cape, South Africa

This final chapter provides the reader with a narrative of the research objectives. A comprehensive research discussion rounds up the study by discussing the impact of land reform in equalising land

tenure amongst rural women that live in communal areas and goes further into identifying the links and caps that exist between statutory and customary law. In order to determine whether there have been transformations in the land reform programme, a concise conclusion focuses on the social agency of the women of Nqadu and the contributing roles that hindered or accelerated the empowerment of the Nqadu women in owning and controlling land.



CHAPTER TWO: EXISTING LITERATURE AND HOW IT COVERS WOMEN EMPOWERMENT

2.1 Introduction

The literature reviewed in this chapter indicates the existence of a strong relationship between landlessness and gender inequality in rural spaces, making land reform a crucial model in adjusting and transforming the social inequalities in relation to land that exists in South Africa. Most importantly rural communities that operate under traditional norms that voluntarily encourage the disempowerment of women through the control of natural resources (Agarwal, 1994; Bayeh, 2016; Boender, Malholtra & Schuler, 2002; Cross & Hornby, 2002).

The struggle for land is one of the key issues restricting access to profitable resources and improved livelihoods. Women in rural communal areas are among the few marginalised groups that are held back from the ability to independently own and control land. Although efforts to access land have advanced along the years, rural women living in communal spaces are often deprived of owning the land they tend due to social and cultural customs and norms (Conger & Kanungo, 1988).

According to Meer, South Africa has been identified as one of the most unequal countries in relation to “income and access to land”, with rural areas being among the poorest group in comparison to urban spaces (2013:10). Many rural spaces, like the Eastern Cape and Kwa-Zulu Natal, are bestowed with an abundance of natural resources that can easily be converted into profitable assets using eco-friendly and traditional methods, but these areas also hold weak human capital and soaring inequalities between genders. Strengthened by traditional norms and customs, rural areas have strong gender perceptions and hold their culture very dearly – and as a result, anything that has the potential to challenge the stability of longstanding customs is considered unwelcome.

This imbalance could help explain why empowerment amongst women is not well-practised or extensively discussed. Exclusion is one of the methods used to ensure disempowerment, which is why ownership and control of land solely for the betterment of women are questionable. The long-term effect of continuing the cycle of restricting ownership and control of the land to marginalised groups cripples the ability to transform and sustain communities and their livelihoods, especially rural areas that are already confronted with financial and resource deprivation (Goldman, Davis & Little, 2016; Meer, 2013).

2.2 Ownership and control of land by African women

Agarwal (1994) distinguishes between ownership and control of land, stating that gaining legal rights and/or ownership over land does not necessarily mean that the property is controlled. Providing women with legal ownership of property as indicated in many parts of the developing world “does not guarantee control” (Agarwal, 1994: 12). Social, financial, and legal restrictions can contribute to barriers to women being unable to achieve their capabilities (Agarwal, 1994; Cundil, Parkins & Trefry, 2014; Kabeer, 2005). The debate on gender-equal access to land moved to a need to distinguish between accesses to land and gaining control of the land that has been provided. Bayeh defines gender equality as “rights, responsibility and opportunities of individuals [that] will not depend on whether they are born male or female” (2016:38). Therefore, women must be allowed to access, own and control land-based on merit, and not their genetic makeup.

Land serves as a “means of production” and a sustainable asset to manage one's livelihood (United Nations Economic Commission for Africa, 2017: 41). Therefore, in order to ensure that women are no longer given the short end of the stick when it comes to access to – and control and ownership of – land, a technical approach to attaining gender equality is necessary from all African countries (Commission for Gender Equality, 2009; United Nations Economic Commission for Africa, 2017). Global decision-making platforms like the African Development Forum, United Nations Economic Commission for Africa and the Beijing Conference have stipulated the joint agreement of African countries to create more gender-sensitive statutory laws, hence, in turn, the monitoring of communal laws becomes difficult (United Nations Economic Commission for Africa, 2017).

In respect to ownership of rural land, the “lack of information at an individual level” (United Nations Economic Commission for Africa, 2017: 41) is an issue in remote villages, like Nqadu, that have weak governance systems, particularly land administration. To ameliorate the lack of data available in determining the impact that gender mainstreaming has had on land reform in African countries, non-government organisations, researchers and private organisations often play that role of surveying the impact of land reform on gender parities. In 2017 the United Nations Economic Commission for Africa conducted phase two of a regional synthesis on Africa's Gender and Development Index, with a focus on the gender development index in West Africa (Senegal, Togo and Cote d'Ivoire), Mali, Central Africa (Democratic Republic of Congo, DRC), East Africa (Kenya and Djibouti) and Southern Africa (Zambia, Malawi and Botswana) (United Nations Economic Commission for Africa, 2017). Although countries like South Africa and Botswana

have seen an increased number of women gaining access to land, ownership and control remains a problem. Women living in communal rural areas face greater difficulty in owning and controlling land, due to customary laws within their environment (Commission for Gender Equality, 2009; Institute for Poverty, Land and Agrarian Studies, 2016; United Nations Economic Commission for Africa, 2017).

The Commission for Gender Equality concurs with the statement that “women can access the rights to use land provided they are in relationships with men” (2009: 59), which stifles the individuality of ownership that has been identified in the existing literature. In rural communal communities, both married and unmarried women are encouraged to rely on their relation to a male counterpart for access, ownership, inheritance, and benefits of land (Agarwal, 1994; Focus on Land in Africa, 2013).

2.3 The argument of secured communal land

2.3.1 Spiritual relevance

The spiritual symbolism related to land in African countries is a contributing factor to many social restrictions that hinder social inclusion of women in traditional patriarchal areas (Agarwal, 1994, Boender, Malholtra & Schuler, 2002). Unfortunately, customary, and statutory law does not operate under the same system, hence rural women would still be subject to social and official restriction under traditional law (Agarwal, 1994; Cundil, Parkins & Trefry, 2014).

African social and traditional practices play a contributing role in the control and ownership of land and property at an individual level. Kudiabor (2013) also refers to spiritual traditions found in many cultures that are a driving force in the loss of will of women demanding access, control, and ownership of land in communal rural areas. The symbolism of land for African people goes far beyond the materialistic and financial meaning. The need to retain and protect ancestral and generational land for communities, like the Nqadu people, is one reason traditional leaders increasingly contest the transfer of land to be administered by their respective – at times weak and incompetent – local governments.

In a similar vein, the World Faiths Development Dialogue (2010) makes reference to the strong relationship that exists between culture and spirituality, it stating that “what matters in a culture is its capacity to generate self-respect, the ability to resist exploitation and domination, and to offer meaning to what people produce and consume, to land, liberty, life and death, pain and joy” (World

Faiths Development Dialogue, 2010: 10 - 11). The resistance from men regarding their cultural norms and standards is evident in the unwillingness of traditional leaders to ‘change’ their past practices and give women privileges that they should not traditionally have. As a result, inequalities in land ownership persist at the detriment of women’s livelihoods.

2.3.2 Masculine construction

Chanock believes that the presence of the statutory laws implemented by colonialists was due to knowledge gaps between the traditional leaders and colonial authorities. Traditional leaders combined the oppressive colonial statutory laws with customary practices so that “African males who [were], fearful of losing control over women” maintained their masculinity and presence amongst their people (1989, cited in Banda, F. 2006:14) as also stated by Smith and Wicomb (2011). In addition, a strategy for retaining control resulted in the development of oppressive systems that hindered women from controlling land. As the history of oppression, Chanock’s argument highlights the use of oppressive systems due to fear in women gaining control, this behaviour can be linked to the manner in which women are perceived by the Nqadu men – with high regard – however the generational tactics to toggle with the Nqadu woman’s power lies solely on the hands of men. Evidently these practices are spread across Africa, resulting in the current patriarchal worldview that holds many developing countries to ransom (Banda, 2006).

Being able to access and control land in order to use its resources and thereby gaining financial stability is essential for the development of poor rural women. Indeed, the ownership of land provides social status, as an enhancement of one's cultural identity, socio-political power, and the ability to participate in decision-making spaces. Therefore, allocating land to women would create multi-dimensional development opportunities and the power to make decisions based on their individual priorities, leaving men unable to control household decisions and weakening their power over household assets (Bayeh, 2016). What this does not include however is the need to develop strong communication channels within the household. Family is vital within the Nqadu community, and due to the ‘historical’ role of a mother/women, the importance of creating a family environment that showcases equal contribution and decision-making that improves the household livelihood is a factor that should be emphasised.

In the central part of Ghana, the people of Elmina attain their livelihood from farming salt at a nearby local pond shared by the community. In order to mine the salt, the people of Elmina have to either own a portion of the pond, or alternatively “inherit it from your family, or lease it from the family that owns it” (Kudiabor, 2013: 27). Unlike Southern Africa, the Elminas have seen a

decline in female access and participation on issues relating to land administration and governance, which calls into question the impact of gender mainstreaming in areas like Elmina that are led by Queens and Queen Mothers. Could it be that there is the mere talk of gender equality, where implementation never follows through? Are there underlying reasons to investigate? Kudiabor raised an interesting finding mentioned by Nana Tseasewaa, the Queen of GwiraAkyinim, that “Men do not have property when it comes to the stool (communal). All stool properties –such as land and regalia, to mention but a few – belong to women. But in reality, men run the show” (2013: 27). Which brings into question whether control and ownership of land would lead to the empowerment of women, or whether men would continue to rule over women and their assets due to the historical oppression women have experienced overtime.

2.4 The evolution of the gender machinery

The Department of Cooperative Governance and Traditional Affairs (COGTA) published the 2015 – 2020 Gender Policy Frameworks for Local Government, which sets forth an international stance guided by the Platform of Action. The Platform of Action was presented at the Fourth UN World Conference on Women which was held in Beijing in 1995. The closing remarks in this conference resulted in global leaders and activists committing to an international declaration that encourages the fight for women’s rights in government, civil society, and private agencies. The Gender Policy Framework for Local Government 2015–2020 states that attendees of the conference committee join in the fight against “women and poverty, violence against women, access to power and decision-making, women and the environment, inequalities in access to education and training” (2015:24). In addition, COGTA recognised the then-newly-formed 18 Sustainable Development Goals that promoted the aim of “achieving gender equality and empower[ing] all women and girls” (2015:24) by encouraging and funding international programmes and projects that increase impact in fulfilling this goal, especially in developing countries overrun with gender imbalances.

2.5 South African National Gender Machinery

The South African National Gender Machinery (NGM) was a collaboration of partners and entities that joined forces to eradicate gender inequality in urban and rural spaces. The NGM was established in 1990 through executing programmes, policies and legislature that mainstreams gender within all groups (Meer, 2005). After the 1994 national election, the African National Congress (ANC) instructed the NGM to initiate gender mainstreaming that would allow all partners involved to contribute to the eradication of gender inequality in a manner that does not

marginalise groups and allows them to work according to their existing niche (Geisler, Mokgope & Svanemyr; 2009). According to Geisler, Mokgope and Svanemyr, the roles and responsibilities of the Office of the Status of Women (OSW) and Commission on Gender Equality that is stipulated in the Gender Policy framework were slightly unclear, resulting in an overlap of responsibilities (2009). In addition, limited financial and human resources were being spent on the repetition of programmes and this caused concerns and frustration amongst the NGM members especially during the conception of the National Gender Machinery (Geisler, Mokgope & Svanemyr; 2009).

By 2009, the NGM was faced with several operational issues that jeopardised their performance and accomplishment of set activities. Once the new cabinet was sworn in the OSW was dissolved into the Department of Women (DoW) with the mandate to attend to issues relating to women, children and the physically and mentally disabled. Geisler, Mokgope and Svanemyr state that the DoW was mandated to advocate for “women’s rights, provide leadership in domesticating international conventions, lead policy formulation and legislative development and coordinate gender programmes and strategies” (2009:15). In addition, the cooperation of NGOs was declining, and fewer consultations and appraisals were being held, due to a lack of focus and drive in the agenda of gender mainstreaming.

2.5.1 Gender mainstreaming

According to Rao and Kelleher (2005), the only way gender mainstreaming can occur in a manner that will ensure that the efforts of historical feminist activists are recognised, and their aims successfully achieved is to change individual, systematic, informal and formal institutional conditions. This can be done by addressing areas that Rao and Kelleher define as “women and men consciousness, women’s access to resources, informal cultural norms and exclusionary practices and formal institutions” as outlined in Figure 1(2005:59). Rao and Kelleher’s (2005) illustration on how to achieve gender mainstreaming institutionally in as illustrated in Figure 1 is based on the idea that men and women who condone patriarchal norms are unwilling to give up their power. In addition, the assumption is that both men and women are committed to creating a long lasting behavioural change within their respective community, unfortunately this method does not take into account the social behaviours found within the patriarchal and traditional structure of Nqadu, that believes in isolating individuals that go against the societal norm – which in this case would be the equal ownership of land.

2.5.1.1 Behaviour as a hindrance to gender mainstreaming

Behaviours are still the same amongst men and women who believe in patriarchal views and practices, even though the level of language with regards to gender mainstreaming has evolved. It is thus time to create cultural and social change in spaces and institutions where women empowerment is not practised on a day-to-day basis (Meer, 2009; Rao and Kelleher, 2005). The four dimensions of institutional change in Figure 1 are a visual indication of the complexity of gender mainstreaming. It also serves as a blueprint to where the issues of gender equality need to be focused. A similar illustration of the bottlenecks that are identified as institutional pressures are illustrated in the Sustainable Livelihoods Framework as policies, institutions and processes (PIPs) indicated as “transforming structures and processes” in Figure 2 (DFID 1999: 3).

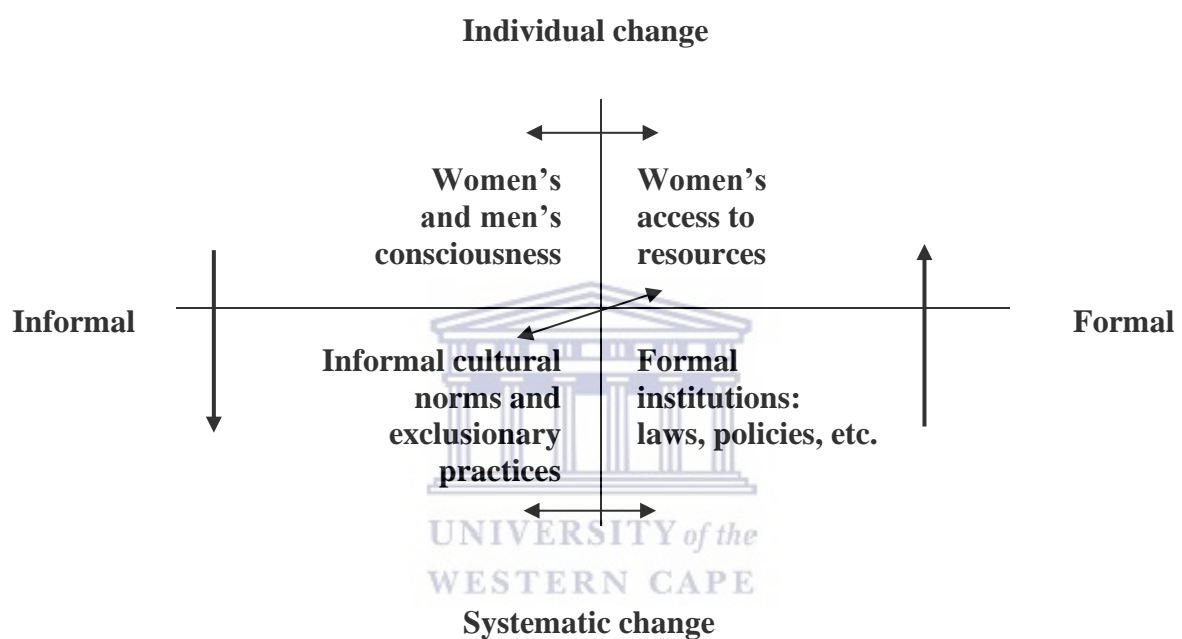


Figure 1: An illustration of individual, systematic, formal, and informal change that needs to occur in institutions for successful gender mainstreaming (Source: Rao & Kelleher, 2005:60)

2.6 Traditional customs and modern law

In the rural communal context, traditional leaders are the individuals that have land bestowed on them by previous colonisers. In addition, the already limited resources available made the dual control of the land to the rural female population unattainable, with dual ownership referring to the ownership of land by colonial authorities and the traditional leaders (Anderson & Pienaar, 2003). This means that traditional leaders as the holders of power and resources, have to *want* to empower women to control and own land, and many other livelihood assets. The aim of the land reform policy was solely to assist in the eradication of poverty by providing financial access and

skills to small scale farmers in rural communities, however, the focus was purely on providing assets, whether financial or natural, to the heads of households (men). In addition, the government assumed that the capital injection provided to rural households would benefit the livelihood of the whole family. However, there were cases where women were neglected from making financial decisions in the home and having any kind of control of the land and funds that were provided to the household (Razavi, 2007).

2.7 Empowering women through land reform in South Africa

In China and East India, governments allocated land deeds to the rural village women through their respective agrarian and land reform programmes with help from non-government organisations and grassroots social movement projects (Agarwal, 1994). South African, Tanzanian, and Zimbabwean women continue to fight for controlled rights to land under customary tenure. Though policies are developed and executed to eradicate these challenges, it seems as if the implementation is non-existent in communal areas (Goldman, Davis & Little, 2016). Moreover, the lack of effective and efficient implementation, managerial incompetence often explains the stagnant influence on gender equal rights.

Research has shown that land reform programmes have marginalised many African rural women, thereby reducing their interest and commitment to agriculture (Gaidzanwa, 2011). In the past, inequalities in the proportion of land redistributions towards female-headed households were dependent on male kin (Daniels, 2016). Agarwal (1994) argues that relations with women further intervene with the access and ownership of land due to social classes which leads to the influence of elite women as barriers of entry towards rural village women. In the case of Nqadu, “elite” women do not pose a threat. Although the positioning of the homesteads clearly demarcate who is a part of the royal family and who is not, the women of Nqadu speak freely amongst each other and positively about each other, the common trend within their discussions centres around the oppression they equally face due to the hands of men. In some cases, the women within the royal family would extend themselves to helping their fellow women fight against unfair land distributions. Nonetheless, research on women and land has turned to the process of empowerment as the point of departure in eradicating inequalities within women and land (Agarwal, 1994; Gaidzanwa, 2011; Goldman, Davis, & Little; 2016).

2.8 Factors hindering women empowerment in rural areas

There are four identified causes that hinder rural women from experiencing empowerment and the ownership to land (Cross and Hornby, 2002). Inertia in women's involvement in initiatives that challenge the authority of men is one of these causes, especially in traditional environments which place traditional customs and values as a priority in maintaining a strong household. In addition, socio-cultural barriers and a lack of capacity in government spaces mandated to enforce gender-equal programmes across the three spheres of government hinder the movement of knowledge of land-related programmes available for women (Rawal & Agarwal, 2016). Lastly, the absence of social movements in rural spaces influences the existing agency and the likelihood of women to immerse themselves in acts that challenge patriarchy (Cross and Hornby, 2002).

2.8.1 Social barriers

Cross and Hornby (2002) mention that amongst the obvious prominence of poverty amongst rural women that creates a dependence on their husbands or male counterparts, rural communal women are unable to access public open spaces which will allow them to occupy and challenge patriarchy in social groups. Instead, they are forced to practice undermining "copying mechanisms and efforts to sustain their household livelihoods" (2002:30). These could include sustaining gender-based violence and submitting and accepting institutional structures that promote traditional authoritarian powers that hold no equal gender contributions. One of the criticisms I have towards Cross and Hornsby's (2002) report is the neglect of the views of traditional authorities as they play a vital role in the implementation of land reform projects in rural communal areas.

Rawal and Agarwal indicate that "women's access to productive assets such as land is often influenced by social norms, culture and attitudes" (2016:22). Therefore, if knowledge is not transferred, attitudes and behaviours will stay the same for both parties involved. The social barriers that hinder the development of women empowerment or gender equality amongst rural communities "challenge the traditional power structures that enforce gendered roles in land allocation and use", especially due to the fact that the effects of empowering women will involuntarily cause destabilisation or unwanted change as put by Cross and Hornby (2002:30).

2.8.2 Inertia: An issue of land and gender equality

Walker (2005) stated that the unceasing existent of patriarchal powers accompanied by the reluctance of the local government to intervene in traditional customs results in a dearth of land

rights campaigns organised by women in rural areas. The lack of integration between departments could also be an additional obstacle to executing gender-equal agendas in land reform projects. A lack of participation of the target group, which is women, has a depreciating effect on the progress of women movements.

Based on a project report conducted by Cross and Hornby (2002) rural women were observed to be “timid and unwilling to challenge men’s authority”, which challenges the mandate of transforming the land reform policy to becoming more gender-equal (2002:29). Additionally, the fear of losing one’s cultural norms plays an additional role in the stagnant movement of women empowerment in communal areas as change is always feared. As mentioned by Kabeer (2005), one cannot challenge change if they have not seen or experienced it, which is why in the past ignorance and fears of exclusion or gender-based violence were common characteristics amongst rural women; resulting in a fear to demand ownership and control of assets (Razavi, 2007).

2.8.3 Absence of women’s movements in rural spaces

There is an absence of feminist land activism in traditional rural councils and local municipalities, and officials bestowed with the responsibility of planning and executing gender policy objectives often lack guidance (Walker, 2005). Furthermore, Walker (1998) mentions that provincial and local managers, who are often men, lack a personal commitment to understanding and effectively approaching gender-equal related issues. This leaves officials having to use one’s own discretion and indicates a lack of fluidity and education in gender-based issues resulting in substandard results on women empowerment policies.

Walker describes the functionality of the South African government as “monumentally slow and cumbersome” (1998: 17) due to its size, which is an additional motivation as to why various departments experience large budget cuts, alongside fragmented unnecessary and inefficient overlapping departments. In the case of Nqadu, a more collaborative integrated approach would ensure that scarce resources are utilised to maximise capacity, making use of capable and resourceful officials in addressing gender-related issues amongst rural communities.

2.8.4 Lack of capacity and knowledge

Community dynamics are often complex amongst rural areas, which makes the process of allocating land to families difficult for the Land Claims Court (DLA, 1997). This often results in officials pushing the claims through the tedious process as fast as possible in order to accommodate

larger volumes of households to meet their targets, this often leaves room for ineffectiveness, as far as quality is concerned (Walker, 1998).

According to Cross and Hornby, the South African government fails to “recognise and respond to the different experiences, needs and interests of men and women” (2002: 4), which was evident in the executed policies from the Department of Land Affairs under GEAR that were purely economically driven. This results in the abrupt discontinuation of policies and programmes that were meant to be strategically planned according to contextual conditions. This further indicates the lack of knowledge in a practical sense, which reduces operational capacity when it comes to sensitivity when implementing land reform programmes, making Cross and Hornby’s analysis of a “very limited body of case studies and best practices and processes” (2002:4) very real. Considering the inefficiencies and weakened capacity of the South African local government, particularly in the Eastern Cape, traditional and cultural norms were not developed for transformation. However, there is always room to challenge the status quo, this means that women themselves have to be the agents of change in order to assist in the positive implementation and facilitation of gender-sensitive land-related projects (Cross and Hornby, 2002).

There are also institutional managerial and structural shortcomings that cause the stagnant progress of the three-pronged land reform programme, and though they all overlap, there are distortions on the impact amongst women. Walker (1998) mentions the constraint as a “lack of capacity” within the Department of Land Affairs in making use of the financial resources. Though the funds available were minimal as compared to the leading development programmes, not enough human and financial resources were injected into the projects, and the strategies at the time were not aligned with the national objectives. The challenge of capacity is more detrimental in smaller municipalities like Mbhashe.

2.9 Conclusion

The literature indicates that there is a clear relationship between gender inequality, landlessness and customary laws that hinder the development and independence of rural women in and around Africa, and especially in developing countries where cultural norms and standards are experienced in the daily lives of women and men in rural spaces like Nqadu.

Cultural practices and customs should not necessarily be seen as immoral, but we should recognise that the behaviour practised within these spaces can hinder the gender mainstreaming objective,

due to the institutional and individual behaviours that are governed by how the municipalities and royal councils view women, even how women see themselves.



CHAPTER THREE: THEORETICAL FRAMEWORK TO STUDY WOMEN EMPOWERMENT IN RELATION TO LAND ISSUES

3.1 Introduction

The Sustainable Livelihoods Approach (SLA) has received much attention in development practice, with an introduction of approaches from agencies such as the United Kingdoms' Department of International Development (DFID), CARE International, Oxfam, and the United Nations Development Programme (UNDP). All these development entities share the same interest in understanding and interpreting the factors that reduce poor household livelihoods in a way that is more organised in order for the development sector to utilise as a guide to impart change, hence the sustainable livelihood framework (Globalisation and Livelihood Options of People Living in Poverty, 2008; Mazibuko, 2013; Serrat, 2017).

According to Denzin, a theory is designed to provide insight into a subject matter through describing “beyond the mere or bare reporting of an act but describes and probes the intentions, motives, meanings, contexts, situations and circumstances of action” (1988: 39). Therefore, the aim of this chapter is to provide theoretical background and knowledge to the understanding of the conditions that rural poor women are born into and the social systems that are hindering them from attaining empowered and sustainable livelihoods. The sustainable livelihoods approach assists in providing an understanding of aspects of livelihoods and the components that follow it (Mazibuko, 2013).

Considering that rural women have diverse abilities to enhance their livelihood outcomes the, SLA assists in understanding how restricted empowerment found in cultural spaces influences the choices made by women in traditional environments (Sen, 1989). The aim of this study is not to make any changes, but purely to understand the rural women's reasoning behind the lack of urgency towards demanding control of land and also to understand why policies that are designed to address inequality have not yielded the desired results.

3.2 Contextualisation of empowerment

For empowerment or disempowerment to occur, a relationship between two parties should exist. In most cases, the empowered have access to institutions and control over resources that the disempowered need to live a sustainable life. Conger and Kanungo (1988) refer to empowerment

as a “relational dynamic” due to the unilateral movement of power from the disempowered to the powerful. This suggests that the disempowered had power, to begin with, but due to situational matters they either conformed or had their power taken from them by force, through exclusion. The Cornell Empowerment Group sees empowerment as “an intentional ongoing process...involving mutual respect, critical reflection, caring, and group participation, through which people lacking an equal share of valued resources gain greater access to and control over those resources” (1989; in Zimmerman 2000: 43). Further, showcasing the continuous cycle of conformity women face when losing their power or the movement of power from women (the disempowered) to men (the powerful).

Zimmerman (2000) views empowerment not only as a relationship between people but also as a value orientation and form of theory model. Zimmerman further elaborates on empowerment as a value orientation by stating that it “suggests goals, aims and strategies for implementing change” (2000: 44). Understanding the value orientation that drives disempowerment will highlight the conditions that drive disempowerment from a social perspective and the acknowledgement or voluntary submission of power towards the marginalised. In addition, the theoretical framework chapter is intended to help develop an understanding as to why it is that some women choose to be submissive towards gender empowerment and others continue to fight for their equal rights to own land without male affiliation as a precondition of that ownership.

3.2.1 Empowerment as a value orientation

Though the attainment and possession of empowerment is a vital contribution to the fulfilment of one’s life, there are external influences that play a contributing role in whether it is achieved or not. Like traditional customs and social norms that have shaped the existence of women, one cannot forget the social expectations and interpretation of women in general. Zimmerman refers to the importance of identifying the strengths and gains of the empowered and whether external influences will continue to affect the progress of their empowerment (2000). Additionally, the research participants or the disempowered must understand the lasting impact of accepting the influence of the powerful in efforts of adapting to the changes that will occur around them. Once the women understand when their power is being compromised, they will use their agency and ensure that history does not repeat itself as cultural acts that belittle women often have a tendency of doing that (Zimmerman, 2000).

3.2.2 Empowerment as a process

Empowering someone who has never received the opportunity to experience choice would seem to be a difficult task, as disempowerment is a norm when it occurs under traditional practices. Not to say that traditional practice does not consist of systems that accommodate and encourage empowerment, but in the case of land administration the systems often do not favour sole ownership of land by women. The Communal Land Rights Act 11 of 2004 and the South African Constitution were developed to guide and protect social interactions, and to ensure that by law, groups are not excluded from society; however, these laws do not take into account the power imbalance that continues to exist in traditional authoritarian communities. According to section 17(1) of the Communal Land Rights Act, all land rights enquiries are to be handled in collaboration with the Minister of Land Rights and Finance in a manner that upholds public participation and encourages openness and transparency in the functionality of the programmes and their respective departments (2004:11). Therefore, empowerment is a process that does not occur overnight; rather, the powerful have to actively be conscious of their actions by practising and operating their daily lives in a way that does not compromise the development and capability of women to actively contribute to their society in a participatory manner.

3.2.3 Empowerment through opportunity

Kabeer alludes to the fact that one can be powerful and yet not be empowered, as they may never have had choice and power actively taken from them – but a person that is disempowered is one that has never had the “ability to make choices” due to that opportunity being taken from them (2005:13). Kabeer’s statement acknowledges that empowerment is both context and population-specific (Zimmerman, 2000). To some rural communal women, the choice to marry and/or bear a child are choices that should only be available to women, however choices that challenge institutional, traditional and ideological norms do not exist in women’s reality. Therefore, demanding ownership and control over natural resources is what Kabeer considers as “outside the realm of possibility”, purely because it has not often been introduced as a choice for women in rural spaces (2005: 14).

Furthermore, according to Kabeer, for choice to exist it must “be seen to exist” in other words, for empowerment to exist the holders of power have to willingly transfer it to their subordinates, in a way that allows them to change their lives holistically (2005: 14). This is what Rao and Kelleher (2005) refer to as a social and informal change in Figure 1. The concept of power is said to be

equivalent to empowerment, which is why the two concepts are so easily interchangeable. However, the researcher believes that empowerment is a result of attaining power, therefore one cannot be empowered if they are not aware that they possess power, which is indicated as an opportunity to make choices regarding their wellbeing (Zimmerman, 2000; Lord & Hutchison, 1993).

3.2.4 Choice-based empowerment

Kabeer further elaborates that “empowerment entails change”, meaning that change would have to occur to both parties; in this case women and men (2005:14). Therefore, for someone to inflict power on another would mean they are empowering them to make choices and see a more fulfilling and capable livelihood through accessing resources, spaces and institutions that they were deprived of experiencing (McCann, 2002). The thought that a group of people hold the ‘key’ to the flourishing, achievement and the life fulfilled of another person indicates power relations in the form of traditional authority exist in a colloquial manner. There are various levels of analysing empowerment through looking at the community, organisational and individual within the case area (Zimmerman, 2000). Agarwal defines empowerment as “a process that enhances the ability of disadvantaged (powerless) individuals or groups to challenge and change (in their favour) existing power relationships that place them in subordinate economic, social and political positions” (1994: 39). Therefore, the powerless, represented as women in this thesis, have to not only see an opportunity to challenge the oppressors but also have to believe that they can regain their power and be awarded equal rights to control and own land.

3.2.5 Collective empowerment

Zimmerman states that when analysing the community, the contribution of collective empowerment in rural communities “may refer to collective action to improve the quality of life in a community and to the connections amongst community organisations and agencies” (2000: 44). This is mainly due to the effect empowerment has on the effectiveness and attainment of community objectives. In this regard, should the mandate of the local or traditional authority of Nqadu have an objective of increasing awareness and extending land ownership and control to women, the community will collaboratively empower women assisting in achieving this objective. Additionally, men would have to be enlightened as they are contributing factors to the disempowerment of women. This highlights the aim of empowerment approaches in developing systems to impose sustainable external and internal change. According to Zimmerman, the transfer

and conversion of existing knowledge and expectations to combat “many social problems exist due to unequal distribution of, and access to, resources” (2000:45), therefore it is essential to transform the narrative of women to ensure that change occurs from both parties, which guarantees that the root of inequality is dealt with effectively.

3.3 Resources and agency: a combination of achievements

According to Kabeer (as cited in Boender, Malholtra and Schuler), for choices to be seen and experienced, one has to have the necessary resources in order to encounter it, in other words without resources one is unable to realise that they have the ability to choose between one way of living or another (2002). Resources could pertain to livelihood assets that lead one closer to opportunity, an example is poverty, though this is a very complex example as unfortunately race and social networks have a contributing role in the prosperity of one’s livelihood, having access and control of stable livelihood assets makes it easier to choose the kind of life you want to live. Women living in poverty do not have the necessary resources to improve their livelihood, either due to low financial or natural capital. The individual or community stunting her power has the needed resources – but due to their value orientation, the woman will not be empowered.

According to Conger and Kanungo (1988:471), the concept of empowerment has been a construct used to understand the issues of the powerless and marginalised “women, black [people], and the handicapped”. This not only highlights why the powerful disempowered the marginalised but also how it is that the powerless and marginalised voluntarily allow the powerful to control them and deprive them of their rightful resources.

3.4 Sustainable Livelihoods Approach

The Sustainable Livelihoods Approach (SLA) provides researchers and participants with a guideline to understand the livelihood as a system and the various external social, environmental, and physical contributors that result in a shift in livelihood strategies that either decrease or increase the sustainability of one’s livelihood outcome. The SLA surfaced as a more practical tool in response to underdevelopment in rural households experienced in developing countries.

The SLA does not operate on its own, evident in frameworks from the various institutions that provide guidance. Serrat (2017:21) states that the SLA is “a way of thinking about objectives, scopes and, priorities for development activities”. In addition, considering that livelihoods are forever evolving, the approach is used to understand the context behind adaptations in peoples’

lives through a combination of interpretations of the livelihood strategies and outcomes. The focus of the approach is to understand the way vulnerable/poor people live and the “...importance of policies and institutions” in their role in guiding and protecting the most; vulnerable groups, which are women and children (Serrat, 2017: 21; NPC, 2011). The mere fact that women are mentioned in the same breath as children indicate the extent of the inequalities that exist as women are seen as incapable of successfully using material assets to contribute to their development; hence the inability to gain access and control over livelihood assets such as land.

3.5 Sustainable Rural Livelihoods

Though food security is not a focal point of this study, it is important to note that gender relations play a crucial role in food insecurity amongst rural women. Cundill, Parkins & Trefry (2004: 556) indicate that “cultural practices and beliefs determine the status of women and their access to food”, and further indicate that coping mechanisms ranging from “co-operation, self-denial, self – exploitation, [and] risk-taking” are practices done in an effort of sustaining their household livelihoods. The contribution that access and control of assets have to the sustenance of rural livelihoods obstructs the breakage of the poverty cycle that exists in rural communal areas (Razavi, 2007). The integration of various theoretical ideas has allowed the SLF to become a central tool in analysing both urban and rural livelihood outcomes and understanding the reasons why policies fail and succeed, and ways government and civil society can address setbacks to development (Walker, 1998).

3.5.1 Sustainable Livelihoods Framework

The Sustainable Livelihoods Framework (SLF) serves as a guideline in understanding how ownership and control of natural and social livelihood assets influence the ways in which society can achieve sustainable livelihood outcomes, as illustrated in Figure 2. Participatory in nature, the SLA emerged to assist researchers in assisting the poor to identify the resources they had at their disposal to be utilised to either earn a living or secure a better life for their family. According to Mazibuko (2013: 175), the SLF serves as a way of analysing and interpreting the world, whereas “the sustainable rural livelihoods approach only helps in considering the phenomenon and recognising patterns” that exist in rural communities.

The diversification of livelihood strategies in rural communities is an approach that is critical in rural development; however, the complications that accommodate diverse livelihood strategies have a greater impact on the decline in livelihood in women than men, considering that there is

often no support system in place for women that face these challenges. Therefore, the SLF is by no means a mirror of reality, it is purely an organised illustration that helps people come to terms with the “complexity of livelihoods, understanding influences on poverty and identifying where interventions can best be made” as eloquently put by Farrington *et al* (1998: 39). In order to understand the impact that land reform, as a phenomenon, has on the empowerment of rural women’s livelihood the SLF is employed. According to Chambers and Conway (1991), for women to secure a safe and sustainable household livelihood, three elements which include capital assets, capabilities and activities need to be controlled in favour of women.

3.5.1.1 *Capital assets*

The five dimensions on the sustainable livelihoods framework are not only dependent on each other to develop, but their underdevelopment is subsequent to changes in vulnerability of the capital assets and policies, institutions and processes that can hinder access of these resources. Mazibuko (2013) divides the framework into three areas, social and material assets that are needed for survival, external structures and process that contribute to the fluctuation of wellbeing and the outcome of changes in livelihood strategies.

The access, ownership, and control of land are all three vital components for sustainable and independent livelihoods to prosper. However, the land reform policy implemented by the post-apartheid government in South Africa has seen very few women gaining title deeds without including their spouse or a male relative (Agarwal, 1994; Daniels, 2016). From April 2009 till March 2018, of the 53 735 households whereby land was successfully restored to them through restitution and the 21 517 land claims redistributed to landless households in rural areas, an estimation of 44.9% and 40.7% was provided to women respectively (DRDLR, 2017). These figures correspond with the annual statistical report of selected service delivery programmes of the department of rural development and land reform which indicates that men still own more land than women (Directorate of Evaluation and Research, 2018).

Capital assets illustrated in the pentagon in Figure 2 demonstrate the influence that possession of human, natural, social, physical, and financial capital have on livelihood outcomes (De Satge, 2002; Scoones, 2009).

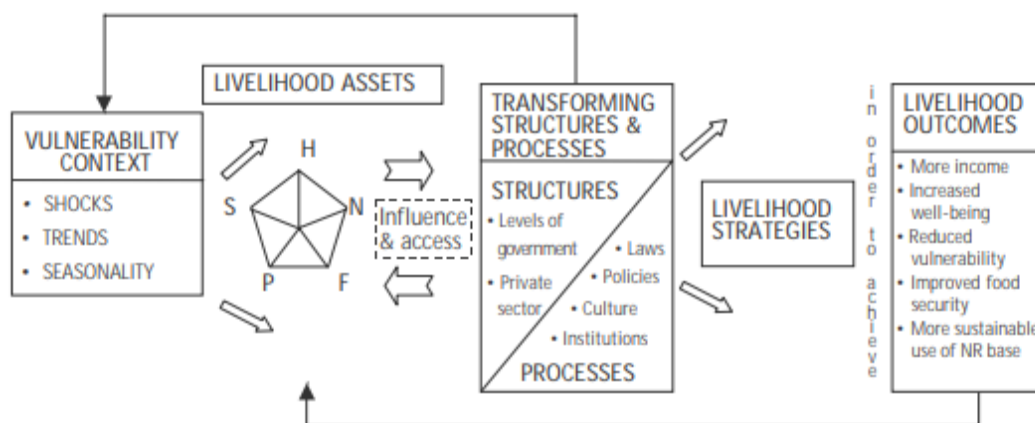


Figure 2 The Department for International Development’s (DFID) sustainable livelihoods framework (Source: Department of International Development, 1999:3)

Human capital consists of skills and knowledge possessed by individuals and collective human capital found in societal groups. Human capital is obtained through both formal and informal education and experiences that result in the possession of skills and knowledge. In spaces like traditional and communal rural areas, a lack of adequate education has a negative impact on the prosperity and development of people, especially amongst young girls, as they are often the first to be advised or coerced to stay home when the household is under financial pressure. A lack of/or limited education often influences the opportunities women see for themselves as they often feel obliged to contribute the only way they know-how, for the betterment of the family, which could mean not responding to abusive or suppressive patriarchal behaviours (Cundill, Parkins and Trefry, 2004).

Financial capital is access to credit or informal or formal monetary assets that can be used to exchange goods or services. Income growth changed from being the only form of development indicator to an additional measure of analysing poverty, with the introduction of well-being and happiness as additional indicators (Sen, 2003). Though Sen (2005: 3) does not discredit income as a measure of development, he states that making an income and having access and control of financial capital or “wealth”, as Clark puts it, “is merely useful...for the sake of something else”. Therefore, having access to money is vital to contribute to development; hence, having control and access to money will enable a gateway toward happiness and contentment.

Social capital refers to the relationships and networks that households or individuals develop through their life through relationships formed in or outside their community (Sen, 2003). Access to social capital can assist in the expansion of any of the four capital assets described in Figure 2. These structural or relational relationships consist of trust, social obligation towards individuals and mutual support. Having a strong relationship with someone who can enhance your well-being and livelihood is beneficial, but this does not exempt forced dependence of women to men for financial, physical and/or natural capital. Woolcock & Narayan (2000: 225) defined social capital as “the norms and networks that enable people to act collectively”. In an instance of defiance social exclusion could contribute to the decline in well-being, as social networks are essential to enhance social capital growth. Additionally, if the community holds the ‘keys’ to any resources or institutions needed for a better livelihood a damaged relationship will jeopardise the women’s ability to improve their well-being.

Physical capital consists of any tangible resource such as materials, tools and infrastructure that accommodates the maintenance or improvement of household or individual wellbeing. It is essential to note that the need to obtain various forms of physical capital varies with income groups. The need to own a car does not necessarily serve as an essential livelihood asset to households that do not travel long distances and prefer walking. Though access and control of a vehicle of any kind is a gateway to mobility in all forms, the fact that the individual has an opportunity and resource to travel gives them optimal opportunity to experience the world and have the potential to acquire employment.

Natural capitals are the most important resources for rural development. Besides land and water being a wealth-generating resource, natural capital has spiritual and cultural value to most rural communities (Agarwal, 1994). The land is an asset that can contribute to the enhancement of physical, financial, and eventually human capital, provided that social capital exists in order to make it intergenerational and transformative.

3.5.1.2 Activities

Scoones (2009: 178) describes capital assets as components that can drive various forms of action amongst communities, namely “instrumental action (making a living), hermeneutic action (making living meaningful) and emancipatory action (changing the structures under which to make a living)”. In order to conduct the three mentioned action strategies, households must be resistant to vulnerability, which in some cases is inevitable. This means that men and women have to create an environment whereby women are able to use their resources and acquire them from their

individual social networks if needs be, to change their once depreciated livelihood and use the land to make a meaningful life for generations under conditions that do not limit them due to their biological nature. The problem with social and cultural norms is the normality of oppression amongst women that results in the inability to use one's agency to contest the exclusion of women from owning and controlling land.

A household's ability to engage with activities to expand their livelihood depends on the restrictions of policies, institutions, and programmes (PIPS). Influence within PIPs depends on the improvement or maintenance of assets, also known as resources, to strengthen or improve one's capabilities. Chambers & Conway (1991) state that for households to be sustainable their livelihood should be able to cope and recover from stresses and shocks, maintain, or enhance its capabilities and assets, while not undermining the natural resource base. In the rural context, stresses would include social exclusion from society, and shocks are more permanent, such as the death of a spouse. To understand the potential impact that land reform could have on the improvement of rural women's livelihoods the sustainable livelihoods framework will be employed, with a closer look at the capability component of the framework.

3.5.1.3 *Capability*

Culture as an element of uniqueness and social cohesion amongst the rural community is an aspect that has gained support for many traditional spaces. So much so that the loss of living heritage is a topic that has been on the surface of many discussions on heritage. Considering that South Africa is rich with diverse cultures, traditional customs are heavily protected. However, many cultures openly undermine the existence and contribution of women. A woman is often seen as a mother and nurturer, encouraging the disempowerment of women as landowners and 'doers'. Income growth changed from being the only form of development indicator to an additional framework of analysing poverty, with the introduction of well-being and happiness as additional indicators, Amartya Sen's Capability Approach has been employed with many approaches to human development (Sen, 2003). The capability approach stems from the works of theorists like Adam Smith, Rawls, Aristotle, and Karl Marx (Clark, 2005) in efforts of unpacking the reason why people do what they do in order to survive. The quality of one's life is also shaped by "doings and beings" (Sen, 2003:4). Therefore, owning a commodity such as land can enable happiness if there is a sense of freedom one feels to own and use the land as they wish, in other terms, to function with no restrictions. It can then be assumed that though some women are able to own land, they might feel that owning the land is not a priority.

3.5.1.4 *Resistance to vulnerability, structures, and processes*

As illustrated in Figure 2, policies, institutions, and processes (PIPs), shocks, trends and the seasonality of these events influence the attainment of the wellbeing that resembles opulence in the rural context. In the context of land reform, structures and processes in the form of cultural norms and expectations fail to live up to policy implementation outcomes and as a result they lack fluidity between the local and traditional councils result in women either having fewer land title deeds than men who are more preferred to have access and control of capital, or no access at all (Agarwal, 1994; Jacobs, 2004). SLA as a holistic approach is often used by development practitioners that allow participants to gain a sense of being and empowers them to change their lives through the use of public participation that becomes the by-product of new or robust social relations thus improving socio-economic standards of living and inspiring household and social capital. The presence of social capital as a structure that hinders wellbeing can be understood using the capability approach. Rawls (2003) argues that in order to meet one's intended needs, one should value their freedom in order to exercise agency, however, one cannot exercise their agency if they either do not see the value in it or if no opportunities have been provided from the beginning, as echoed in the literature in Kabeer (2005).

Based on literature regarding cultural practices and traditional norms, rural women often have insecure behaviours due to the strong dependence they have towards their spouses or male family members (Jacobs, 2004). Husbands and male family members are often seen as the connection to access to resources and inevitably wellbeing. Therefore, fighting for ones right could result in a loss in social capital, with society looking down and isolating the woman, or simply the husband separating from the woman who would then leave her and her children vulnerable to shocks and stresses caused by the loss of human, financial, physical, and natural capital. Shocks and stresses can be either temporary or permanent, which would lead families to have to adapt and divert their livelihood strategies, often evident in migration to towns or urban areas. The insecure behaviours and gender unequal practices combined in cultural standards and norms create a vulnerable and dependent group of women, who will always be resistant to change as it could affect their livelihood in a negative manner.

3.6 The effect of traditional and statutory law processes on the empowerment of rural women

Processes implemented by statutory and customary law are in addition drafted in efforts of improving the lives of their inhabitants – yet patriarchal and traditional entitlements and one-sided access to power reduce that of women in rural communal lands that have not challenged the system. The complexity of the relationship of the PIPs and the livelihood outcomes can be assessed by reviewing opportunities available to women in order to achieve their functioning. However, in order to achieve an acceptable functional level, a choice must be made as to whether to seek freedom from oppression by the PIPs or give consent to the ruling systems and powers as Gramsci puts it (cited in Karriem, 2009). Gramsci further argues that the oppressed do not have to wait for political or traditional opportunities to arise; change can occur through political consciousness regardless of what they could possibly lose, the fact is that they could gain a lot more over time once the status quo is challenged (cited in Karriem, 2009). In this regard, political consciousness is the women and men’s individual consciousness regarding what women signify and represent in the rural community.

Sen (2003: 10) makes a crucial argument that “rural women may have no clear perception of being deprived of things that men have and may not be in fact any unhappier than men are”, which illustrates the subtleness and lack of enlightenment that rural women possess according to this theory. Considering that rural women are the face of poverty, gender aspects are addressed in this thesis making use of the feminist approach to analysing rural institutions (NPC, 2011).

The lack of intervention from the provincial to the local government leaves little room for gender-based opportunities to surface amongst traditionally rooted rural areas. Ferree and Mueller (2007: 576) suggest that women’s movements are amongst the “most successful of all social movements of the modern period”. However, there cannot be any transformation if the same women that need change will not challenge traditional norms that hinder gender development and equality. Furthermore, the spread of contemporary feminist ideas has increased realisations of oppression amongst women through the provision of social capital.

What Ferree and Mueller (2007) fail to consider is the inconspicuous existence of traditional laws and social norms that restrict agency amongst rural women. The complexities of intersectionality amongst gender and class are not fully understood. The existence of an elite class amongst women results in policy impacting the resourceful and asset aligned women rather than those who are,

amongst other things, uneducated and economically insecure (Walker, 1998). A growing responsibility lies amongst non-government organisations, as a local level agent, to be the advocates of change amongst rural women living in traditional communities. The inability of non-government organisations to use theoretical work to explain practical cases, aids in the growth of various topics of underdevelopment and incapacity. In addition, the growth in literature and theoretical frameworks assists communities and government organisations with explaining and comparing contextual situations. Jacobs (2004) states that it is indeed through the mobilisation of rural women that demands to secure and control land for the betterment of their livelihood, will be obtained. The concept of equality in the sustainable livelihood's framework states that for equal distribution of livelihoods to be attained, the livelihood of the most deprived must be encouraged (Chambers & Conway, 1991).

As mentioned earlier, the need for rural women to secure their livelihood outcomes is determined by the choices they make, which is based on the way they value their lives and that of their families. The sustainable livelihoods approach provides practitioners, development officials, and researchers with an opportunity to fully understand the complexity of rural livelihoods and their individual perspectives in the world and how it affects them.

3.7 Conclusion

The sustainable livelihoods approach is an exceptional model to analyse the ways in which institutional, social interactions and resources can influence household livelihood. Making the sustainable livelihoods framework an effective tool in identifying how the possession or lack of livelihoods assets can influence the way in which policies, processes and institution shape one's livelihood. In addition, the framework illustrates that in order for livelihood strategies to be enhanced; one's livelihood assets can be acquired and retained collectively. Moreover, cultural norms and standards are complementary to the access or hindrance of capital assets, such as land. Nevertheless, agency and 'power from within' are components that can speed up one's achievement of sustainable livelihood outcomes that do not contradict with one's human rights and dignity.

In closing, the social and cultural barriers that hinder women empowerment cannot be combated if agency, capacity, and knowledge is not transferred to rural women and if opportunity and choice are not made apparent to landless women. These women will continue to believe that access to land is sustainable rather than investigating the impact of owning land that can be generational.

This, however, is best observed and practised through collective action that is accommodated by existing legislative models that showcase the rights that women have to be land secure, especially in geographical locations that operate under customary laws and communal resources.

As such, the ability to act on violations of one's livelihood outcomes plays a bigger role in whether or not one is empowered and therefore limits the number of times they will become vulnerable to shocks and stresses such as a change in land use. There are clearly a number of components, both internal and external, that have an effect on the livelihood outcomes that women have and in order to understand them one has to investigate the environment the women live in, and the circumstances that have played a role in them not acquiring ownership of land.



CHAPTER FOUR: RESEARCH METHODOLOGY TO STUDY WOMEN EMPOWERMENT IN RELATION TO LAND ISSUES

4.1 Introduction

This chapter addresses the research methods and tools used to collect data and effectively analyses the findings in the most effective manner possible. A mixed-methods approach was employed in efforts of describing and explaining the feelings and experiences of the women of Nqadu. An understanding of traditional leaders of the Nqadu and municipal workers in Mbhashe also formed part of the investigation. In addition, this chapter highlights the challenges within the research data collection, indicates deviations experienced and the ways in which they were addressed to ensure the validity and meaningfulness of the information presented.

4.2 Study area

Nqadu, is a rural communal village located in the Mbhashe municipality, within the Amathole district in the Eastern Cape Province of South Africa (Figure 3). In 2016, the province consisted of 277 250 inhabitants of whom 59% were between the ages of 15 to 64; unfortunately, the labour market is undocumented. With a slightly growing matric pass rate, the province consists of mostly female-headed households (Municipalities of South Africa, 2018). In order to access additional households' items and services, Nqadu residents travel to the nearby town in Willowvale, also known as Gatyana (Mbhashe Local Municipality, 2018). The rural village of Nqadu is led by the amaXhosaKing Mpendulo Zwelonke Sigcawu, who has been said to be in the process of mimicking the Zulu Kingdom's Ingonyama Trust in efforts of administrating the amaXhosa land (Ngcukana, 2017). This act, accompanied by the already minimal data on land ownership amongst women in both female-headed and married homes, questions the ability to operate under a gender-equal system.



Figure 3: Map of the Amathole District in the Eastern Cape, South Africa
 (Source: *Municipalities of South Africa, 2018*)

4.3 Research design

Researchers have to decide on an overall research strategy that will best answer the formulated research question(s) (Marshall, 1996). Although the separate use of qualitative and quantitative methods has been commonly used by many researchers (Hussein, 2009), the combination or triangulation of the two approaches to studying the same phenomenon eliminates the weaknesses found in the “single-use method design” as indicated by Jick (1979: 602). In order to retain the benefits of both qualitative and quantitative approaches, the use of a mixed-methods approach allows researchers the ability to combine both qualitative and quantitative research methods (Gorard, 2015). For the purpose of this study, a mixed-methods research approach was utilised to achieve the cross-sectional study desired.

Due to the fact that a portion of this study needs a detailed, subjective understanding of the lives of the Nqadu women regarding the chosen social phenomenon, a qualitative research method was employed (Matthew & Ross, 2010). Bellinger, Bernhardt & Goldstucker (1976) state that qualitative research is aimed at gathering the information that interrogates people’s feelings, thoughts, and experiences. This research methodology approach was employed to allow the women of Nqadu to express their individual experiences with land-related issues. In addition, the method allowed participants to openly narrate their interactions around land and gender issues within various socioeconomic and class levels (Matthew & Ross, 2010).

Should the researcher desire to use an objective approach that is “independent of the researcher and the research subjects” as indicated by Matthew and Ross (2010, 27), then the quantitative approach is employed. The quantitative aspect of the study was based on the desire to gain statistical observations on the extent of transformation that has occurred within land allocation and gender mainstreaming knowledge within the local sphere of government. This was under the assumption that transformation has indeed occurred due to the implementation of the new land reform policy. The combination of these two approaches allowed the researcher to determine whether a relationship between customary and statutory laws related to land tenure actually contribute to the empowerment of women living in the communal rural area of Nqadu.

4.3.1.1 Research methods

Although there have been mixed views about the separate use of qualitative and quantitative research methods many researchers have opted for the mixed approaches rather than a singular methodology. According to Gorard (2015) singular research methodologies can create a greater risk due to the individual limitations a singular methodology possesses.

The empirical material used to collect qualitative data includes focus group discussions and semi-structured interviews with the women of Nqadu. The qualitative data collection tools utilised provided enough data to create case-based experiences that highlight the various ways that the women have experienced disempowerment in relation to the ownership and control of land in communal rural areas.

The quantitative data collection methods utilised to gain statistical data regarding the transformation of land allocation to women in Nqadu consisted of questionnaires. Although the quantitative aspect of the study had limited participation rates due to time constraints, the figures provided regarding the traditional council give light to the findings identified in the cases. In addition, secondary statistical data the 2018/2019 MLM IDP, the Statistics South Africa’s 2016 Community Survey and DRDLR policy documents and frameworks from 2018 were employed in order to enhance the research study and provide depth to the findings acquired during the data collection process.

4.4 Sampling techniques

When identifying the appropriate sampling technique, one has to be realistic and take cognisance of their research design and methodology, resources and time allocation. Considering that this study makes use of a mixed-methods approach, the sampling approaches selected can range from

probable to non-probable samples. Matthew and Ross (2010:154) indicate that the use of non-probability sampling techniques is utilised when the researcher's intent is to comprehensively explore the identified research question, through data collection tools that "identify and explore theoretical ideas". Matthew and Ross (2010:154) continue to state that probability samples have a clear objective of collecting data that is "highly representative of the whole population". However, trying to represent an entire population is time-consuming and expensive (Neuman, 2003; Etikan, Musa and Alkassim, 2016).

This study made use of non-probability sampling techniques to ascertain the relevant information from Nqadu women. The use of non-probability sampling works best in cases where the study population is not necessarily defined and where the ultimate aim is to gain a greater understanding regarding a particular phenomenon (Etikan *et al*, 2016; Neuman, 2003).

Due to the accessibility and proximity of the desired participants, a convenience sampling technique was employed to identify members of Nqadu to participate in the qualitative aspect of the study and those were focus group discussions and semi-structured interviews. According to Etikan *et al* (2016), the use of convenience sampling allows the researcher to select willing and, accessible participants that fit the defined criteria. They impart knowledge on the allocation of land in communal rural spaces and the mechanisms to contest the discrimination.

To gain quantitative data from the Nqadu traditional leaders and Mbashe municipal officials, this study collected primary data using the stratified random sampling technique through the use of questionnaires. Municipal officials were interviewed, and the data was divided into the amount of experience in the field of gender mainstreaming. Unfortunately, the population available at the Mbashe municipal office was not sufficient. Therefore, the "infinite number" of potential participants, as described by Mohsin (2016:13) could not be approached. As a result, secondary data was employed using purposive sampling in order to enhance the focus of the research paper. The secondary data included, audited statistical information on the draft copy of the 2018/2019 Integrated Development Plan, in addition, the Statistics South Africa (StatsSA) 2016 Community Survey and DRDLR policy documents and frameworks from 2018.

4.4.1.1 Semi-structured interviews and focus group

The semi-structured interviews and one focus group discussion was attended by seven women from various socioeconomic backgrounds in Nqadu and the focus group discussion consisted of the seven women who participated in the semi-structured interviews.

The criteria that the women needed to meet to participate in the focus group discussions and semi structured interviews was that they had to be over the age of 25, reside in Nqadu and must have knowledge or experience with the processes of acquiring residential or farming land. After informing the gatekeeper on the criteria, the gatekeeper proceeded to obtain and bring forward seven available and willing women that met the criteria. Therefore, both the semi-structured and focus group participants were purposefully selected based on their availability, experience with land tenure in communal areas, and willingness to share their story with the researcher. Three of the participants came from various levels of the Nqadu royal hierarchy and the remaining four women came from middle to lower-income families. One participant was widowed, another remarried and the remaining women are classified as single. Although the sample size was small, the combination of socio-economic classes within the sample gave the researcher a greater understanding of how far the integration of equal distribution of land tenure is in traditional communal areas like Nqadu.

No research method is executed without challenges and in this case, the challenges that surfaced during the data collection process were that the timing of the data collection overlapped with the traditional coming out ceremony, when boys become men after initiation ceremonies in the village. This meant that celebrations were taking place in various households and would make cooperation with the identified participants difficult. To mitigate this challenge one telephonic semi-structured interview was completed with one of the participants. This particular interview was one of the most informative interviews conducted throughout the research process due to the familiarity of the participant with land inequalities, and her ability to articulate her experiences.

4.4.1.2 Questionnaire

One of the challenges with the quantitative data collection was the lack of participation and availability of the Mbhashe Local Municipality (MLM) officials. Although arrangements were made to conduct the questionnaire in person, a commitment was unfortunately not upheld, and cooperation started to dwindle. As a result, telephonic and email correspondence was the main source of communication.

The planning and development office in the MLM is responsible for the development and usage of government land in Mbashe. In addition, government officials often provide advisory support regarding developments that could contribute to the enhancement or demise of the community. Out of the two employees in the planning and development office, only one official was available and willing to participate in the study. With the underwhelming staff capacity and involvement in the office, the use of the stratified random sampling technique to identify participants would not be possible.

To compensate for the few numbers retained for participation in the questionnaire, the 2016 Community Survey database was utilised to regain quantitative data on the proportion of land ownership amongst women and males in Mbashe.

4.4.1.3 StatsSA Community Survey 2016

One of the limitations with using this dataset was that it was not specific to the various rural areas within Mbashe Local Municipality; Willowvale, Dutywa and Elliotdale. The data collected was specific to the local and district municipalities and provincial metropolitans. Therefore, while Mbashe local municipality was coded '2021', that actually includes all three of the mentioned areas that constitute Mbashe. Willowvale, Dutywa and Elliotdale, have a combination of urban and rural areas which does create a sense of generalisation, which is why the qualitative data provided the research study with a more direct and context-specific explanation as to why the data reads the way it does.

The dataset originally consisted of over 50 000 participants and once the data was cleaned by dropping the variables that were not needed in the study, only 5 943 households that participated in the survey resided in the traditional areas of Mbashe. In addition, a number of assets were removed from the dataset in order to showcase the focus on land tenure and women in Mbashe, since the data did not branch into the different geographical urban and rural areas in Mbashe Local Municipality (MLM).

4.5 Data collection

Qualitative data was collected through the use of semi-structured interviews and focus groups. The women were identified by a gatekeeper, identified, and retained through a mixture of formal and informal approaches. An initial gatekeeper was identified internally using the researcher's social relational networks, and that relationship further led to the identification of the appropriate

gatekeeper to the women of Nqadu. Singh and Wassenaar (2016) stated that it is crucial to determine the appropriate approach to identify a gatekeeper due to the ethical considerations that researchers have to abide by, and in this case, going against the formal process would have resulted in a deterioration of the existing social-relational network that exists. Singh and Wassenaar (2016), therefore state that:

“A formal process of access would require an understanding of the organisation’s operational hierarchy and rules regarding professional etiquette and strategic planning for recruitment and data collection. The informal process involves the researcher’s ability to respect the boundaries of the access granted, adopt an objective and formal stance to the research process even if he or she is known to the gatekeepers and research participants”

The consultation with the second gatekeeper provided easier access to the King and the women of Nqadu, gaining verbal consent and understanding of the rules and customs that have to be followed in order to gain the necessary information required.

As indicated above, the number of officials and traditional council members anticipated to contribute to the questionnaire could not be predicted, however, one official from the municipal office from the town development and planning department made himself available. To assist in attaining additional quantitative data that could provide an understanding and awareness regarding the land distributions amongst gender types, the 2016 Community Survey dataset from Statistics South Africa was utilised. According to StatsSA (2016) the main objective for the survey is “to provide population and household statistics at the municipal level to government and the private sector, to support planning and decision-making”. In addition, a traditional council member provided insight into her past and present experience both as a Nqadu community member and an integral part of the royal council.

The use of all three data collection methods allowed for the conduction of triangulation and the results of this method provided a greater insight into the research topic. Matthews and Ross (2011: 145). defined triangulation as “a measure of research quality, meaning that if different types of data are collected to address the same research question, each set of data can be used to check the findings from the others”

4.5.1 Data collection process

The fieldwork preparation was longer than anticipated, as preparation had to be made for travel and the alignment of schedules with the gatekeeper. As a result, the actual data collection process took a shorter time to complete. Observations of the study area identified that there was a considerable amount of access to the Kingdom. Rapport with the participants had initially not been created due to schedules of the participants being unknown. However, a gatekeeper was identified and secured prior to the research data collection process. It swiftly became evident that Nqadu is highly traditional, and the customs one has to adhere to when addressing King Zwelonke Sigcawu have to be maintained by all who come before him. As little conversation was had with the King, one of the Chiefs opted to speak on the researchers' behalf, not only as a sign of respect but also to guide the conversation so as to not create a narrative of the intended study that would cause dissatisfaction to the King.

4.6 Data analysis

Ross and Matthews (2010:317) state that “by the time the project is designed and planned, the analysis strategy and process should be clear”. Not to say that the research study is not clear, or was not done accurately, but the role of the data analysis process is to shed greater light into the findings pertaining to the research questions identified during the research conceptualisation process. Considering that the study makes use of a mixed-methods approach, a combination of data analysis techniques was employed to interpret the data.

To analyse the statistical data that was accessed through the StatsSA 2016 Community Survey database, STATA software version 12 was used to analyse the number of title deeds available to women in Mbashe. This information would allow the researcher to test whether a relationship existed between securing land tenure and gender. This finding would then determine whether the relationship between land reform and women empowerment is negative or positive.

The approaches used for qualitative data are diverse in countless and diverse in nature (Guest, MacQueen and Namey, 2012). To analyse the primary data that was collected focus group discussions and semi-structured interviews, and thematic analysis (TA) were used. According to Braun and Clarke (2012: 57) thematic analysis is utilised for “systematically identifying, organising, and offering insight into patterns of meaning (themes) across a data set”. Therefore,

the thematic analysis focuses identify the representative themes that surface within the content collected through qualitative data collection methods (Guest, MacQueen and Namey,2012).

TA involves manually transcribing focus group discussions and in-depth interviews, verbatim, and identifying the common themes that are addressed by the research participants. The data collected were transcribed and manually coded in Microsoft Word. Coding, according to Braun and Clarke (2012: 61) enables the researcher to “identify and provide a label for a feature of the data that is potentially relevant to the research question”. Recurring themes that emerged in the data were recorded and are reported descriptively in the findings chapter.

4.7 Conclusion

The participants in the questionnaire survey were determined through stratified random sampling. The use of the stratified random sampling technique was the best approach, due to the fact that it was unknown how many officials would be willing to participate. Secondary data was utilised to compare the primary data and the statistical data collected by StatsSA. Although the dataset did not go further than the municipality, a clear understanding regarding which gender group owns the most land in areas that are termed tribal. This, however, does not specify the mechanism in which the women bought land, or on which premise the land was allocated to them. It could mean that the land was provided through the Permission to Occupy (PTO) system and was paid off using the barter system rather than financial transactions that include the transfer of a title deed.

Convenience sampling was utilised to attain participants for the focus group discussion and semi-structured interviews. Due to the availability of the population, this method was the best technique to use taking into account the time of year it was for the Nqadu community. The data analysis tools used consisted of thematic analysis for the qualitative data and the use of STATA version 12 as a statistical analysis tool for the questionnaire and secondary StatsSA 2016 Community Survey data.

CHAPTER FIVE:
POLICIES, LEGISLATIVE AND DEPARTMENTAL FRAMEWORKS AND
DOCUMENTS RELATING TO GENDER MAINSTREAMING AND LAND REFORM

5.1 Introduction

The history of exclusion in pre-independence South Africa has resulted in the government and policymakers adopting policies that speak to the ultimate objective of holistic inclusion in the development and growth of a new South Africa. The Parliament of the Republic of South Africa (1994: 7) White Paper on the RDP framework highlighted the necessity of constructing government policies that focused on integrated and people-centred development approaches that were committed to “promoting a democratic, non-racial and non-sexist society”. This is aligned with the South African values which can be found in the Founding Provisions of the Constitution (Constitutional Assembly, 1996).

South African policies changed along with development strategies, from social transformation to macroeconomic change, with strategies such as the Reconstruction and Development Programme (RDP), GEAR framework, the Accelerated and Shared Growth Initiative for South Africa (AsgiSA), NGP, and the NDP (Ineng, 2015). One of the challenges that hinder the smooth implementation of these strategies is that there is no consistency when it comes to responsibility and accountability. As a result, failed policies are constantly modified or removed from the governmental mandate without adequate internal reflection on their failures (Ineng, 2015). According to Davids, Theron and Maphunye, the NDP like the RDP is mandated with the responsibility to “spearhead a broad empowerment programme for women, taking into account that women often represent the poorest, most exploited and most marginalised sector in our society” (2014: 21). The Department of Women’s (DoW) 2018/2019 Annual Performance Plan is clear on its role in empowering women, yet the mainstreaming of women empowerment in the Department of Rural Development and Land Reform (DRLR), previously known as the Department of Land Affairs, is not prioritised. This suggests that the fight to gain gender equality in rural spaces falls short, whether women are equal or not (DoW, 2017; DoW, 2018).

This chapter attempts to explain the mandate of the national policies and their interaction with developmental plans executed by the South African government departments such as the DoW, DRDLR and supporting acts that should be guiding the execution of approved policies and their respective departmental programmes.

5.2 The South African Constitution

According to the Constitutional Assembly, the South African Constitution is by law, the ultimate guideline that is aimed at protecting civil society through igniting “human dignity, equality and freedom” (1996: Ch.2). As a result, all policies, frameworks and programmes executed by all three tiers of government have to be aligned with the values of the Constitution, to ensure “human dignity, the achievement of equality and the advancement of humans rights and freedoms, [and] non-racialism and non-sexism” (1996: Ch.1).

Subject to limitations, the Bill of Rights is adjustable should parliament find it justifiable, in the good interest of the public as has been witnessed in the discussions regarding the amendment of section 25 of the Bill of Rights. The Constitution makes provision for the use of both statutory and customary law as an indication of inclusion and diversity in the country. However, the reality is that these two laws do not co-exist comfortably in communal rural spaces. According to the Constitutional Assembly, section 9(3) of the Bill of Rights (1996) explicitly indicates that under no circumstances should the state discriminate against people, directly or indirectly.

Furthermore, section 31(1)(2) of the Constitution encourages the use of cultural practises and customs, if none of the cultural exercises goes against the guidelines stipulated in the Bill of Rights. Evident is the need to ensure diversity and inclusivity in the state, and Chapter 12 of the Constitution indicates the necessity to recognise traditional leaders and their laws, so much that according to section 211(2) it states that “the courts may apply customary law when the law is applicable, subject to the constitution and any legislation that specifically deals with customary law” (1996: 109). As a result, a further look into the Communal Land Rights Acts 11 of 2004 must be analysed alongside ‘statutory law’, which is represented as the South African Constitution. The existence of the Communal Land Rights Act is designed purely to provide legal and operational guidance to provincial and municipal government entities and rural communities that are responsible for the administration of land enquiries.

5.3 Communal Land Rights Act 11 of 2004

The aim of the Communal Land Rights Act is to protect and guide communal leaders and community members, considering that statutory law and communal law operate separately. This act further serves as a possible ‘shield’ for communal rural women to represent their entitlement to the rights and control of property under communal laws if the land is secured and registered in the individuals' name. Section 4(3) of Chapter 2 in the Communal Land Rights Act states that a

woman “is entitled to the same legally secure tenure rights in or to land and benefits from land as is a man, and no law, community or other rules, practice or usage may discriminate against any person on the ground of the gender of such person” (DRDLR, 2004). An interesting part of the act is the vagueness that follows the chapter on the transferral and registration of communal land. Section 5(1) of the Communal Land Rights Act makes note of the right to transfer land to all people, including women based on the content in the Act and the rules indicated by the community. However, there is no mention of the clashes that exist between statutory customs and those in traditional rural spaces (DRDLR, 2004). One would lean closer to saying that there is a slight contradiction or ignorance with regard to ‘community rules’ as indicated in the clause 5(1), as social norms can influence the outcome of women controlling and accessing land whether it is registered in their name or not. The action of hindering total control to land does not mean that they do not have the right to own that land, but that their right to own and control land registered to them means nothing to the community at large.

In addition, section 18 of the Communal Land Rights Act 11 of 2004 does indicate that women are obliged to be provided with a new land order right should their spouse already have in his possession an “old order right”. Moreover, they would share the right to own the land. As section 18 continues, it states that in a circumstance where the claimant is widowed or there is a legal decision made whereby the women “succeeds to such right, [the land order is] to be held solely by such women” (DRDLR, 2004). In simple terms, a new land right order can be issued to women who have been awarded the land order as a settlement in a traditional or statutory court of law.

5.4 Department of Women

In the planning of the 2018/2019 DoW’s strategic plan, there is a dedicated focus on addressing the vulnerabilities that are bestowed on rural women, especially with respect to gaining access to land.

There is evidence of aligning the Gender Policy for Local Government and the report from the Beijing Conference mandate on gender mainstreaming as the Minister of Women makes the reference of the “will [to] strengthen the National Gender Machinery as a vehicle for Gender Mainstreaming” (2017: 2). Minister Dlamini continued to state that there would be constant interaction with the Department of Rural Development and Land Reform to ensure that all matters related to land claims are dealt with in a manner that does not discriminate against women (DRDLR, 2004). This is crucial in rural spaces that are governed by traditional customs and laws

and practices that do not often work in favour of women empowerment, and that consist of a few women decision-makers. Despite the numerical dominance of women in rural areas, there are 86 men per 100 women in Mbhashe, for example and women continue to be excluded from participating actively in decision-making in traditional rulings and especially in the higher levels of government (Municipalities of South Africa, 2016).

The aim of the government is to ensure that a portion of fertile land is distributed to the marginalised in order to increase food security and livelihoods, as it is known that land is an economic contributor, especially when it is accessed and controlled by persons who have the necessary resources to transform the provided land into a productive and profitable unit. Besides the issue of not having the financial capacity to tap into the small-scale farming market, some households are not motivated by financial gain and simply live through subsistence farming with at least one family member working in an urban area to contribute an additional stream of income and send a remittance from time to time. There is no account of households that have land that is not used for agricultural purposes. The researcher is convinced that there would be a lower percentage of women who own and control land that is not used for farming as preference could be provided to women who will utilise the land allocated to improve their livelihood and contribute to the development of the community as a whole.

5.4.1 Strategic Objective of the DoW

Though the department of women has three performance areas that focus on organisational administration and the formulation and management of policies, stakeholder engagements and knowledge dissemination, programme two is one of interest as it deals with social transformation and economic empowerment of women in both rural and urban spaces (DoW, 2017).

As mentioned above, programme 2 of the DoW's Annual Performance Plan is focused on 'Social transformation and economic development' which is mandated to "facilitate and promote the attainment of women's socio-economic empowerment and gender equality" (2017: 30). The sub-programme of interest is the social empowerment and transformation programme that oversees the provision of appropriate "mechanisms on policies and programme implementation for mainstreaming the social empowerment and participation of women towards social transformation", This, however, is not limited to social transformation within women but transforming the perceptions of a women is and what a woman ought to be in order to eliminate gender discriminatory practices (2017: 30).

5.5 National Women’s Empowerment and Gender Equality Framework

The Women’s Empowerment and Gender Equality framework was adopted by the South African cabinet in 2000 and later developed by the OSW, which now forms part of the newly established national Department of Women. The framework was drafted to guide the execution of women empowerment and gender equality objectives on a national level through “developing laws, policies, procedures and practices across government and society” (2015:25-26).

5.6 National Development Plan

5.6.1 The integrated and inclusive rural economy goal

Since the dawn of democracy, one of the priorities of the governing party was and still is to eliminate the socio-economic divide that exists between urban and rural areas, specifically the ever-increasing marginalisation, poverty and food insecurity that exists in rural areas. As a result, the ANC committed to creating sustainable access to resources for the poor to tackle those three characteristics of underdevelopment. Capital assets like land were crucial components to provide the poor with order to ‘even out’ the socioeconomic disparities that exist to date. The execution of the RDP had a clear mandate of redistributing assets that will catapult economic gains in rural spaces; however, the approach was far too individualistic with no additional supportive resources to enter the small-scale farming market (National Planning Commission, 2011; Karriem and Hoskins, 2016).

Underdevelopment amongst women in rural areas is an obvious issue that must be confronted. The objective of the National Development Plan (NDP) in relation to rural development is to improve the economic status of the rural population through agricultural opportunities that will then create employment opportunities and eventually result in better circulation of money in rural areas (NPC, 2011). The result would be the increase and improvement of infrastructural, socioeconomic, and physical developments in rural areas which becomes stable enough to create generational wealth and improved livelihoods amongst the rural community.

The chapter on creating an integrated and inclusive rural economy in the NDP explicitly states that the goal is to create female entrepreneurs in spaces that have “greater economic potential” (2013: 219). This excludes households that live in areas that have unproductive and/or highly underdeveloped environments with no ‘economic potential’. The NDP is more focused on fixing

social injustices through economic growth as opposed to transforming the social norms and the way men and women see each other in rural spaces that continue to encourage gender imbalances.

5.7 International policy and legislative framework contributions

At an international level, the Gender Policy Framework is guided by the Platform of Action which was presented at the UN's Fourth World Conference on Women, held in Beijing in 1995. At the conclusion of this conference, global leaders committed to an international declaration that encourages the fight for women's rights in government, civil society, and private agencies. The attendees of the conference devoted their time in office by joining in the fight against "women and poverty, violence against women, access to power and decision-making, women and the environment, inequalities in access to education and training, among others" (2015:24).

5.8 Gender Policy Framework for Local Government 2015-2020

Similar to the fight against discrimination in terms of race and social class, still lies a blanket of discrimination against women because of past representation that continues to be expected of the 'modern-day' woman. South Africa gender-equality programmes alongside various international organisations have committed to eradicating all forms of discrimination against women through the formulation of policies, frameworks and bylaws that are specific to the empowerment of women and girls. According to the Cooperative Governance of Traditional Affairs' Gender Policy Framework for local government, a few of the identified key issues that delay the improvement of gender equality is "low levels of compliance, accountability and capacity" (2014:11). The problem is not necessarily an issue that hampers the success of a gender-equal state, but rather an issue that is faced by many departments in government.

Transformation is a key term in reaching a gender-equal and capable state, and due to the lack of performance of the local governments and municipalities in achieving gender equality, a framework was designed specifically for local and municipal spheres of government. Though the Gender Framework for local government takes note that the stronger government priorities are on "rising unemployment and poverty among women, increased and very high levels of gender-based violence (GBV), and poor access to appropriate basic services", local governments have to find a way to ensure that none of the principles mentioned above are lost in the attempt to ensure that education, the economy, social services and social development are received by all South Africans (2014:11). The main aim of this policy is to mainstream the issue of gender and its inequalities

into all municipal and local governments in South Africa to achieve the desired state of gender equality and empowerment for all, without undermining women and girls.

In response to a lack of fluidity within local government and national government policies, this framework provides the local government with guidance in monitoring the impact of programmes that encourage gender equality. The framework is based on lessons learnt in local government, further encouraging the participation of women in leadership roles not simply as representatives but decision-makers in rural communities (Cooperative Governance of Traditional Affairs, 2014). Whilst not excluding young girls and the LGBTIQ community, gender equality and women empowerment is encouraged. However, due to the purpose of this study, the focus is on a single and married female-headed household.

5.8.1 Back to Basics Approach

Due to a lack of community participation in local levels of government, the policy makes use of a Back to Basics (B2B) approach. This approach is aimed at ensuring more active, integrative and inclusive programmes which encourage the mandate of the South African Constitution which is to include all people in the development of their state in a way that does not discriminate against physical, genetic makeup and socioeconomic class.

5.9 Department of Rural Development and Land Reforms Green Paper on Land Reform, 2011

The Green paper on Land Reform that was circulated in 2011 brought forward a suggestion of using an Agrarian Transformation System (ATS) as the Department of Rural Development and Land Reform's (DRDLR) five-year strategy was heading towards the Medium-Term Strategic Framework (MTSF) in alignment with the National Development Plan (NDP). According to the DRDLR's 2015 - 2020 strategic plan, the state was bestowed with the responsibility of bringing "rapid and fundamental change in the relations of land, livestock, cropping and community" (2014: 4). This system would be developed to create additional strategies for rural development rather than the RDP's focus on land redistribution that did not include institutional developments and sustainable physical, social, and environmental transformations. The goal of the ATS was to create social cohesion and development amongst the rural community, ensuring that every resident of rural areas feels included in the development of their environment and that all developments are benefiting all people.

5.9.1 DRDLR's Annual Performance Plan

The DRDLR's Annual Performance Plan (APP) for the 2018-2019 financial year makes mention of the commitment to "continue to engage the traditional leadership and other stakeholders on matters concerning asset ownership, including the provision of title deeds which are vital for socio-economic activities" that will benefit both the urban and rural communities at large (2018:5).

A look at the DRDLR APP for the financial year 2018/2019 focused mostly on economic and agrarian development. There were no indicators that would contribute to women empowerment. Youth have their individual focus in the document; however, the women that birth and nurture these children are not included in the departments' plan for the previous financial year. This is due to the department entering into its second phase of the national democratic revolution characterised by radical socio-economic transformation, which is defined as a fundamental change in the structure, systems, institutions and patterns of ownership management and control of the economy (2018:10).

In efforts to enhance financial stability and independence amongst rural women, the Minister of the DRDLR adopted the Mzantsi Co-operative Financial Institution which serves as a banking platform for women living in rural communities. This platform is designed for women who are involved in the arts, crafts, and design sectors (DRDLR, 2016). Although this institution highlights the importance of a diverse income stream, and the freedom and ability to be in charge of one's financial position through financial literacy, land as an asset also needs to be available for ownership and control to women, and the same women need to be able to control and manage that land with the necessary skills, equipment and assistance. Echoing the Acting Director General of the DRDLR's comment on land ownership being "one of the catalysts for economic freedom, spatial transformation and equality" (DRDLR, 2018: 6) it is crucial for women to have an active part in the owning and tending to land in both urban and rural spaces.

5.9.2 Rural Development Framework

The underlying theme of the Rural Development Framework (RDF) is ensuring that the legacy of the Natives Land Act of 1913 in the apartheid period is not repeated. This law paved the way towards colonialism and the apartheid system that aggressively dispossessed black South Africans of their productive land. The Act "abolished indigenous forms of communal tenure that had existed among African communities for centuries and moved approximately 4 million Africans were relegated to living on a minuscule portion of the countries land surface" (DRDLR, 2013). As a

result of the relegation, many families lost their crops and livestock as they were forced to move to urban areas to work in the industrial sector or work as servants in towns.

5.9.2.1 Agrarian Transformation Strategy

The DRDLR's five-year Agrarian Transformation Strategy (ATS) defined the four pillars of land reform as "land redistribution, land restitution, land development, land tenure and administration" (2014: 4). The then Minister of DRDLR, Mr Nkwinti, described the system as "comprehensive and inclusive" since the system included rural development and land reform.

The four functions mentioned made the allocation of responsibilities easier amongst government as departments were able to measure the success within rural development and land reform appropriately by splitting the four functions accordingly. Each of the four functions had to ensure that when implementing their activities each programme identified places and play a contributing role towards deracialising the rural economy so that being in a rural environment was not linked to being black and poor. In addition, the allocation of land during the provision of land rights and tenures was fully democratic and no way discriminated against gender, race and class and all activities ensured that food security would not be jeopardised.

As indicated in Figure 4, the first part of the strategy focuses on building the rural economy from a macro to a micro perspective where the individual, household and the community would need development and upskilling for the rural community to transform both in terms of rural development and agrarian transformation (DRDLR, 2013).

This approach would provide rural communities with adequate basic services that improve and fulfil their livelihood needs. The department refers to it as 'social infrastructure' for improved access to services meaning that besides the availability of the necessary services access is provided

effectively, as the availability of basic services does not necessarily mean that rural households will be able to access them due to financial and mobility limitation.

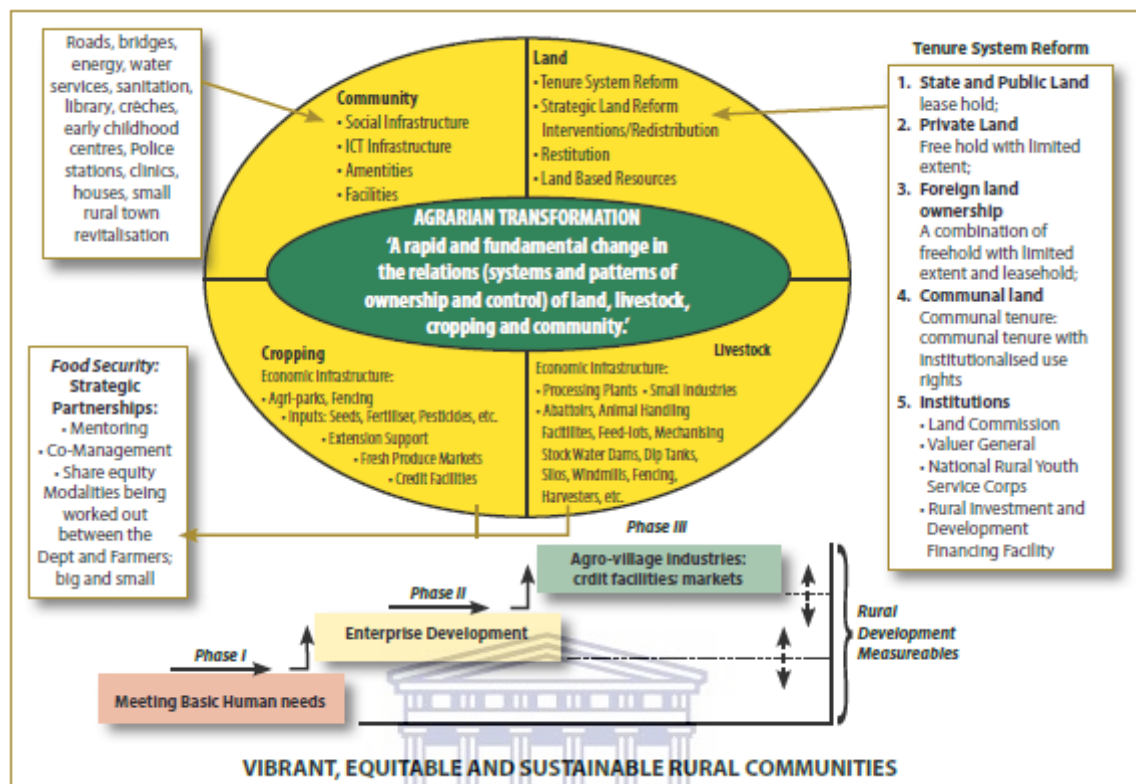


Figure 4: The DRDLR Agricultural Transformation System strategy for rural development (Source: Department of Rural Development & Land Reform Strategic Plan 2015 – 2020, 2015: 4)

In addition, according to the DRDLR for social infrastructure to be sustainable “community building, organisational and skills development institutions” are essential to enhance versatility and transform social norms and practices that discriminate against women and the vulnerable (2015: 10). Social aspects of the ATS included an improved land tenure system alongside the improvement of the rural economy through agriculture and creating availability and access to markets and credit facilities.

5.9.2.2 Development support system – The Communal Land Tenure model

The NDP and the Constitution have provided legislative support and protection to all people in South Africa, including and specifically property owners. Due to the complexity of communal land, the ATS will allow rural communities to measure development in their environment.

Once the NDP was adopted the key priorities of reaching a socially cohesive and developed rural economy was to ensure that “an integrated and inclusive rural economy” was experienced by all people, no matter their social class or economic grouping (2013: 5). The NDP gave rise to the Rural Economy Transformation Model (RETM) which is a land-use plan that guides all land administrators and traditional leaders and forms an additional set of security for all “households, particularly vulnerable ones, headed by females or children.” (2013: 5). The diagram in Figure 5 illustrates the RETM wagon wheel that equally divides the uses of communal land, whereas Figure 6 identifies the demarcated area that would be under traditional authorities alongside their responsibilities which would be managing the environments.

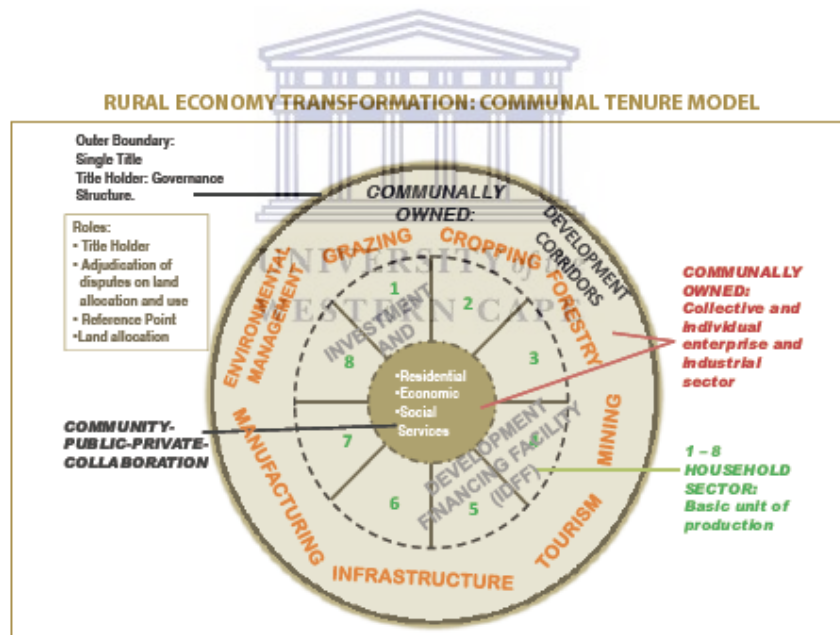


Figure 5: The Rural Economy Transformation Model (RETM) wagon wheel illustrating the desired secure communal land usage (Source: Department of Rural Development & Land Reform Strategic Plan 2015 – 2020, 2015:5)

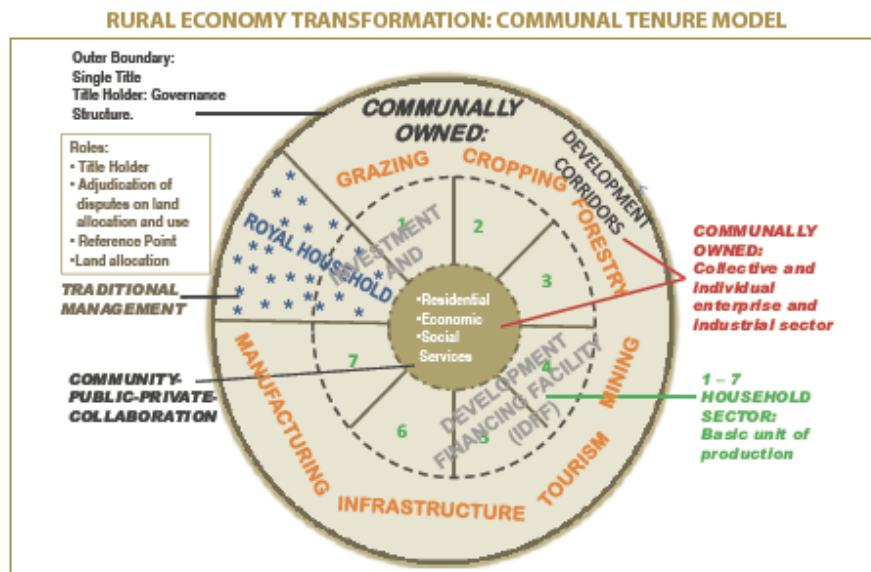


Figure 6: The Rural Economy Transformation Model (RETM) wagon wheel illustrating communal usage and the demarcation of the royal families land (Source: Department of Rural Development & Land Reform Strategic Plan 2015 – 2020, 2015:5)

5.9.3 The Comprehensive Rural Development Plan

According to the DRDLR, the vision for the Comprehensive Rural Development Programme (CRDP) is a developmental framework that creates rural communities that are “vibrant, equitable and sustainable” (2011: 10). This ensures that spatial integration and the use of land in rural spaces are regulated and used in a manner that promotes effective usage and administration of land. In addition, comprehensive rural development will only be experienced once agricultural systems and industries that increase and strengthen food production and security are achieved. The infrastructural developments executed contribute to improved access to quality support services and wellbeing amongst rural communities (DRDLR, 2011). The DRDLR’s main focus of reaching the vision of a vibrant, equitable and sustainable rural space is to create social transformation. Therefore, the CRDP management system is an effective framework for “institutional and social engagement to enhance community participation in current government planning processes – also referred to as Integrated Development Plans” (2011: 11).

The reality of the co-existence of “elective democratic structures of government and civil society as well as non-elective (Royal Houses-succession) and elective (traditional councils) traditional ones” (2011: 18) is crucial in developing a model that takes into consideration the contributions

that each role player has in the management of land and the influence of social norms, as this can affect the achievement of social transformation and equal economic growth. The fundamental principles need to be complementary between the “household, traditional, public and social sectors”, as a result, gender disparity needs to be targeted, and this challenge is said to be on the agenda of the CRDP.

5.10 South African policy contribution to women empowerment within rural communal women

The post-democratic government of South Africa was not unfamiliar with poverty and the disempowered rural women, however the effectiveness of the policies implemented have not had a lasting effect on the livelihood of communal rural women. As mentioned, rural development plans often focus on economic and agrarian development with no focus on policies or frameworks that could guide the local spheres of government into protecting women from disempowerment, especially in matters like land.

Although the overarching development policies play a pivotal role on the respective departmental policies like the Gender Policy Framework and the Rural Development Framework, I believe that that collaborative use of models such as the ATS or the Communal Land Tenure model could be beneficial in communal areas on a case basis. The problem however lies on the ability to transform the mind-set of the community to the policies or models being introduced. In addition, having a team that is able to articulate and stress the urgency of finding sustainable and empowering procedures that do not compromise the culture but rather remove the oppressive behaviours that hinder the development of women and in turn the generational empowerment of communal rural women.

In summary, I do believe that many women living in rural communal areas are unaware of the existing policies and frameworks that have the ability to empower them, and this is largely due to access to resources and government officials that are willing to educate and enlighten women and men living in traditional communal spaces.

5.11 Conclusion

The sustainable livelihoods framework highlights the impact of entities that adopt policies, institutions and processes that can have a negative influence on the livelihood of people, especially marginalised groups. Based on the South African Constitution, all policies, frameworks, and

programmes executed by national, provincial, and local governments have to protect all South Africans.

The NDP's integrated and inclusive rural economy was a priority that was identified as crucial in enhancing rural development so that the dividing line between urban and rural spaces no longer exists. One of the ways this was achieved, was through the equalisation of the redistribution, restitution, and security of land to the landless through the Land and Agrarian Programme. The CRDP makes reference to the RETM that was designed for the use in communal areas that have secure tenure. The reality, however, is that though access to land is available to all people living in rural spaces, land cannot be owned or utilised without consent from the King and his council and the mechanisms and criteria for allocation and usage is dysfunctional, as will be pointed out in the upcoming chapters. And finally, the execution of all these frameworks and policies do not refer monitoring and evaluation mechanisms of gender mainstreaming in communal rural areas that are under the ownership of traditional leaders.



CHAPTER SIX:

DATA ANALYSIS AND FINDINGS IN RELATION TO WOMEN EMPOWERMENT

6.1 Introduction

The conversation regarding women's position in the execution of the land reform policy has seen several female-headed households being provided with grants to purchase land and become landholders rather than merely contributing to production on land (Lahiff, 2010). Though the topic of land reform has received a considerable amount of attention in rural development and agricultural field, very few researchers have been able to investigate rural spaces like Nqadu that are governed by traditional authorities.

This chapter examines the various ways landless women and female landowners in Nqadu gain and use their land to enhance their livelihood. It also examines the types of land available to both married and unmarried women, the processes of attaining land, and lastly the contribution of Mbhashe municipal officials in the empowerment of women through land security in the communal rural area of Nqadu.

6.2 Observations and reception

Matthews and Ross state that “as social researchers, we need to find ways of collecting data that ensure that the data closely reflects the reality it represents” (2010:53). With a study of this nature, it was necessary to include observations that could be beneficial for the achievement of the research objective even though it was unplanned.

On arrival, it was clear that the timing of the research topic could have taken place a week after the festivities, but coordination of different schedules forced the data collection process to continue, despite the resulting lack of participation (as explained in the chapter prior to this one). Nonetheless, an exclusive tour of Nqadu allowed the researcher to analyse the vast amount of land that was available for communal use by the Nqadu people, and the exceptional quantity of small scale and subsistence farming that was taking place, even before it was revealed in the interviews. A quick conversation was held with the gatekeepers, to brief each other regarding the desired objective of the study. Once the introductions and explanations regarding the desired research project were completed, we made our way to view Nqadu and meet King Zwelonke Sigcawu.

Though formal protocols had to be maintained when conversing with the King, the reception was warm and welcoming, and the King provided the researcher with a tour of his offices and explanations regarding the historical artefacts and structures that were displayed there.

6.3 Development in the Mbhashe Municipality

6.3.1 Infrastructure

Nqadu is located in the Mbhashe local municipality, a rural area in the province of the Eastern Cape. Physical infrastructure in Nqadu is underdeveloped. Though there are many houses that are being renovated into more formal housing, as opposed to the traditional round mud houses that are now being used to house traditional ceremonies, there is one tarred road which functions as the main road.

6.3.2 Roads

As Mbhashe is rural, most of the road networks heading into the Mbhashe villages are unclear and unmaintained. The main road from Dutywa to Mthatha (N2) is the most developed and active road in the Amathole District Municipality. The Integrated Development Plan (IDP) of the 2018/19 financial year notes that the deteriorating conditions of unlevelled dirt roads within the rural villages such as Nqadu affects the response time of police and ambulance vehicles. The issues of underdeveloped roads impact on emergency support response time were raised by a number of respondents that could be classified as lower-income women, and one of the women (Participant 3) stated that “the roads are non-existent, and the response time for police and ambulances are very long” and in addition, there are little to no street lights which makes travelling by foot during the late afternoon or evening very unsafe. One can also consider the vulnerability of women who are often victims of assault, abuse, or accidents as being worst affected by the poor road networks in the area, especially when they seek assistance.

To address this situation, the community makes use of their existing social networks to deal with criminal activity that surface and in addition, there are police officers situated at the Nqadu Head Office. These officers are not only there for the protection of the King, but to assist the Nqadu community with matters that need legal intervention, should the social mechanisms fail them.

6.3.3 Housing

Stickler (2019) states that the redistribution and restitution of land in South Africa have been a prime mechanism for the transfer and procurement of land for the landless and dispossessed citizens, with a strong focus on female-headed households (Lahiff and Li, 2012). The possession of livelihood assets such as physical capital and natural resources are fundamental components to the upliftment of one's capability and livelihood in rural communities such as Nqadu.

In the case of Nqadu, through observation, it became evident that there are vast areas of land that remain uncultivated due to a lack of machinery and other essential inputs. In addition, the available area for households as measured in square metres is much larger than that of overpopulated urban areas, as recognised by the Mbhashe Municipality when they stated that areas like Willowvale (Gatyana) have low density residential settlements that are most self-built (MLM, 2018). As you move closer towards Nqadu, where the Xhosa Kingdom is situated, houses become more spaced out with more traditional houses integrated with the 'formal' dwellings that are mostly being renovated or constructed.

According to the StatsSA 2016 Community Survey (2015), the most common dwellings types in Mbhashe are traditional houses which make up 3 635 (61.16%) of the Mbhashe population (Annexure C). As we look at the proportion of main dwelling types according to gender, it is clear that out of 5943 participants residing in MLM, 2 358 (39.67%) of women live in traditional dwellings compared to the 1 277 (21.48%) of men (Table 1). The second-largest proportion of dwelling types occupied/owned by the Mbhashe participants were formal houses that consisted of 1 184 (19.92%) women compared to the 762 (12.82%) of men, indicating that women occupy most formal houses in Mbhashe.

Table 1: The proportion of the two main dwelling types in MLM per household head generated on STATA

	The main dwelling that the household currently lives in	Frequency	%
Male	Formal dwellings	762	12.82%
Female		1 184	19.92%
Male	Traditional dwellings	1 277	21.48%
Female		2 358	39.67%

Source: StatsSA 2016

6.4 MLM Integrated Development Plan

According to the MLM IDP for the 2018/19 financial year, the Mbhashe municipality prides itself in the use of the Back to Basics Approach that was developed for the Gender Policy Framework for Local Government 2015 – 2020 medium-term strategic framework. This approach is focused on making public participation and the integration of civil society and the government a cornerstone in rural development. As a result, the Mbhashe community is mandated to know and contribute to the affairs of the municipality by attending the public workshops, conferences and events that are available to the public (MLM, 2018). This also includes involving community members in providing contributions during the drafting process of the 2018/19 Local Economic Development (LED) plan. To execute the element of inclusivity and a bottom down approach at public participation, the MLM ensures that the women’s caucus, traditional leaders, and ward councillors are amongst the representatives of the council that serves on behalf of the Mbhashe community. This allows for comprehensive and controlled participation.

6.5 Small scale farming as a livelihood strategy amongst the Nqadu women

Pienaar and Traub (2015) are among many researchers that acknowledge that small-scale and subsistence farming is crucial to South Africa’s food insecurity problem in rural areas that are the most poverty-stricken and food insecure (NPC, 2011). Matters pertaining to farming and raising

non-grazing livestock such as pigs and chickens are attended to by women whereas rural men involved in the farming look after livestock that roam when grazing. One could argue that herding grazing animals is more labour intense however, as compared to men, due to the proximity of the areas non-grazing animals roam women therefore have additional responsibilities in addition to feeding and attending to the animals. Whereas men would be further away from the home, resulting in a much lower contribution to the household responsibilities.

In an effort to provide supplementary support to emerging and existing smallholder farmers, the then DLA, now formally known as the DRDLR, introduced land and agrarian reform as a developmental mechanism to the imbalances of land ownership and food insecurity and a declining agricultural market in South Africa. Within the land reform umbrella, land redistribution, restitution and tenure reform programmes encompassed gender equity objectives. The inclusion of gender equity in land reform was prompted by the evident contribution that women made in agricultural production in rural areas, with the inclusion of communal areas. Monitoring and evaluation of land reform were often dependent on the number of women that were provided with their own title deeds in non-communal spaces there has seen little research on the impact of land reform programmes on rural women living under land tenure system that follows customary law ruled by patriarchal authoritarian practices such as Nqadu.

Table 2: Heads of Household proportion in tribal/traditional areas in MLM generated on STATA

Gender in Mbhashe	Frequency	Percentage (%)	Cumulative
Male	2 040	36.49	36.49
Female	3 551	63.51	100.0
Total	5 591	100.0	

Source: StatsSA, 2016

Similar to the Eastern Cape, Mbhashe's gender proportion is skewed towards females with a value of 63.51% females to 36.49% males residing in the tribal areas in the municipality (Table 2). As a

result, there are more female household heads in Mbashe which could be due to spouses working in the city or in a different province as a livelihood strategy to sustain and improve the standard of living in the household. As indicated by researchers such as Agarwal (1994), Hall (2004) and Daniels (2016), women make up a majority of small-scale farmers in rural settlements which is a phenomenon Lahiff and Si, amongst others, identified as a result of “over 350 years of raced-based colonization and dispossession” (2012:4). By the end of apartheid, 86% of all agricultural land was controlled by 60 000 white farmers while more than 13 million black people still lived in the former homelands that are characterised by slow rising economic and social development. This coupled with high levels of poverty and social constructs and systems are an ever-occurring barrier to the development in areas such as Nqadu (Lahiff, 2007).

According to Hall, in 2006 the National Department of Agriculture estimated that “1.3 million

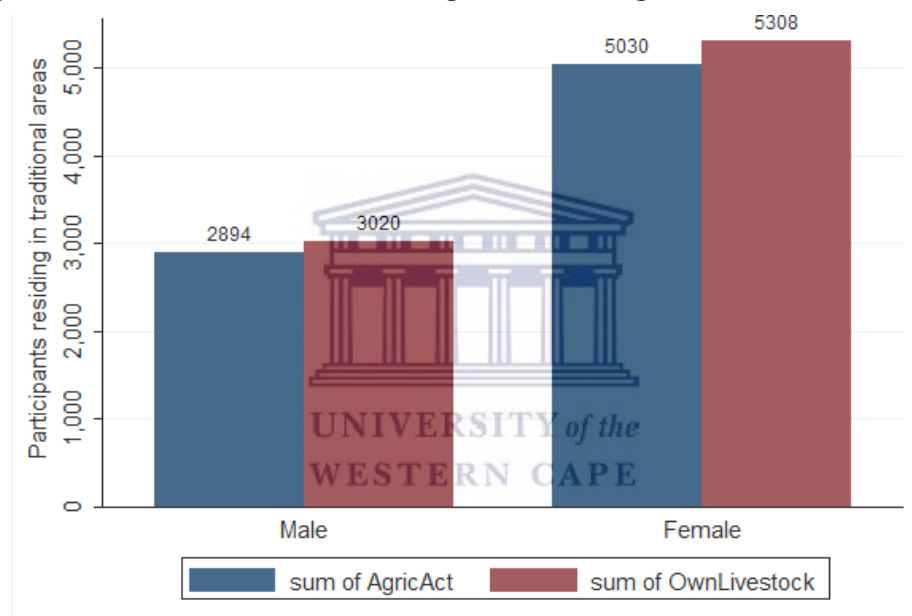


Figure 7: Total of female and male-headed households in tribal Mbashe that participate in agriculture and own livestock (Source: StatsSA, 2016)

black smallholder farmers [still resided] in the former Bantustans” and are often unable to keep up with the unstable climatic changes and the increasing cost of maintaining a larger plot of land (2010: 176). Based on the interviews and observations of the agricultural land in Nqadu, the low levels of water in the area create a barrier to the advancement and maintenance of small-scale and subsistence crop and livestock farmers. The high number of grains and food crop producers in Nqadu (Figure 8) could be a result of the low rainfall and water levels in the rural parts of Mbashe and the warm to hot climatic conditions that maize can survive in (Du Plessis, 2003).

Though there is a greater difference in the proportion of women involved in agriculture than women who own livestock, it is clear that women in Mbashe own more livestock and contribute more to the subsistence and/or small-scale agriculture sector in comparison to males. To combat the decline in farming activities in Mbashe, the municipality has executed several agricultural projects to enhance the standard of living of female-headed households that participate in small-scale agriculture. All but two of the women interviewed stated that they are active in a combination of subsistence and small-scale agriculture. However, no mention of the ownership of livestock was addressed. Rather, it was stated that not all women involved in the women-led agricultural projects in Nqadu own livestock.

6.5.1 Grains and vegetable production

Rural communal areas like Nqadu are amongst the many areas in Mbashe that rely on subsistence farming for food and income. As evident in Figure 8, a greater proportion of agricultural activity is focused on farming poultry and the production of grains and food crops coming at a close second. Annexure A and B provide statistical evidence of the agricultural activity proportion as well as the gender proportion per agricultural production type.

According to the MLM 2018/19 IDP (Mbashe Local Municipality, 2018), grains and vegetables are the leading economic contribution towards agricultural growth in Mbashe. Due to the abundance of small-scale farmers involved in the production of grains and vegetables, the MLM and the DRDLR have executed a maize milling project. This project is aimed at accelerating socio-economic activities and participation of households that have difficulty accessing the farming market and selling their produce to a wider customer base (Mbashe Local Municipality, 2018).

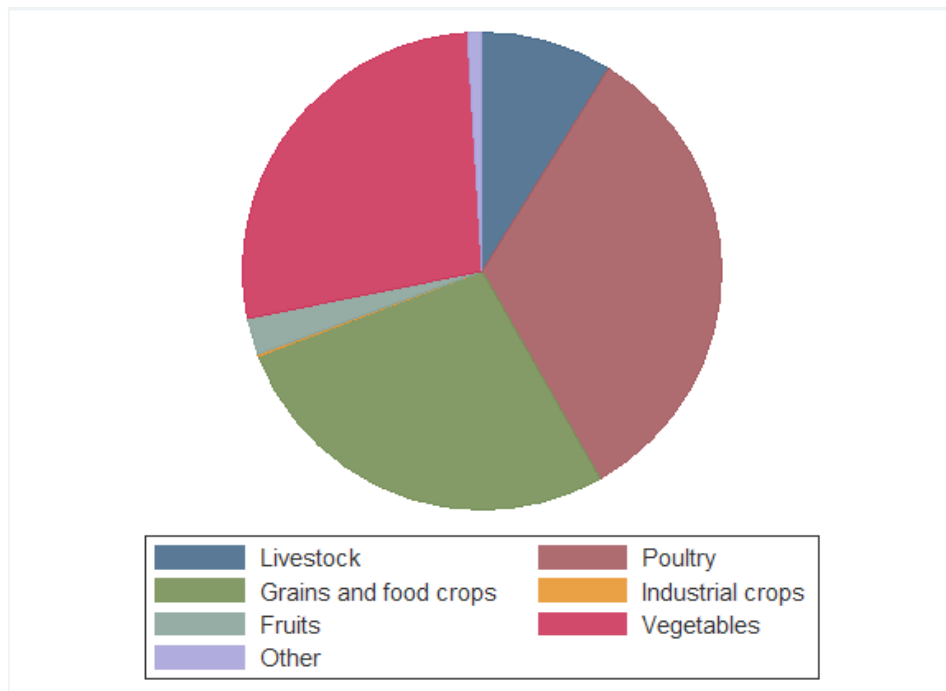


Figure 8: A pie chart representing the various types of agricultural activities taking place in tribal areas of the MLM (Source: StatsSA, 2016)

6.5.2 Maize - Mbhashe's staple crop

To boost agricultural development a number of strategic development thrusts were implemented, one of them being a focus on subsistence agriculture to not only enhance development and compete with neighbouring towns but to create a capable rural community that is able to sustain its livelihood and that of the upcoming generation. It was apparent in conversation with research participants and in visual observations of the use of agricultural land in Nqadu, that maize is a staple food and a common crop produced by the existing small-scale farmers.

King Zwelonke Sigcawu has noticed the necessity for households to become active in economic and agricultural growth within the community and, as a result, there are two agricultural projects that were mentioned by the women of Nqadu, the 'Tomatoes' and 'Tracko' projects. The King made the 'Tomatoe' and 'Tracko' projects accessible to all small-scale farmers that had access to land, the aim of these projects is to provide resources to farmers, specifically women, so that it is easier to enter the small-scale market and contribute to the livelihood of their households through the provision of additional essential assets such as equipment, seeds and social networks. The disadvantage of these projects, however, is that the project lifespan is not sustainable for the farmers that struggle to keep up with the ever-growing and competitive market, especially considering grain is a very common crop in Nqadu.

6.6 Access and ownership of land for residential and agricultural purposes

As indicated in the DFID's sustainable livelihoods framework, illustrated in Figure 2, the five capital assets indicated in the pentagon are equally important in the development and maintaining of sustainable livelihoods in rural settlements. The StatsSA 2016 Community Survey does list household goods, crops and livestock as assets that classify the livelihood standard of a household, however, in the case of this study the dataset did not list land as a variable of its own. The dataset does, however, indicate whether participants have ownership to land in Mbhashe in the various geographical categories listed, in addition, tenure status was a valuable variable that assisted in determining whether women in Mbhashe have secure tenure in comparison to men.

A common trend in the primary data was the identification of land as a crucial asset to one's development and ultimately the upliftment of their livelihoods, as most of the women interviewed were involved in subsistence farming and small-scale agriculture, with one participant stating that *"It is an amazing feeling knowing that I have my own house provided by the King, no one can take it from me"* (Participant 1). The participant continued by saying *"I will be buried on this land, in my garden"* (Participant 1) which illustrates the spiritual symbolism that land has to her, and inevitably most people living in rural spaces.

In addition, besides the difficulty involved in the process of acquiring land from the traditional council, which will be explained later in the study, the women that owned and had access to land showed a sense of independence and ownership when discussing their plots of land used either for residential or agricultural purposes. For the women who had access to land and headed their own households, it was unclear whether they understood the significance and impact that owning the land they lived on would have in their lives and that of their off springs. Unmarried women, on the other hand, have absolutely no security of tenure, besides their inheritance, as land would be in the name of the parent. The title to land occupation is in the form of an occupational registration certificate, similar to a title deed, but commonly referred to as a Permission to Occupy (PTO). However, the challenge with a PTO is that the land occupied is not registered with the conveyancer until the information is transferred to the municipality in order to register it.

Participant 2 stated that her communal marriage was unique in the sense that it was a polygamous arrangement. Her explanation of land allocation and the challenges that women face in obtaining land had a different perspective to the other women. In a polygamous marriage to the King, all wives are treated equally, this means that the households provided are the same size and land allocated by the King (husband) is uniform to ensure that the women live in harmony (Figure 9). She further indicated that the land they occupy is under the name of her husband until his passing, and she stated that “*each [wife’s] household is under the Kings name...when the husband passes, we can change the deeds to our own*” (Participant 2). This indicates that the houses/plots are under the husband’s ownership and control until he is no longer alive, or until he decided to transfer the land from his ownership to another.



Figure 9: Semi-Traditional houses constructed for the wives of the late King Zwelithini’s
(Source: Qomfo, 2019)

6.7 Tenure status in Mbhashe

When looking at the nature of land/property tenure, Cousins (in Clark and Luwaya, 2017) states that land tenure is both communal and individual, as a “system of complementary interests held simultaneously” and exists within different members of the community (2017:5). The CLaRA (2014), although unconstitutional, indicates that in communal areas, tenure must be both individual and communal with the DRDLR RETM (Figures 3 and 4) illustrating the desired land uses based on the department’s assumption of the usage of the communal land with the traditional authority having ownership of it. This would be attained by providing deserving individuals in the community with land in order to enhance their livelihoods. In the case of Nqadu, there is no

comprehensive system utilised to allocate land to community members, in addition, unmarried women face greater difficulty in obtaining land through the Nqadu systems.

The proportion of tenure secure female-headed households in Mbhashe represented in the Community Survey data (Figure 10) seems odd as women are shown to be more secure with regards to tenure. The qualitative aspect of the data collection indicated that all the women who took part in the research process, both owners and the landless, found obtaining and even requesting land from the traditional council “difficult”. When asked whether it was difficult as a woman to own land in Nqadu one of the women stated that “*It was not easy at all, asking for land is never easy*” (Participant 2) with another indicating that there has been some form of change in the system as “*land used to be only given to males*” (Participant 1).

Agreeably, women are being allocated land in Nqadu. However, once that land is retained permanent tenure is unstable. This could be due to the way land is transferred. The researcher was made aware that the use of the bartering system is a common method utilised by the royal kingdom to transfer land to the people of Nqadu. In some cases, the handover of livestock or alcoholic beverages to the royal council member responsible for the transfer of land is used to signify a form of ‘payment’ or thanksgiving. The lack of legal and extensive record-keeping of the occupiers of the land and a legalised land registration process is also an additional long-term issue that could surface should ownership of land be moved from communal to state-owned land.

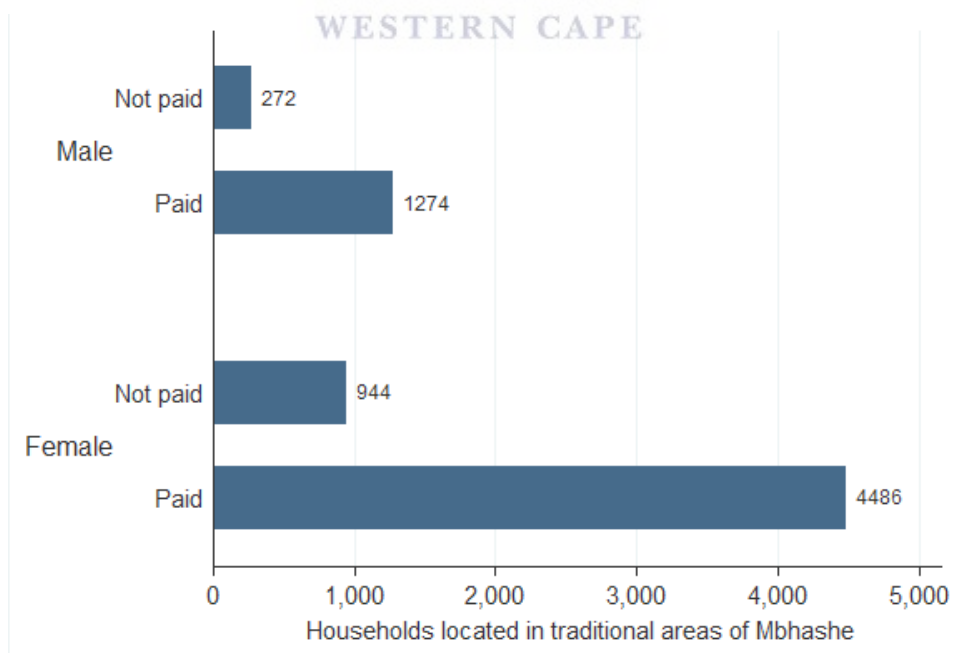


Figure 10: Total of Mbhashe population that have owned tenure that has either not/had been paid off (Source: StatsSA, 2016)

6.8 The possession of title deeds amongst women in Nqadu

‘Access’ and ‘independence’ were words that were consistently mentioned by the Nqadu women during the interviews and focus group sessions. However, as the data started coming together it was evident that there is clear confusion regarding access and ownership of land and property, which we can refer to as natural assets.

A title deed is known as a document that is provided to landowners stipulating their legal right to occupy and modify the land based on their terms provided that it does not hinder the livelihood of the households surrounding it. The most vital part about that document is that it is a legal document that is registered with the South African conveyancers, unlike the Permission to Occupy ‘PTO’ certificate that is a conditional document that was used by the apartheid government, giving the occupiers limited and short term permission to occupy the space, therefore leaving them insecure with regards to residential and agricultural land (Mbatha, 2011).

The two Nqadu women that had their own land and property took pride in owning that property; however, as Participant 1 stated that *“When my mother-in-law passed away, this land was handed down to my husband which is where I stay now. If I had a son, my son would claim that this is his house and he can tell me to leave so I can ask the King for a new place to stay for myself”* (Participant 1), This is a clear indication of the dependence and lack of security that she faces. This also indicates a clear realisation of skewed land tenure amongst women. Moreover, Participant 2 stated that the land she is currently living on was based on a document that is *“similar to a title deed but rather a form of registration”*, which sounds similar to a PTO that was stated to have been the form of authorisation document that chiefs and traditional authorise were issuing to their communal communities rather than converting the PTO to a title deed. The CLaRA was also criticised for not taking *“...into account that PTOs had generally been issued only in the name of the male household’s head rendering the rights of women invisible”* (Clark & Luwaya, 2017:26). This could explain why the women living in the traditional localities of Mbhashe that were at home during the time the StatsSA Community Survey of 2016 indicated that they had secure tenure and a title deed, therefore Figure 10 and 11 could be due to the following;

- Secure tenure: The household was paid off using the bartering system,

- Title deed: The property could have been inherited and authorised based on a PTO, which was highlighted as an insecure and informal registration of property (Mbatha, 2011).

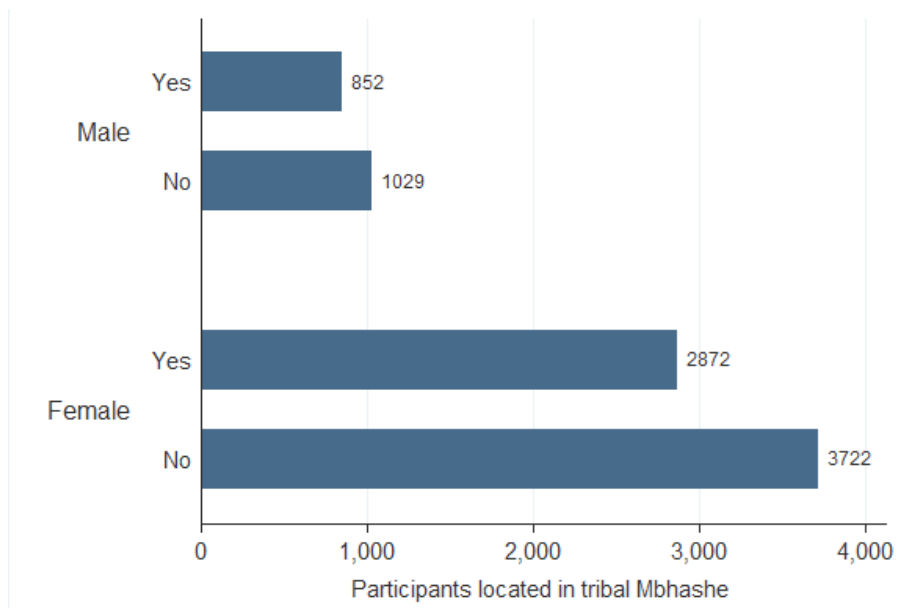


Figure 11: Possession of title deeds in tribal areas of the MLM generated on STATA
(Source: StatsSA, 2016)



6.9 Traditional authority/council

As indicated by a body of work by Cousins (in Clark and Luwaya, 2007), individuals living in rural areas that are based on communal systems “hold relative rights to the same residential and agricultural land” (2017: 6). This means that there should not be any differences in ways in which land-related decisions are made but rather that decisions should be based on set regulations collectively established by the ruling traditional authorities and the direct community.

Nqadu is no different, considering that there is an existing traditional authority that presides there and that it plays the role of systematically and collectively enforces the traditional and customary standards in conjunction with the community at large. The ATS developed by the DRDLR (Figure 2), makes reference to the ‘Strategic Land Reform Interventions/Redistribution’ that must occur in tenure system reform bestowed to the state, institutions, communal communities, private and foreign landowners in South Africa (DRDLR, 2015: 4). Therefore, traditional councils are authorised to establish logical and realistic strategic land reform strategies that will serve as

interventions and transformative methods to socio-economic issues that are occurring in their communities.

The traditional authority in Nqadu is referred to as the ‘council’ which has the responsibility of representing the people of Nqadu, aiding in the development of the community either through providing resources or guidance and providing customary administrative support to the community.

Although Figure 12 illustrates a positive indication of the creation of gender-equal spaces with 42.86% female representation in the Nqadu Royal Council as compared to 57.14% of men, the experiences of the seven participants do not express this view. The Nqadu women are well represented in the Royal Council, however the conclusions to land requests for independent ownership and control by women is rarely approved without support from a man.

Dauids (2005) terminology of social affiliations and stratification indicates the relational dynamics that have an influence on the manner in which women land related requests are escalated and handled which could signify a sense of inconsistency in the operations and decision-making process of the royal council, as social relationships can determine whether one is awarded land and the length of the waiting period from being landless to a secure landowner.

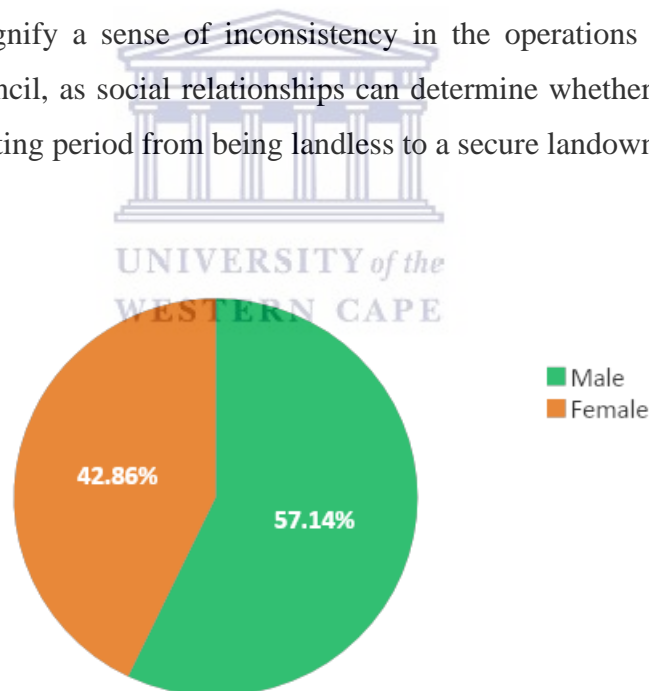


Figure 12: Illustration of male and female representation in the Nqadu Royal Council generated on STATA (Source: StatsSA, 2016)

The Cornell Empowerment Group, states that empowerment is “an intentional ongoing process...involving mutual respect, critical reflection, caring and group participation, through which people lacking an equal share of valued resources gain greater access to and control over those resources” (1989; in Zimmerman 2000: 43). Judging by the definition provided by Cornell Empowerment Group (1989; in Zimmerman, 2000), the women of Nqadu are faced with a disempowering environment that does not encourage the ownership of land by women. Though the standard of living is said to have improved, and that the community holds collective decisions regarding a good living environment when the community is faced with challenges that could hinder prosperous livelihood, there are certain decisions such as on land that are only sent to the male-dominated traditional council to decipher.

6.9.1 Power dynamics

When looking at gender and its power relations, Kabeer states that equality can only exist if the oppressed or unequal “internalise their lesser claim” (2005: 14) and continue to behave in a manner that accepts the oppression, therefore making the demand for equal access and control over natural “outside the realm of possibility” (2005:14). It is far easier to ignore the disempowerment purely because it has never been introduced as a choice for women in rural spaces. In the case of Nqadu, the women continue to fight for their right to occupy, use and access land as individuals rather than through their marital union or inheritance. However, they need to see that ownership has greater long-lasting impact in their livelihoods and economic well-being. In addition, a more consistent manner of dealing with land-related issues needs to be identified and developed in order to successfully measure the transformation that women have made within Nqadu and Mbhashe as a whole.

The deep rootedness of the inequality has slowly declined, however, there are lesser areas that show that traditional authorities are unsure of how to regulate gender equality and enhance consistency in ensuring that that objective is maintained. Nqadu faced several cases where women were unrecognised, even though they had initially had secure land tenure, as indicated in case 1.

Case 1: Participant 5, a single woman over the age of 40 years, was allocated land for residential use by the royal council, though she had not started moving into the new space. A follow-up decision was made to use the land that had been allocated to Participant 5 as a landing spot for helicopters. There has been no formal land profiling, which comes at a great inconvenience to Participant 5, as she now has to undergo that allocation process all over again. The decision-makers such as the chiefs and royal council members were

responsible for protecting her rights, considering that her tenure rights are communal, according to the law she has communal and individual rights to the land in Nqadu Great Place, however, the criteria for allocating land is still unknown.

As mentioned above, there are a number of decision-making caucuses that exist in the communal space of Nqadu, from the community, royal court to the royal council, all these entities have their individual goals and objectives and operate for a specific purpose, which in a nutshell should incorporate their responsibility to serve the people of Nqadu in an equal and just manner. In Nqadu, there is a relational network that exists during the land request, decision, and allocation process, it starts at the household which is the initial site of indication as to whether gender inequalities exist or not. If a young man or women indicates that they would like to move out of the family home, their parent either has to speak on their behalf or counsel them on the ways to get to the chief within the jurisdiction. The land seeker or parent presents their request to the chief who will then take it up to the royal kingdom whereby the final decision and recognition of the request will be made. To combat this, at a times tedious process, the community members have made use of their relational social networks as a way to bypass the long wait, however social capital within a household has to be strong and reliable in order for the community to trust one with their land. Therefore, loyalty and good relational standing are very important when requesting land from neighbours and the traditional council.

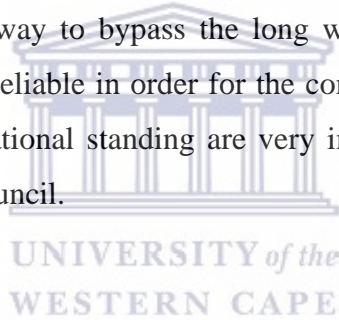
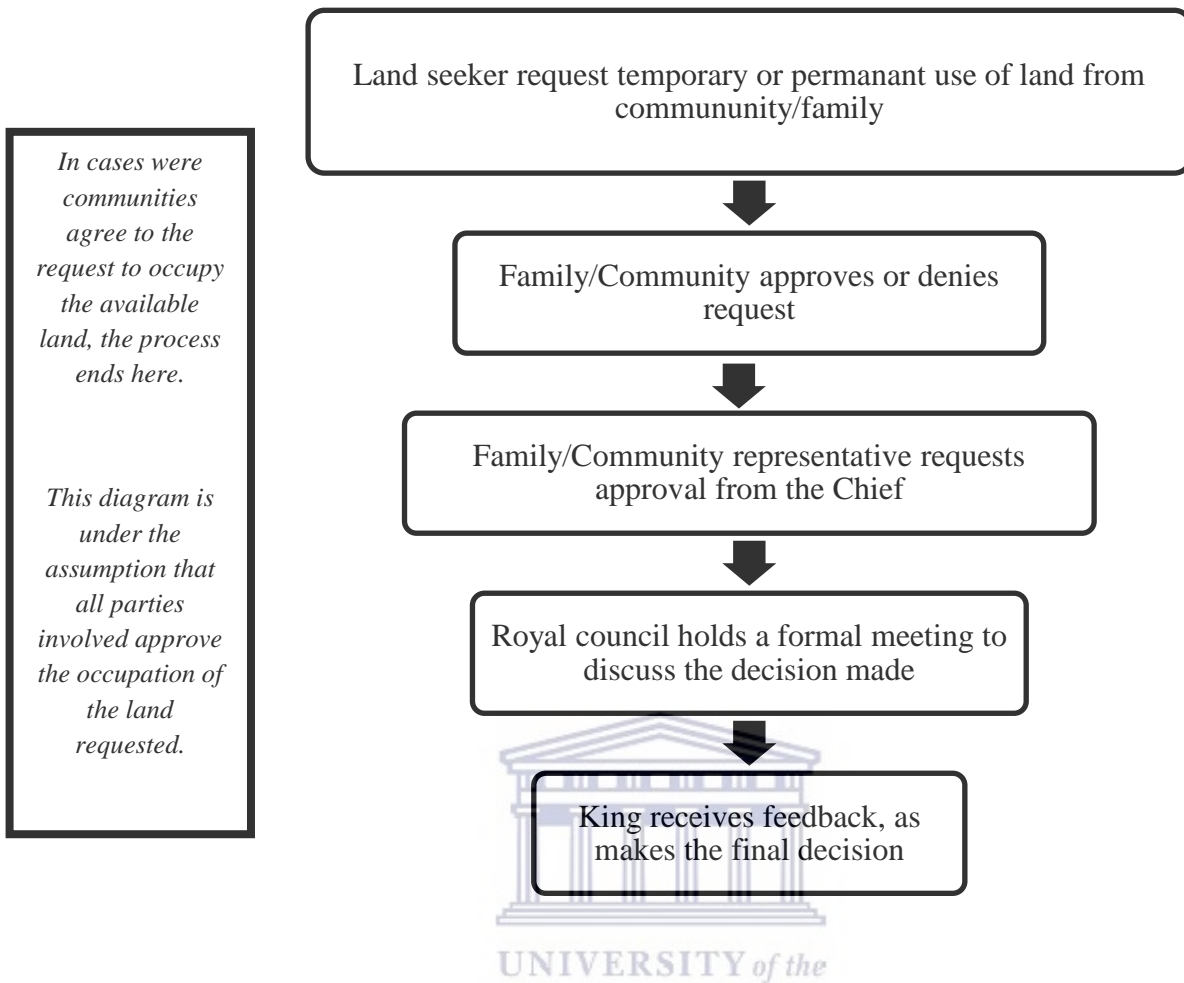


Figure 13: The existing land request process for Nqadu community members



As illustrated in Figure 13, in order to bypass the longer land request process, the land seeker has to first communicate with their direct family in order to determine whether there is available land that is already owned by the family. Should there not be any land available, the family can request to loan land from their neighbours which will be finalised by entering into a contractual agreement between the two parties. Alternatively, as indicated in the bottom phase of the chain, the spokesperson for the family, which is normally the father, will go to their ruling chief and request a new piece of land. All land related matters have to be communicated to the royal council and the King as this ensures that he is kept up to date with all land decisions.

6.9.2 Marital Status

One of the criteria that is a challenge in owning and controlling land amongst the women in Nqadu is not only their marital status but the geographical locations in which the husbands' family resides in or where the husband has decided to relocate.

Unmarried women are encouraged to live on their family's land in order to maintain and protect it. In a more spiritual sense, the deceased are often buried on the land they live on, which is why many single women prefer to stay in their family homes rather than moving out. In addition, considering the process of acquiring land is much more strenuous for unmarried women, living at home would seem like the easiest option; however, it means that there is a willingness to allow the inequality to occur. This is not to say that unmarried women in Nqadu do not have agency, as indicated in Participant 7's story in case 2, women from various social and economic background request and contest the allocation of land to their discretion.

Case 2: When I was married to my first husband, we already had a fenced plot of land. I lost my husband at the age of 26 and someone subdivided the plot, and nothing was done about that violation and theft. It was said that I would be given a new plot of land so that I don't go and wait for the council meeting to take place, for my sake and protection; they would not want to take it up. I was supposed to be protected because I was a widow, and my asset (the land) was taken from me right in front of my eyes and nothing was being done about that. Secondly, I was promised a new plot and I never received it. It has been 28 years and I was never given the plot, and I continued to ask for the land. The council are the law carriers, and they have to enforce our laws on people that break them.

In case 2, Participant 7 had already been allocated land that was given to her and her husband, who had a leadership role in the Xhosa Kingdom at the time. Once she lost her husband her land rights were violated and the authority that was meant to protect her handled the matter carelessly. Twenty-eight years after the incident she continues to probe the council to either re-allocate a new plot of land to her or retrieve the stolen land and apprehend the thief. Participant 7 went further to say;

"I feel like my problem was not taken up because I am a woman, widowed and I was young. I already had a plot, I already had rights to that land. The issue should have gone to the council to be discussed as to why this person is taking someone else's land, they should have been disciplined...The issue was not handled, it was reckless. If it was a man's land that had been subdivided, that would never happen to a man. A man's land would have never been subdivided."

This case indicates the scatterings of the theory regarding social networks, as she was married into the royal family, yet the royal family did not escalate the matter. Therefore, land and women empowerment are individualistic in Nqadu as the importance of identifying the strengths and gains

of the empowered and whether external influences affect the progress of their empowerment differs in many instances; however, the fact remains that women find it difficult to own land. Therefore, empowerment is both context and gender specific.

6.9.3 Social networks

As indicated in the SLF (Figure 5), social capital consists of all the social relationships formed through the professional or social connections individuals develop through their lifetime. These relationships can occur either in or outside one's community and family.

In Nqadu, being able to consult your neighbour to negotiate the use of a portion of their land is very important, especially for women, who face challenges when acquiring land for either residential or agricultural purposes. In the case of Nqadu, women that have strong relational social networks that are aligned to the royal family will not necessarily have their land-related enquiries dealt with in the manner that they hoped, as was identified in Participant 7's case (case 2).

Participant 3, an unmarried woman, stated that being single is not the only challenge she faces but the lack of any relational social networks with the royal family also impacts on when she will be able to attain land as a single poor woman. This was expressed by her statement that "*Single women face a lot of challenges in getting land. Since I am poor and have no royal connections getting land is much more difficult*" (Participant 3). In addition, belonging to some structural social networks can provide one's access or temporary control to a certain portion of land that a neighbour is not using, however, this form of access is not sustainable and therefore cannot be seen as an element of empowerment but an improvement to one's livelihood. Furthermore, it is temporary access and not lifetime ownership and control of an income-generating natural asset.

6.10 Living customary norms and standards

In an environment that is based on traditional customs and norms, change in social practice is often slow and frequently disputed, particularly by groups that hold the most power. In this instance, men are at the top tier of the hierarchy, whether as a result of their royal lineage, economic status and/or social networks. The issue of customary law contributing to the detriment of the empowerment of women in Nqadu further impacts on the standard of living and livelihood of both married and single women in gaining ownership to land.

Moore and Himonga (2018) mention a clear distinction made between customary law that is institutional and the type that is based on daily practices within communal spaces, as not all

communal areas have customary laws that clash with statutory law. According to Moore and Himonga, codified customary law was the pinnacle of the oppressive nature as it is “developed by colonial and apartheid states which exist in codes and precedents” (2018: 61). However, living customary law is defined as “the systems of living norms that regulate the everyday lives of people who live according to customary law” (2018: 61). Traditional customs have always given power to men but, there has been a change in the way women are seen amongst households in rural spaces.

6.11 Capacity and knowledge in Mbhashe Local Municipality

As traditional authorities operate under a separate mandate to municipal officials, it does make sense that the MLM does not have a direct link to the daily lives of the Nqadu people. In addition, community dynamics in rural areas are so complex that enforcing or overseeing the daily operations of land allocation in Nqadu might appear as an overstep of authority to the Xhosa Kingdom.

In the Mbhashe Municipality there was no department that dealt specifically with gender-related matters, but the development planning official believes that women have less control and ownership over land in Nqadu and that this was due to the fact that “there are still traditional or customary societies that still believe that women have no rights to own the land. Women in those societies do not participate in a traditional institution such as tribal and village council meetings where important decisions to land right are made” (MLM Development Planning Official, Personal Communication, 2019). Despite the amount of training that has been focused on gender mainstreaming and equalising gender rights in rural spaces, the topic has not received much attention in the department.

The Department of Cooperative Governance and Traditional Affairs is mandated to provide strategic assistance to the national, provincial and local spheres of government departments in order to ensure that all customary laws are not in contradiction with the values of the Constitution, however, customary laws and practices that violate the gender mainstream objective are often difficult to uproot which has resulted in researchers like Davids (2005) and Agarwal (1999) seeing cultural dimension, particularly in rural spaces, as obstacles that contribute to the underdevelopment of communities that results in women becoming voiceless in the decision making process of landowners (Mokoena, 2018).

6.12 Conclusion

The key findings in this chapter were that women in Nqadu enhance their livelihood by participating in small scale and subsistence farming on land that they either own, rent or have inherited, growing low maintenance crops like maize. Therefore, subsistence farming is a livelihood strategy that many of the women rely on, which makes the secure ownership of land important for agricultural and residential purposes necessary.

With regards to gender equality and land reform capacitation and knowledge possession within the MLM, municipal officials are understaffed and under capacitated. This makes officials unable to properly monitor and evaluate whether gender mainstreaming is occurring in traditional spaces, or whether the objective of having a gender equal country is vested solely on the municipality which is not realistic and fair. Moreover, the individualistic nature of the two systems, statutory and customary law, make the role the local government difficult if the matters in the communal villages do not interfere with the development plan of the municipality. There is a sense of respect amongst the two systems that creates a relaxed approach to the operations that continue to take place in rural villages, as this approach, however, conveys an apathetic attitude towards gender mainstreaming in rural communal areas.

In conclusion, the high number of women that have ownership of land and title deeds in the traditional spaces of Mbhashe could have been a result of a lack of understanding between a Permission to Occupy certificate, which gives one temporary use to a specific piece of land and the permanent allocation and ownership of land that is provided through the signage of a title deed. Moreover, the dysfunctional nature of the allocation of land towards women, whether single or married, needs to be addressed as there are no clear criteria on who should be awarded land based on what merit. Furthermore, the allocation of land should be registered on a formal document which ensures that land profiling and land use do not interfere with the tenure of the households.

CHAPTER SEVEN:
TOWARDS AN INTERPRETATION OF THE ROLE OF LAND REFORM IN
ADDRESSING WOMEN EMPOWERMENT IN THE RURAL COMMUNAL AREA OF
NQADU, EASTERN CAPE, SOUTH AFRICA

7.1 Introduction

The purpose of this chapter is to provide an interpretation of the major findings of the data collection process based on the research questions identified. Secondary material will be mentioned to provide additional support to the findings. Drawing from the initial aim of the study, this chapter will reveal whether or not land reform policies, specifically with regard to land tenure, have empowered rural women to be landowners in a communal rural space by answering the research questions posed at the beginning of the study.

This chapter will provide an in-depth analysis of the various ways the rural communal women of Nqadu experience empowerment through the request of land by looking at the impact that the land tenure programme has had on the equalisation of land possession amongst genders, whether or not there are linkages or gaps that exist between the attainment of women empowerment and the detachment of statutory and customary law administered in communal villages. Understanding these patterns will add new knowledge on whether there has been any transformation in the cultural landscape in relation to the various mandates of the local spheres of governments mandated with gender mainstreaming, be it through the instruction of the Constitution, legislative gender-equal documents, national policies or local development plans.

7.2 Research discussion

7.2.1 The impact of land reform in equalising land tenure amongst rural women living in communal areas

Due to the change in direction and leadership in South Africa, the RDP was removed and adapted to a more economically focused agenda. Although a few objectives of the RDP were retained in the successive strategic plans, the change in direction regarding the development of the country did create a slight deviation in the execution of outcomes of the land reform policy. GEAR shifted the strategic focus to one that is aimed at generating growth through the redistribution of land to the poor. The NDP's focus on the inclusion and development of women and youth has always been a prime goal for the country, which is evident in the social cohesion and inclusiveness of the

Constitution and the legislations and development frameworks that speak to it. To ensure that land reform impacted all genders and races, the land audit of 2017 ensured that women-headed households were provided with land and were included in land-related decision-making meetings in order to improve their livelihoods in an individualistic manner. Now that women are included in the spaces where land decisions are made, are they getting more opportunities in traditional communal spaces that operate under cultural norms and standards, to ask for land without relying on structural relationships with men?

Nqadu, home of the Xhosa Kingdom, showcased an environment that is not only traditional but enlightened, with regards to land reform and the significance of land as an enabler of empowerment to women; however, it was clear that there was a slight misconception between access and ownership of land. The combination of primary and secondary data demonstrated a slight disconnect in reasoning when analysing the lived experiences of the Nqadu women and the 2016 Community Survey data that was compiled by StatsSA. It is evident that the women of Nqadu all have access to land, as there are no known homeless people in this village. However, very few have individual ownership of the land they occupy, and if they do, they have acquired it not by merit, but through a family member or spouse. This indicates that very few women in Nqadu have acquired land to use on their own, whether for residential or agricultural purpose. In addition, land that has been acquired was provided using a system similar to the PTO system, which gives one partial occupation of land which can be subject to removal, should the person who allocated that land see fit. Additionally, the temporary landowner can become land insecure should developments occur that require land to be transferred to a new owner considering that the land does not have existing documentation registered with the state that indicates the transaction. If they did, women would not be losing portions of their land, as was expressed in case 2.

The proportion of women that had paid off their land in Mbashe was an astounding 4 486, compared to 944 men that have successfully paid off their land. This data does not take into consideration that most men in these households temporarily move to urban areas and towns in order to send money back home. The qualitative data indicated that women are at the centre of discrimination when it comes to allocation of land, though in most cases land is awarded, they have to face many obstacles, particularly single women and women who have weak structural social relations. This violation goes against section 9(3) of the Constitution, which clearly states that under no means should any person who is protected by the South African law be subject to discrimination based on their “race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth”.

This indicates that disempowerment of women based on the highlighted criteria are barriers to the attainment of land due to cultural systematic and individual stagnation in the understanding and execution of gender-equal living practices. In closing it is evident that there has been visible impact with regards to the awareness of land reform in Nqadu. However, the bodies that execute land allocation in Nqadu do so without a set gender-equal mechanism.

7.2.2 Communal and statutory law synergy with regards to gender inequality in communal areas

The DFID's (2003) sustainable livelihoods framework illustrated in Figure 5 identifies culture as an institution that has the potential to contribute to the demise or upliftment of people and the hindrance of improved livelihood. In spaces that function purely under traditional norms and standards, it has been identified that culture and tradition are social institutions that dictate who possesses power and who does not. This is however contrary to the Constitution which makes reference to ensuring that all people in South Africa are protected by their human rights and live in a dignified environment that encourages freedom, non-racial and non-sexist behaviours (The Constitutional Assembly, 1996), including living in communities that do not violate the values of the Constitution. For the values of the Constitution to be adhered to effectively, all people living in South Africa have to be aware of their rights and responsibilities in promoting those values and ensuring that the individuals in their community are well-protected.

Customary laws are well-heeded in communal areas such as Nqadu, and as a result, one would assume that statutory laws do not take precedence in the daily norms and standards of rural communities. It was clear that the gender-equal objectives that are indicated in the legislative documents such as the local gender framework, land reform policy and the Constitution, have no active mechanisms or strategies that actively focus on knowledge dissemination, monitoring and evaluating women's legal and permanent control and ownership of land. Though the local government is understaffed and incapable, it is their responsibility to ensure that communities living under their jurisdiction are indeed operating under equal and just practices that do not interfere with the sustainable livelihood outcomes of women (Mnisi and Claassens, 2017).

Women in Nqadu are aware of the gender-equality strategy in the DRDLR's distribution of land within rural spaces, but as kingdoms like Nqadu are under the supervision of the Xhosa King, prioritising the monitoring and record-keeping of land that has been allocated becomes a difficult task to initiate, especially with the independence of the Traditional Governance in South Africa.

Therefore, it is concluded that statutory and customary laws indeed operate separately. Furthermore, the third parties that are meant to ensure that women are given an equal opportunity when requesting land are not doing their part. The cultural landscape of the allocation of land to women needs to be transformed. Furthermore, the way in which women are seen in rural spaces needs to be adjusted not just in the eyes of men but women as well, as there is no use in enlightening men when the women cannot be empowered from within.

7.2.3 Women empowerment in the communal rural area of Nqadu: A transformation or standstill?

Through the qualitative data collected, it was evident that women in Nqadu are given platforms to empower themselves and contribute to the improvement of their household livelihoods through arts and culture programmes or internal and external partner initiated small-scale farming programmes. Very few of the small-scale farming programmes shift ownership and control of the land to the women. Rather, the partners provide equipment, and the women are provided temporary access to the land and other essential farming resources for the duration that the programme occurs.

All but one participant was actively involved in subsistence and small-scale farming and this was due to the fact that she has a more formal occupation, while the other women are not formally employed. Although agricultural programmes are a driving force to enhance food security and, to some, a mechanism for the enhancement of livelihood outcomes, cultivation using seeds, machinery and land that is not owned by the farmer does not provide sustainability as external partners can possess a change in operational functions for the upcoming season and identify a new location to continue with their project. The DRDLR's Strategic Plan for the 2015 - 2020 cycle made reference the ATS as "a rapid and fundamental change in the relations (systems and patterns of ownership and control) of land, livestock, cropping and communities" (2015:4) that was hoped to be implemented in rural areas, including villages that have 'secure tenure'. What was not considered, however, was the way in which social transformation would be incorporated through the CRDP.

In cases 1 and 2 two participants who are classified as a youth as they are both under the age of 35 (National Youth Policy, 2015), both single and had no children, but had similar financial backgrounds expressed the desire to own land in order to contribute to the family. Participant 3, the poorest participant, indicated that it would be much more challenging for her to be allocated land due to her financial circumstances, her structural relationships not being affiliated with the royal kingdom and her marital status. Although Participant 5 desires to own land, she has already

concluded that the process of acquiring land would be a greater challenge than needed, and thus she would rather wait to be married or continue ploughing the land she will inherit from her father. Indicating that age is an additional factor to the allocation of land to women in Nqadu.

During the analysis of the primary and secondary data, the results alluded to the following: that though women have access to land in Nqadu acquiring that land for their individual gain is challenging. The secondary data indicated that more women have secure land tenure. These contrasting findings could be due to a variety of reasons. Due to the scope of this thesis and the literature collected the findings could have occurred due to several reasons. Firstly, men tend to work further away from their homesteads, resulting in women having to answer and taking part in surveys on behalf of their husbands or fathers. Secondly, a handful of rural settlements like Nqadu often make use of land registration documents similar to the 'Permission to Occupy' certificate as opposed to title deeds that are formally registered under the Deeds Registry Office of the government. This could cause women to believe that they own the property by entering a contractual agreement with the traditional authority. Lastly, a large percentage of properties that are paid off in the traditional/tribal areas often done through the bartering system, therefore no real monetary value has been exchanged. In addition, there is no paper trail or corroborative evidence that is documented as evidence of the transactions and everything is done informally within the royal council.

Though this study is not based on a time based assessment, it was evident from one of the statements by the Mbhashe municipal officer that in previous years "land used to be given only to men" (Municipal official). This indicates that there was a change in the number of women able to access land for their personal use without the assistance of men. Therefore, although dysfunctional, there was a transformation in the access of land from men to women, and the allocation of land to men.

7.2.4 The role of local government in contributing to rural women empowerment

Local government was designed and mandated with the responsibility of overseeing the impact of policies and the effects of development programmes on the lives of people, due to their direct contact with civil society through their designated municipalities. In addition, the Organised Local Government Act 52 of 1997 indicated that within a local government, there has to be a minimum of 10 representatives within the office that "represent municipalities and participate in proceedings of the NCOP", with responsibilities that include contributing to the execution of gender

mainstreaming in formal and informal institutions (Mokoena, 2017:9). Therefore, Mokoena states, once the local or district governments are fully capable, knowledgeable and equipped in matters that are perceived as obstacles towards development and express them to municipalities, the municipalities are then provided with the go-ahead to evaluate their respective wards focusing on projects that result in “growing local economies and providing infrastructure services” (2017:10).

Although a working relationship between MLM and Nqadu does exist, the municipality rarely has training focused on gender equality and empowerment, though they have developed programmes that are aimed at empowering women through agriculture, arts, and craft. Moreover, the relationship between local government and the traditional council is based on projects that stimulate economic growth and not consciousness and the development of one’s voice as a woman. In other words, the relationship between the two is both situational and individualistic as the two bodies only interact when they need something from each other rather than being in constant contact in order to ensure that knowledge is being transferred to both women and the council in order to ensure sustainable development and ensured agency amongst the women of Nqadu. Therefore, the relationship between the government and the traditional council depends on whether the appointed municipal manager sees the royal council as an entity to promote collaborations that will enhance development in the municipality.

There are no known knowledge-based interventions that occur within and between the municipality and the people of Nqadu that focus on equal land allocation, especially considering that the land in Nqadu is under the ownership of the Xhosa Kingdom and the community. The royal council is able to consult the municipality regarding infrastructural developments and request assistance in a number of issues, but the final say is with the traditional council. The training workshops that are provided in the Mbashe municipality to increase knowledge on gender equality are not presented often, and municipal representatives within the government host the training sessions which could be due to budgetary restraints. It may, however, have been more effective to have external consultants who are more knowledgeable and experienced in matters of gender inequalities to provide information that can be understood both on a formal and informal basis.

7.3 Recommendations for future research

The land tenure programme in the land reform policy was aimed at ensuring that land in rural areas is secure to restructure the existing land allocation and occupation systems of communal tenure.

The unfortunate part of this decision is that although the very transformative mechanism tabled by the DRDLR, and the RETM has accelerated the number of women accessing and controlling land, the methods used to guarantee that the land allocated from the traditional council is indeed secure are not monitored. It is therefore recommended that a review of the agency and understanding of gender mainstreaming amongst men in communal areas is investigated.

This mini thesis investigated how the women of Nqadu feel about the distribution of land across genders. In order to fully assess whether radical systematic and individual change in the traditional informal and formal spaces is occurring, further research should investigate how men feel about women owning land in communal areas that operate under customary laws. The findings of this will determine the government's target population for gender mainstreaming projects and gender-equal policy frameworks (Rao and Kelleher, 2005).

7.4 Limitations of the research study

The limitations of this study and the data collection methods used altered the presentation of the study slightly. Since the number of available traditional leaders were fewer than anticipated, cases regarding that focused on the ways in which land is allocated was used as a reference to how issues in Nqadu are handled amongst a male dominated traditional councils. In addition, an observation of the fieldwork was to accommodate the cases provided through the semi-structured interviews and focus group discussions.

Stratified random sampling was used to gain an insight into the municipal officials that deal with land related matters in the MLM. The number of employees within the department was lower than expected and has the ability to limit the power of statistical findings. To accommodate the decreased participation in the questionnaire survey, the 2016 Community Survey dataset was utilised to determine the proportion of land tenure and title deeds within the traditional rural areas of the MLM, thereby supporting or determining an explanation as to whether or not the women in Nqadu are empowered to own land in their communal rural villages.

7.5 Research conclusion

The purpose of the study was to investigate the impact that the land reform policy has had on empowering rural women, especially in the communal space of Nqadu. It has been identified that at the dawn of democracy, the South African government was faced with the cumbersome

responsibility of undoing the legacy of the apartheid regime. Land reform was a big part of that redress project.

In order to achieve this aim, specific objectives were set, and these include investigating the impact of land reform in equalising land tenure amongst rural women in communal areas, determining the link between statutory and communal law in relation to gender inequality, the transformation of communal laws, agency amongst the Nqadu women and the role of local government in contributing to the empowerment of Nqadu women. Through engaging with a corpus of literature, it was identified that the gender-based policies and frameworks implemented throughout the two higher spheres of government do not receive attention. The officials responsible for disseminating gender mainstreaming knowledge in the Mbhashe Local Municipality need more training and involvement in gender equal issues within their region. Therefore, gender equality training needs to be conducted bi-quarterly and evaluations to monitor their understanding and ability to effectively apply the skills learned.

In addition, the relationship that exists between local government and the traditional leaders of Nqadu is dependent on the relationship of the two entities. To create a longstanding relationship, traditional leaders should be contributing to the operational performance of the municipalities. This way traditional leaders and municipal officers will have a professional relationship, and ultimately reduce the lack of coordination between the two groups. A restored relationship with the Nqadu traditional authorities will assist the municipal officers implementing the bi-quarterly evaluations mentioned.

A mixed-methods approach, using semi-structured interviews, focus group discussions, a questionnaire and the StatsSA 2016 CS was conducted. Findings from the qualitative inquiry suggest that the women of Nqadu are aware of land reform and its purpose, however, the historical gender unequal norms and practice override the statutory values and laws of gender equality. Additionally, findings from the quantitative inquiry highlighted that heads of households in traditional areas are mostly women. This, however, does not indicate that women legally own the land and have the opportunity to control it. The latter, however, is consistent with the literature consulted, stating that women have to share a greater responsibility of maintaining the household.

The SLA maintains that both residential and agricultural landforms are a crucial part of one's livelihood. As such, allocation and ownership of land has been identified as favouring males at the expense of women. This is thus detrimental to the livelihood and wellbeing of women. Although the hindrance of historical gender oppressive practices and traditional customs keep the Nqadu

women from acquiring sole ownership and control of capital assets such as land, the women continue to dispute land related decisions.

Although the policies and programmes tabled by the DRDLR in relation to land reform have initiated conversation and implementation as far as land tenure is concerned, the coordination of the statutory and customary laws and practices are mutually exclusive. The livelihood of the Nqadu women who live under customary laws is dependent on their relationship with the men in their lives. Therefore, should the man with power and control separate from the women, the women's livelihood is compromised. Which is why it being essential for women to be granted equal opportunity to own and control land in traditional areas, to eliminate dependence on social affiliation and structural relations with men. It is therefore crucial for the all three spheres of government to not only identify and repair the fragmented relationship that exists within the local government and traditional leaders, but to ensure that constant interaction with the daily practices in traditional areas do not 'silently' violate the livelihood of women and their daughters.

In conclusion, women continue to depend on social affiliation and structural relations within their relationships with men. This is a coping mechanism employed to accommodate the strained independence that they are aware they possess without the relationships to men and their fathers. Land reform has aided in the transformation of land from black to white, however, the proportion of women who have complete ownership and control over residential and agricultural land in communal rural areas is yet to be attended. Until women are provided the same opportunity to control assets like land, land reform will continue to be a political mechanism that solely focuses on the empowerment of black people but not all genders.

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ANNEXURES

Annexure A: Tabulation of types of agricultural production in Mbhashe

```
tab AgricultureMbhashe if MN_CODE_2016 ==2021 & EA_GTYPE_C ==2
```

Types of Agri Production in Mbhashe	Freq.	Percent	Cum.
Livestock	286	8.87	8.87
Poultry	1,063	32.95	41.82
Grains and food crops	882	27.34	69.16
Industrial crops	7	0.22	69.37
Fruits	79	2.45	71.82
Vegetables	876	27.15	98.98
Other	33	1.02	100.00
Total	3,226	100.00	

Source: StatsSA 2016



Annexure B: Tabulation of types of agricultural production in proportion to gender in Mbhashe

```
. tab AgricultureMbhashe MbhasheGen if MN_CODE_2016 ==2021 & E  
> A_GTYPE_C ==2
```

Types of Agri Production in Mbhashe	Gender in Mbhashe		Total
	Male	Female	
Livestock	114	172	286
Poultry	395	668	1,063
Grains and food crops	302	580	882
Industrial crops	3	4	7
Fruits	34	45	79
Vegetables	311	565	876
Other	14	19	33
Total	1,173	2,053	3,226

Source: StatsSA 2016

Annexure C: Tabulation of dwelling types occupied in Mbhashe according to gender

```
. tab MainDwellType HeadHH_Sex if MN_CODE_2016 ==2021
```

Main dwelling that the household currently lives in	Sex of household head		Total
	Male	Female	
Formal dwelling/house	762	1,184	1,946
Traditional dwelling/ Flat or apartment in	1,277	2,358	3,635
Cluster house in comp	35	67	102
Townhouse (semi-detac	1	1	2
Semi-detached house	9	6	15
Formal dwelling/house	1	6	7
Informal dwelling/sha	67	61	128
Informal dwelling/sha	19	22	41
Room/flatlet on a pro	24	26	50
Caravan/tent	5	5	10
Other	1	0	1
Unspecified	3	2	5
	1	0	1
Total	2,205	3,738	5,943

Source: StatsSA 2016

